

CHAPTER 2.

001

FORM DISTRICTS

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#001

Posted by **Forrest** on **07/21/2025** at **11:01am** [Comment ID: 1302] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Suggest adding chart for BLO since we're considering upholding the streetscape standards as they relate to sidewalk width. As it is now, the map is the only place that identifies that.

Reply by **SiteAdmin** on **07/22/2025** at **1:06pm** [Comment ID: 1320] - [Link](#)

Question

Agree: 0, Disagree: 0

Did you mean for this comment to be in Ch. 2? Or should be in Overlays?

Reply by **Forrest** on **07/23/2025** at **8:29am** [Comment ID: 1334] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Wherever appropriate? Probably in the Overlay section but since it has to do with the "form" of a site it seems like it should go here.

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DIVISION 2.1. GENERAL PROVISIONS

Sec. 2.1.1. How to Use this Chapter

A. Form District Pages

1. Each Form District is formatted on a set of pages, identifying the standards specific to each Zoning district. The pages are formatted as a set of graphics and tables, with lot standards on the first page and building standards on the second page.
2. The tables are organized into categories of district standards, with specific standards listed below each category. Each district standard category provides a linked reference to the Rules for Zoning Districts, where the standards within that category are explained in further detail.

B. Rules for Zoning Districts

1. **Chapter 3. Rules for Zoning Districts** describes the standards for Form Districts, Overlay Districts, Legacy Districts, and Historic and Landmark Districts in detail. Each requirement includes a definition, intent statement, applicability, standards for meeting the requirement, rules for measurement, exceptions and relief, if any.
2. **Chapter 3. Rules for Zoning Districts** is generally organized in the same order as the tables in the Form District pages. **Chapter 3. Rules for Zoning Districts** starts with a set of general terms and designations that includes definitions and standards for terminology primarily used in this Chapter. Definitions and standards for terms used more broadly throughout the Zoning Ordinance are found in **Chapter 10. General Standards and Definitions**.

Form District Page

Step 1: Find Your District Page

RESIDENTIAL MIXED USE

2.3.2. **RX-3** RESIDENTIAL MIXED USE 3

A. LOT

Standard

1. LOT SIZE	Sec. 2.10.2
1. Area (min)	None
2. Width (min)	40'
Front access	40'
Side / rear access	15'
2. DENSITY	Sec. 2.10.3
Dwellings per lot (max)	Unlimited
3. COVERAGE	Sec. 2.10.4
4. Building coverage (max)	80%
5. Outdoor amenity space (min)	10%

Specification for Standard

Link to Rules

Step 2: Review Your District Standards

2-18 CHAPTER 34 - DEVELOPMENT CODE | CHARLOTTESVILLE, VA ADOPTED | DECEMBER 18, 2023

Rules for Form Districts

Step 3: Learn More About Your Standards

2.10.2. **Lot Size**

A. Area

The total square footage within the boundaries of a lot.

1. **Intent**
To facilitate the creation of a convenient, attractive, and harmonious community by ensuring newly established lots are generally consistent with desirable development patterns in the neighborhood and within the same zoning district.
2. **Applicability**
 - a. The minimum area requirement applies to lots approved and recorded on or after the effective date of this Development Code.
 - b. Any use allowed in the zoning district may be established on a lot lawfully created and recorded before the effective date of this Development Code, regardless of size of the lot, provided, that all other requirements of this Development Code are met.
 - c. Where sublots are permitted, lot area is calculated for each lot, not individual sublots.
3. **Standards**
Every lot must have an area no less than the minimum lot area required by the zoning district.

002

#002

Posted by **abeattie** on **08/19/2025** at **1:30pm** [Comment ID: 1481] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

It could be worthwhile to include an appendix of photos of existing structures/properties with a form standard measurement annotated over them to see how these are calculated in the real world, particularly some of the less straightforward concepts.

Reply by **SiteAdmin** on **08/19/2025** at **3:02pm** [Comment ID: 1484] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thanks. We may be able to produce some supplemental documents for DCP use.

Sec. 2.1.2. Applicability

A. Form District Standards

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

Form District Standards		Project Activity						
		New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance and Repair
Lot Size	Div. XX.	○	○	○	○	○	○	○
Density	Div. XX.	●	●	○	○	●	●	○
Coverage	Div. XX.	●	●	●	○	○	○	○
Streetscapes	Div. XX.	●	●	●	○	○	○	○
Building Setbacks	Div. XX.	●	●	○	○	○	○	○
Build-To	Div. XX.	●	●	○	○	○	○	○
Transition	Div. XX.	●	●	●	○	●	○	○
Parking Location	Div. XX.	●	●	●	○	○	○	○
Massing	Div. XX.	●	●	○	○	○	○	○
Activation	Div. XX.	●	●	○	○	○	○	○
Ground Story	Div. XX.	●	●	○	○	○	○	○
Windows and Doors	Div. XX.	●	●	○	●	○	○	○
Fences and Walls	Div. XX.	●	●	●	○	●	○	○

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

- Where a standard is listed as applying, and the Form District includes standards for that requirement, all applicable standards must be met. The applicable standards may be further modified by the applicability provisions in [Chapter 3. Rules for Zoning Districts](#). For existing buildings and uses, applicability may also be modified by [Chapter 9. Nonconformities](#).
- Project activity is defined in [Chapter 10. General Standards and Definitions](#).

B. Relationship to Use Districts

Some Form Districts have standards that vary based on use. Whether or not a certain use is allowed is determined by Use District, not the Form District. If a use is allowed by the Use District, then the use must meet the standards in the Form District. For uses with additional standards listed in [Div. 4.4. Use Standards](#), the Use District supersedes any conflicting standard listed in the Form District.

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DIVISION 2.2. **HOUSE-SCALE DISTRICTS**

**PLACEHOLDER
FOR GRAPHIC**

Sec. 2.2.1. **Intent**

House-Scale Form Districts are intended to accommodate the lowest-intensity areas with large lot sizes and low lot coverage, and are generally in areas with limited walkability to retail, service, and other commercial uses. CN1 and CN2 Form Districts are intended to require that new residential buildings match the existing development patterns of their surroundings.

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

Sec. 2.2.2. Summary of Districts

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

003

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

#003

Posted by **EzraKlein** on **07/22/2025** at **10:53am** [Comment ID: 1311] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

Please consider revising the H Detached standards so that any lot in an H Detached Form District may contain up to THREE primary dwellings and THREE stories ("3x3") as of right, while retaining the existing setbacks, lot coverage and FAR caps shown in Table 2.3.

1 · What the draft says now

- Table 2.3 (H1–H4) limits “Maximum Primary Dwellings per Lot” to 1 and caps height at 2 stories in the H1 and H2 sub districts.
- Adding a second or third unit currently triggers a Use District change or an overlay, plus discretionary review, even when the building envelope would not change.

2 · Why a city wide “3 × 3” baseline works

- Gentle density without visual shock. Three units in three stories fits easily inside the 35 ft height and 50 % lot coverage already allowed in H2 and H3. From the street, a triplex reads like a large house, preserving the neighborhood rhythm.
- International proof of concept. New Zealand’s Medium Density Residential Standards (MDRS) require every Tier 1 city to allow exactly three homes up to three stories on each site, no discretionary consent needed. Central government modelling projects the MDRS will add ≈39,000 extra dwellings in Auckland alone within eight years. Source: <https://environment.govt.nz/assets/publications/Cost-benefit-analysis-of-proposed-MDRS-Jan-22.pdf>
- Early results: capacity without strain. Auckland Council’s 2023 monitoring shows 62 % of all new dwellings consented were medium or high density typologies, yet water and wastewater asset plans “remain within design tolerances” because triplex infill replaces single lateral taps rather than extending trunk mains. Source: <https://www.propertynz.co.nz/news/life-in-medium-density-housing-in-tamaki-makaurau-auckland-an-opportunity-for-industry-collaboration>
- Comparable U.S. outcomes. After Minneapolis legalized duplexes and triplexes city wide in 2020, the city issued 166 small plex permits in the first 30 months, all on lots that had been single family, with no measurable uptick in fire, traffic, or code enforcement calls.

Source:

<https://www.pew.org/en/research-and-analysis/articles/2024/01/04/minneapolis-land->

use-reforms-offer-a-blueprint-for-housing-affordability

- □ Household flexibility. A “3 × 3” rule lets homeowners age in place (e.g., live on the ground floor and rent upstairs), creates starter homes for adult children, and offers bite size projects for local builders—without forcing block scale redevelopment.

3 · Suggested red lines

1. □ Tables 2.3.1 – 2.3.4 (H1–H4): change “Maximum Primary Dwellings per Lot” from 1 to 3.

2. □ Height row: set minimum height to “—” and maximum height to 3 stories / 40 ft (H3 is already 3 stories). FAR remains as written, so bulk does not increase beyond what the draft already allows.

3. □ Footnote (new): “The additional dwellings may be attached, stacked, or detached; they must share a single driveway apron, and any façade facing the street must include a primary entrance.”

4. □ Cross reference § 8.3 (Parking): clarify that no extra off street parking is required beyond what § 8.3 already sets for the principal structure.

4 · Adaptive safeguard

Link this change to the Housing Production Dashboard proposed for § 9: if city wide net new housing ever exceeds the Comprehensive Plan target by 10 % for three straight years, Planning could pause further H Detached unit count increases until the next Comp Plan cycle. This keeps the rule output oriented and data responsive.

5 · What Atlanta gains

- □ ~7,000–9,000 additional “missing middle” homes over the next decade (assumes just 3 % of the 108,000 H Detached lots add two units).
- □ Incremental tax base growth without rezoning battles.
- □ A buffer against shortfalls in R zoned multifamily corridors if financing tightens.
- □ Family friendly neighborhood stability: the shape of houses stays the same; only the “occupancy label” becomes more flexible.

Bottom line: A simple, city wide “three dwellings / three stories” rule lets Atlanta do what successful peers have done—unlock gentle density that respects existing streetscapes, spreads land costs across more households, and delivers thousands of attainable homes with almost zero administrative overhead.

Key sources for staff review

- NZ Ministry for the Environment, Medium Density Residential Standards: Guide for Territorial Authorities (2022) – p. 1 (“three homes, three stories, permitted”) Ministry for the Environment

<https://environment.govt.nz/assets/publications/Files/Medium-Density-Residential-Standards-A-guide-for-territorial-authorities-July-2022.pdf>

- NZ Ministry CBA, Cost Benefit Analysis of Proposed MDRS (Jan 2022) – Table 1 (Auckland +39 k dwellings, infrastructure cost negligible vs. benefits) Ministry for the Environment

<https://environment.govt.nz/assets/publications/Cost-benefit-analysis-of-proposed-MDRS-Jan-22.pdf>

- Auckland Council “Life in Medium Density Housing” briefing (2024) – 62 % of 2023 consents in MDH typologies, no service level warnings Property Council New Zealand

https://www.propertynz.co.nz/news/life-in-medium-density-housing-in-tamaki-makaurau-auckland-an-opportunity-for-industry-collaboration?utm_source=chatgpt.com

- Pew Charitable Trusts, “Minneapolis Land Use Reforms Offer a Blueprint” (Jan 2024) – 166 duplex/triplex permits, no adverse service impacts Pew Charitable Trusts

<https://www.pew.org/en/research-and-analysis/articles/2024/01/04/minneapolis-land-use-reforms-offer-a-blueprint-for-housing-affordability>

Reply by **SiteAdmin** on **07/23/2025** at **8:10am** [Comment ID: 1333] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your feedback. These are a conversion of existing R1, R2, etc. districts for areas currently zoned for one primary dwelling per lot. Changing this would be a significant policy change that is beyond the extent of the current rewrite.

Reply by **Kirsten** on **09/02/2025** at **11:58am** [Comment ID: 1584] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

This is an excellent suggestion, particularly in terms of the social equity implications around the attainable housing this would add for a city that is becoming less and less affordable for many individuals and families - <https://www.wabe.org/atlanta-rental-options-are-expanding-as-housing-supply-and-affordability-challenges-persist/>

If this is too significant a change for the current scope, I suggest instead simply increasing the number of primary dwelling units in some of the House-Scale Districts, such as H5 and H6, for instance.

Reply by **SiteAdmin** on **09/16/2025** at **3:00pm** [Comment ID: 1727] - [Link](#)

Answer

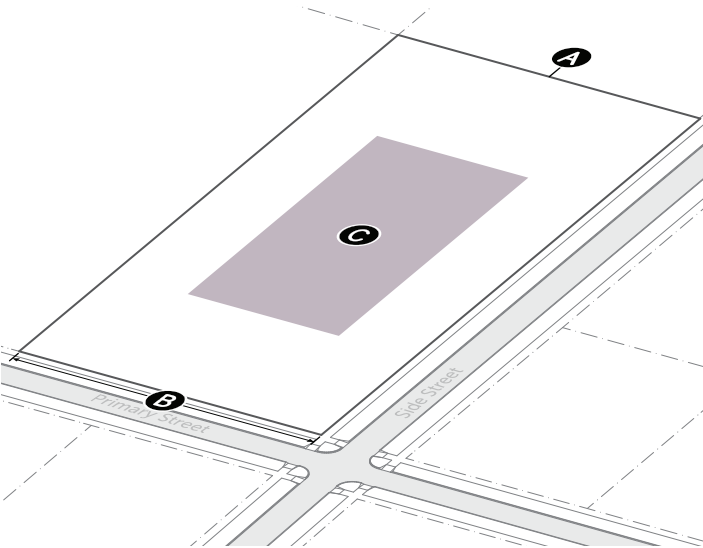
Agree: 0, Disagree: 0

A stated policy of this rewrite is to maintain existing R1 through R5

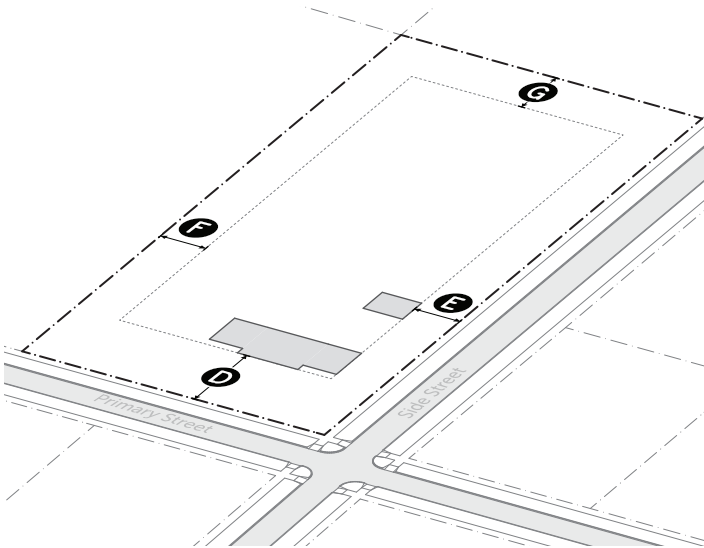
zoning upon code adoption. There are new districts available that do what you suggest and would be available for future rezoning.

SEC. 2.2.3. **H1** HOUSE 1

A. Lot Standards



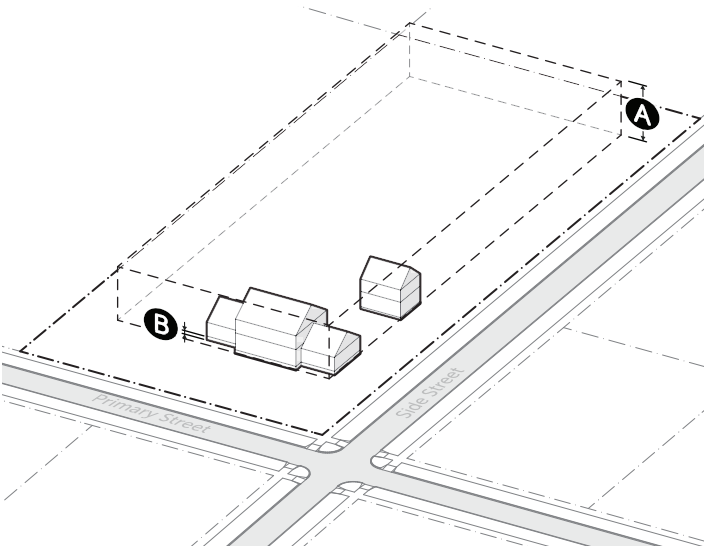
1. Lot Size	Sec. XX.XX.
A Lot area (min)	2 acres
B Lot width (min)	200'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	1
FAR (NLA max)	0.25
3. Coverage	Sec. XX.XX.
C Lot coverage (max)	25%
4. Streetscape	Sec. XX.XX.
Amenity zone	Not required
Pedestrian zone	Not required



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

H1 HOUSE 1

B. Building Standards



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

#004

Posted by **battin2980** on **09/02/2025** at **8:39am** [Comment ID: 1577] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

I believe this height is too high. For homes that have small lots and especially for homes that live in hilly neighborhoods, this 25' height would enable a neighbor to build a structure that looms over their abutting neighbors' houses.

Reply by **SiteAdmin** on **09/16/2025** at **3:07pm** [Comment ID: 1733] - [Link](#)

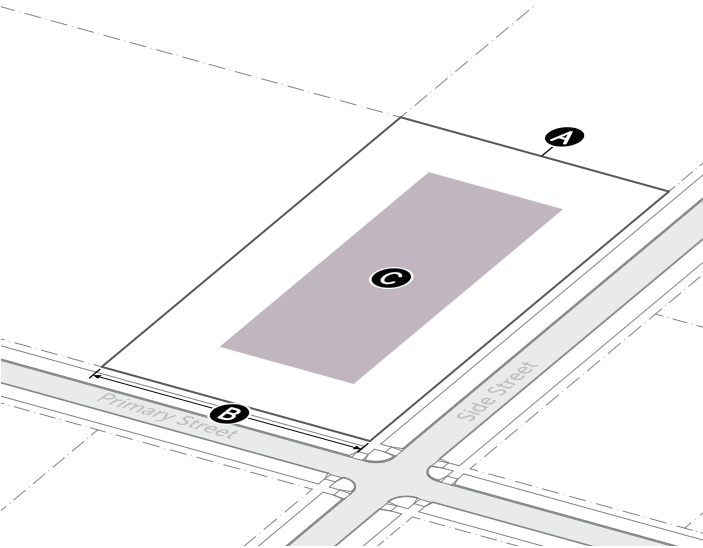
Answer

Agree: 0, Disagree: 0

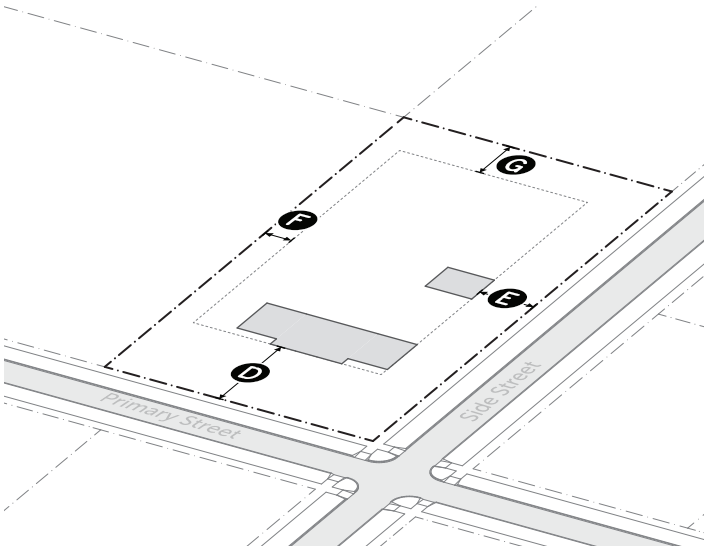
Thank you for your comment.

SEC. 2.2.4. H2 HOUSE 2

A. Lot Standards



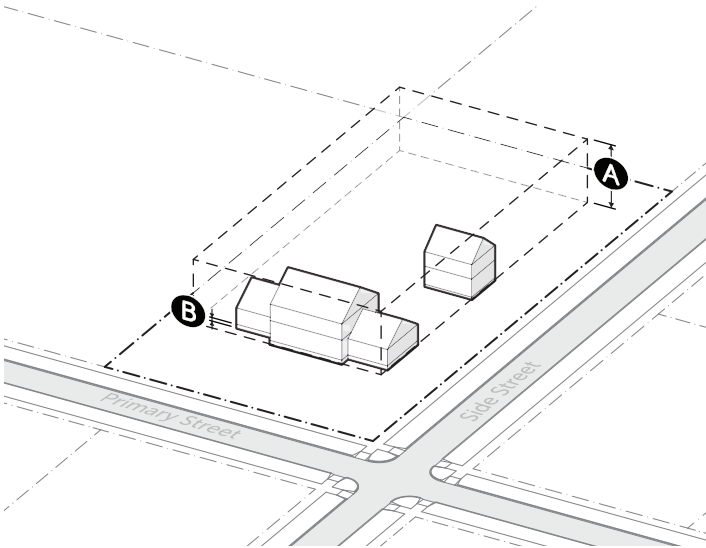
1. Lot Size	Sec. XX.XX.
A Lot area (min)	1 acre
B Lot width (min)	150'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	1
FAR (NLA max)	0.3
3. Coverage	Sec. XX.XX.
C Lot coverage (max)	35%
4. Streetscape	Sec. XX.XX.
Amenity zone	Not required
Pedestrian zone	Not required



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

H2 HOUSE 2

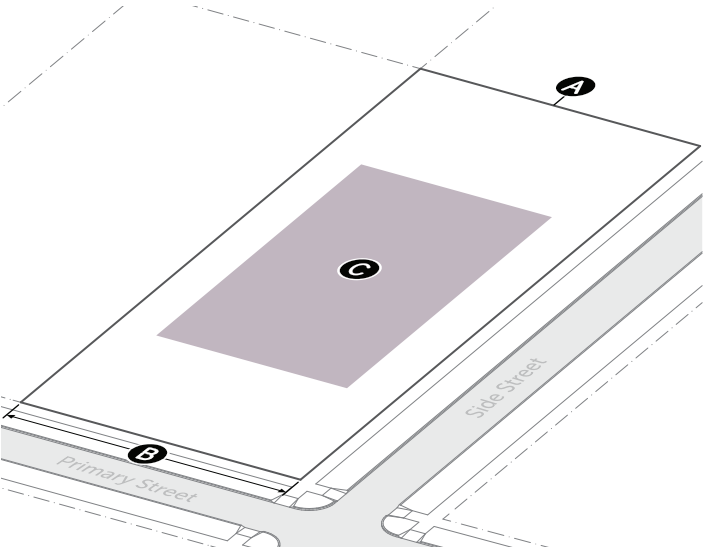
B. Building Standards



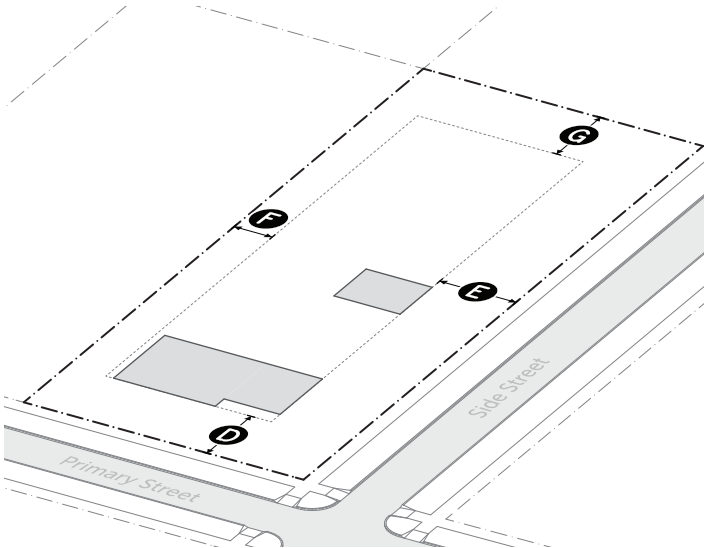
1. Massing	Sec. XX.XX.
A Building height (max stories/feet)	
Primary structure	3 stories / 35'
Accessory structure	2 stories / 25'
2. Ground Story	Sec. XX.XX.
B Ground story elevation (min/max)	0' / 4'
3. Fences and Walls	Sec. XX.XX.
Primary street setback	Type A3
Side street setback	Type B1
Side / rear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

SEC. 2.2.5. **H3** HOUSE 3

A. Lot Standards



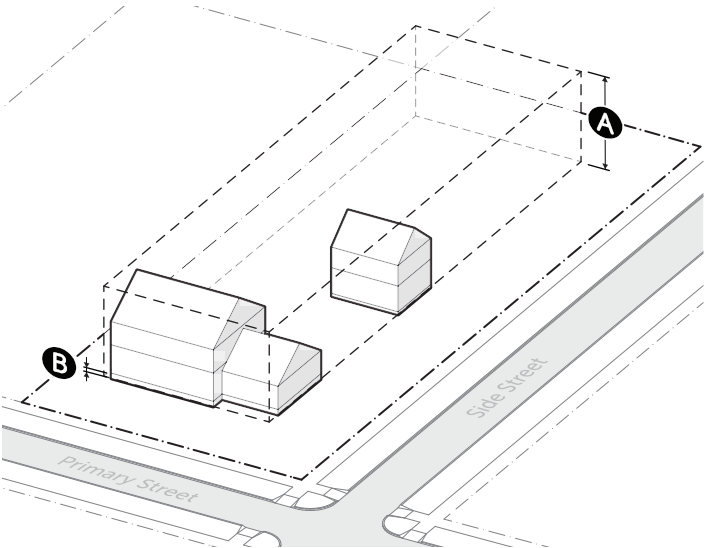
1. Lot Size	Sec. XX.XX.
A Lot area (min)	30,000 sf
B Lot width (min)	100'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	1
FAR (NLA max)	0.35
3. Coverage	Sec. XX.XX.
C Lot coverage (max)	35%
4. Streetscape	Sec. XX.XX.
Amenity zone	Not required
Pedestrian zone	Not required



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

H3 HOUSE 3

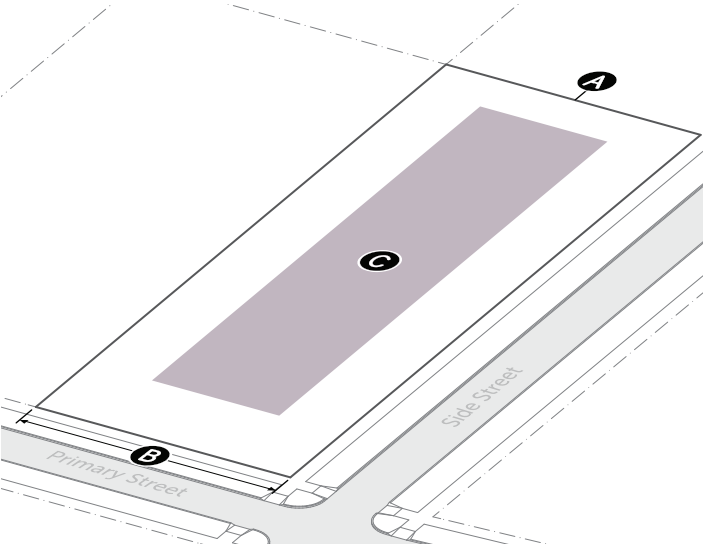
B. Building Standards



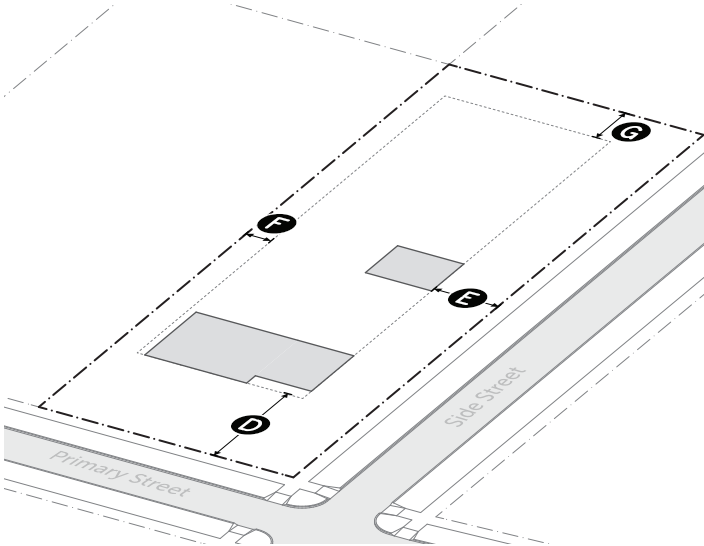
1. Massing	Sec. XX.XX.
A Building height (max stories/feet)	
Primary structure	3 stories / 35'
Accessory structure	2 stories / 25'
2. Ground Story	Sec. XX.XX.
B Ground story elevation (min/max)	0' / 4'
3. Fences and Walls	Sec. XX.XX.
Primary street setback	Type A3
Side street setback	Type B1
Side / rear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

SEC. 2.2.6. **H4** HOUSE 4

A. Lot Standards



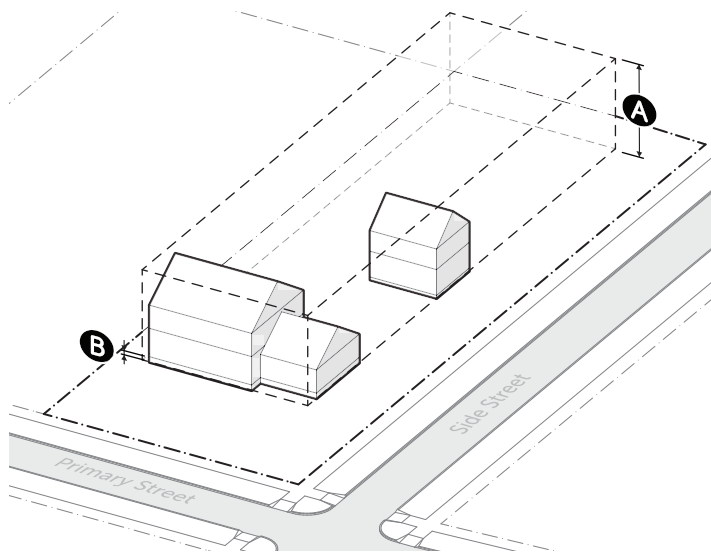
1. Lot Size	Sec. XX.XX.
A Lot area (min)	28,000 sf
B Lot width (min)	100'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	1
FAR (NLA max)	0.4
3. Coverage	Sec. XX.XX.
C Lot coverage (max)	40%
4. Streetscape	Sec. XX.XX.
Amenity zone	Not required
Pedestrian zone	Not required



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

H4 HOUSE 4

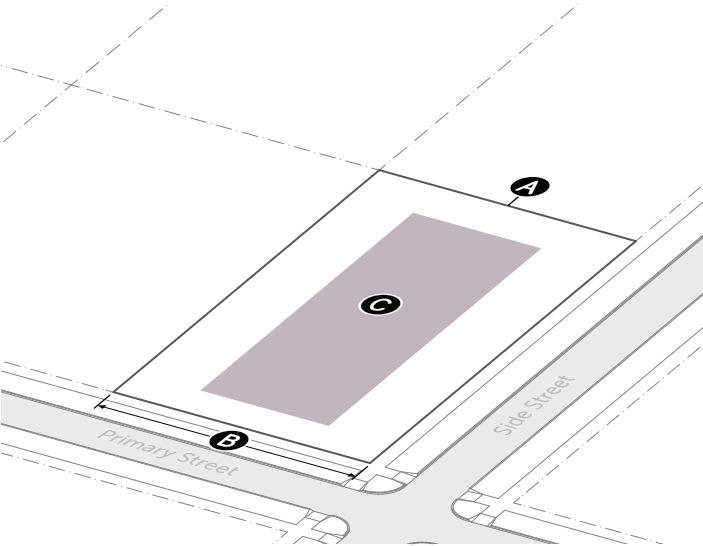
B. Building Standards



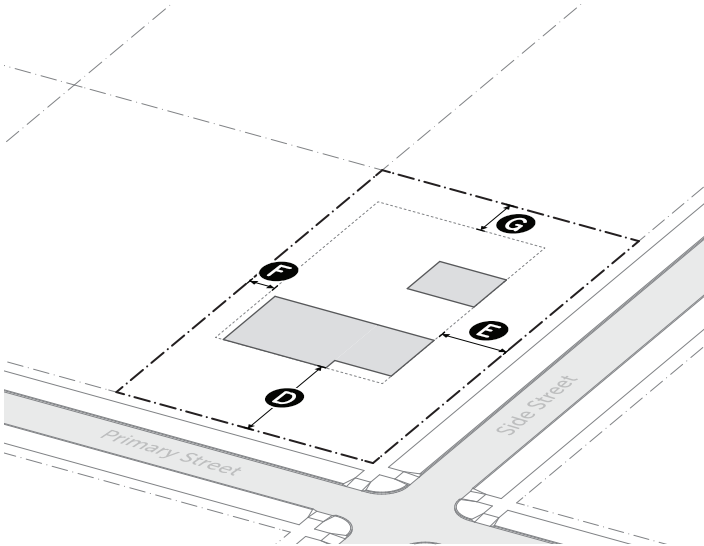
1. Massing	Sec. XX.XX.
A Building height (max stories/feet)	
Primary structure	3 stories / 35'
Accessory structure	2 stories / 25'
2. Ground Story	Sec. XX.XX.
B Ground story elevation (min/max)	0' / 4'
3. Fences and Walls	Sec. XX.XX.
Primary street setback	Type A3
Side street setback	Type B1
Side / rear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

SEC. 2.2.7. **H5** HOUSE 5

A. Lot Standards



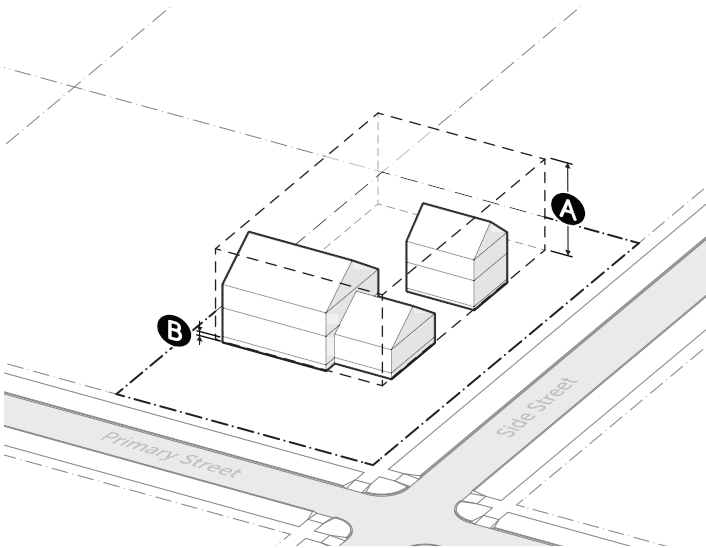
1. Lot Size	Sec. XX.XX.
A Lot area (min)	18,000 sf
B Lot width (min)	100'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	1
FAR (NLA max)	0.4
3. Coverage	Sec. XX.XX.
C Lot coverage (max)	40%
4. Streetscape	Sec. XX.XX.
Amenity zone	Not required
Pedestrian zone	Not required



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

H5 HOUSE 5

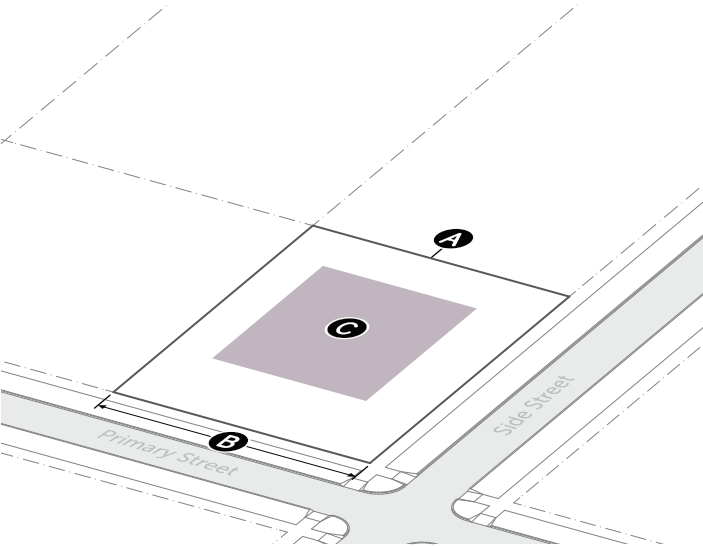
B. Building Standards



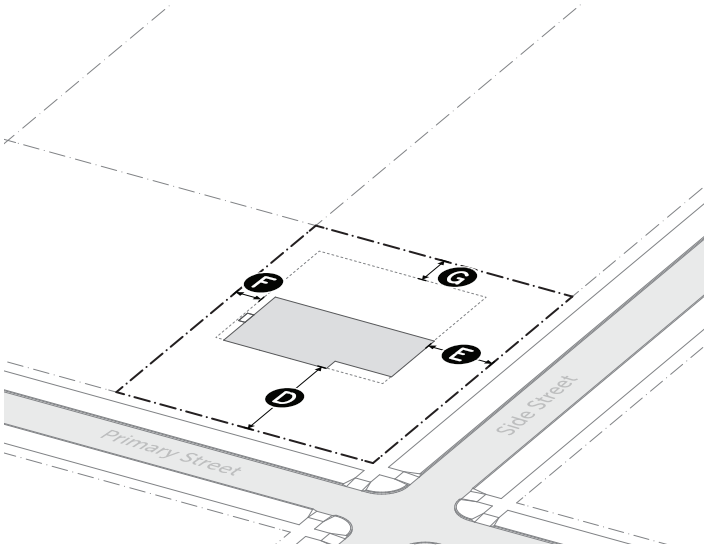
1. Massing	Sec. XX.XX.
A Building height (max stories/feet)	
Primary structure	3 stories / 35'
Accessory structure	2 stories / 25'
2. Ground Story	Sec. XX.XX.
B Ground story elevation (min/max)	0' / 4'
3. Fences and Walls	Sec. XX.XX.
Primary street setback	Type A3
Side street setback	Type B1
Side / rear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

SEC. 2.2.8. **H6** HOUSE 6

A. Lot Standards



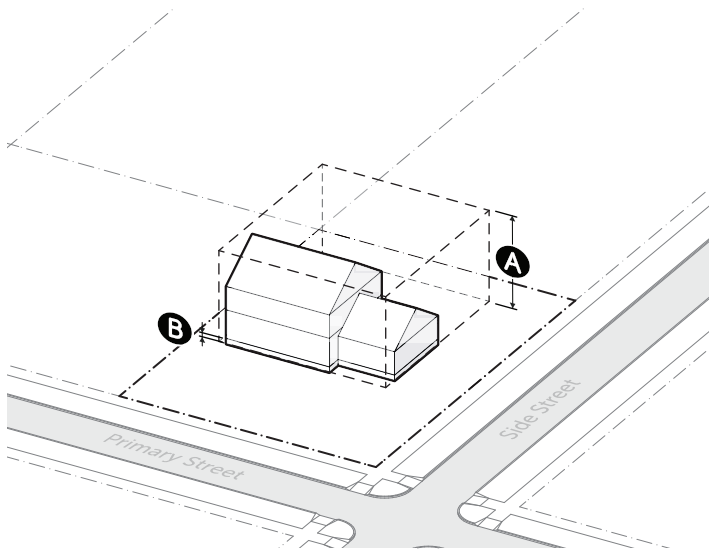
1. Lot Size	Sec. XX.XX.
A Lot area (min)	13,500 sf
B Lot width (min)	85'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	1
FAR (NLA max)	0.45
3. Coverage	Sec. XX.XX.
C Lot coverage (max)	45%
4. Streetscape	Sec. XX.XX.
Amenity zone	Not required
Pedestrian zone	Not required



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

H6 HOUSE 6

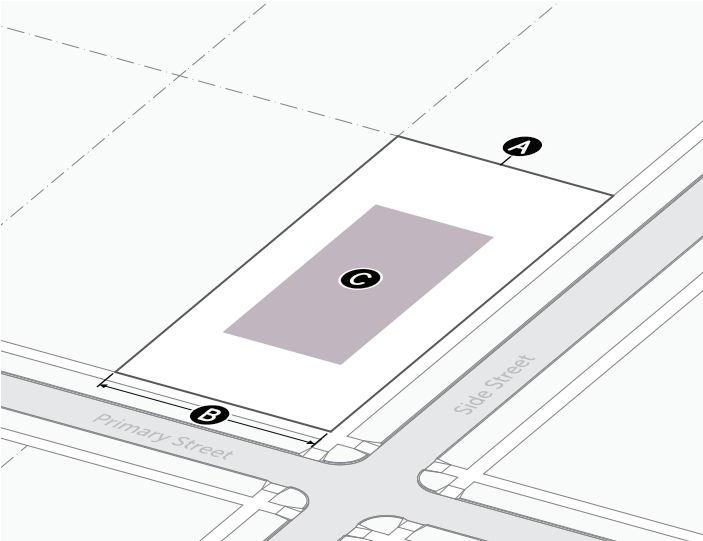
B. Building Standards



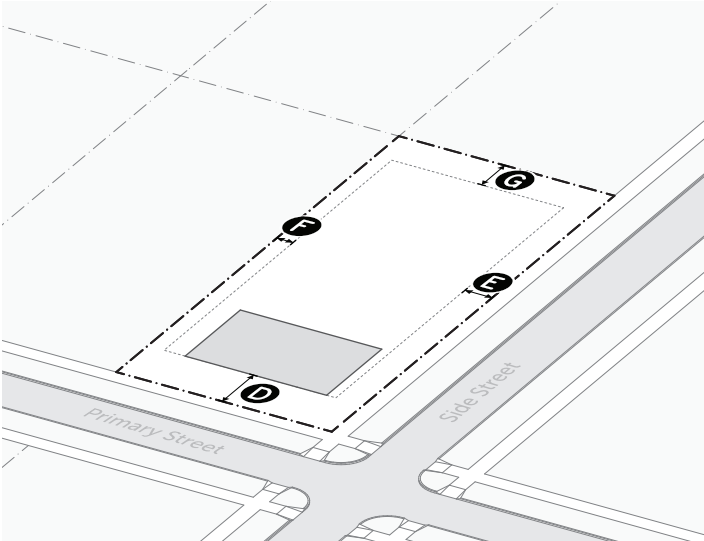
1. Massing	Sec. XX.XX.
A Building height (max stories/feet)	
Primary structure	3 stories / 35'
Accessory structure	2 stories / 25'
2. Ground Story	Sec. XX.XX.
B Ground story elevation (min/max)	0' / 4'
3. Fences and Walls	Sec. XX.XX.
Primary street setback	Type A3
Side street setback	Type B1
Side / rear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

SEC. 2.2.9. **CN1** CONSERVATION 1

A. Lot Standards



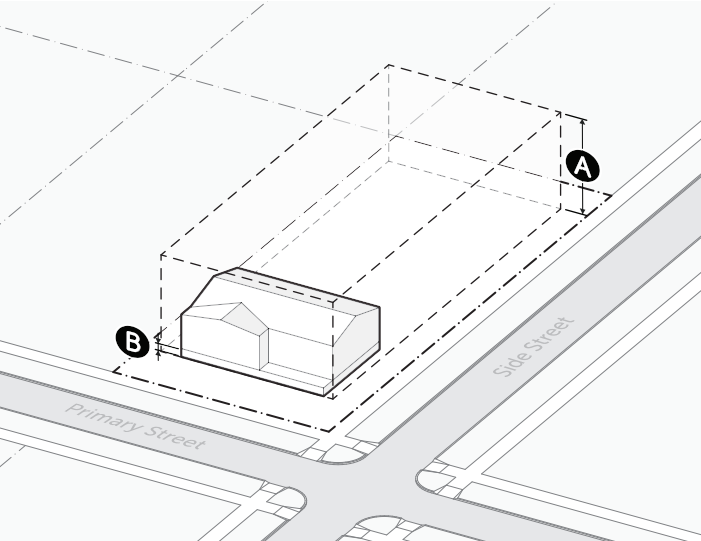
1. Lot Size	Sec. XX.XX.
A Lot area (min)	13,500 sf
B Lot width (min)	85'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	1
FAR (NLA max)	0.45
3. Coverage	Sec. XX.XX.
C Lot coverage (max)	45%
4. Streetscape	Sec. XX.XX.
Amenity zone	Not required
Pedestrian zone	Not required



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

CN1 CONSERVATION 1

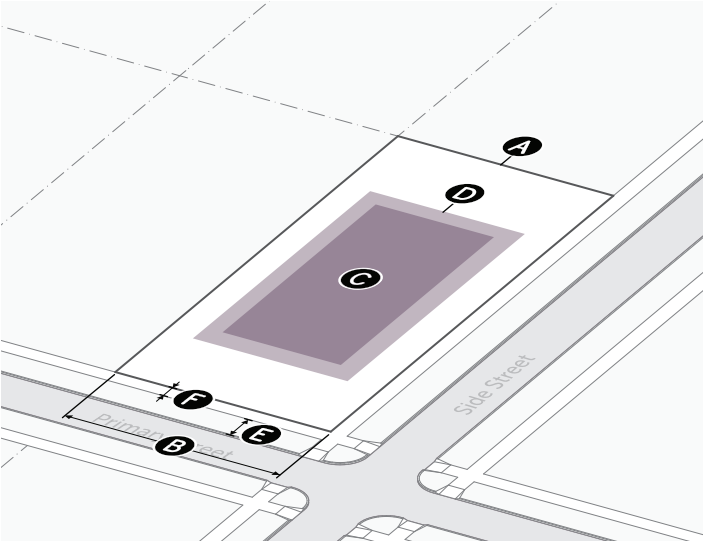
B. Building Standards



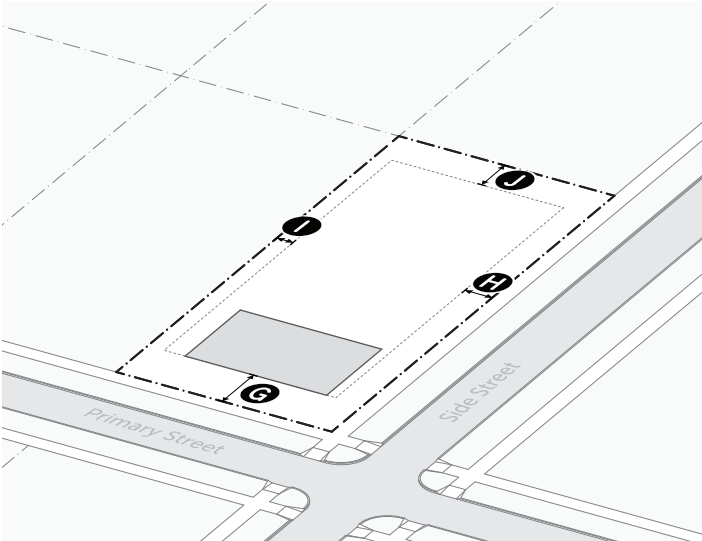
1. Massing	<i>Sec. XX.XX.</i>
A Building height (max stories/feet)	
Primary structure	Match existing
Accessory structure	2 stories / 25'
2. Ground Story	<i>Sec. XX.XX.</i>
B Ground story elevation (min/max)	0' / 4'
3. Fences and Walls	<i>Sec. XX.XX.</i>
Primary street setback	<u>Type A3</u>
Side street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

SEC. 2.2.10. **CN2** CONSERVATION 2

A. Lot Standards



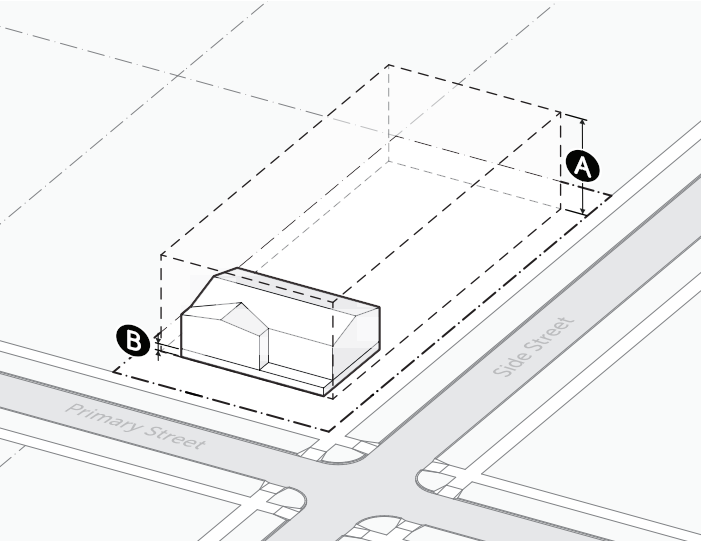
1. Lot Size	Sec. XX.XX.
A Lot area (min)	9,000 sf
B Lot width (min)	70'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	1
FAR (NLA max)	0.5
3. Coverage	Sec. XX.XX.
C Building coverage (max)	40%
D Lot coverage (max)	50%
4. Streetscape	Sec. XX.XX.
E Amenity zone	Required
F Pedestrian zone	Required



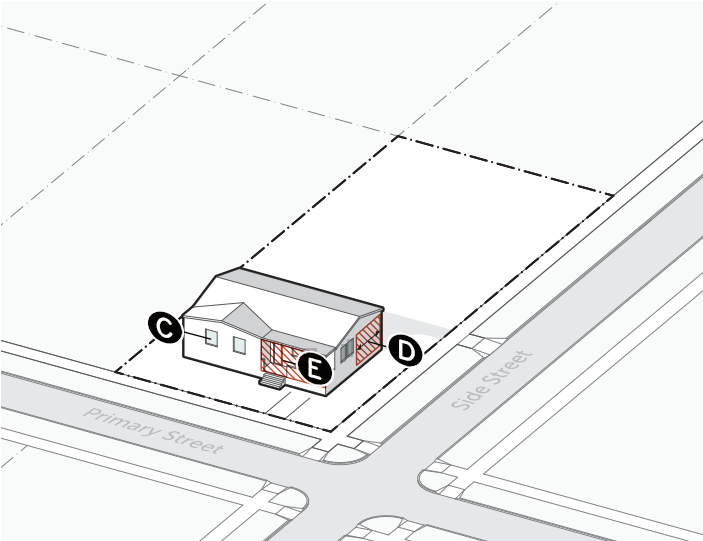
5. Building Setbacks	Sec. XX.XX.
Street setback (min)	
G Primary street	Existing range
H Side street	15'
Side setback (min)	
I One side	4'
Cumulative	14'
J Rear setback (min)	
Primary structure	15'
Accessory structure	10'
6. Parking Location	Sec. XX.XX.
Front yard	Driveway only
Side street yard	Driveway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

CN2 CONSERVATION 2

B. Building Standards



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



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

DIVISION 2.3. **NEIGHBORHOOD-SCALE DISTRICTS**

**PLACEHOLDER
FOR GRAPHIC**

Sec. 2.3.1. **Intent**

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

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

Sec. 2.3.2. Summary of Districts

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

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

#005

Posted by **Kirsten** on **09/02/2025** at **1:33pm** [Comment ID: 1626] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Removing any minimum lot sizes in some of the N1, N2, and N3 zoning districts within a certain distance (i.e. 1/2 mile) of MARTA stations would be in keeping with Transit-Oriented Development guidelines.

Reply by **SiteAdmin** on **09/16/2025** at **2:03pm** [Comment ID: 1694] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your feedback.

#006

Posted by **grace212** on **09/02/2025** at **11:16am** [Comment ID: 1579] - [Link](#)

Question

Agree: 0, Disagree: 0

Are ADUs included in the max # of dwelling units? does that depend on the use district?

Reply by **SiteAdmin** on **09/16/2025** at **3:06pm** [Comment ID: 1732] - [Link](#)

Answer

Agree: 0, Disagree: 0

No. They are not included.

#007

Posted by **Kirsten** on **09/02/2025** at **12:07pm** [Comment ID: 1587] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

It seems that allowing duplexes and triplexes in these districts would be in keeping with the intent of the neighborhood-scale form, particularly with such large lot areas. I would suggest increasing the dwelling unit max in each of these to at least 2.

Reply by **SiteAdmin** on **09/16/2025** at **2:53pm** [Comment ID: 1724] - [Link](#)

Answer

Agree: 0, Disagree: 0

A stated policy of this rewrite is to maintain existing R1 through R5 zoning upon code adoption. There are new districts available that do what you suggest and would be available for future rezoning.

#008

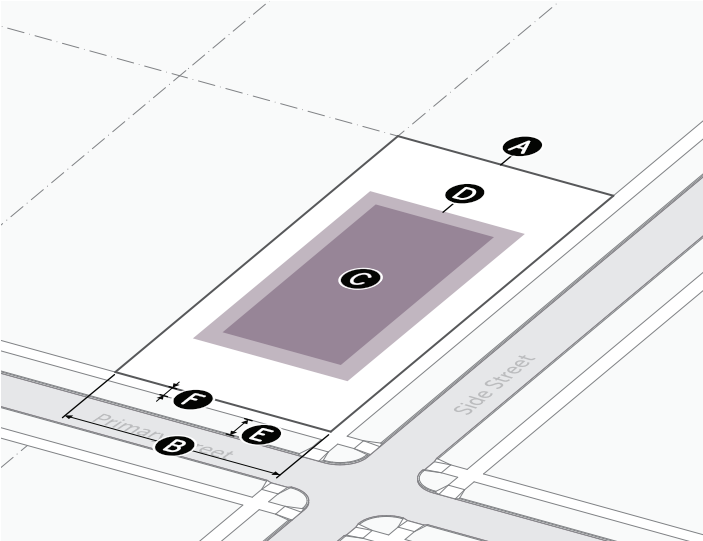
Posted by **ltovar@atlantaga.gov** on **06/24/2025** at **1:27pm** [Comment ID: 1249] - [Link](#)

Agree: 1, Disagree: 0

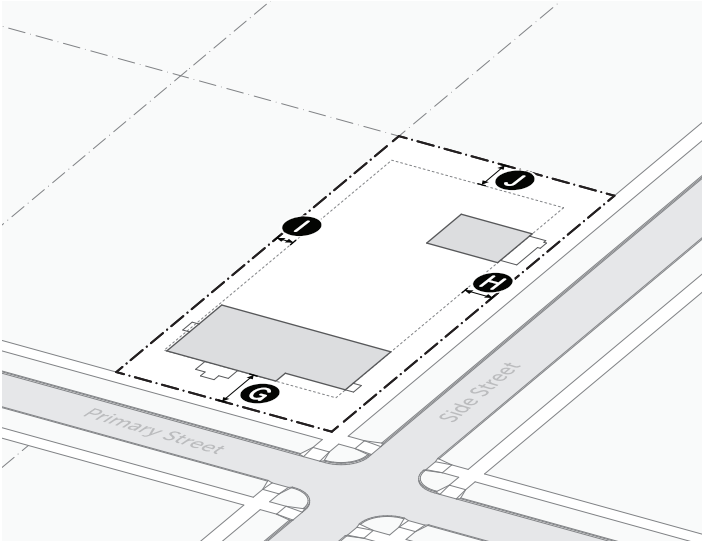
This N5B zoning district is equivalent to MR-MU which is meant to create missing middle housing. I think that FAR should be restricted to the FAR similar on the properties on the block. I have seen rezonings where applicants are proposing too big of a building inside single-family neighborhoods. Some language about that to clarify would be helpful.

SEC. 2.3.3. N1 NEIGHBORHOOD 1

A. Lot Standards



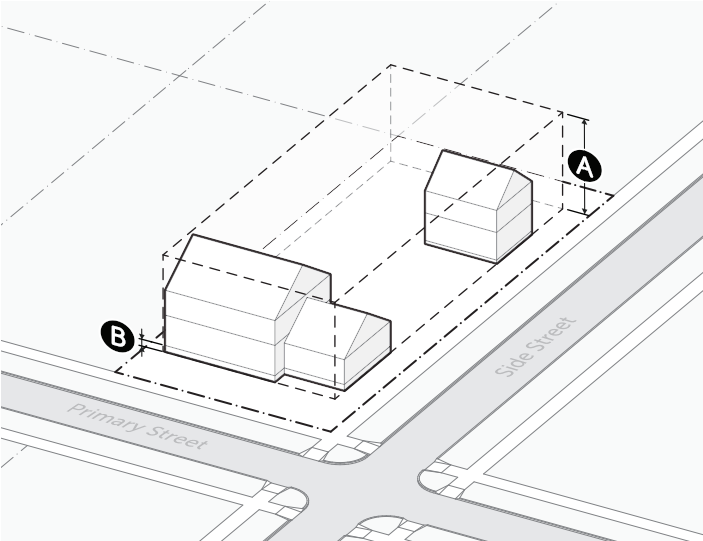
1. Lot Size	Sec. XX.XX.
A Lot area (min)	9,000 sf
B Lot width (min)	70'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	1
FAR (NLA max)	0.5
3. Coverage	Sec. XX.XX.
C Building coverage (max)	40%
D Lot coverage (max)	50%
4. Streetscape	Sec. XX.XX.
E Amenity zone	Required
F Pedestrian zone	Required



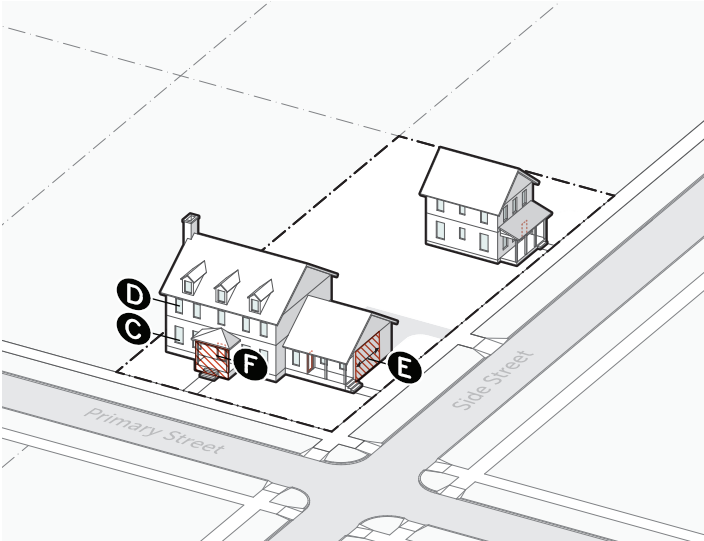
5. Building Setbacks	Sec. XX.XX.
Street setback (min)	
G Primary street	Existing range or 35'
H Side street	15'
Side setback (min)	
I One side	4'
Cumulative	14'
J Rear setback (min)	
Primary structure	15'
Accessory structure	10'
6. Parking Location	Sec. XX.XX.
Front yard	Driveway only
Side street yard	Driveway only
Side / rear yard	Allowed

N1 NEIGHBORHOOD 1

B. Building Standards



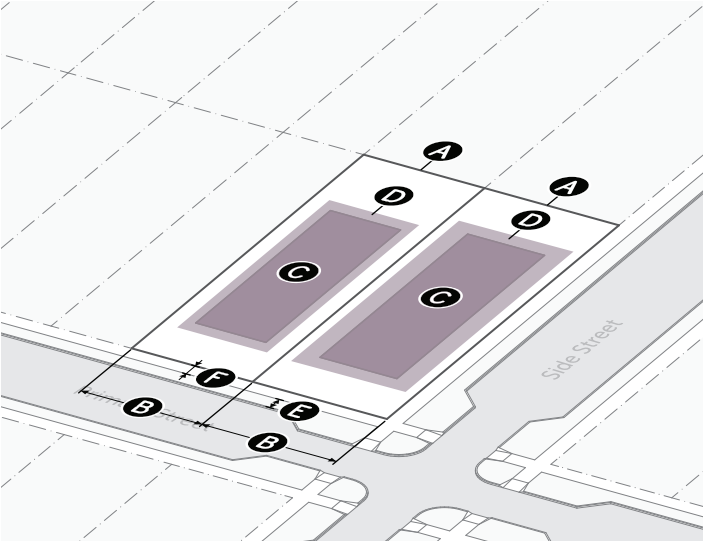
1. Massing	Sec. XX.XX.
A Building height (max stories/feet)	
Primary structure	2.5 stories / 35'
Accessory structure	2 stories / 25'
2. Ground Story	Sec. XX.XX.
B Ground story elevation (min/max)	0' / 4'



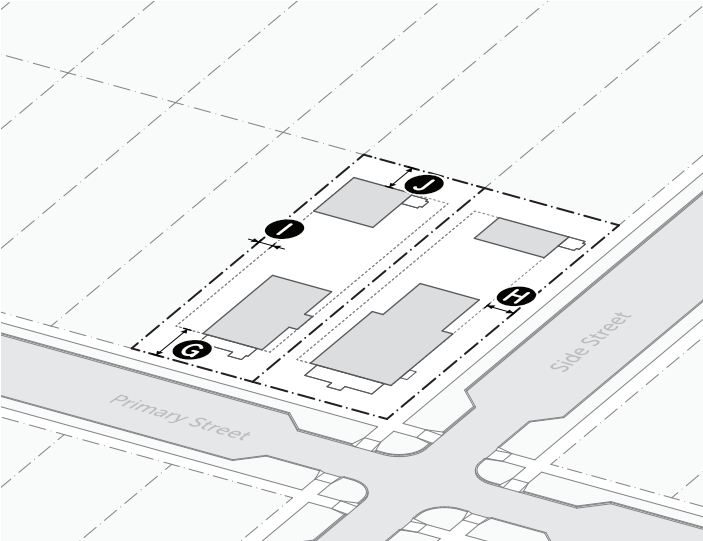
3. Windows and Doors	Sec. XX.XX.
C Ground story glazing (min)	
Primary street	20%
Side street	15%
D Upper story glazing (min)	10%
E Blank wall width (max)	20'
F Street-facing entry	Required
4. Fences and Walls	Sec. XX.XX.
Front yard	Type A3
Side street yard	Type B1
Side / rear yard	Type C1

SEC. 2.3.4. N2A NEIGHBORHOOD 2A

A. Lot Standards



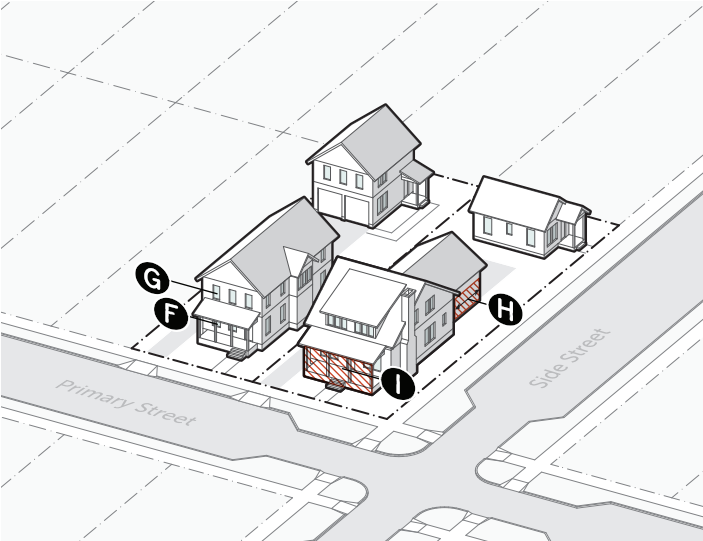
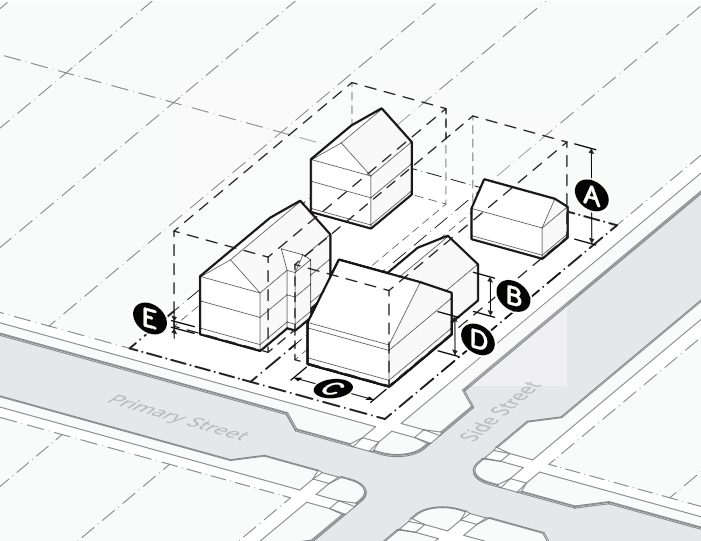
1. Lot Size	Sec. XX.XX.
A Lot area (min)	7,500 sf
B Lot width (min)	
Front access	50'
Side or rear access	35'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	1
FAR (NLA max)	0.55
3. Coverage	Sec. XX.XX.
C Building coverage (max)	45%
D Lot coverage (max)	55%
4. Streetscape	Sec. XX.XX.
E Amenity zone	Required
F Pedestrian zone	Required



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

N2A NEIGHBORHOOD 2A

B. Building Standards

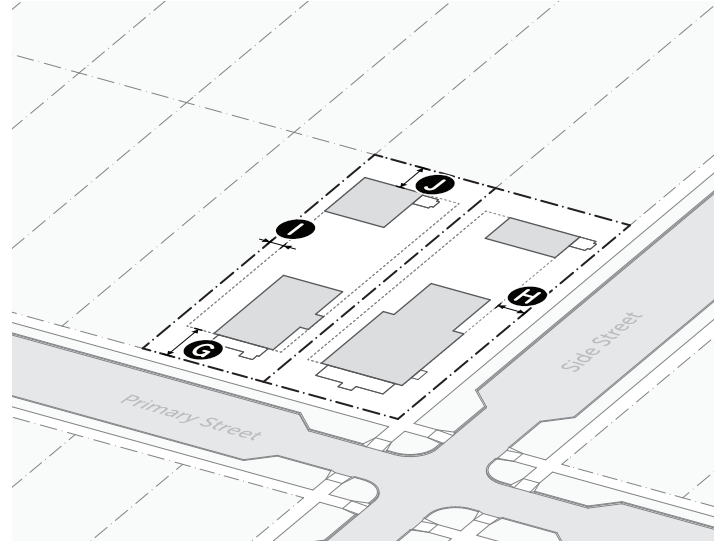
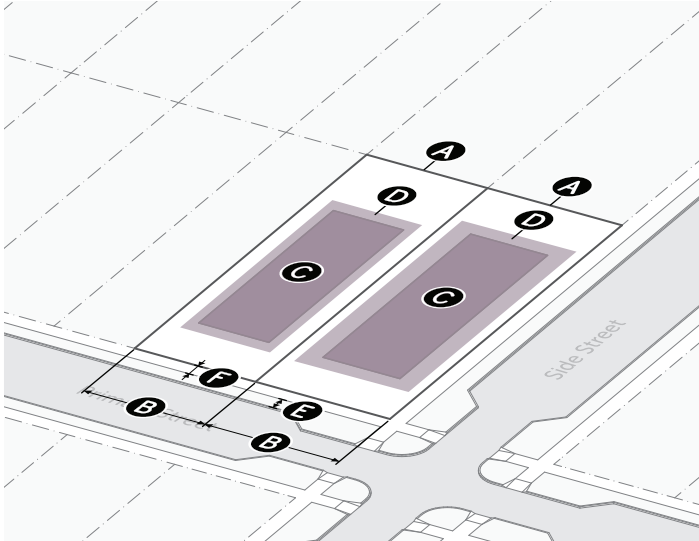


1. Massing	Sec. XX.XX.
A Building height (max stories/feet)	
Primary structure	2.5 stories / 35'
Accessory structure	2 stories / 25'
B Side wall height (max)	28'
C Building width (max)	
Primary street	50'
Side street	80'
2. Ground Story	Sec. XX.XX.
D Ground story height (min)	9'
E Ground story elevation (min/max)	0' / 4'

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

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

A. Lot Standards

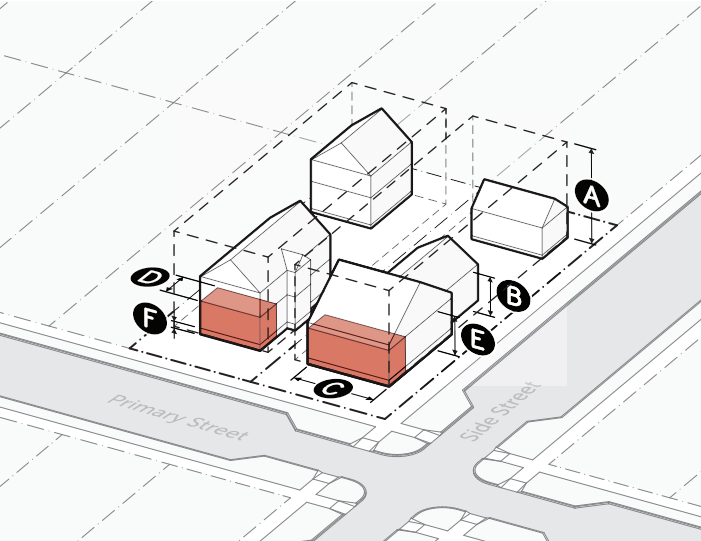


1. Lot Size	Sec. XX.XX.
A Lot area (min)	7,500 sf
B Lot width (min)	
Front access	50'
Side or rear access	35'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	2
FAR (NLA max)	0.6
3. Coverage	Sec. XX.XX.
C Building coverage (max)	45%
D Lot coverage (max)	55%
4. Streetscape	Sec. XX.XX.
E Amenity zone	Required
F Pedestrian zone	Required

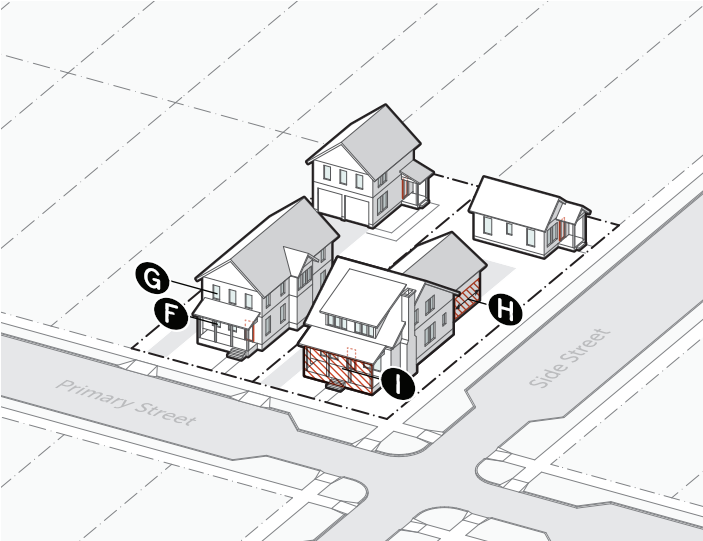
5. Building Setbacks	Sec. XX.XX.
Street setback (min)	
G Primary street	Existing range or 15' / 30'
H Side street	5'
Side setback (min)	
I One side	3'
Cumulative	10'
J Rear setback (min)	
Primary structure	7'
Accessory structure	4'
6. Build-To	Sec. XX.XX.
K Build-to width (min)	
Primary street	50%
Side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

N2B NEIGHBORHOOD 2B

B. Building Standards



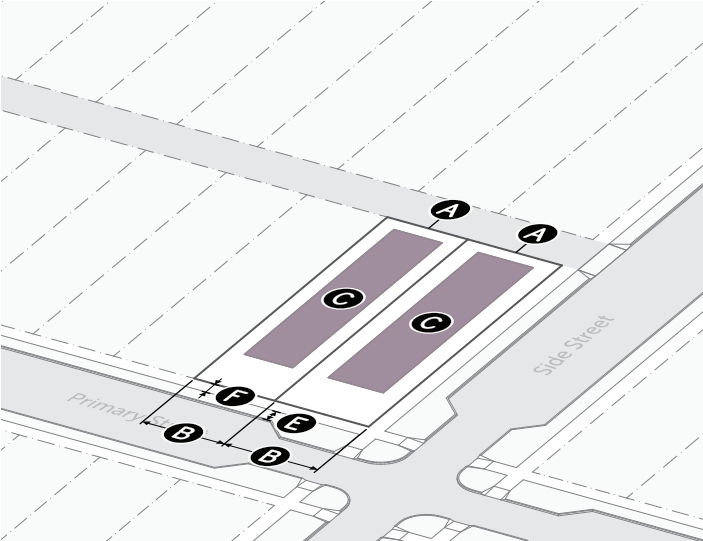
1. Massing	Sec. XX.XX.
A Building height (max stories/feet)	
Primary structure	2.5 stories / 35'
Accessory structure	2 stories / 25'
B Side wall height (max)	28'
C Building width (max)	
Primary street	50'
Side street	80'
2. Activation	Sec. XX.XX.
D Active depth (min)	
Primary street	10'
Side street	None
3. Ground Story	Sec. XX.XX.
E Ground story height (min)	9'
F Ground story elevation (min/max)	0' / 4'



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

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

A. Lot Standards



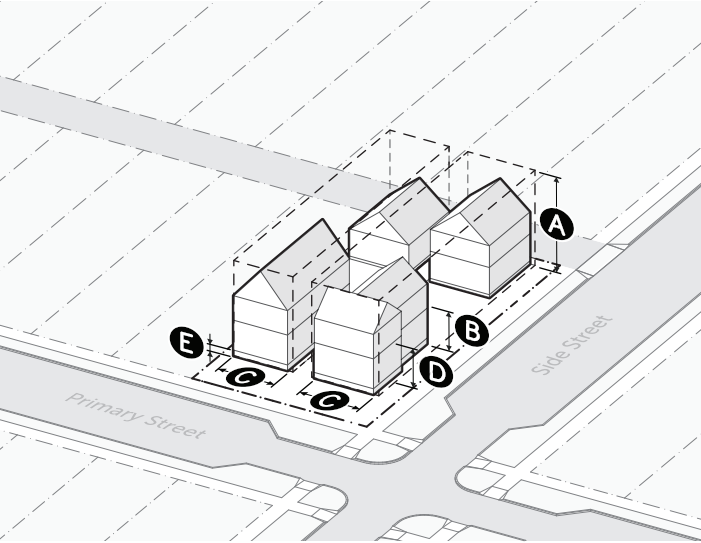
1. Lot Size	Sec. XX.XX.
A Lot area (min)	5,000 sf
B Lot width (min)	
Front access	40'
Side or rear access	25'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	1
FAR (NLA max)	0.6
3. Coverage	Sec. XX.XX.
C Building coverage (max)	60%
4. Streetscape	Sec. XX.XX.
D Amenity zone	Required
E Pedestrian zone	Required



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

N3A NEIGHBORHOOD 3A

B. Building Standards



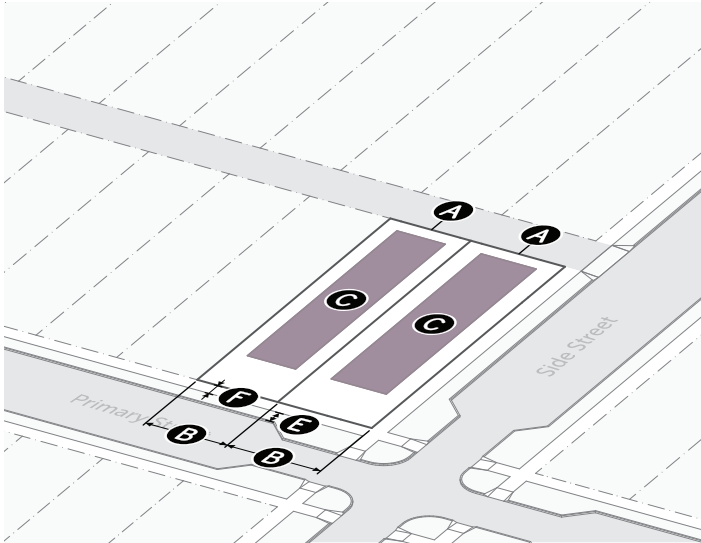
1. Massing	Sec. XX.XX.
A Building height (max stories/feet)	
Primary structure	2.5 stories / 35'
Accessory structure	2 stories / 25'
B Side wall height (max)	28'
C Building width (max)	
Primary street	40'
Side street	70'
2. Ground Story	Sec. XX.XX.
D Ground story height (min)	9'
E Ground story elevation (min/max)	0' / 4'



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

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

A. Lot Standards

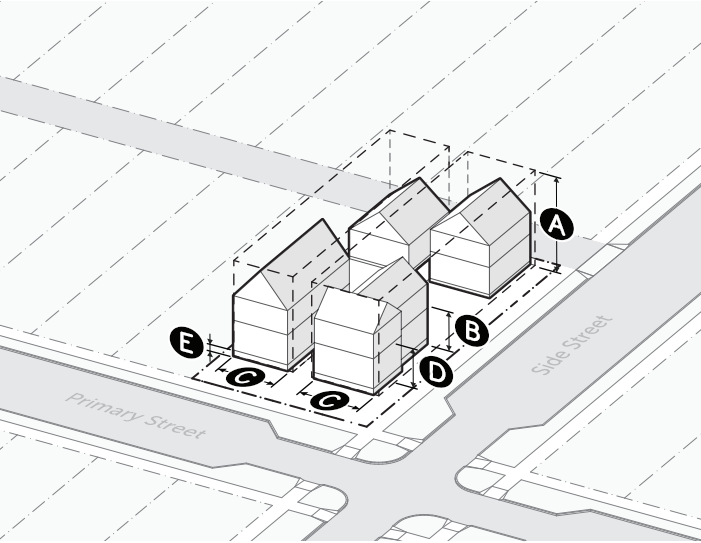


1. Lot Size	Sec. XX.XX.
A Lot area (min)	5,000 sf
B Lot width (min)	
Front access	40'
Side or rear access	25'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	2
FAR (NLA max)	0.65
3. Coverage	Sec. XX.XX.
C Building coverage (max)	60%
4. Streetscape	Sec. XX.XX.
D Amenity zone	Required
E Pedestrian zone	Required

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

N3B NEIGHBORHOOD 3B

B. Building Standards



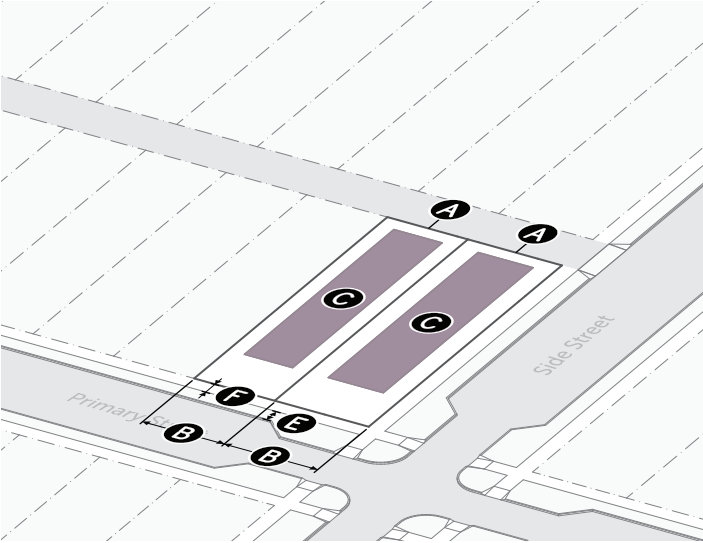
1. Massing	Sec. XX.XX.
A Building height (max stories/feet)	
Primary structure	2.5 stories / 35'
Accessory structure	2 stories / 25'
B Side wall height (max)	28'
C Building width (max)	
Primary street	40'
Side street	70'
2. Activation	Sec. XX.XX.
D Active depth (min)	
Primary street	10'
Side street	None
3. Ground Story	Sec. XX.XX.
E Ground story height (min)	9'
F Ground story elevation (min/max)	0' / 4'



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

SEC. 2.3.8. N4A NEIGHBORHOOD 4A

A. Lot Standards



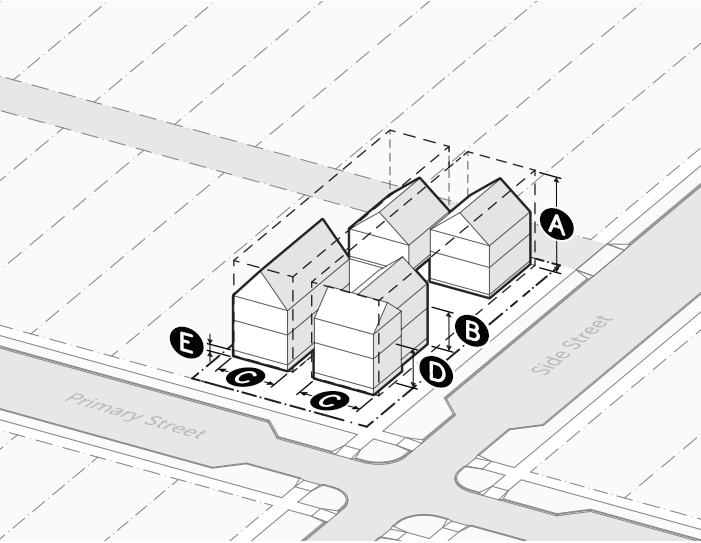
1. Lot Size	Sec. XX.XX.
A Lot area (min)	2,800 sf
B Lot width (min)	
Front access	40'
Side or rear access	25'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	1
FAR (NLA max)	0.65
3. Coverage	Sec. XX.XX.
C Building coverage (max)	65%
4. Streetscape	Sec. XX.XX.
D Amenity zone	Required
E Pedestrian zone	Required



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

N4A NEIGHBORHOOD 4A

B. Building Standards



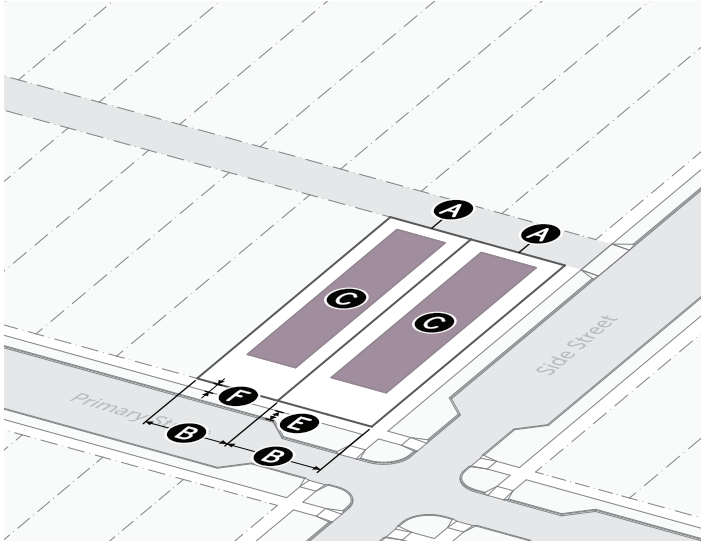
1. Massing	Sec. XX.XX.
A Building height (max stories/feet)	
Primary structure	2.5 stories / 35'
Accessory structure	2 stories / 25'
B Side wall height (max)	28'
C Building width (max)	
Primary street	35'
Side street	60'
2. Ground Story	Sec. XX.XX.
D Ground story height (min)	9'
E Ground story elevation (min/max)	0' / 4'



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

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

A. Lot Standards

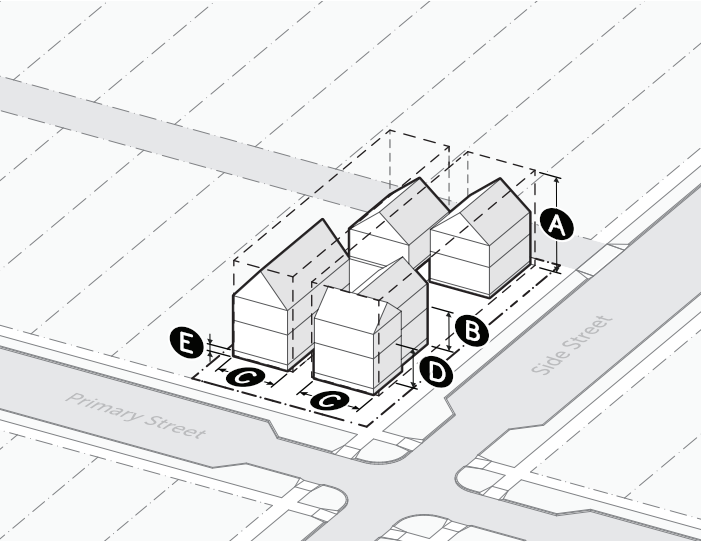


1. Lot Size	Sec. XX.XX.
A Lot area (min)	2,800 sf
B Lot width (min)	
Front access	40'
Side or rear access	25'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	2
FAR (NLA max)	0.7
3. Coverage	Sec. XX.XX.
C Building coverage (max)	65%
4. Streetscape	Sec. XX.XX.
D Amenity zone	Required
E Pedestrian zone	Required

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

N4B NEIGHBORHOOD 4B

B. Building Standards



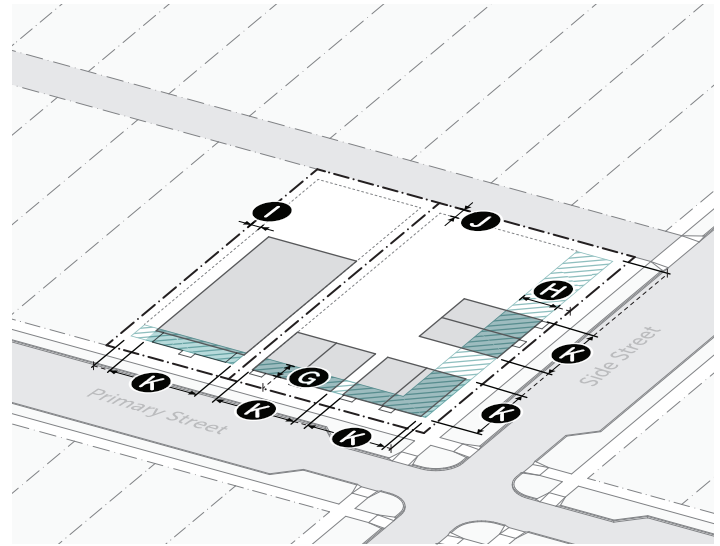
1. Massing	Sec. XX.XX.
A Building height (max stories/feet)	
Primary structure	2.5 stories / 35'
Accessory structure	2 stories / 25'
B Side wall height (max)	28'
C Building width (max)	
Primary street	35'
Side street	60'
2. Activation	Sec. XX.XX.
D Active depth (min)	
Primary street	10'
Side street	None
3. Ground Story	Sec. XX.XX.
E Ground story height (min)	9'
F Ground story elevation (min/max)	0' / 4'



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

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

A. Lot Standards

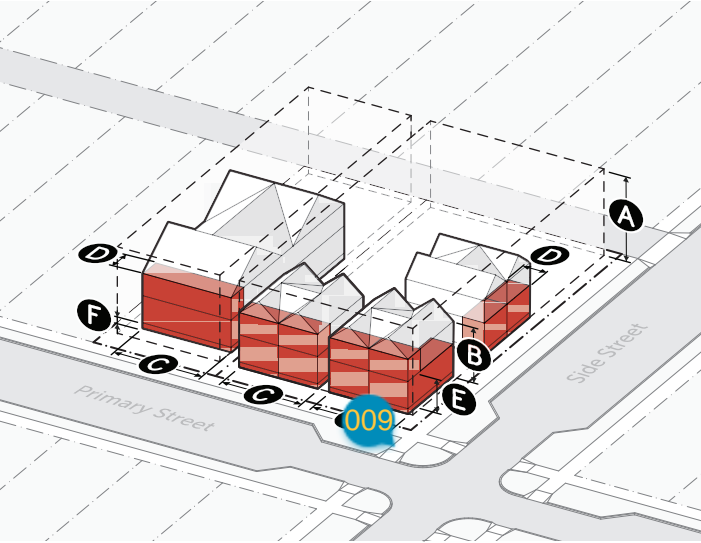


1. Lot Size	Sec. XX.XX.
A Lot area (min)	2,000 sf
B Lot width (min)	25'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	6
3. Coverage	Sec. XX.XX.
C Building coverage (max)	65%
D Outdoor amenity space (min)	15%
4. Streetscape	Sec. XX.XX.
E Amenity zone	Required
F Pedestrian zone	Required

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

N5A NEIGHBORHOOD 5A

B. Building Standards



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



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

#009

Posted by **Itovar@atlantaga.gov** on **06/30/2025** at **1:17pm** [Comment ID: 1251] - [Link](#)
Agree: 0, Disagree: 0

Based on this image it appears as if an applicant can have 3 buildings (each with 2 units) as long as they meet the minimum lot size requirement. If that is the case, then should there be a minimum building separation for maintenance purposes? I know the fire code already has certain distance requirements.

Reply by **SiteAdmin** on **06/30/2025** at **1:47pm** [Comment ID: 1253] - [Link](#)
Answer

Agree: 0, Disagree: 0

Yes, building separation will be handled by the applicable fire codes.

SEC. 2.3.11. N5B NEIGHBORHOOD 5B

A. Lot Standards



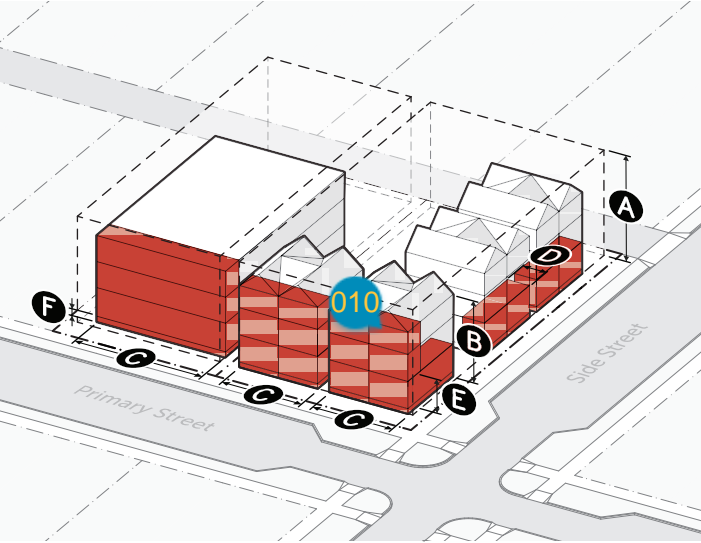
1. Lot Size	Sec. XX.XX.
A Lot area (min)	2,000 sf
B Lot width (min)	25'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	12
3. Coverage	Sec. XX.XX.
C Building coverage (max)	70%
D Outdoor amenity space (min)	15%
4. Streetscape	Sec. XX.XX.
E Amenity zone	Required
F Pedestrian zone	Required



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

N5B NEIGHBORHOOD 5B

B. Building Standards



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



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

#010

Posted by **Itovar@atlantaga.gov** on **06/30/2025** at **1:52pm** [Comment ID: 1254] - [Link](#)

Agree: 0, Disagree: 0

I think the labels on this image are not following the chart below.

Reply by **SiteAdmin** on **07/01/2025** at **10:49am** [Comment ID: 1257] - [Link](#)

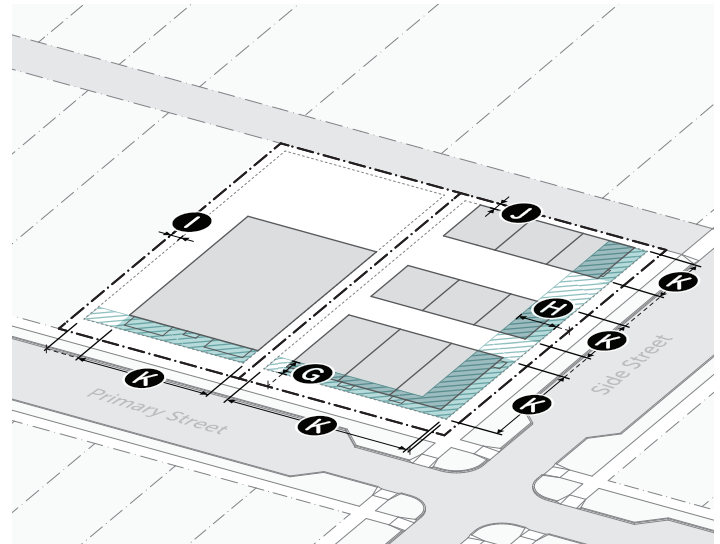
Answer

Agree: 0, Disagree: 0

Thanks. We will fix this.

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

A. Lot Standards

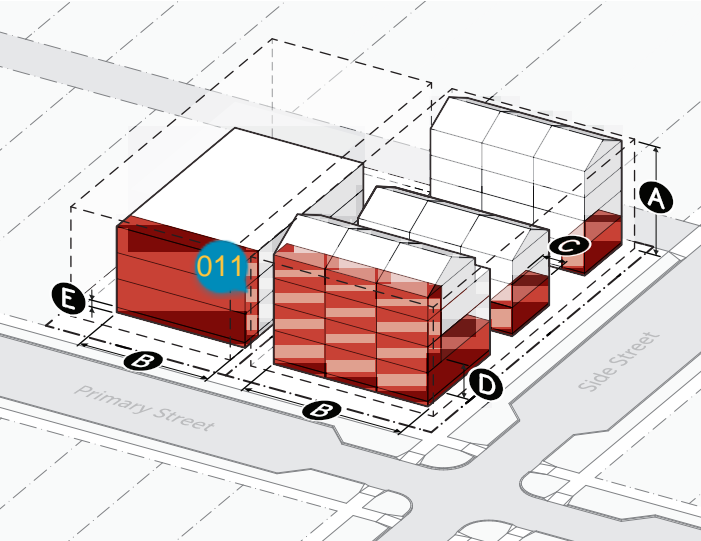


1. Lot Size	Sec. XX.XX.
A Lot area (min)	2,000 sf
B Lot width (min)	20'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Unlimited
FAR (NLA max)	1.0
3. Coverage	Sec. XX.XX.
C Building coverage (max)	75%
D Outdoor amenity space (min)	20%
4. Streetscape	Sec. XX.XX.
E Amenity zone	Required
F Pedestrian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

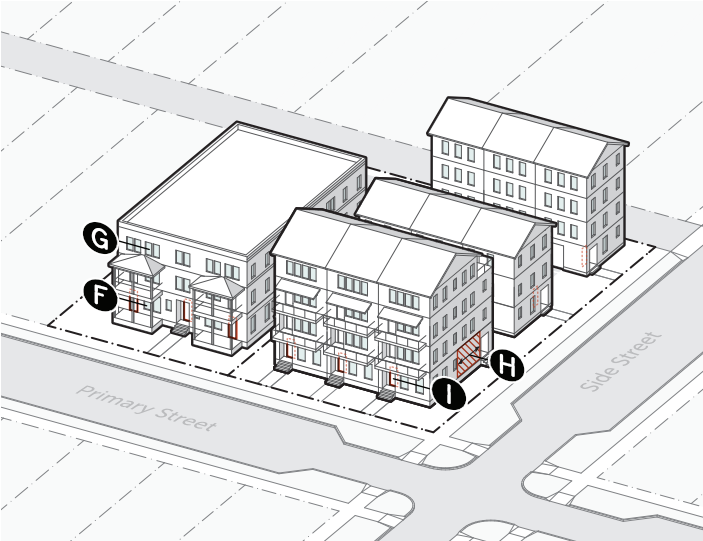
5. Building Setbacks	Sec. XX.XX.
Street setback (min)	
G Primary street	Existing range or 15' / 30'
H Side street	5' / 20'
I Side setback (min)	10'
J Rear setback (min)	15'
6. Transition	Sec. XX.XX.
Transition type	Low
6. Build-To	Sec. XX.XX.
K Build-to width (min)	
Primary street	75%
Side street	45%
7. Parking Location	Sec. XX.XX.
No parking allowed between building and street	

N6A NEIGHBORHOOD 6A

B. Building Standards



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



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

#011

Posted by **Itovar@atlantaga.gov** on **06/30/2025** at **1:54pm** [Comment ID: 1255] - [Link](#)

Agree: 0, Disagree: 0

Add the C label for activation along the primary street.

Reply by **SiteAdmin** on **07/01/2025** at **10:51am** [Comment ID: 1258] - [Link](#)

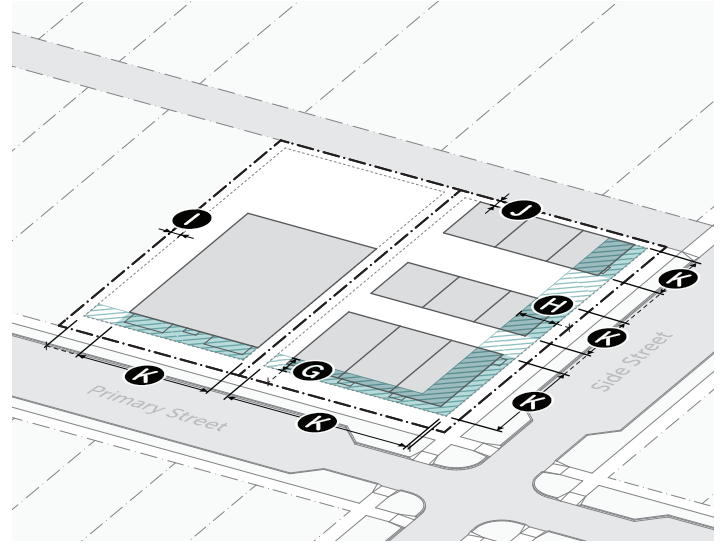
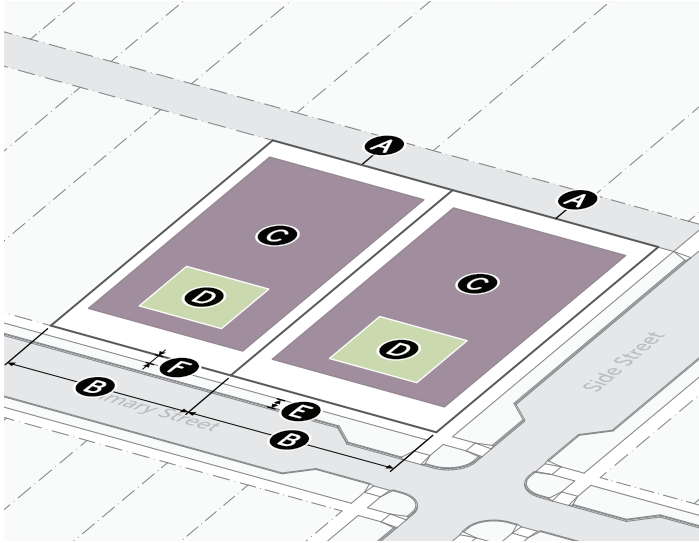
Answer

Agree: 0, Disagree: 0

Thanks!

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

A. Lot Standards

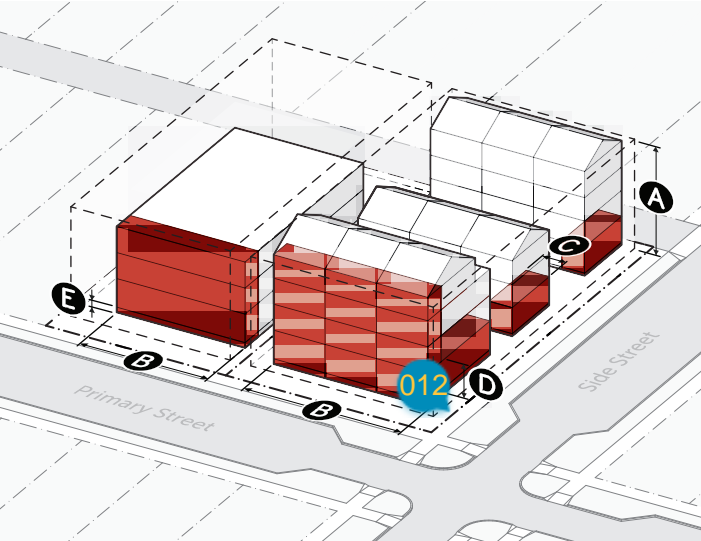


1. Lot Size	Sec. XX.XX.
A Lot area (min)	2,000 sf
B Lot width (min)	20'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Unlimited
FAR (NLA max)	1.75
3. Coverage	Sec. XX.XX.
C Building coverage (max)	80%
D Outdoor amenity space (min)	20%
4. Streetscape	Sec. XX.XX.
E Amenity zone	Required
F Pedestrian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

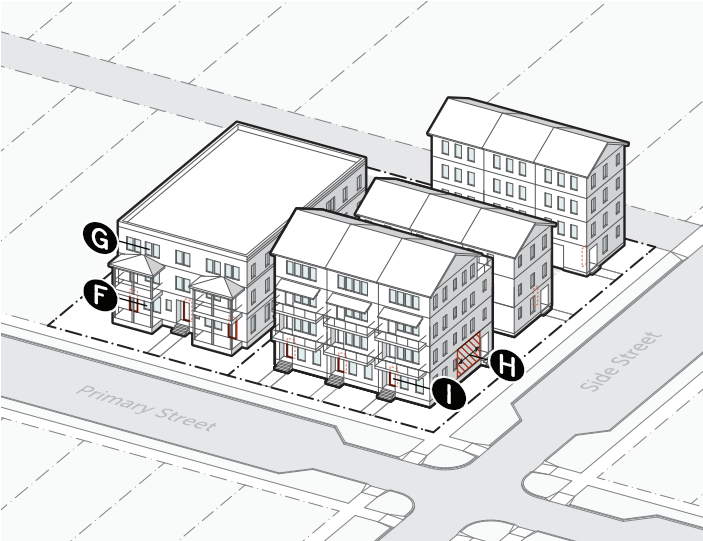
5. Building Setbacks	Sec. XX.XX.
Street setback (min)	
G Primary street	Existing range or 15' / 30'
H Side street	5' / 20'
I Side setback (min)	10'
J Rear setback (min)	15'
6. Transition	Sec. XX.XX.
Transition type	Low
6. Build-To	Sec. XX.XX.
K Build-to width (min)	
Primary street	75%
Side street	45%
7. Parking Location	Sec. XX.XX.
No parking allowed between building and street	

N6B NEIGHBORHOOD 6B

B. Building Standards



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



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

#012

Posted by **Itovar@atlantaga.gov** on **06/30/2025** at **1:55pm** [Comment ID: 1256] - [Link](#)

Agree: 0, Disagree: 0

Label for activation along primary street is missing too.

Reply by **SiteAdmin** on **07/01/2025** at **10:53am** [Comment ID: 1259] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thanks. We will see if we can graphically add this.

DIVISION 2.4. **URBAN GENERAL DISTRICTS**

**PLACEHOLDER
FOR GRAPHIC**

Sec. 2.4.1. **Intent**

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

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

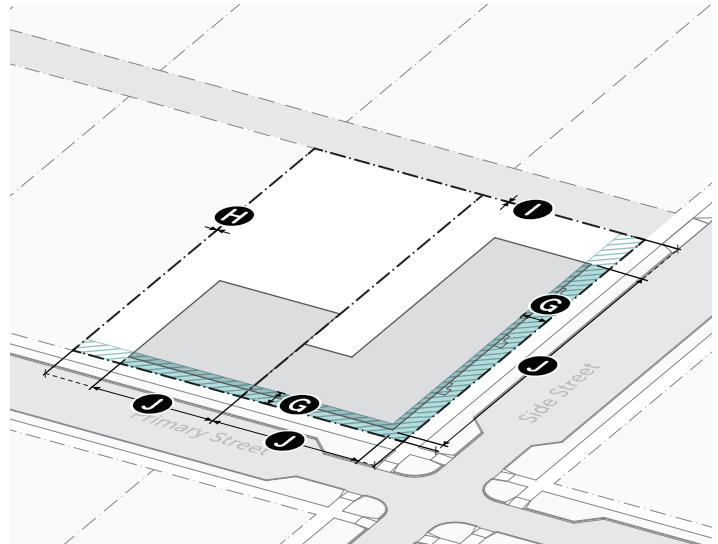
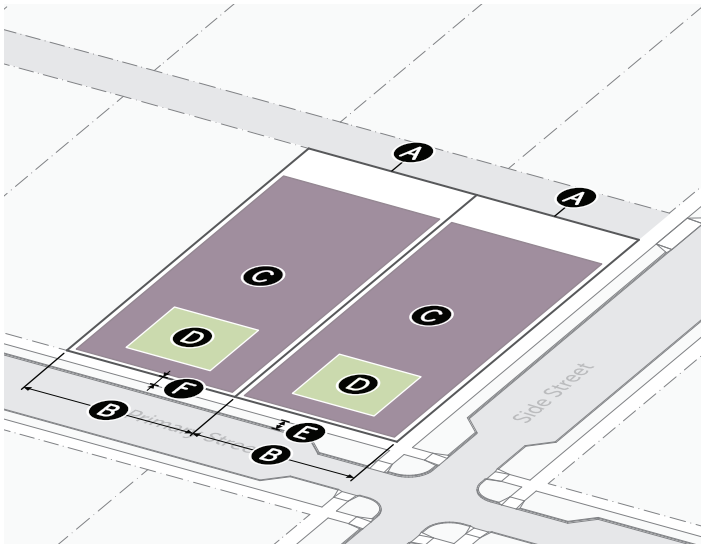
Sec. 2.4.2. Summary of Districts

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

URBAN GENERAL DISTRICTS					
District	Lot Area (min)	Lot Width (min)	FAR (GLA max)		Height (max)
			Base	With Bonus	
UG3A	1,000 sf	20'	1.0	2.0	3 stories / 45'
UG3B	None	None	1.5	3.0	3 stories / 45'
UG5A	None	None	1.5	3.0	5 stories / 70'
UG5B	None	None	2.0	4.0	5 stories / 70'
UG8A	None	None	2.0	4.0	8 stories / 115'
UG8B	None	None	3.0	6.0	8 stories / 115'
UG15	None	None	3.0	4.5	15 stories / 210'
UG25	None	None	5.0	8.5	25 stories / 350'

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

A. Lot Standards



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

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

#013

Posted by **Jennifer Friese** on **08/29/2025** at **4:00am** [Comment ID: 1540] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

Please consider adding "Local Street (Primary) - Existing Range". This would ensure that this kind of development on lots that are embedded within neighborhoods blends in with the existing front setback patterns.

Reply by **SiteAdmin** on **08/29/2025** at **12:43pm** [Comment ID: 1557] - [Link](#)

Answer

Agree: 1, Disagree: 0

Yes, we have added this to the discussion list, based on your email. Thanks!

#014

Posted by **steele145@comcast.net** on **09/02/2025** at **5:26pm** [Comment ID: 1658] - [Link](#)

Agree: 0, Disagree: 0

The Urban General Form district does not fit the existing pattern within an N1 (R4) district and the massing of UG3 development will have a negative impact on the surrounding single-family homes.

Reply by **SiteAdmin** on **09/03/2025** at **4:18pm** [Comment ID: 1669] - [Link](#)

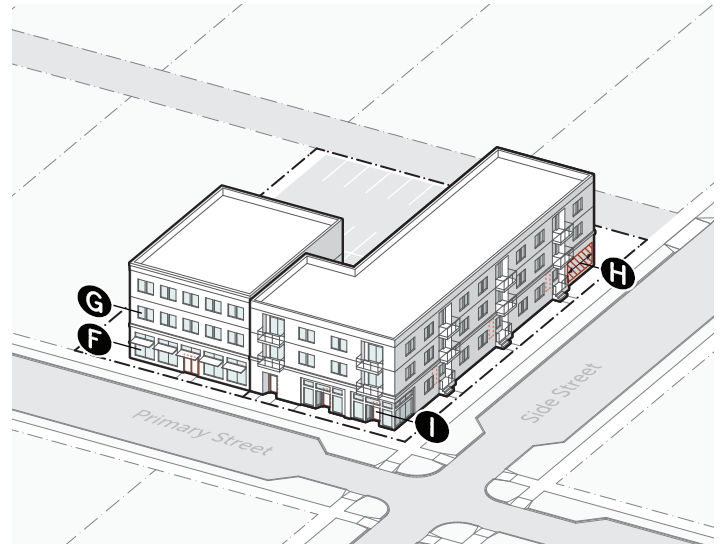
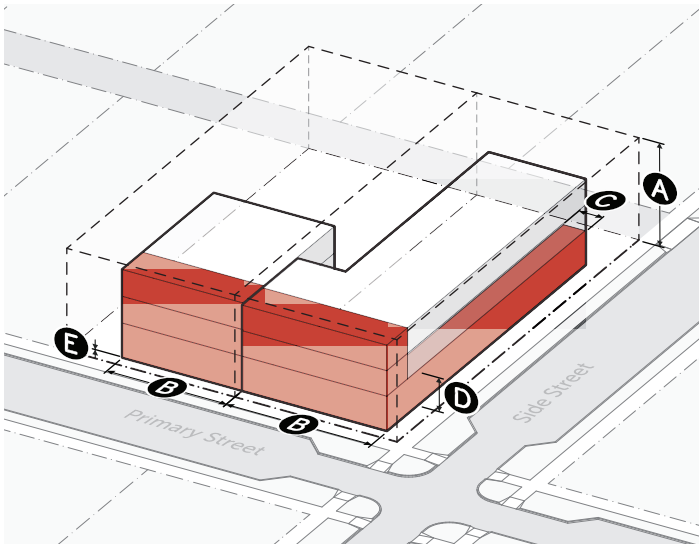
Answer

Agree: 0, Disagree: 0

Thank you for your comment. UG3 is typically the existing RG3, which has unlimited building height today. This is intended to provide better outcomes, while respecting existing property rights. Please see below for the proposed conversion: <https://www.atlzoning.konveio.com/rg-2-rg-3-conversion-updates>

UG3 URBAN GENERAL 3

B. Building Standards

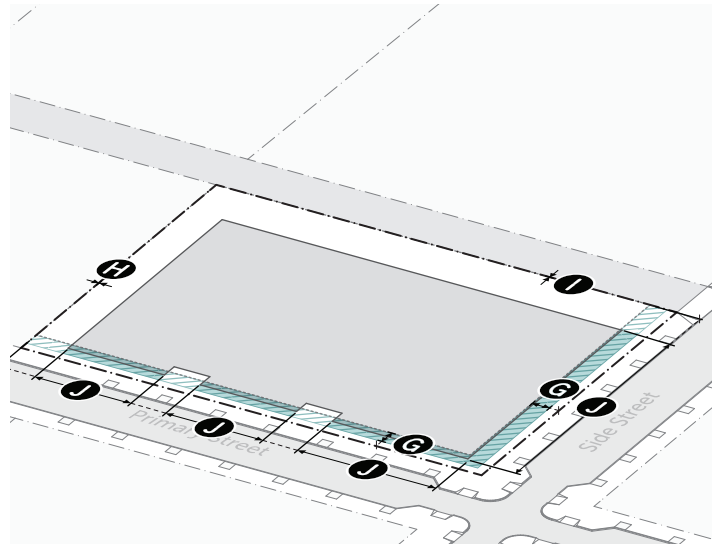
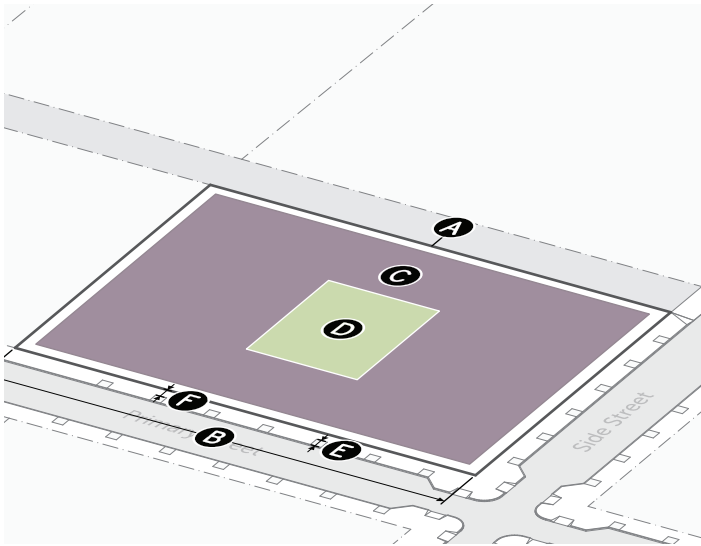


1. Massing	Sec. XX.XX.	
A Building height (max stories/feet)	3 stories / 45'	
B Building width (max)		
Primary street	275'	
Side street	275'	
Storefront street	175'	
2. Activation	Sec. XX.XX.	
C Active depth (min)		
Primary street	20'	
Side street	10'	
Storefront street	30'	
3. Ground Story	Sec. XX.XX.	
	Res.	Nonres.
D Ground story height (min)	10'	14'
E Ground story elevation (min/max)	0' / 4'	-2' / 4'

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

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

A. Lot Standards

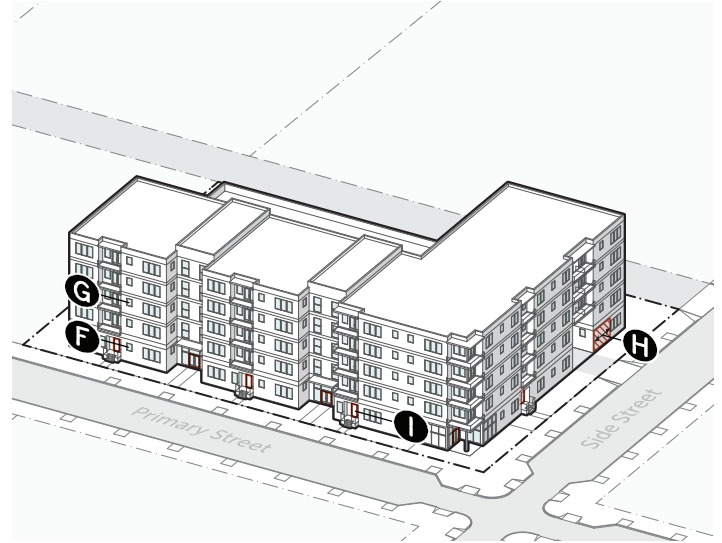
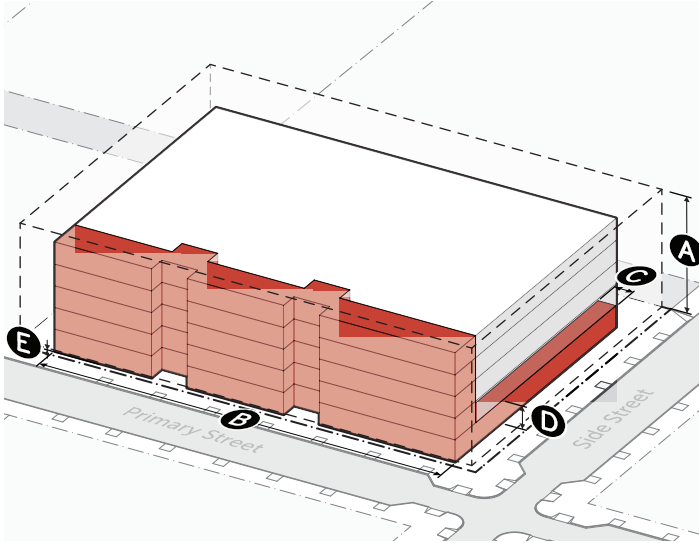


1. Lot Size	Sec. XX.XX.	
A Lot area (min)	None	
B Lot width (min)	None	
2. Density	Sec. XX.XX.	
	UG5A	UG5B
Dwelling units per lot (max)	Unlimited	Unlimited
FAR (GLA max)		
Base	1.5	2.0
With bonus	3.0	4.0
3. Coverage	Sec. XX.XX.	
C Building coverage (max)	85%	
D Outdoor amenity space (min)		
Up to 1 acre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

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

UG5 URBAN GENERAL 5

B. Building Standards



1. Massing		Sec. XX.XX.	
A	Building height (max stories/feet)	5 stories / 70'	
B	Building width (max)		
	Primary street	275'	
	Side street	275'	
	Storefront street	175'	
2. Activation		Sec. XX.XX.	
C	Active depth (min)		
	Primary street	20'	
	Side street	10'	
	Storefront street	30'	
3. Ground Story		Sec. XX.XX.	
		Res.	Nonres.
D	Ground story height (min)	10'	14'
E	Ground story elevation (min/max)	0' / 4'	-2' / 4'

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

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

015

#015

Posted by **Dward** on **07/03/2025** at **11:28am** [Comment ID: 1263] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

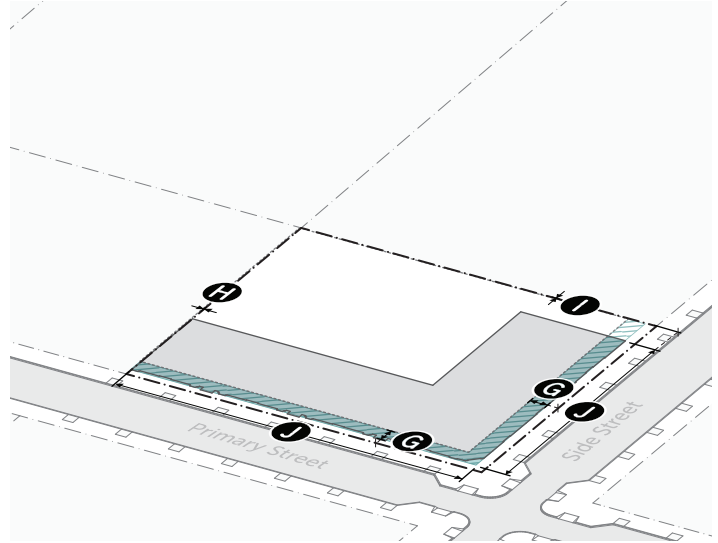
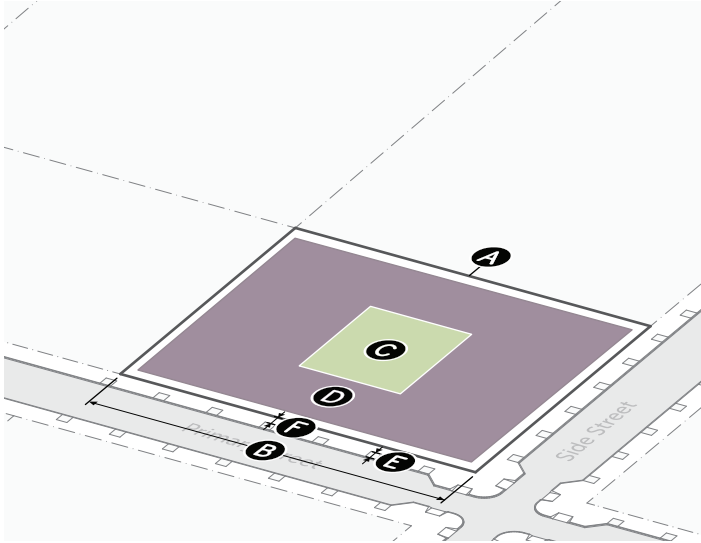
My company owns several RG-4 sites that will convert to UG5A under the proposed zoning ordinance. The sites sit on a major corridor. We are currently exploring redevelopment opportunities and are concerned that the proposed 5-story height limit reduces the development potential of our properties.

Today, our site is subject to the transitional height plane, which reduces the allowable height on one side of the property, but there is no height limit. However, under the current code, we can compensate for that restriction by building higher on the opposite side. An absolute 5-story limit would eliminate this flexibility.

We respectfully request that the City consider providing relief or flexibility for sites impacted by the transitional height plane under the new zoning code to allow them to built up to 8 stories.

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

A. Lot Standards

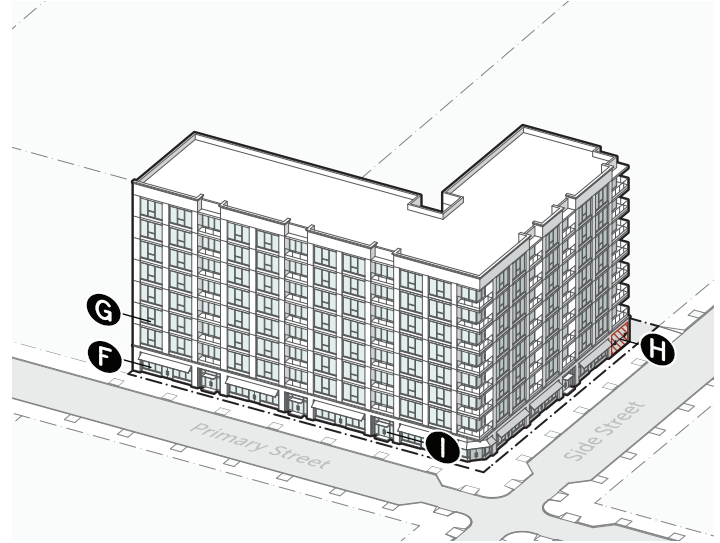
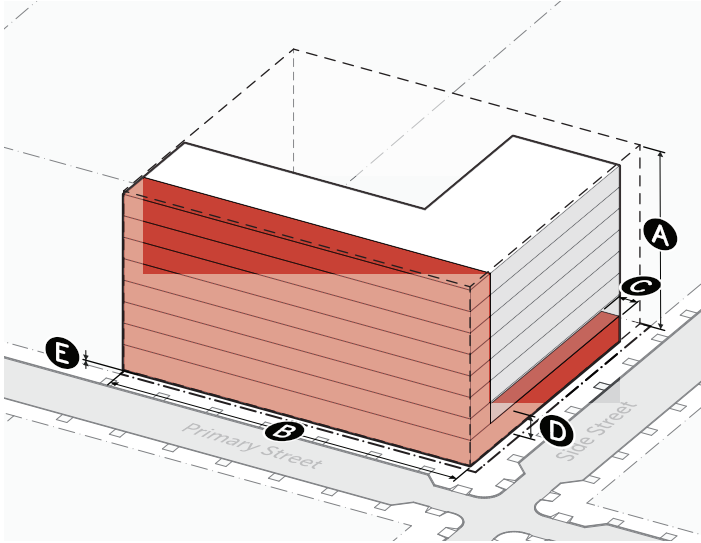


1. Lot Size	Sec. XX.XX.	
A Lot area (min)	None	
B Lot width (min)	None	
2. Density	Sec. XX.XX.	
	UG8A	UG8B
Dwelling units per lot (max)	Unlimited	Unlimited
FAR (GLA max)		
Base	2.0	3.0
With bonus	4.0	6.0
3. Coverage	Sec. XX.XX.	
C Building coverage (max)	85%	
D Outdoor amenity space (min)		
Up to 1 acre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

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

UG8 URBAN GENERAL 8

B. Building Standards

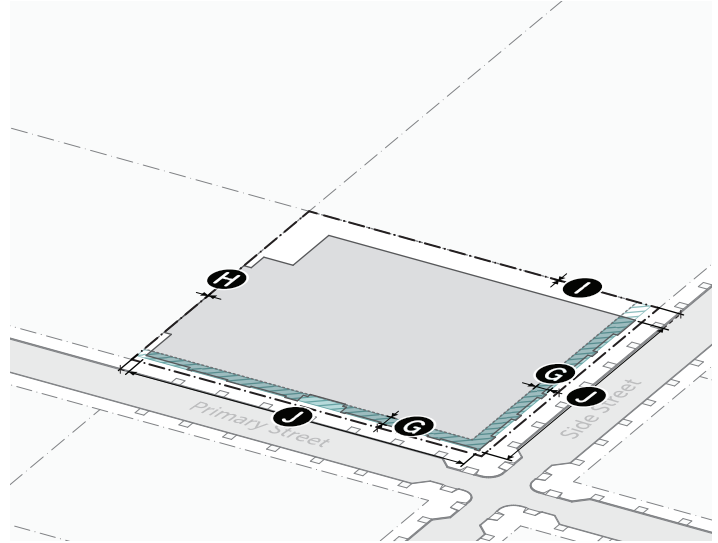
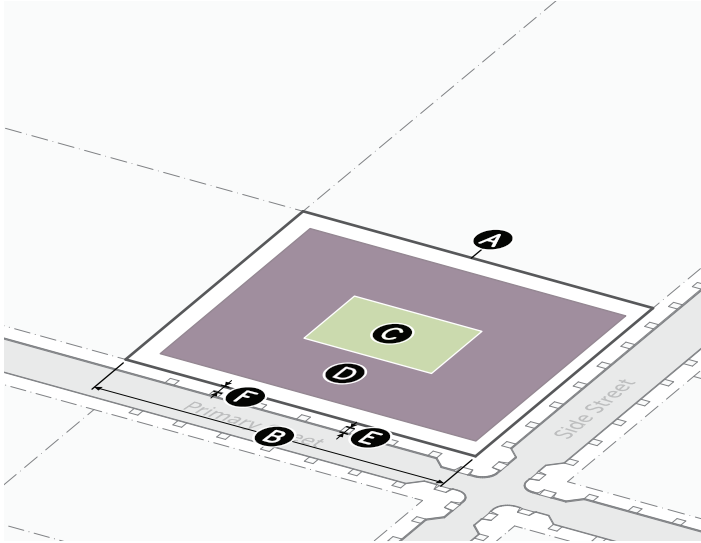


1. Massing	Sec. XX.XX.	
A Building height (max stories/feet)	8 stories / 115'	
B Building width (max)		
Primary street	275'	
Side street	275'	
Storefront street	175'	
2. Activation	Sec. XX.XX.	
C Active depth (min)		
Primary street	20'	
Side street	10'	
Storefront street	30'	
3. Ground Story	Sec. XX.XX.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

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

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

A. Lot Standards

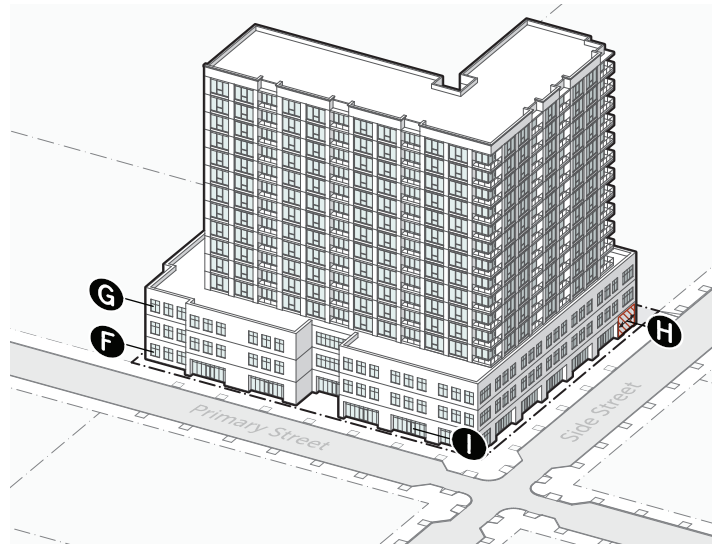
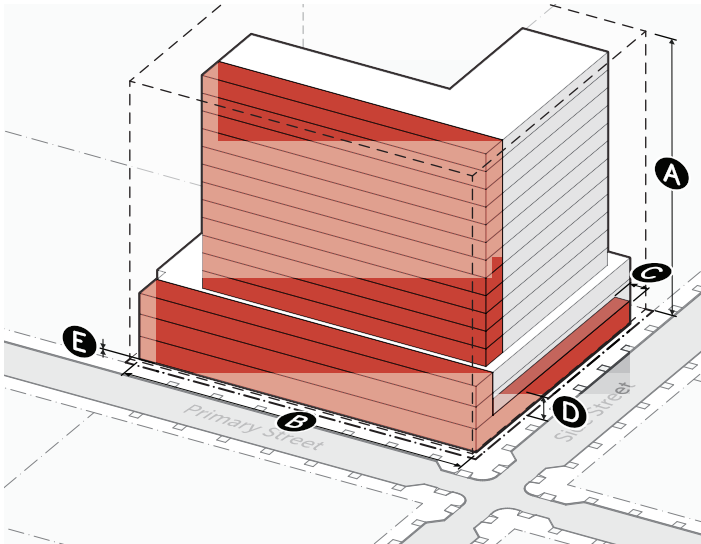


1. Lot Size	Sec. XX.XX.
A Lot area (min)	None
B Lot width (min)	None
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Unlimited
FAR (GLA max)	
Base	3.0
With bonus	4.5
3. Coverage	Sec. XX.XX.
C Building coverage (max)	85%
D Outdoor amenity space (min)	
Up to 1 acre	10%
Over 1 acre	15%
4. Streetscape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

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

UG15 URBAN GENERAL 15

B. Building Standards

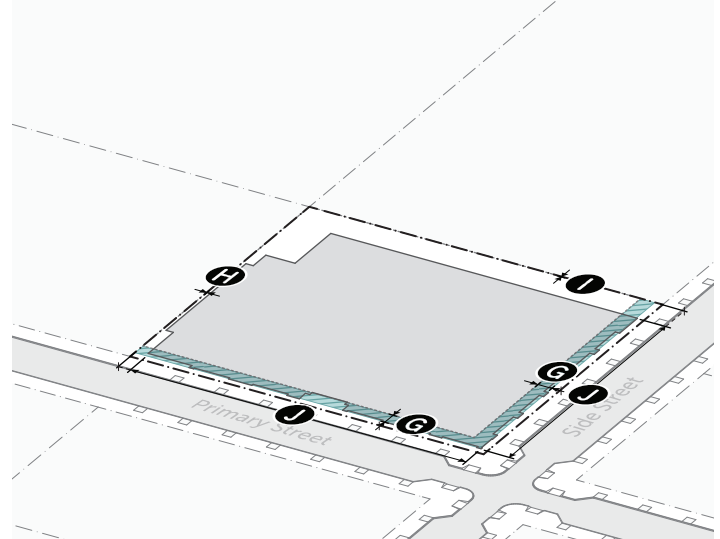
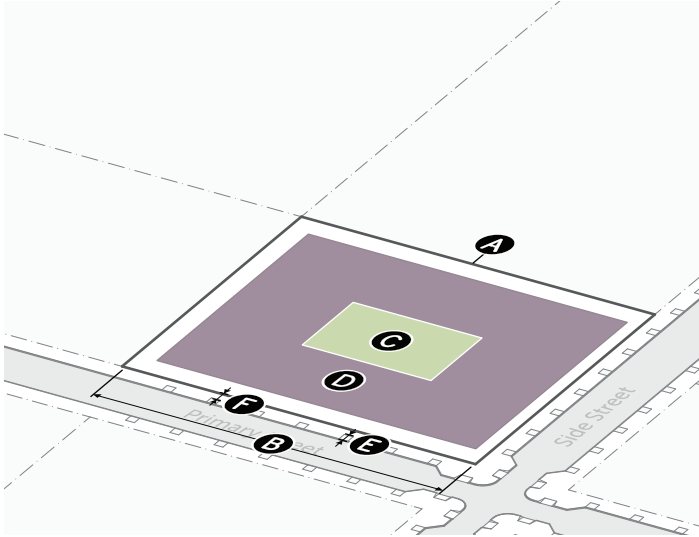


1. Massing		Sec. XX.XX.	
A	Building height (max stories/feet)	15 stories / 210'	
B	Building width (max)		
	Primary street	275'	
	Side street	275'	
	Storefront street	175'	
2. Activation		Sec. XX.XX.	
C	Active depth (min)		
	Primary street	20'	
	Side street	10'	
	Storefront street	30'	
3. Ground Story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

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

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

A. Lot Standards

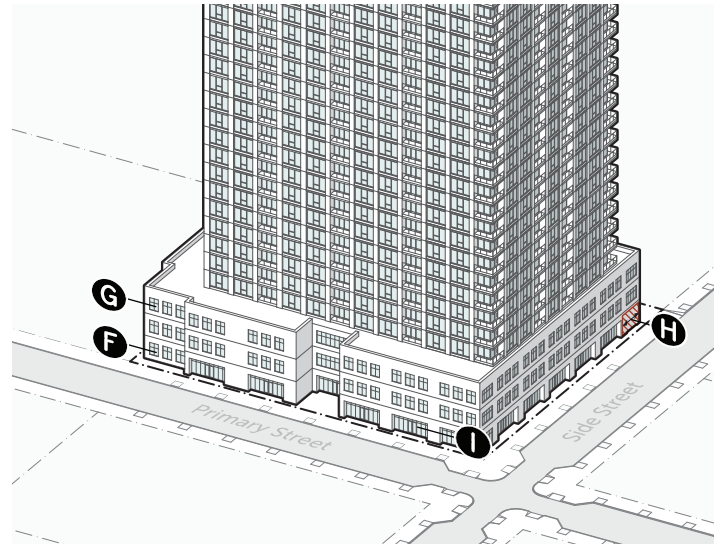
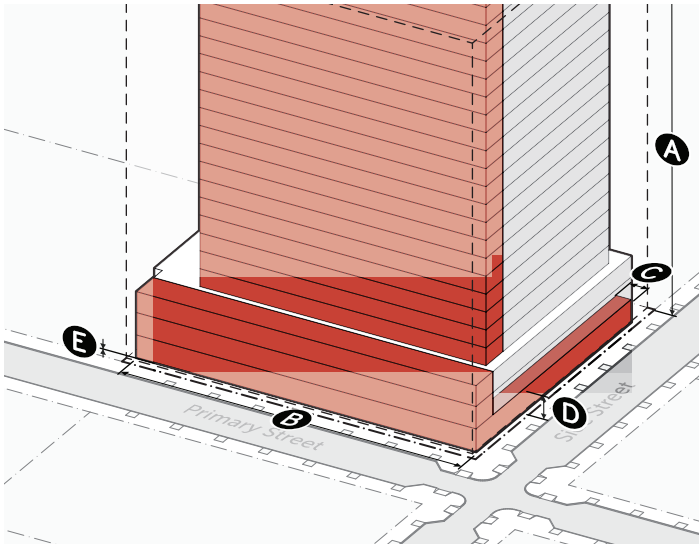


1. Lot Size	Sec. XX.XX.
A Lot area (min)	None
B Lot width (min)	None
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Unlimited
FAR (GLA max)	
Base	5.0
With bonus	8.5
3. Coverage	Sec. XX.XX.
C Building coverage (max)	85%
D Outdoor amenity space (min)	
Up to 1 acre	10%
Over 1 acre	15%
4. Streetscape	Sec. XX.XX.
E Amenity zone	Required
F Pedestrian zone	Required
Front and side street yard landscaping	
Residential	Required
Nonresidential / storefront	Not required

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

UG25 URBAN GENERAL 25

B. Building Standards



1. Massing	Sec. XX.XX.	
A Building height (max stories/feet)	25 stories / 350'	
B Building width (max)		
Primary street	275'	
Side street	275'	
Storefront street	175'	
2. Activation	Sec. XX.XX.	
C Active depth (min)		
Primary street	20'	
Side street	10'	
Storefront street	30'	
3. Ground Story	Sec. XX.XX.	
	Res.	Nonres.
D Ground story height (min)	10'	14'
E Ground story elevation (min/max)	0' / 4'	-2' / 4'

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

DIVISION 2.5. **URBAN CORE DISTRICTS**

**PLACEHOLDER
FOR GRAPHIC**

Sec. 2.5.1. **Intent**

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

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

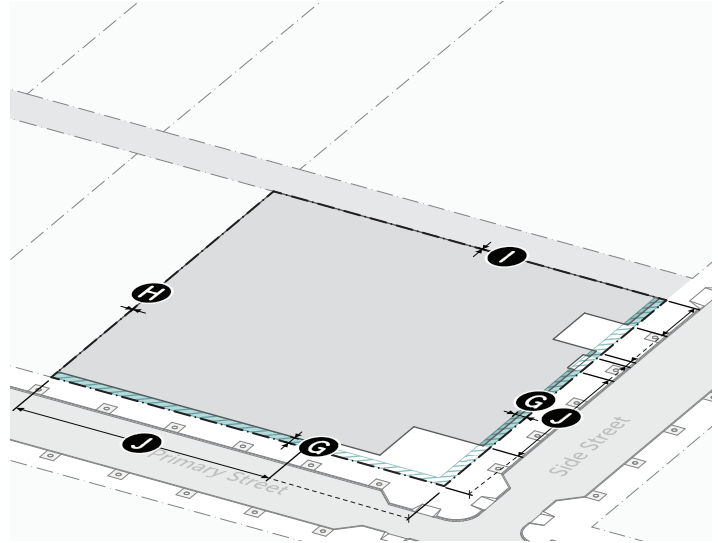
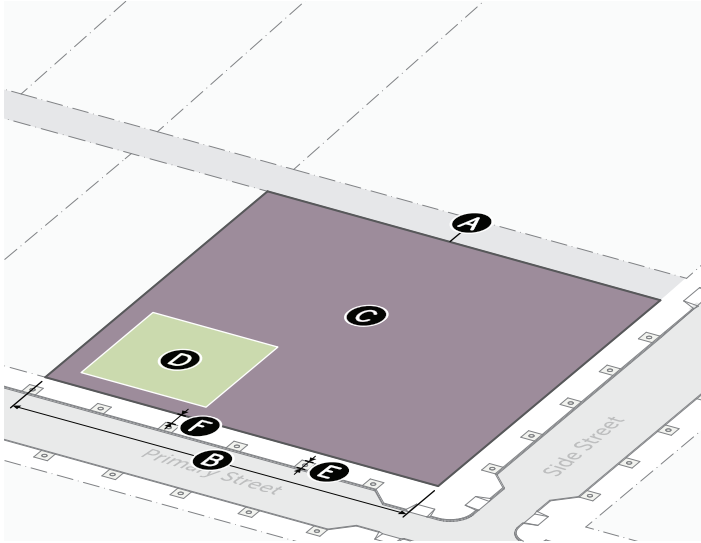
Sec. 2.5.2. Summary of Districts

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

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

SEC. 2.5.3. UC1 URBAN CORE 1

A. Lot Standards

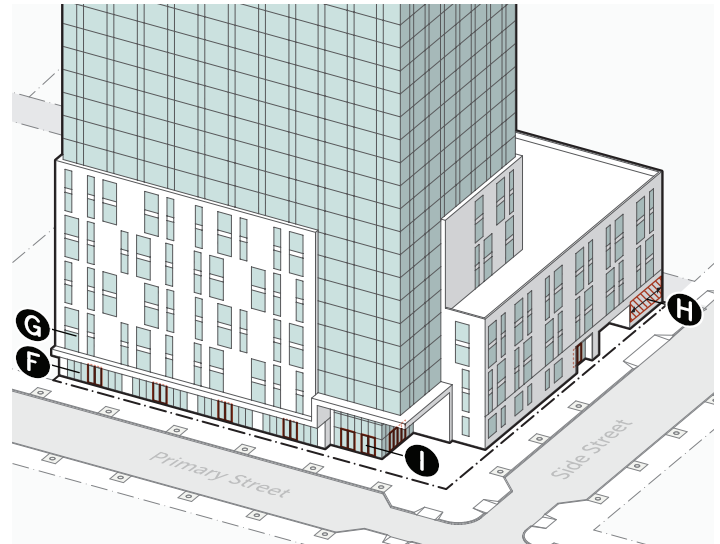
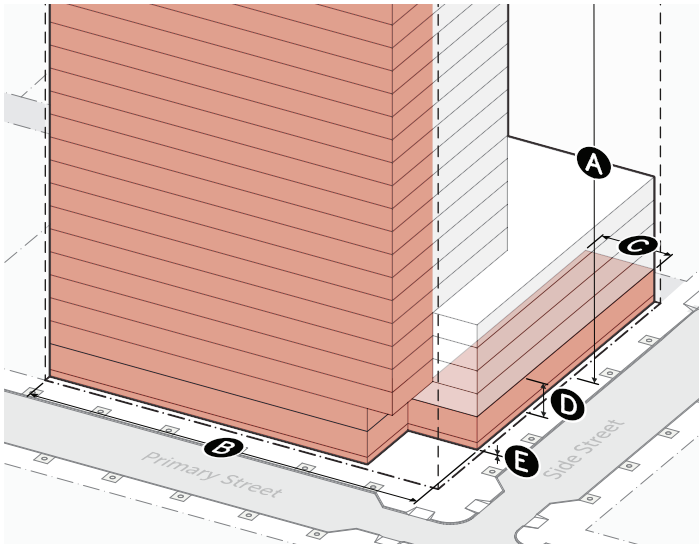


1. Lot Size	Sec. XX.XX.
A Lot area (min)	None
B Lot width (min)	None
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Unlimited
FAR (GLA max)	
Base	7.0
With bonus	11.0
3. Coverage	Sec. XX.XX.
C Building coverage (max)	None
D Outdoor amenity space (min)	10%
4. Streetscape	Sec. XX.XX.
E Amenity zone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

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

UC1 URBAN CORE 1

B. Building Standards

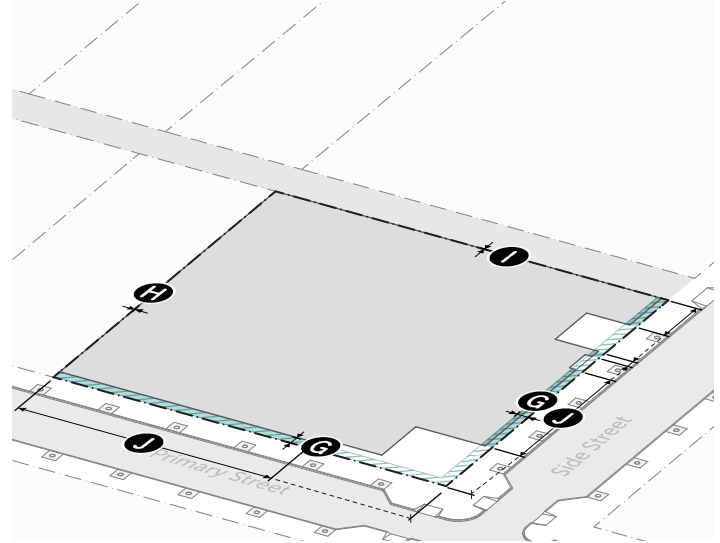
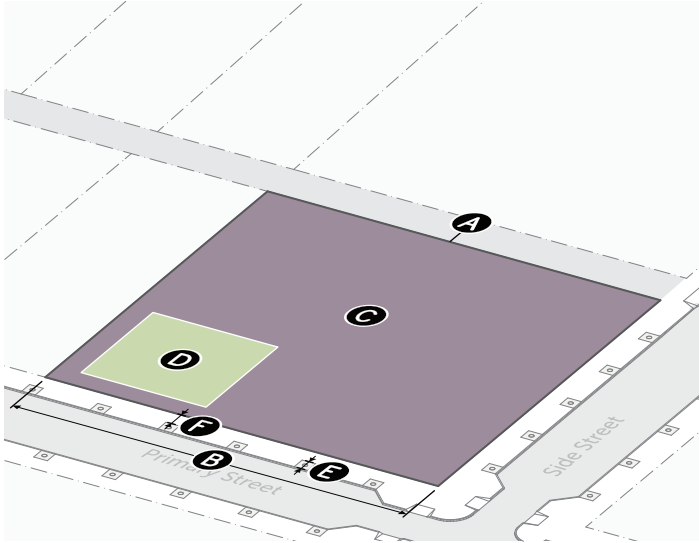


1. Massing	Sec. XX.XX.
A Building height (stories/feet)	
Minimum height	3 stories / 35'
Maximum height	Unlimited
B Building width (max)	175'
2. Activation	Sec. XX.XX.
C Active depth (min)	
Primary / storefront street	30'
Side street	15'
3. Ground Story	Sec. XX.XX.
D Ground story height (min)	14'
E Ground story elevation (min/max)	-2' / 4'

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

SEC. 2.5.4. UC2 URBAN CORE 2

A. Lot Standards

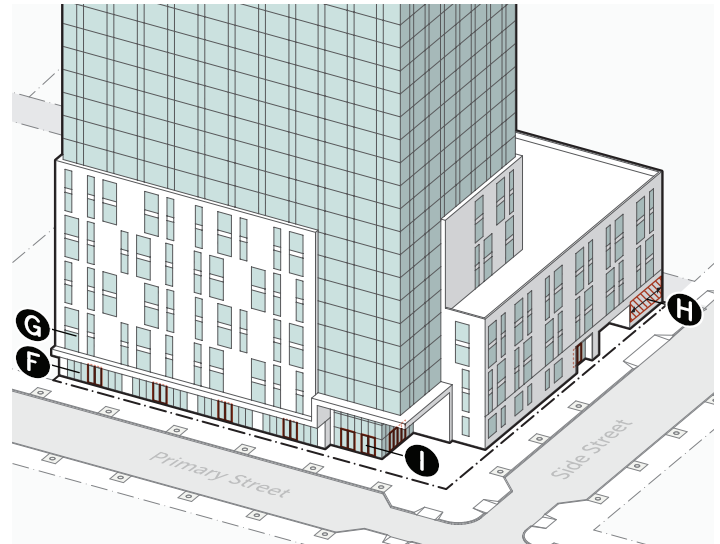
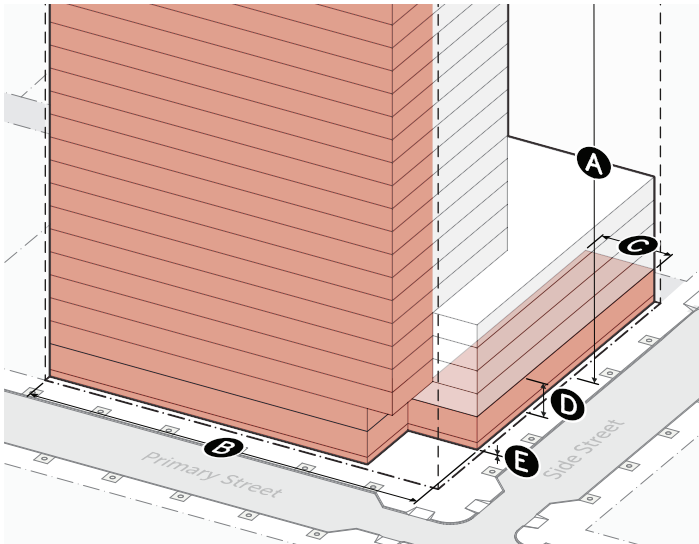


1. Lot Size	Sec. XX.XX.
A Lot area (min)	None
B Lot width (min)	None
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Unlimited
FAR (GLA max)	
Base	10.0
With bonus	17.0
3. Coverage	Sec. XX.XX.
C Building coverage (max)	None
D Outdoor amenity space (min)	10%
4. Streetscape	Sec. XX.XX.
E Amenity zone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

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

UC2 URBAN CORE 2

B. Building Standards

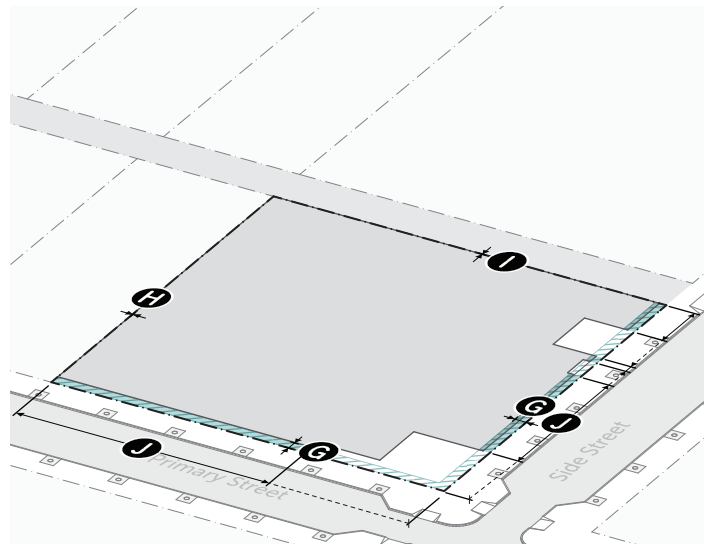
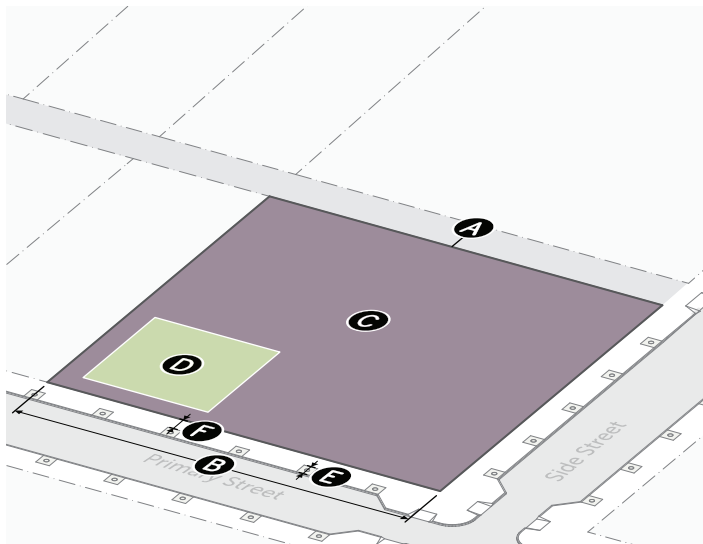


1. Massing	Sec. XX.XX.
A Building height (stories/feet)	
Minimum height	3 stories / 35'
Maximum height	Unlimited
B Building width (max)	175'
2. Activation	Sec. XX.XX.
C Active depth (min)	
Primary / storefront street	30'
Side street	15'
3. Ground Story	Sec. XX.XX.
D Ground story height (min)	14'
E Ground story elevation (min/max)	-2' / 4'

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

SEC. 2.5.5. UC3 URBAN CORE 3

A. Lot Standards

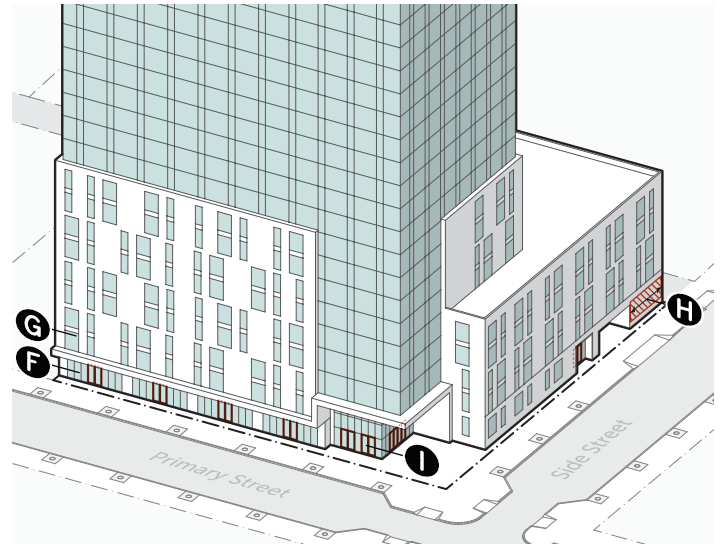
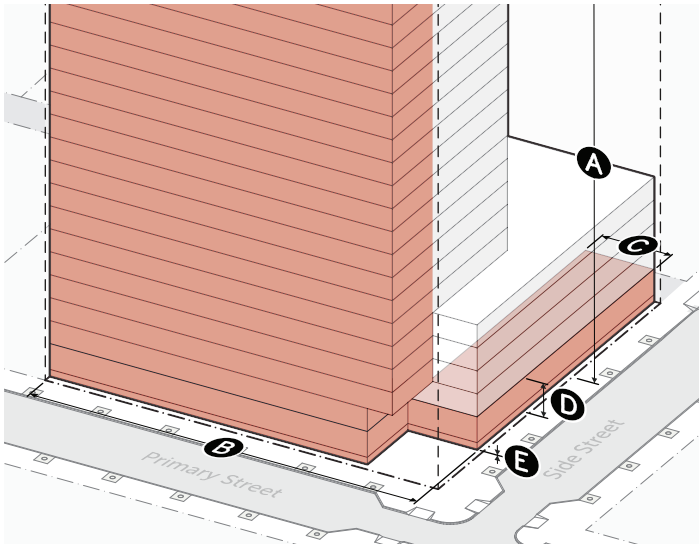


1. Lot Size	Sec. XX.XX.
A Lot area (min)	None
B Lot width (min)	None
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Unlimited
FAR (GLA max)	
Base	10.0
With bonus	20.0
3. Coverage	Sec. XX.XX.
C Building coverage (max)	None
D Outdoor amenity space (min)	10%
4. Streetscape	Sec. XX.XX.
E Amenity zone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

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

UC3 URBAN CORE 3

B. Building Standards

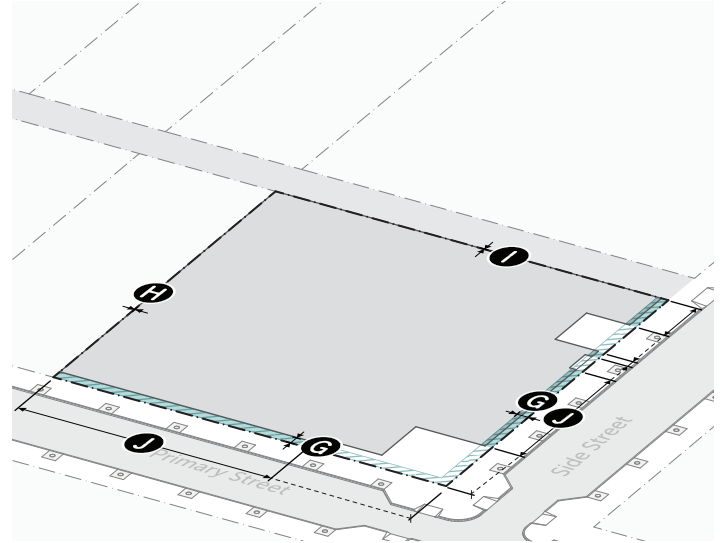
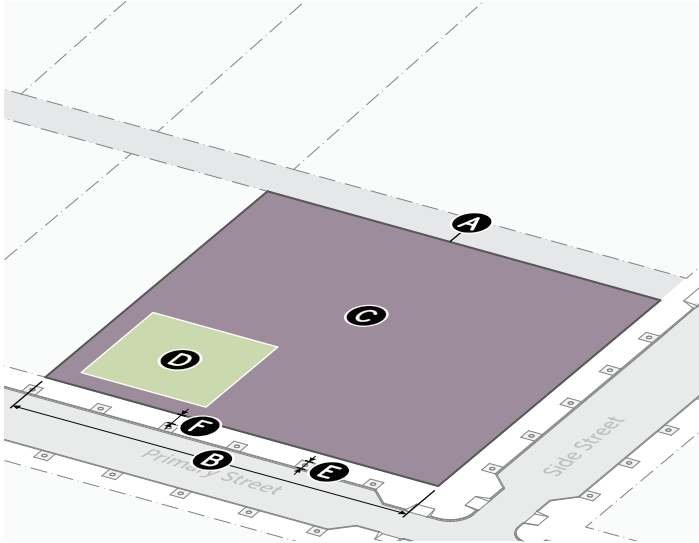


1. Massing	Sec. XX.XX.
A Building height (stories/feet)	
Minimum height	3 stories / 35'
Maximum height	Unlimited
B Building width (max)	175'
2. Activation	Sec. XX.XX.
C Active depth (min)	
Primary / storefront street	30'
Side street	15'
3. Ground Story	Sec. XX.XX.
D Ground story height (min)	14'
E Ground story elevation (min/max)	-2' / 4'

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

SEC. 2.5.6. UC4 URBAN CORE 4

A. Lot Standards

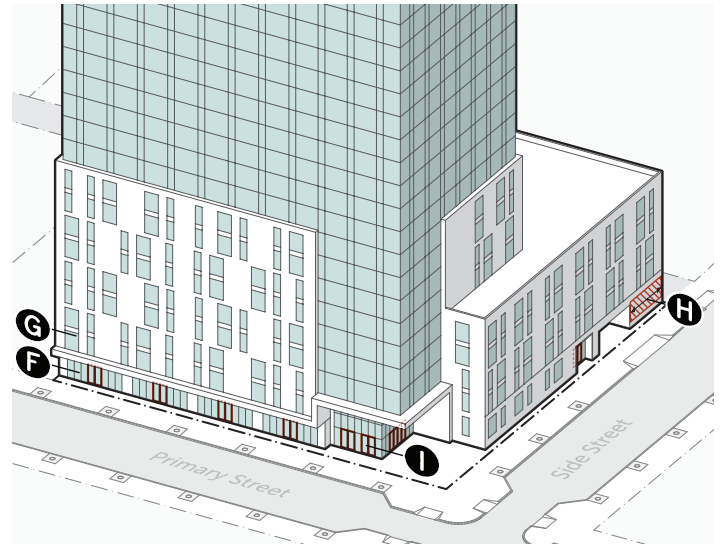
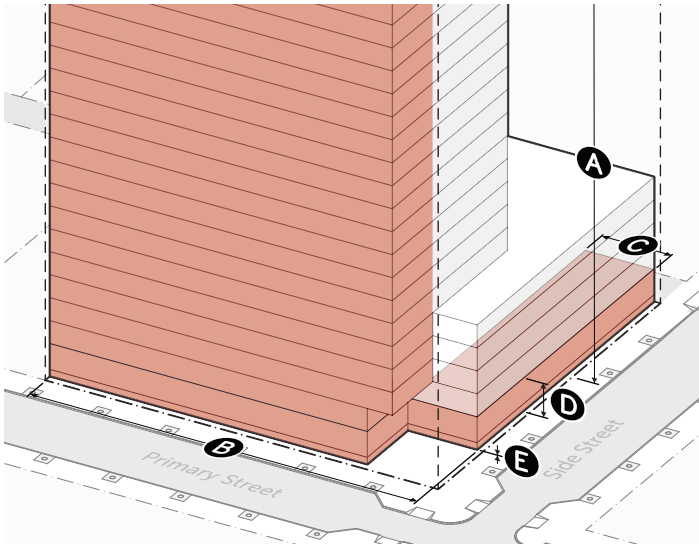


1. Lot Size	Sec. XX.XX.
A Lot area (min)	None
B Lot width (min)	None
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Unlimited
FAR (GLA max)	
Base	25.0
With bonus	35.0
3. Coverage	Sec. XX.XX.
C Building coverage (max)	None
D Outdoor amenity space (min)	10%
4. Streetscape	Sec. XX.XX.
E Amenity zone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

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

UC4 URBAN CORE 4

B. Building Standards



1. Massing	Sec. XX.XX.
A Building height (stories/feet)	
Minimum height	3 stories / 35'
Maximum height	Unlimited
B Building width (max)	175'
2. Activation	Sec. XX.XX.
C Active depth (min)	
Primary / storefront street	30'
Side street	15'
3. Ground Story	Sec. XX.XX.
D Ground story height (min)	14'
E Ground story elevation (min/max)	-2' / 4'

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

DIVISION 2.6. **WORKPLACE FLEX DISTRICTS**

**PLACEHOLDER
FOR GRAPHIC**

Sec. 2.6.1. **Intent**

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

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

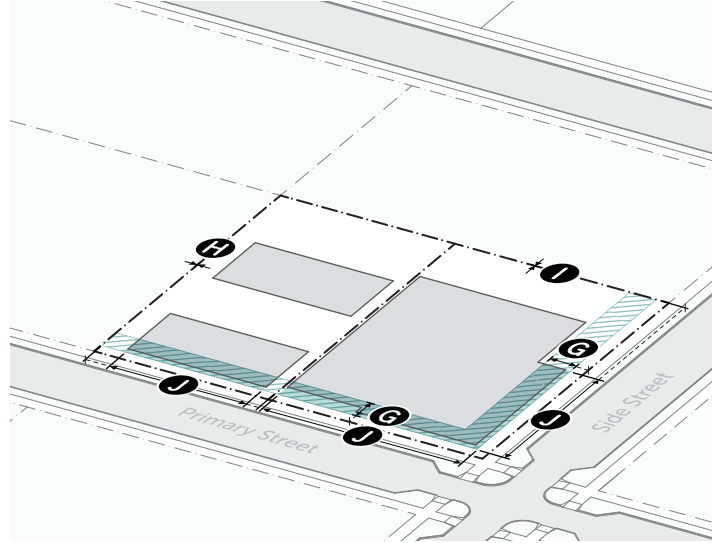
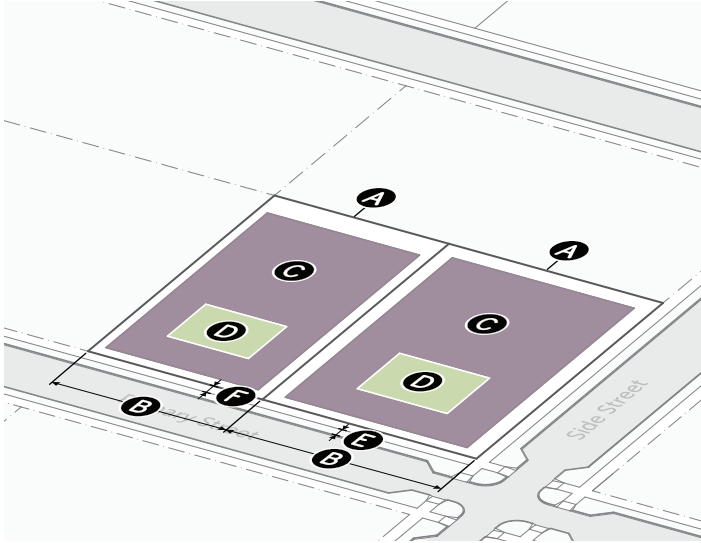
Sec. 2.6.2. **Summary of Districts**

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

WORKPLACE FLEX DISTRICTS				
District	Lot Area (min)	Lot Width (min)	FAR (GLA max)	Height (max)
WX5	None	None	3.5	5 stories / 65'
WX15	None	None	3.5	15 stories / 210'

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

A. Lot Standards

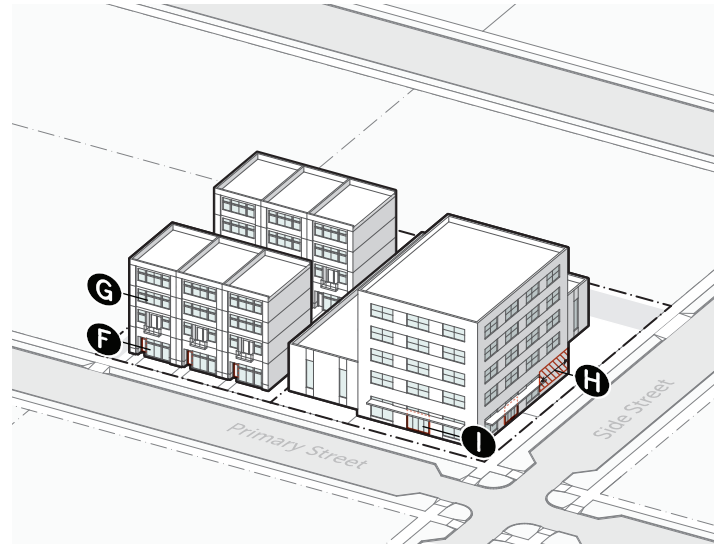
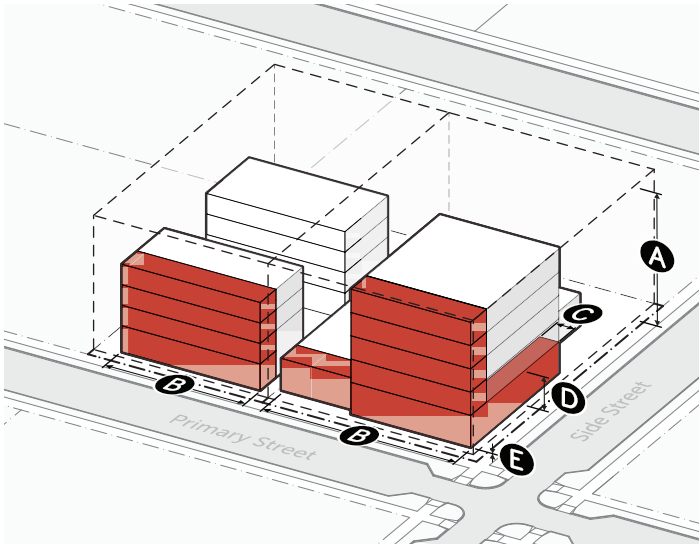


1. Lot Size	Sec. XX.XX.
A Lot area (min)	None
B Lot width (min)	None
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Unlimited
FAR (GLA max)	3.5
3. Coverage	Sec. XX.XX.
C Building coverage (max)	85%
D Outdoor amenity space (min)	10%
4. Streetscape	Sec. XX.XX.
E Amenity zone	Required
F Pedestrian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

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

WX5 WORKPLACE FLEX 5

B. Building Standards

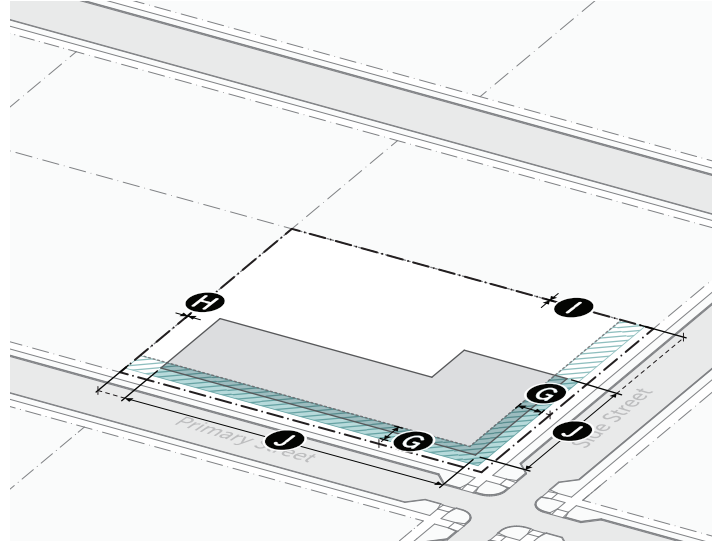
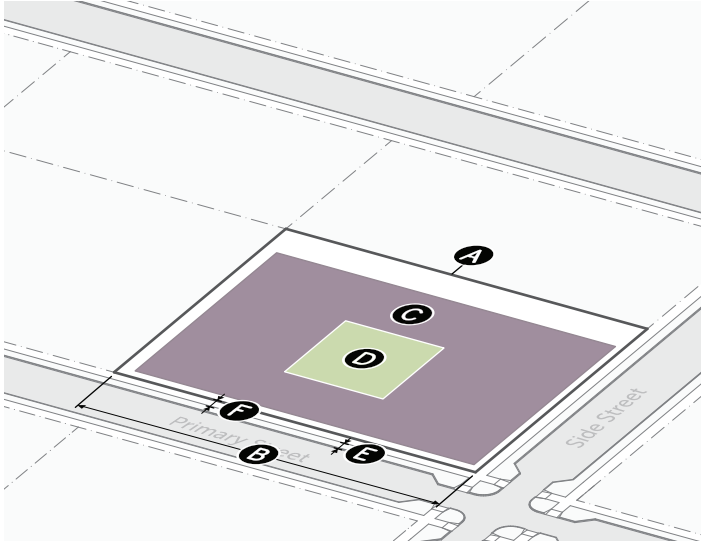


1. Massing	Sec. XX.XX.
A Building height (max stories/feet)	5 stories / 65'
B Building width (max)	275'
2. Activation	Sec. XX.XX.
C Active depth (min)	
Primary / storefront street	20'
Side street	10'
3. Ground Story	Sec. XX.XX.
D Ground story height (min)	14'
E Ground story elevation (min/max)	-2' /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

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

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

A. Lot Standards

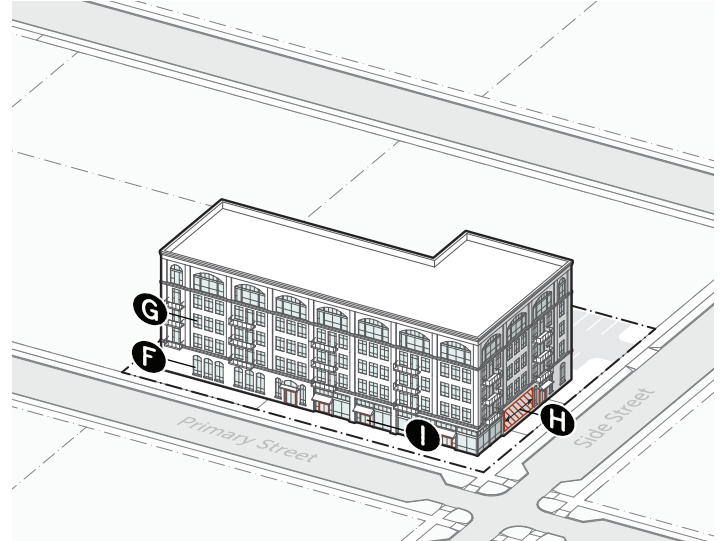
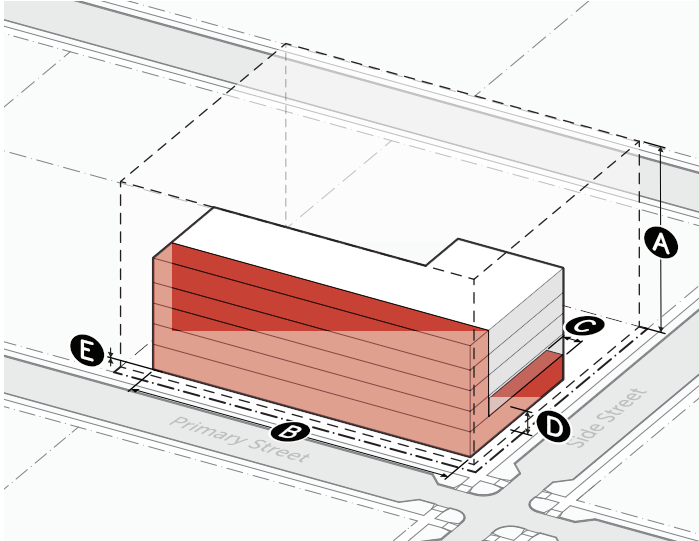


1. Lot Size	Sec. XX.XX.
A Lot area (min)	None
B Lot width (min)	None
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Unlimited
FAR (GLA max)	3.5
3. Coverage	Sec. XX.XX.
C Building coverage (max)	85%
D Outdoor amenity space (min)	10%
4. Streetscape	Sec. XX.XX.
E Amenity zone	Required
F Pedestrian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

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

WX15 WORKPLACE FLEX 15

B. Building Standards



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

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

DIVISION 2.7. **WORKPLACE DISTRICTS**

**PLACEHOLDER
FOR GRAPHIC**

Sec. 2.7.1. **Intent**

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

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

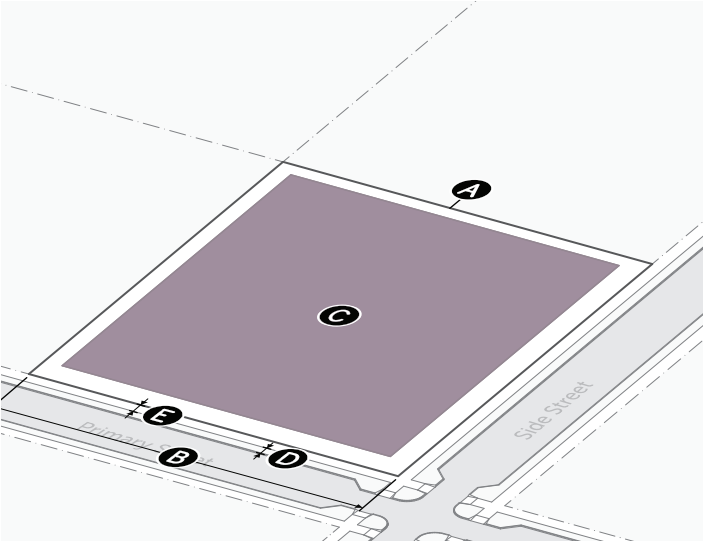
Sec. 2.7.2. **Summary of Districts**

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

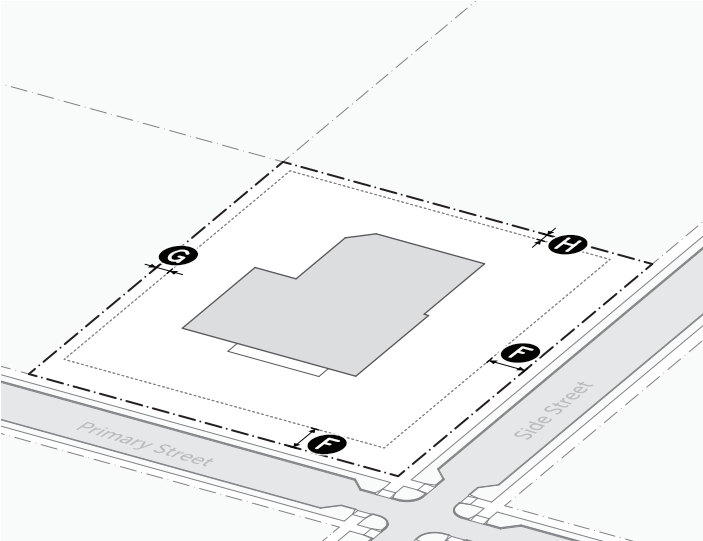
WORKPLACE FLEX DISTRICTS				
District	Lot Area (min)	Lot Width (min)	FAR (GLA max)	Height (max)
W1	None	None	2.0	Unlimited
W2	None	None	2.0	Unlimited

SEC. 2.7.3. **W1** WORKPLACE 1

A. Lot Standards



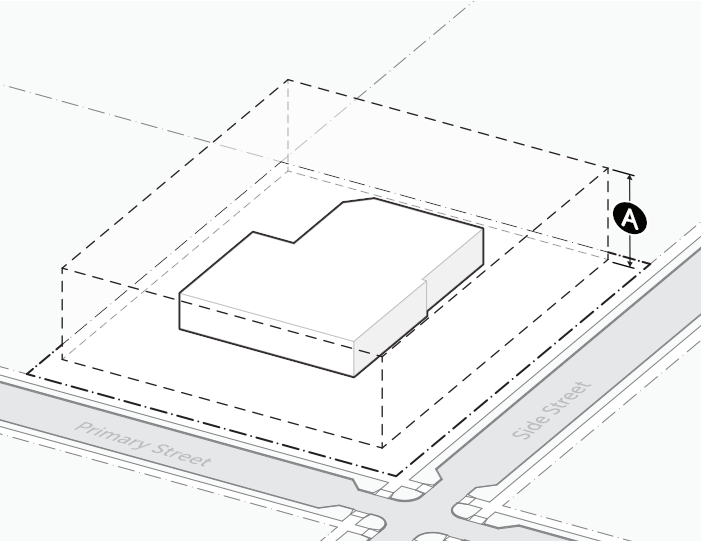
1. Lot Size	Sec. XX.XX.
A Lot area (min)	None
B Lot width (min)	None
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Not allowed
FAR (GLA max)	2.0
3. Coverage	Sec. XX.XX.
C Building coverage (max)	80%
4. Streetscape	Sec. XX.XX.
D Amenity zone	Required
E Pedestrian zone	Required



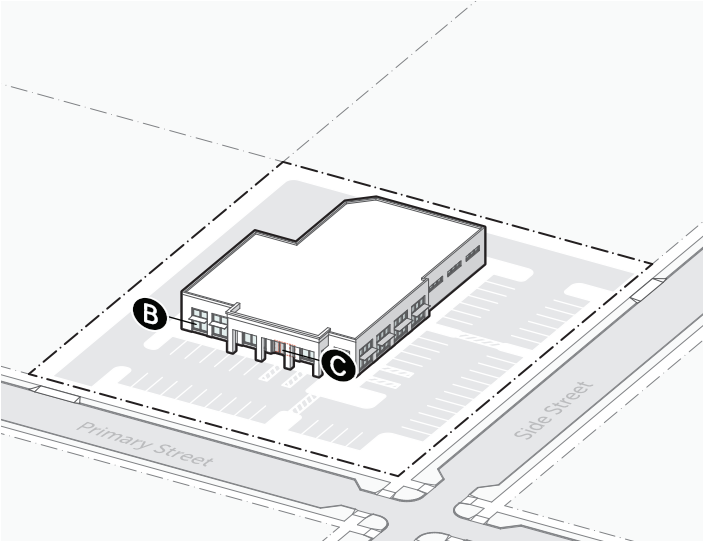
5. Building Setbacks	Sec. XX.XX.
F Street setback (min)	
Primary street	30'
Side street	15'
G Side setback (min)	5'
H Rear setback (min)	5'
6. Transition	Sec. XX.XX.
Transition type	Type A or D
7. Parking Location	Sec. XX.XX.
Front yard	Allowed
Side street yard	Allowed
Side / rear yard	Allowed

W1 WORKPLACE 1

B. Building Standards



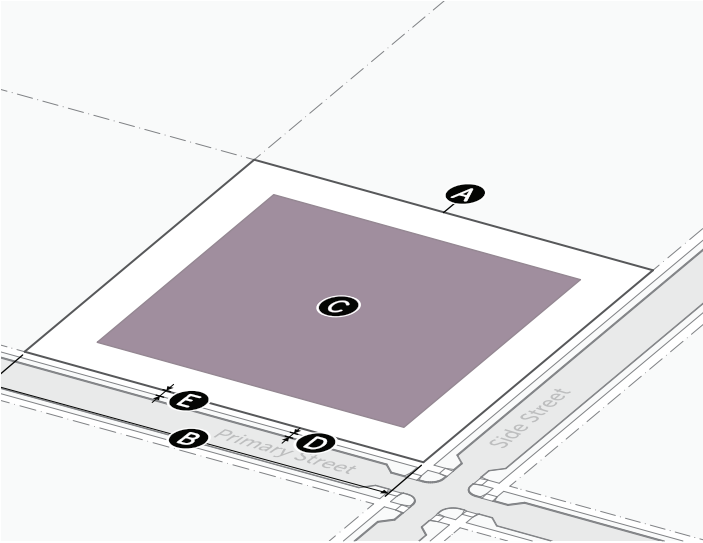
1. Massing	Sec. XX.XX.
A Building height (max)	Unlimited
Building width (max)	Unlimited



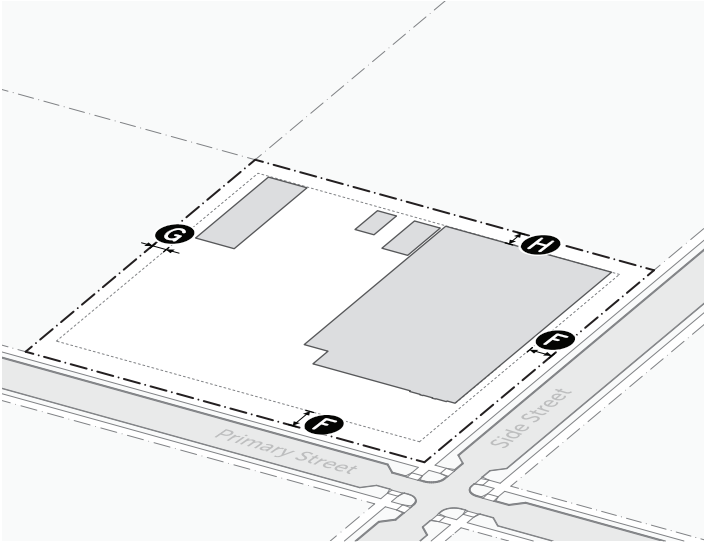
2. Windows and Doors	Sec. XX.XX.
B Ground story glazing (min)	
Primary street	30%
Side street	15%
Upper story glazing (min)	None
Blank wall width (max)	None
C Street-facing entry	Required
3. Fences and Walls	Sec. XX.XX.
Front yard	Type A4
Side street yard	Type A4
Side / rear yard	Type C1

SEC. 2.7.4. **W2** WORKPLACE 2

A. Lot Standards



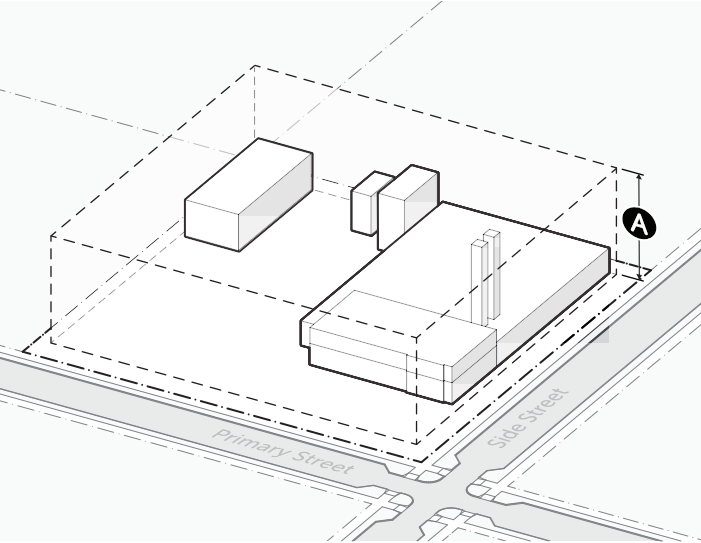
1. Lot Size	Sec. XX.XX.
A Lot area (min)	None
B Lot width (min)	None
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Not allowed
FAR (GLA max)	2.0
3. Coverage	Sec. XX.XX.
C Building coverage (max)	70%
4. Streetscape	Sec. XX.XX.
D Amenity zone	Required
E Pedestrian zone	Required



5. Building Setbacks	Sec. XX.XX.
F Street setback (min)	
Primary street	40'
Side street	20'
G Side setback (min)	10'
H Rear setback (min)	10'
6. Transition	Sec. XX.XX.
Transition type	Type A or D
7. Parking Location	Sec. XX.XX.
Front yard	Allowed
Side street yard	Allowed
Side / rear yard	Allowed

W2 WORKPLACE 2

B. Building Standards



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

DIVISION 2.8. **SPECIAL DISTRICTS**


**PLACEHOLDER
FOR GRAPHIC**

Sec. 2.8.1. **Intent**

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

Sec. 2.8.2. Summary of Districts

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

SPECIAL DISTRICTS				
District	Lot Area (min)	Lot Width (min)	FAR (GLA max)	Height (max)
CM	None	100'	6.0	Unlimited
CV	10,000 sf	50'	None	5 stories / 70'
PK	 2,000 sf	20'	None	35'

#016

Posted by **grace212** on **09/02/2025** at **11:26am** [Comment ID: 1580] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Consider no lot minimum on park districts for more pocket parks.

Reply by **SiteAdmin** on **09/16/2025** at **3:05pm** [Comment ID: 1731] - [Link](#)

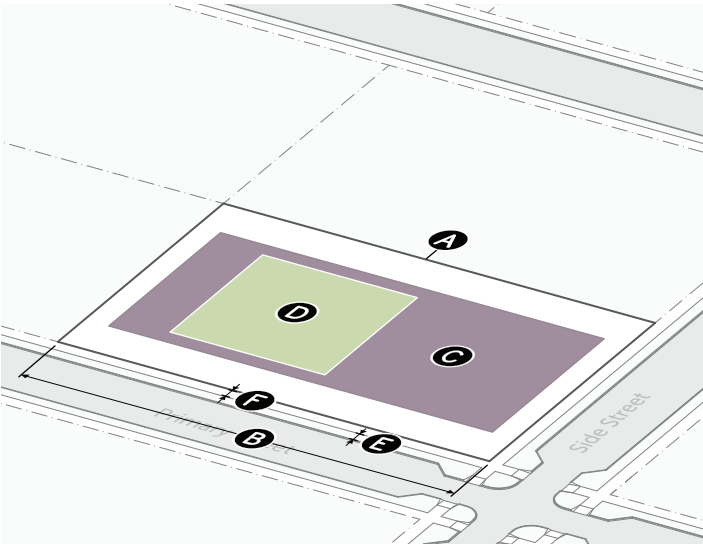
Answer

Agree: 0, Disagree: 0

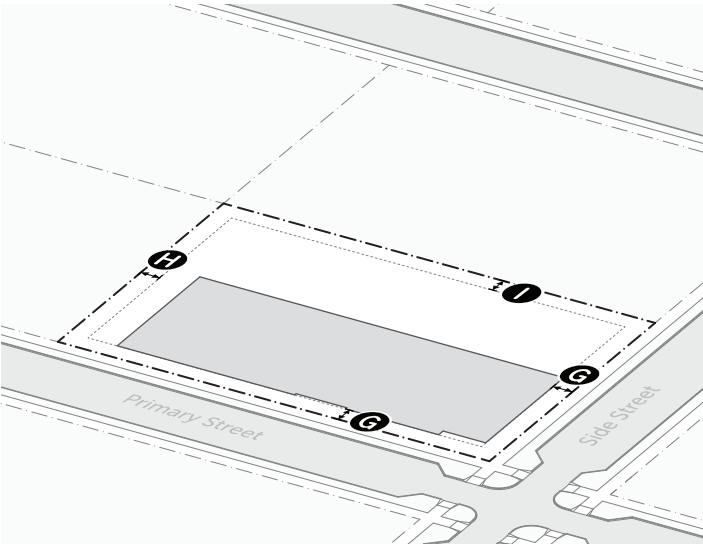
Thanks for your comment.

SEC. 2.8.3. CM CAMPUS

A. Lot Standards

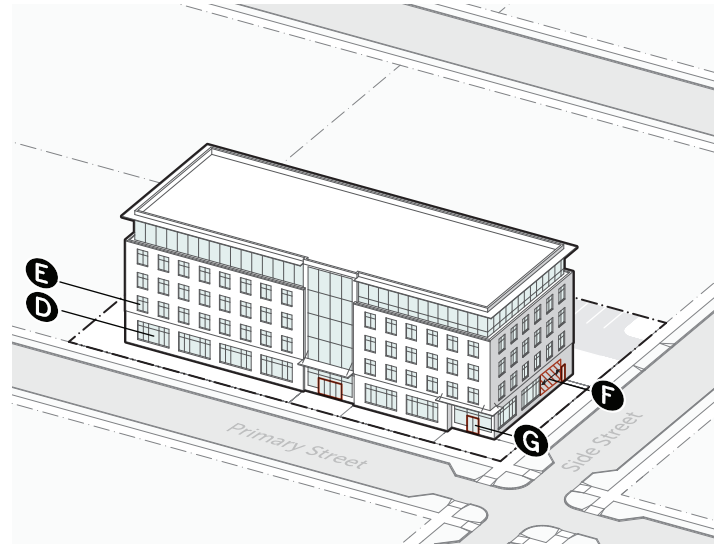
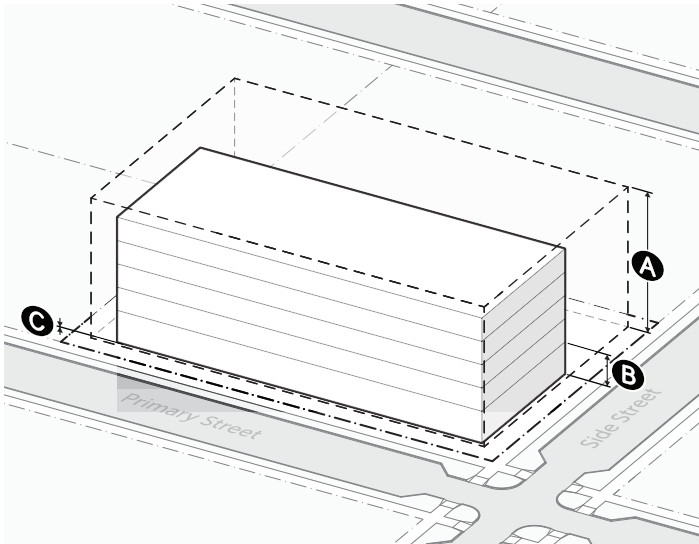


1. Lot Size	Sec. XX.XX.
A Lot area (min)	None
B Lot width (min)	100'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Unlimited
FAR (GLA max)	6.0
3. Coverage	Sec. XX.XX.
C Building coverage (max)	60%
D Outdoor amenity space (min)	20%
4. Streetscape	Sec. XX.XX.
E Amenity zone	Required
F Pedestrian zone	Required



5. Building Setbacks	Sec. XX.XX.
G Street setback (min)	
Primary / storefront street	40'
Side street	20'
H Side setback (min)	15'
I Rear setback (min)	15'
6. Transition	Sec. XX.XX.
Transition type	Type A or B
7. Parking Location	Sec. XX.XX.
Front yard	Not allowed
Side street yard	Allowed
Side / rear yard	Allowed

B. Building Standards

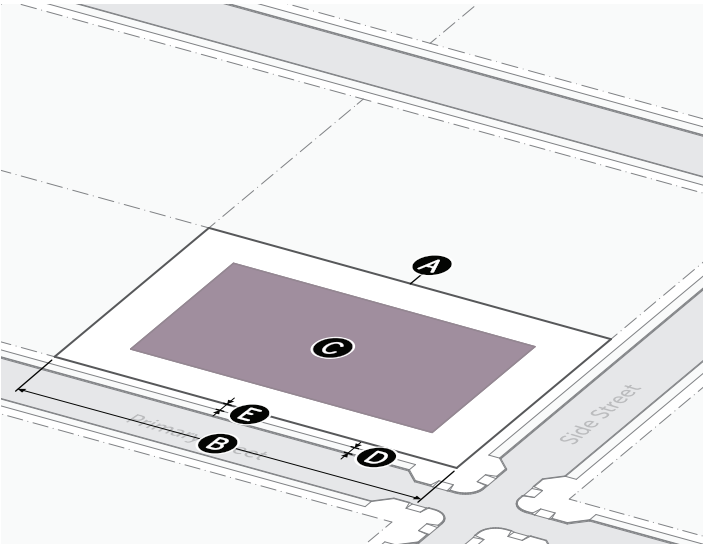


1. Massing	Sec. XX.XX.
A Building height (max)	Unlimited
Building width (max)	Unlimited
2. Ground Story	Sec. XX.XX.
B Ground story height (min)	10'
C Ground story elevation (min/max)	-2' / 4'

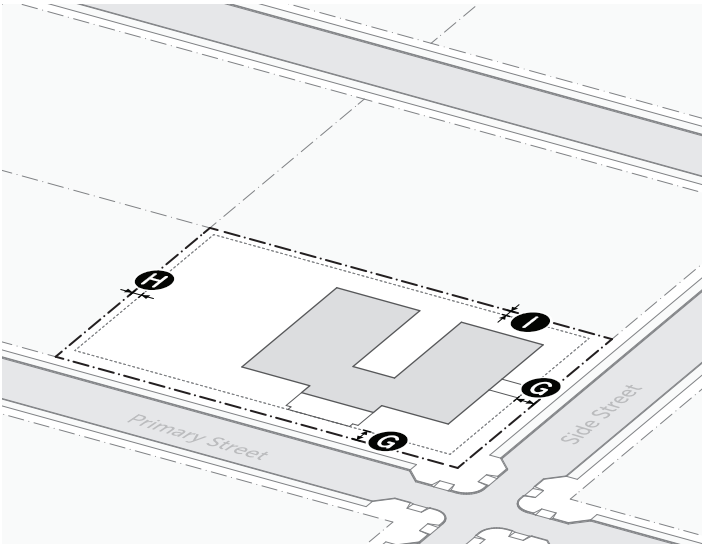
3. Windows and Doors	Sec. XX.XX.
D Ground story glazing (min)	30%
E Upper story glazing (min)	15%
F Blank wall width (max)	
Primary / storefront street	25'
Side street	50'
G Street-facing entry	Required
4. Fences and Walls	Sec. XX.XX.
Front yard	Type A4
Side street yard	Type A4
Side / rear yard	Type C1

SEC. 2.8.4. CV CIVIC

A. Lot Standards

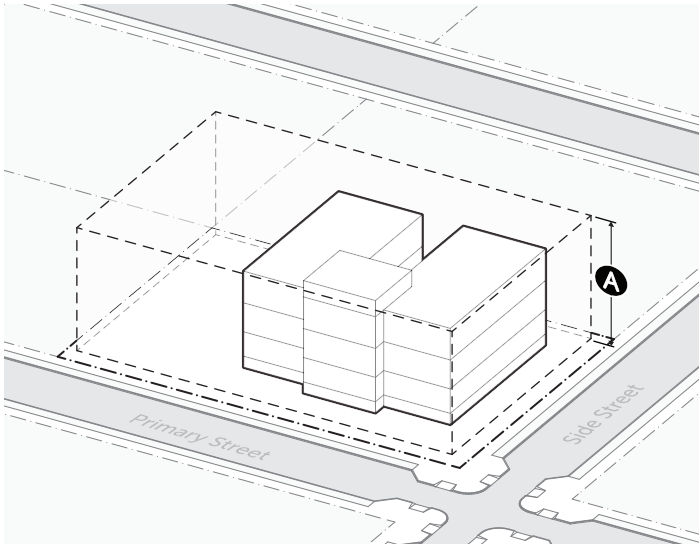


1. Lot Size	Sec. XX.XX.
A Lot area (min)	10,000 sf
B Lot width (min)	50'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Not allowed
3. Coverage	Sec. XX.XX.
C Building coverage (max)	50%
4. Streetscape	Sec. XX.XX.
D Amenity zone	Required
E Pedestrian zone	Required

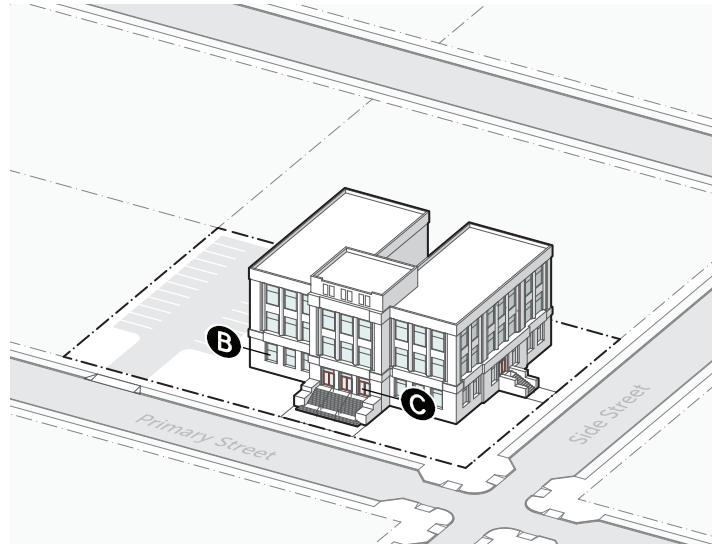


5. Building Setbacks	Sec. XX.XX.
F Street setback (min)	
Primary / storefront street	10'
Side street	10'
G Side setback (min)	5'
H Rear setback (min)	5'
6. Transition	Sec. XX.XX.
Transition type	Type A or B
7. Parking Location	Sec. XX.XX.
Front yard	Not allowed
Side street yard	Allowed
Side / rear yard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

B. Building Standards



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

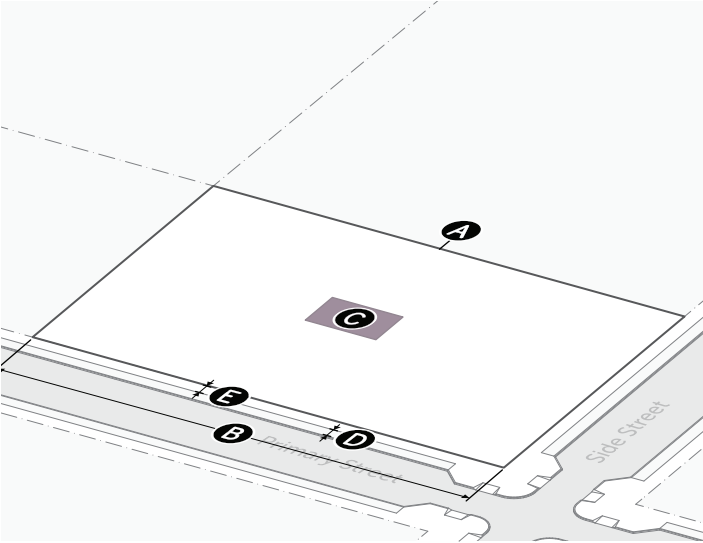


2. Windows and Doors	Sec. XX.XX.
B Ground story glazing (min)	20%
Upper story glazing (min)	None
Blank wall width (max)	None
C Street-facing entry	Required

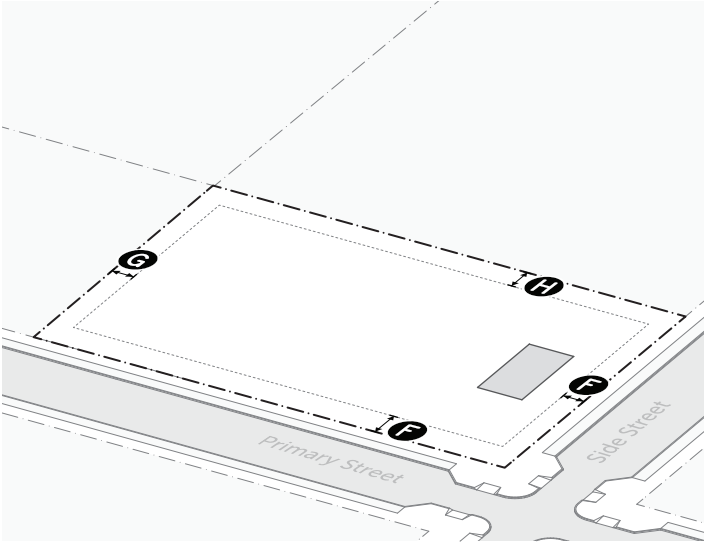
3. Fences and Walls	Sec. XX.XX.
Front yard	Type A4
Side street yard	Type A4
Side / rear yard	Type C1

SEC. 2.8.5. PK PARK

A. Lot Standards



1. Lot Size	Sec. XX.XX.
A Lot area (min)	2,000 sf
B Lot width (min)	20'
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Not allowed
3. Coverage	Sec. XX.XX.
C Building coverage (max)	15%
4. Streetscape	Sec. XX.XX.
D Amenity zone	Required
E Pedestrian zone	Required



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

017

#017

Posted by **grace212** on **09/02/2025** at **11:30am** [Comment ID: 1581] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Consider building coverage based on size of the lot OR offer partial calculation of building coverage for open-air buildings (pavilions). I'm thinking of smaller, intown parks that still can support the park intention but may not have the lot size room.

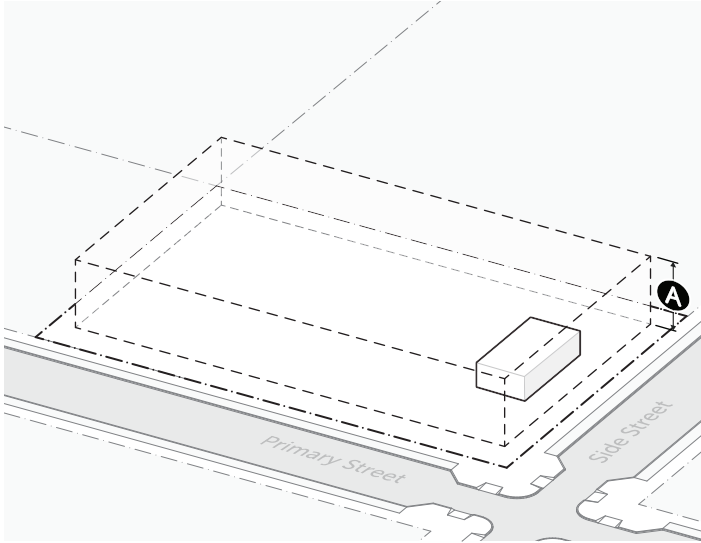
Reply by **SiteAdmin** on **09/16/2025** at **3:04pm** [Comment ID: 1730] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for comments.

B. Building Standards



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

DIVISION 2.9. **ALTERNATE FORMS**

Sec. 2.9.1. **Intent**

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

Sec. 2.9.2. **Applicability**

A. How to Use Alternate Forms

1. ~~Corner Store, Civic Institution, and Park~~

- a. A development may choose to use ~~the Corner Store, Civic Institution, and Park~~ an Alternate Form instead of the underlying standards of the Form District if all the following criteria are met:
 - i. The underlying Form District must be listed as an eligible district;
 - ii. The underlying Use District (**Chapter 4**) must allow the eligible use; and
 - iii. The lot must contain one of the eligible uses.

2. ~~Urban General~~

~~A development is only allowed to use Urban General Alternate Form when it is required in Overlay Districts (Chapter 5).~~

B. Relationship to Form Districts

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

C. Relationship to Use Districts

For uses with additional standards listed in **Div. 4.4. Use Standards**, the Use District supersedes any conflicting standard listed in the Alternate Form.

Sec. 2.9.3. **Corner Store**

A. Intent

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

B. Eligible Form Districts

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

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

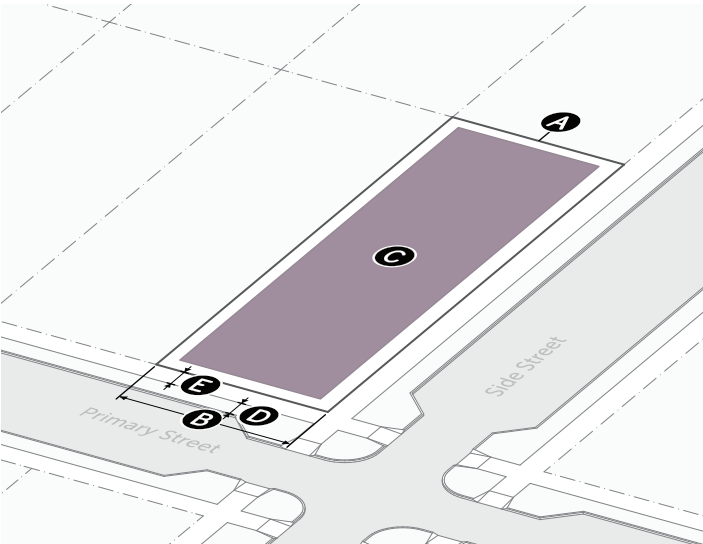
C. Eligible Uses

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

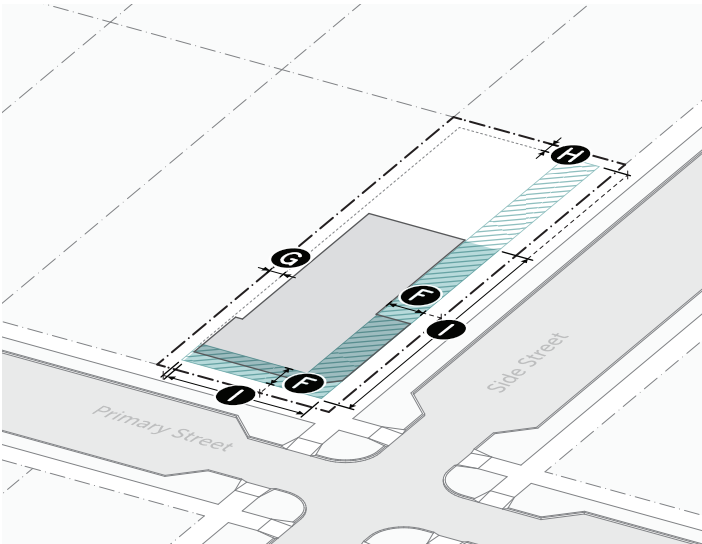
1. Live-work;
2. General food and beverage;
3. Bakery, wholesale;
4. Bar;
5. Catering establishment;
6. General medical;
7. General office;
8. Sound recording studio;
9. General personal service;
10. Hair or nail salon;
11. Laundry service;
12. General retail;
13. Artisan workshop;
14. Grocery store;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

CORNER STORE

D. Lot Standards



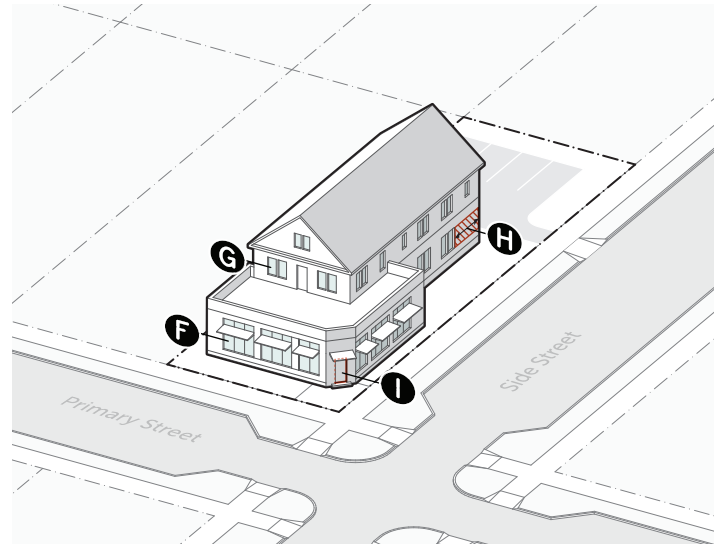
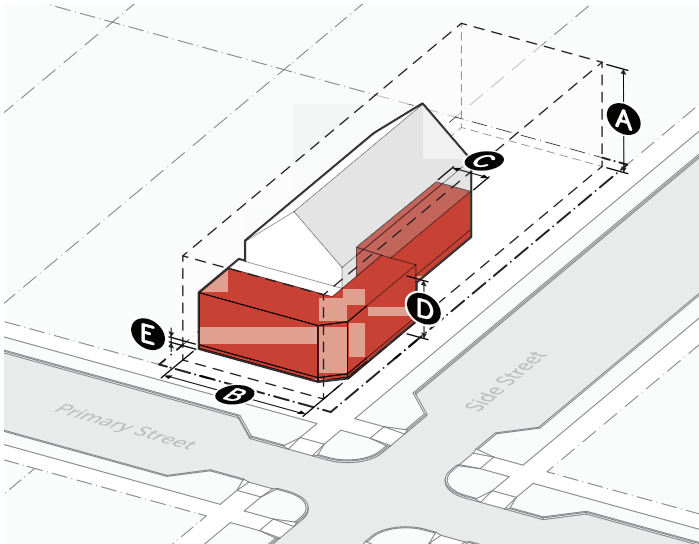
1. Lot Size	Sec. XX.XX.
A Lot area (min)	Set by Form District
B Lot width (min)	Set by Form District
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Set by Form District
3. Coverage	Sec. XX.XX.
C Building coverage (max)	Set by Form District
4. Streetscape	Sec. XX.XX.
D Amenity zone	Required
E Pedestrian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



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

CORNER STORE

E. Building Standards



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

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

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Sec. 2.9.4. **Civic Institution**

A. Intent

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

B. Eligible Form Districts

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

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

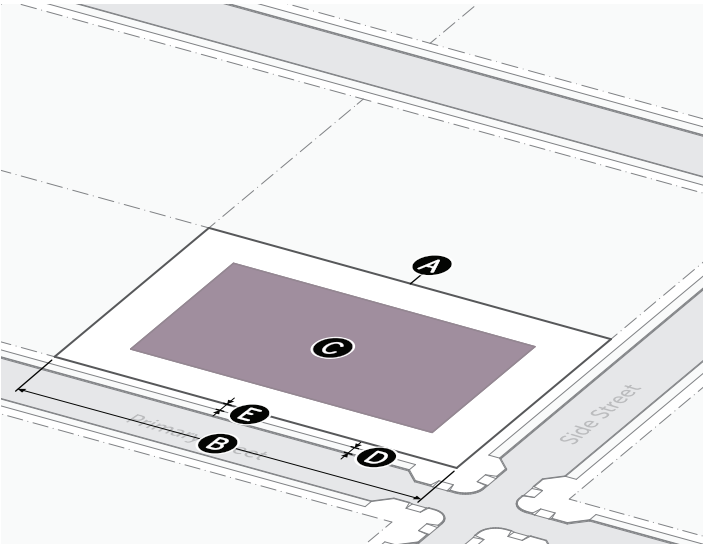
C. Eligible Uses

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

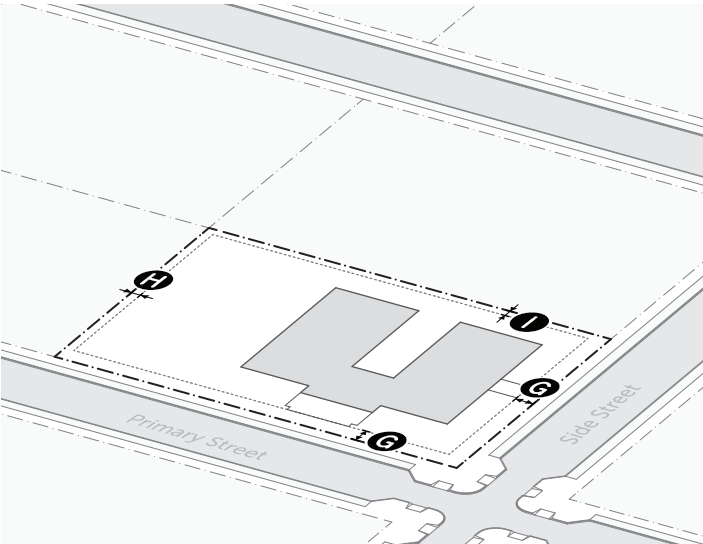
1. General civic;
2. Community center, private;
3. Library or museum, private;
4. Religious assembly;
5. General private education; and
6. College or university, private.

CIVIC INSTITUTION

D. Lot Standards



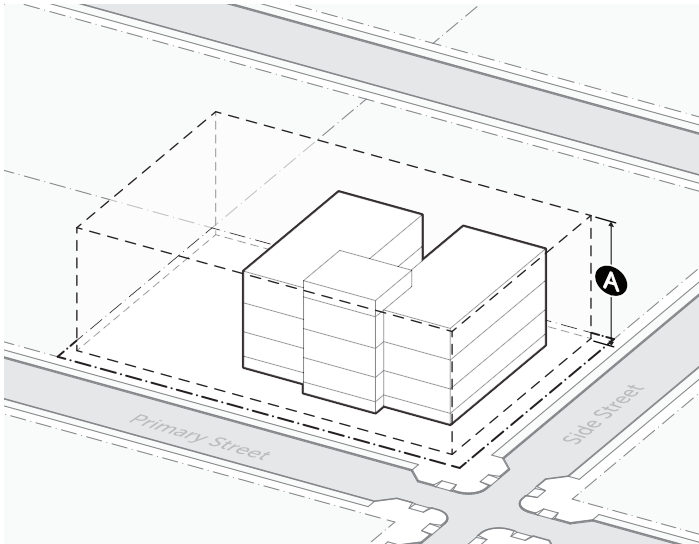
1. Lot Size	Sec. XX.XX.
A Lot area (min)	Set by Form District
B Lot width (min)	Set by Form District
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Set by Form District
3. Coverage	Sec. XX.XX.
C Building coverage (max)	Set by Form District
4. Streetscape	Sec. XX.XX.
D Amenity zone	Required
E Pedestrian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



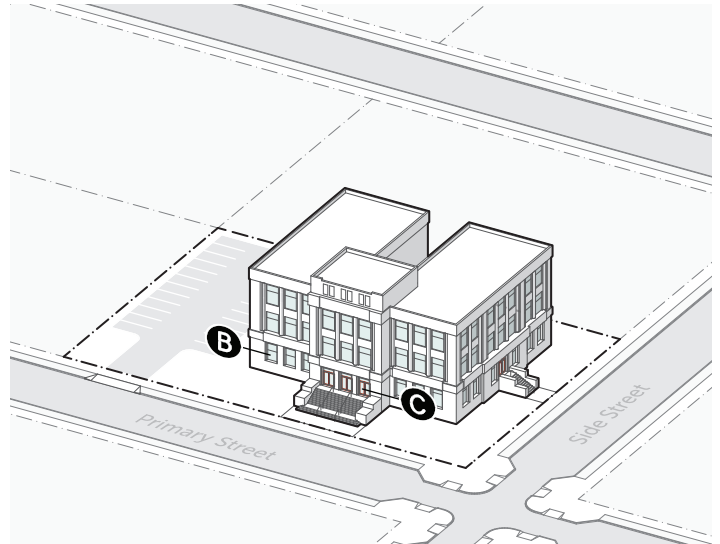
5. Building Setbacks	Sec. XX.XX.
F Street setback (min)	
Primary / storefront street	10'
Side street	10'
G Side setback (min)	5'
H Rear setback (min)	5'
6. Parking Location	Sec. XX.XX.
Front yard	Not allowed
Side street yard	Allowed
Side / rear yard	Allowed

CIVIC INSTITUTION

E. Building Standards



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



2. Windows and Doors	Sec. XX.XX.
B Ground story glazing (min)	20%
Upper story glazing (min)	None
Blank wall width (max)	None
C Street-facing entry	Required

3. Fences and Walls	Sec. XX.XX.
Front yard	Type A4
Side street yard	Type A4
Side / rear yard	Type C1

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Sec. 2.9.5. **Park**

A. Intent

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

B. Eligible Form Districts

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

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

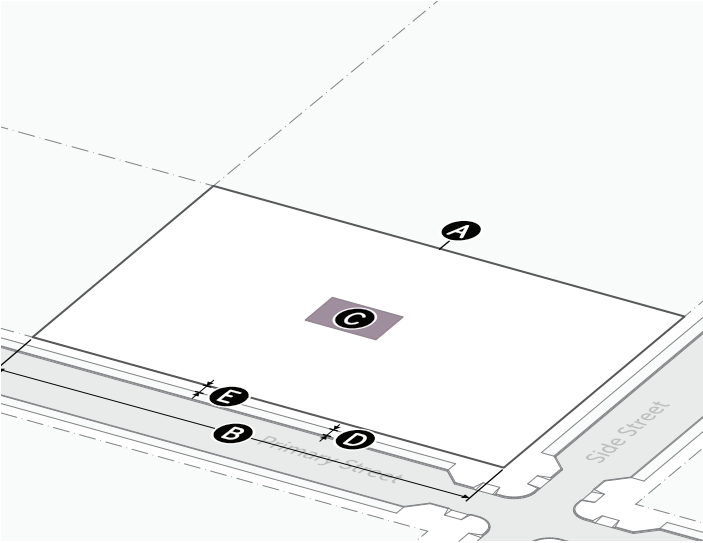
C. Eligible Uses

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

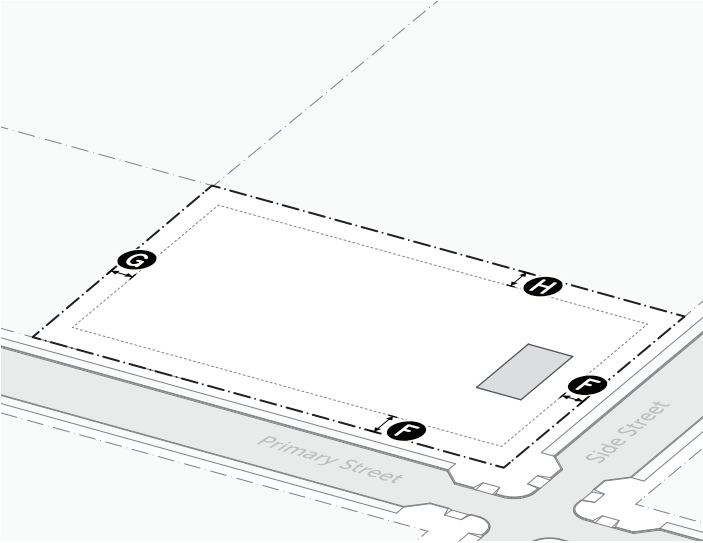
1. General parks and open space; and
2. Cemetery.

PARK

D. Lot Standards



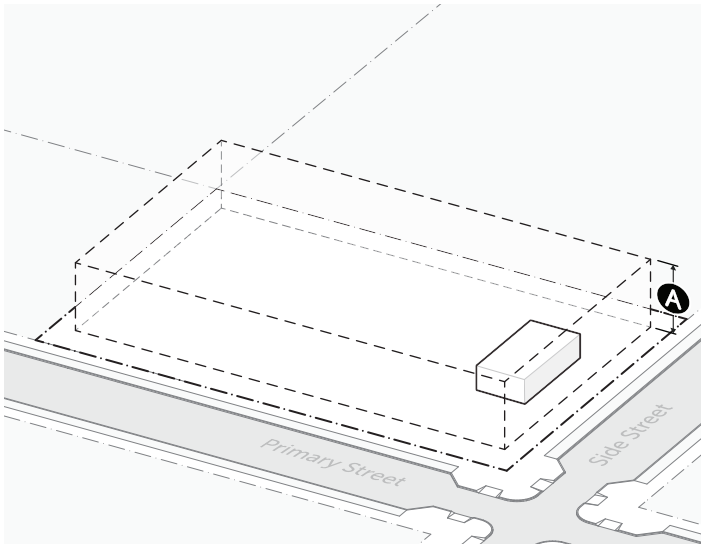
1. Lot Size	Sec. XX.XX.
A Lot area (min)	Set by Form District
B Lot width (min)	Set by Form District
2. Density	Sec. XX.XX.
Dwelling units per lot (max)	Set by Form District
3. Coverage	Sec. XX.XX.
C Building coverage (max)	15%
4. Streetscape	Sec. XX.XX.
D Amenity zone	Required
E Pedestrian zone	Required



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

PARK

E. Building Standards



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

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Sec. 2.9.6. **Urban General**

A. Intent

~~Urban General is intended to promote high-quality urban design standards in areas of the City intended to be walkable and pedestrian-oriented.~~

B. Eligible Zoning districts

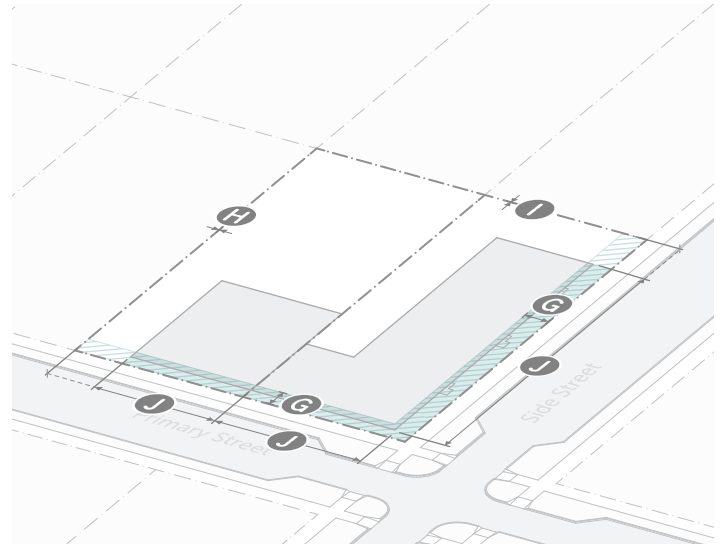
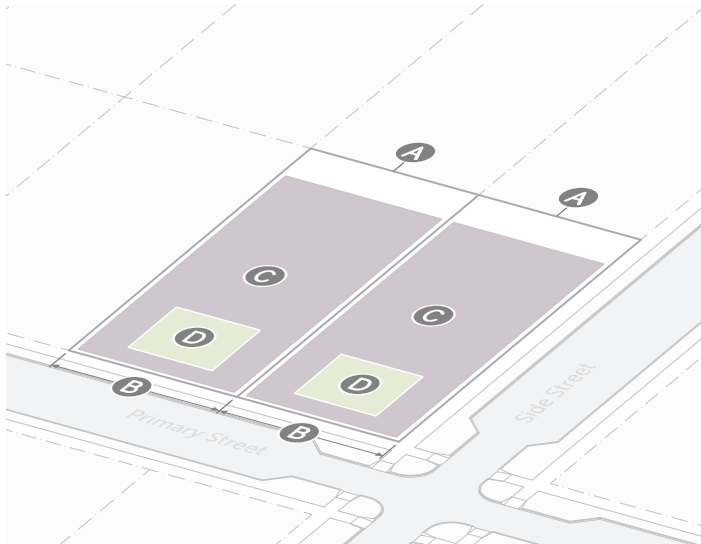
~~Where the Overlay District requires the Urban General Alternate Form, Urban General must be used instead of the standards in the underlying Zoning district.~~

C. Eligible Uses

~~When the lot is in an eligible Zoning district, any use is required to use the Urban General Alternate Form.~~

URBAN GENERAL

D. Lot Standards

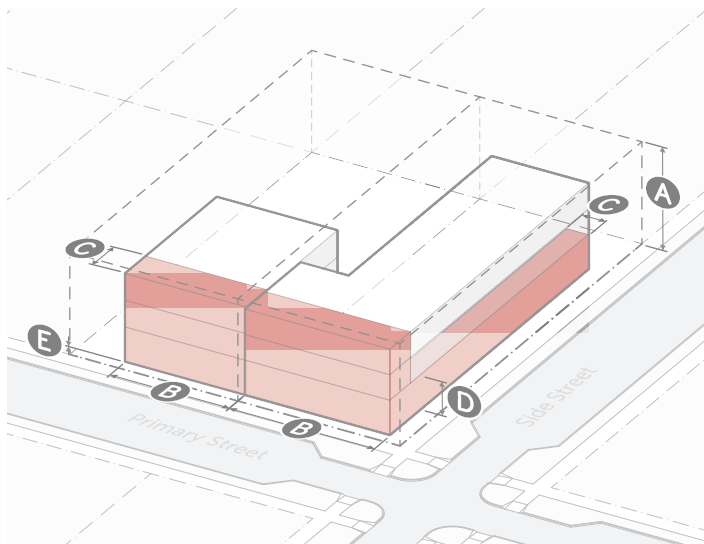


1. Lot Size	Sec. XX.XX:
A Lot area (min)	Set by Zoning district
B Lot width (min)	Set by Zoning district
2. Density	Sec. XX.XX:
Dwelling units per lot (max)	Set by Zoning district
FAR (GLA max)	Set by Zoning district
3. Coverage	Sec. XX.XX:
C Building coverage (max)	Set by Zoning district
D Outdoor amenity space (min)	
Up to 1 acre	10%
Over 1 acre	15%
4. Streetscape	Sec. XX.XX:
E Amenity zone	Required
F Pedestrian zone	Required
Front and side street yard landscaping	
Residential	Required
Nonresidential / storefront	Not required

5. Building Setbacks	Sec. XX.XX:
G Street setback (min/max)	
Primary street	5' / 15'
Side street	5' / 15'
Storefront street	0' / 10'
H Side setback (min)	0'
I Rear setback (min)	0'
6. Transition	Sec. XX.XX:
Transition type	Set by Zoning district
7. Build-To	Sec. XX.XX:
J Build-to width (min)	
Primary street	75%
Side street	50%
Storefront street	85%
8. Parking Location	Sec. XX.XX:
No parking allowed between building and street	

URBAN GENERAL

E. Building Standards



1. Massing	Sec. XX.XX:	
A Building height (max stories/feet)	Set by Zoning-district	
B Building width (max)		
Primary street	275'	
Side street	275'	
Storefront street	175'	
2. Activation	Sec. XX.XX:	
C Active depth (min)		
Primary street	20'	
Side street	10'	
Storefront street	30'	
3. Ground Story	Sec. XX.XX:	
	Res:	Nonres:
D Ground-story height (min)	10'	14'
E Ground-story elevation (min/max)	0' / 4'	-2' / 4'

4. Windows and Doors	Sec. XX.XX:	
	Res:	Nonres:
F Ground-story glazing (min)		
Primary street	30%	50%
Side street	25%	25%
Storefront street	70%	70%
G Upper-story glazing (min)	20%	20%
H Blank wall width (max)		
Primary street	15'	15'
Side street	25'	25'
Storefront street	10'	10'
I Street-facing entry	Required	Required
5. Fences and Walls	Sec. XX.XX:	
	Res:	Nonres:
Front yard	Type 1	Type 4
Side-street yard	Type 2	Type 4
Side / rear yard	Type 3	Type 5

CHAPTER 1.

INTRODUCTION

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DIVISION 1.1. **GENERAL PROVISIONS**

Sec. 1.1.1. **Title**

The regulations in this Part are officially known as the "Zoning Ordinance" and may be referred to as the "Zoning Ordinance," "this Ordinance," or "this Code."

Sec. 1.1.2. **Authority**

This Part is adopted under the authority of the Charter of the City of Atlanta, as approved by the governor on March 16, 1973, and under the authority granted to municipal corporations by the laws of Georgia.

Sec. 1.1.3. **Purpose**

This Part has been made in accordance with a Comprehensive Development Plan for the City of Atlanta, designed for the purposes, among others, of lessening congestion in the streets; securing safety from fire, panic and other dangers; providing adequate light and air; promoting public health, safety, convenience, and general welfare; and encouraging such distribution of population and classification of land uses and intensities of land development as will tend to facilitate economic and adequate provision of transportation, communication, water supply, drainage, sanitation, education, recreation and other public requirements. These regulations have been made with reasonable consideration to the character of the various districts and their peculiar suitability for particular uses, and with the general objectives of promoting desirable living conditions, sustaining stability of neighborhoods or providing for their orderly evolution along lines responsive to public needs, protecting against blight and depreciation, and encouraging the most appropriate use and development of land and buildings throughout the City of Atlanta.

DIVISION 1.2. **OFFICIAL ZONING MAP**

[insert text from Part 16 - Chapter 2]

DIVISION 1.3. **ZONING DISTRICTS**⁰⁰¹ **ESTABLISHED**

[insert text from Part 16 - Chapter 2]

#001

Posted by **jessicahilltroutman** on **08/14/2025** at **9:49am** [Comment ID: 1427] - [Link](#)

Agree: 0, Disagree: 0

How will existing zoning conditions applicable to properties be addressed? Are they eliminated with the conversion or carried forward like in SPI-9?

Reply by **SiteAdmin** on **08/14/2025** at **12:01pm** [Comment ID: 1428] - [Link](#)

Answer

Agree: 0, Disagree: 0

All zoning conditions from 2000 and later will be attached to the legislation adopting the new Zoning Ordinance in order to carry them forward.

CHAPTER 3.

RULES FOR ZONING DISTRICTS

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DIVISION 3.1. **GENERAL PROVISIONS**

Sec. 3.1.1. **Applicability**

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

Form District Standards		Project Activity						
		New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance and Repair
Lot Size	<i>Div. XX.</i>	○	○	○	○	○	○	○
Density	<i>Div. XX.</i>	●	●	○	○	●	●	○
Coverage	<i>Div. XX.</i>	●	●	●	○	○	○	○
Streetscapes	<i>Div. XX.</i>	●	●	●	○	○	○	○
Building Setbacks	<i>Div. XX.</i>	●	●	○	○	○	○	○
Build-To	<i>Div. XX.</i>	●	●	○	○	○	○	○
Transition	<i>Div. XX.</i>	●	●	●	○	●	○	○
Parking Location	<i>Div. XX.</i>	●	●	●	○	○	○	○
Massing	<i>Div. XX.</i>	●	●	○	○	○	○	○
Activation	<i>Div. XX.</i>	●	●	○	○	○	○	○
Ground Story	<i>Div. XX.</i>	●	●	○	○	○	○	○
Windows and Doors	<i>Div. XX.</i>	●	●	○	●	○	○	○
Fences and Walls	<i>Div. XX.</i>	●	●	●	○	●	○	○

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

- B. Where a standard is listed as applying, and the Zoning District includes standards for that requirement, all applicable standards must be met. The applicable standards may be further modified by the applicability provisions for each standard in this Chapter. For existing buildings and uses, applicability may also be modified by Chapter 9. Nonconformities.
- C. Project activity is defined in Chapter 10. General Standards and Definitions.

DIVISION 3.2. LOT SIZE

Sec. 3.2.1. Lot Area

The total square footage within the boundaries of a lot.

A. Intent

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

B. Applicability

1. Lot area standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Where sublots are permitted, lot area is calculated for each lot, not individual sublots.



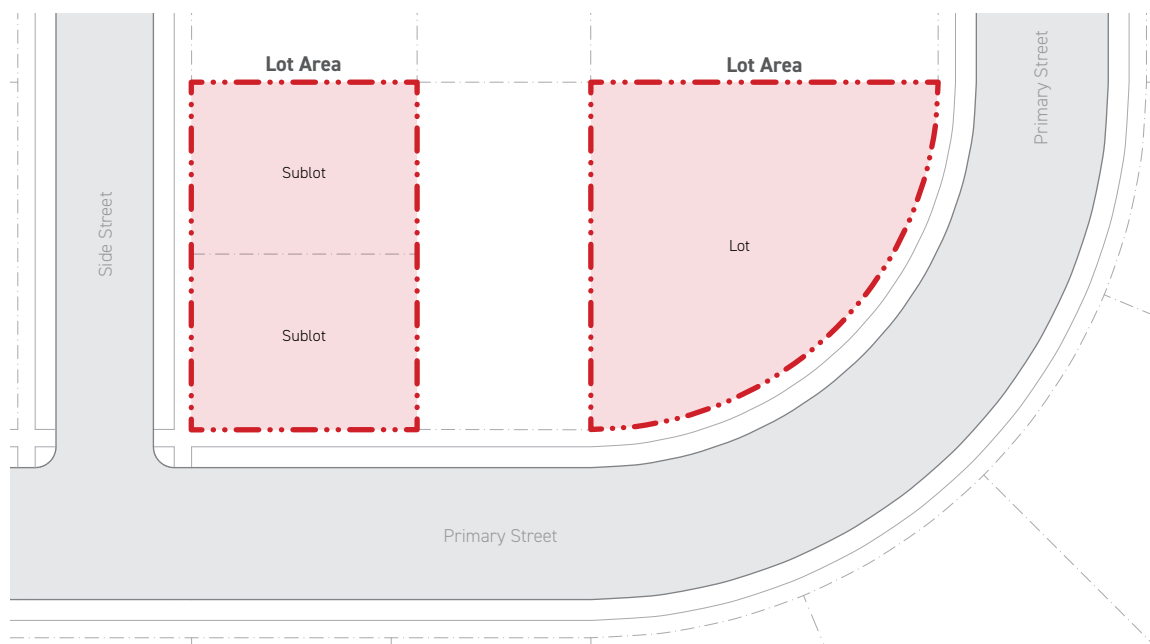
Lot area applies to lots approved and recorded on or after the effective date of the Zoning Ordinance. For lots lawfully created and recorded before the effective date of the Zoning Ordinance, uses allowed in the Use District may be established regardless of the lot area, provided, that all other standards of the Zoning Ordinance are met.

C. Standards

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

D. Measurement

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



#001

Posted by **grace212** on **09/02/2025** at **11:36am** [Comment ID: 1582] - [Link](#)

Question

Agree: 0, Disagree: 0

Does this mean for the date for this (2025/2026) ordinance? What happens if all other standards of the Zoning Ordinance are not met?

Reply by **SiteAdmin** on **09/16/2025** at **3:03pm** [Comment ID: 1729] - [Link](#)

Answer

Agree: 0, Disagree: 0

This means any legal lot platted before adoption of the code will remain legal, while new lots must meet the minimum lot size requirements. This is already standard practice under existing zoning.

3. Lot area includes any portion of a lot allocated for required easements.
4. Lot area does not include portions of a lot required to be dedicated for public use.
5. Lot area does not include alleys adjacent to, but not part of, the site.

E. Relief

002 A reduction to the lot area standards is not permitted. ~~with Sec. XX. Administrative Adjustment or Sec. XX. Variance.~~

Sec. 3.2.2. Lot Width

The length of primary street lot lines bounding a lot.

A. Intent

1. To ensure newly established lots are generally consistent with the desired development patterns in the neighborhood **003** and other lots in the same zoning district.
2. To ensure safe and adequate vehicular access to and from a lot, when provided.

B. Applicability

1. Lot width standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Where sublots are permitted, lot width is calculated for each lot, not individual sublots.
3. Lot width applies to lots approved and recorded on or after the effective date of the Zoning Ordinance. For lots lawfully created and recorded before the effective date of the Zoning Ordinance, uses allowed in the Use District may be established regardless of the lot width, provided, that all other standards of the Zoning Ordinance are met.

C. Standards

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

D. Measurement

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

#002

Posted by **grace212** on **09/02/2025** at **11:57am** [Comment ID: 1583] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

I think this is a missed opportunity, particularly for awkward shaped lots that are very close to the lot minimum.

Reply by **SiteAdmin** on **09/16/2025** at **3:01pm** [Comment ID: 1728] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

Please note that this only applies to new lots. Existing lots that do not meet minimum area requirements may be built upon.

#003

Posted by **Oskie** on **08/05/2025** at **1:06am** [Comment ID: 1368] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

surrounding area (?)

Reply by **SiteAdmin** on **08/05/2025** at **3:40pm** [Comment ID: 1370] - [Link](#)

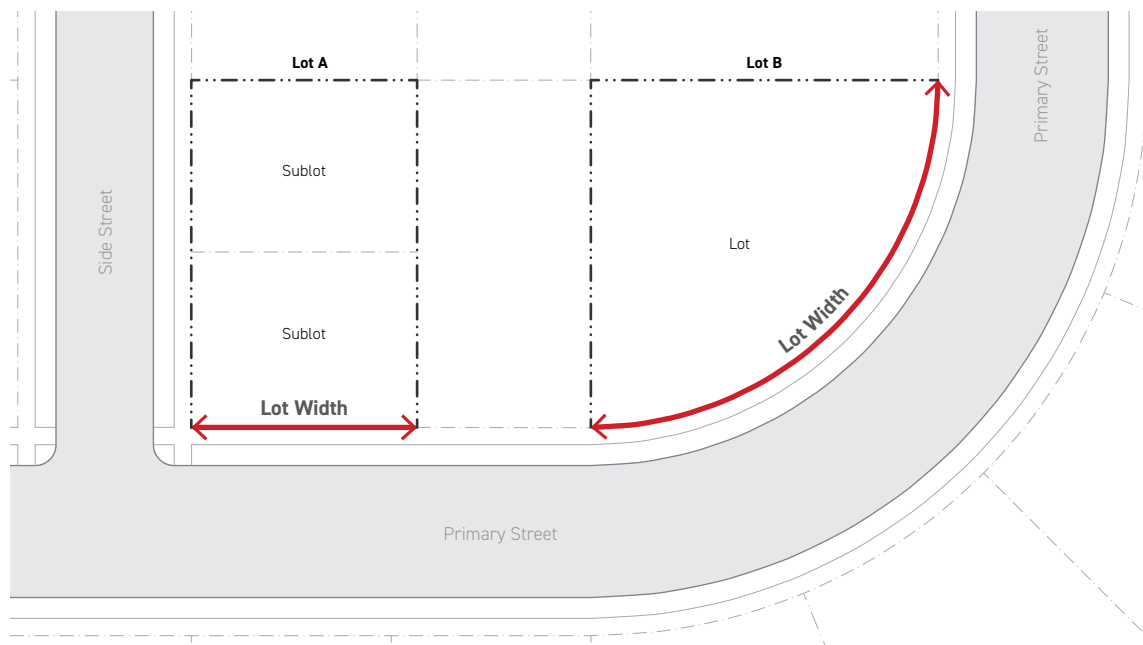
Answer

Agree: 0, Disagree: 0

Thanks for the suggestion.

LOT SIZE

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

**E. Relief**

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

DIVISION 3.3. **DENSITY**

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

The maximum number of dwelling units allowed on a lot.

A. Intent

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

B. Applicability

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

C. Standards

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

D. Relief

An increase to the dwelling units per lot standards is not permitted. ~~with Sec. XX. Administrative Adjustment or Sec. XX. Variance.~~

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

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

A. Intent

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

#004

Posted by **grace212** on **09/02/2025** at **12:03pm** [Comment ID: 1585] - [Link](#)

Question

Agree: 0, Disagree: 0

Given that these will be considered conforming, will that be taken into consideration by staff during a rezoning application for a neighboring or nearby parcel? If so, I think this is a great change to better align with the intention to encourage compatible development.

Reply by **SiteAdmin** on **09/16/2025** at **2:58pm** [Comment ID: 1726] - [Link](#)

Answer

Agree: 0, Disagree: 0

This is an existing provision.

Context, along with the CDP, is one of many criteria that can be considered in rezoning. Every site is unique.

#005

Posted by **grace212** on **09/02/2025** at **12:05pm** [Comment ID: 1586] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

FAR is one of the more confusing measurements for laypeople - a graphic would be helpful in this section.

Reply by **SiteAdmin** on **09/16/2025** at **2:53pm** [Comment ID: 1725] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thanks for the suggestion.

DENSITY**B. Applicability**

1. FAR standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. FAR standards apply to all lots in zoning districts that specify an FAR standard.
3. Where sublots are permitted, FAR standards are calculated for each lot, not individual sublots.

C. Standards

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

D. Measurement

1. In House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, FAR is calculated by dividing the total floor area on a lot by the net lot area (NLA).
2. In all other zoning districts, FAR is calculated by dividing the total floor area on a lot by the gross lot area (GLA).
3. See Sec. XX. Net and Gross Lot Area for calculating net and gross lot area.

E. Relief

An increase to the FAR standards is not permitted. ~~with Sec. XX. Administrative Adjustment or Sec. XX. Variance.~~

DIVISION 3.4. **COVERAGE**

Sec. 3.4.1. **Building Coverage**

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

A. Intent

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

B. Applicability

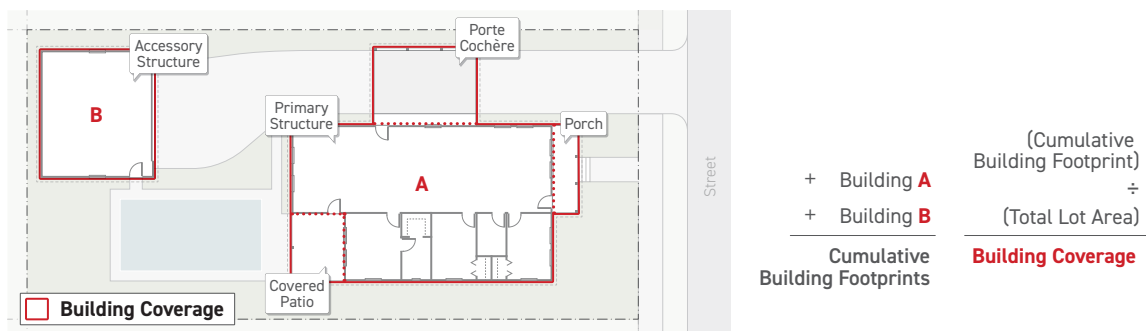
1. Building coverage standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Where sublots are permitted, building coverage standards are calculated for each lot, not individual sublots.

C. Standards

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

D. Measurement

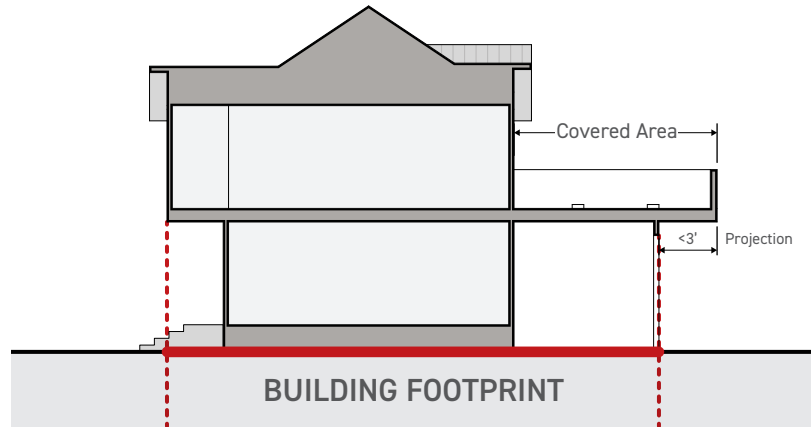
1. Building coverage is measured cumulatively for the lot.
2. Building coverage is measured by adding together the cumulative footprints of all buildings and covered structures on a lot, then dividing by the total lot area.



3. See [Sec. XX. Lot Area](#) for the calculation of lot area.

COVERAGE**E. Exceptions**

1. Architectural details and roof projections, such as roof overhangs and balconies, that are less than 3 feet from the nearest wall, column, spanning beam, or other structural element carrying gravity loads, are not included in the calculation of building footprint.



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

F. Relief

1. An increase of up to 10% from the building coverage standards may be granted in accordance with Sec. XX. Administrative Modification.
2. An increase beyond 10% may be granted in accordance with Sec. XX. Variance.

Sec. 3.4.2. Lot Coverage

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

A. Intent

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

B. Applicability

1. Lot coverage standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Where sublots are permitted, lot coverage standards are calculated for each lot, not individual sublots.

C. Standards

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

#006

Posted by **bennett_sands@yahoo.com** on **08/15/2025** at **10:54am** [Comment ID: 1461] - [Link](#)
Suggestion

Agree: 0, Disagree: 0

A 3 foot foot balcony is fairly worthless. It cannot accommodate much of anything. I would recommend this balcony or overhany be increased to at least 4 feet.

Seperately this language could be improved. It should read "3 feet or less" instead of less than 3 feet". Why force the designer to design a 2'11.5" balcony? Just let it be 3 feet.

Reply by **SiteAdmin** on **08/15/2025** at **1:45pm** [Comment ID: 1462] - [Link](#)

Answer

Agree: 0, Disagree: 0

This is not mandating a certain depth. It is just saying that it overhangs of 3 or more feet count towards building coverage. In the more urban districts that allow larger buildings, allowed coverage nears 100%, so this won't be an issue. This said, we will take your recommendation about increasing the exemption into consideration. Thanks!

#007

Posted by **jessicahilltroutman** on **08/12/2025** at **4:34pm** [Comment ID: 1393] - [Link](#)

Agree: 0, Disagree: 0

Confirm below grade improvements do not count toward building coverage.

Reply by **SiteAdmin** on **08/14/2025** at **12:55pm** [Comment ID: 1435] - [Link](#)

Answer

Agree: 0, Disagree: 0

Correct. They do not count. We will clarify this.

#008

Posted by **dimnickph** on **09/01/2025** at **2:16pm** [Comment ID: 1561] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Where is the science here? Planted ground cover doesn't grow well under a tree canopy. Gravel and pervious artificial turf are acknowledged soil erosion mitigation techniques because they slow runoff.

Reply by **SiteAdmin** on **09/02/2025** at **8:19am** [Comment ID: 1575] - [Link](#)

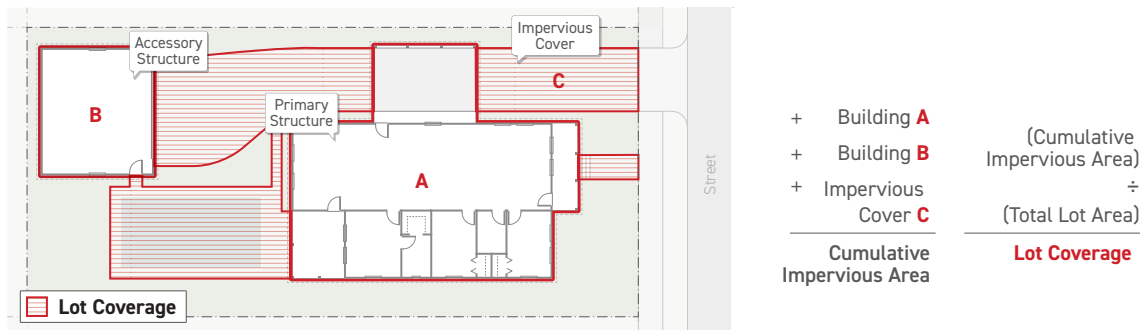
Answer

Agree: 0, Disagree: 0

These are not prohibited, but they do count towards lot coverage. This reflects existing standards.

D. Measurement

1. Lot coverage is calculated by adding together the cumulative impervious area on a lot and dividing by the lot area.
2. For the purpose of calculating the cumulative impervious area, any portion of the lot covered by anything other than planted ground cover will be considered impervious. This includes, but is not limited to, the following:
 - a. All buildings and structures;
 - b. Artificial turf;
 - c. Driveways and, roads and all parking areas;
 - d. Flatwork;
 - e. **009** Gravel;
 - f. Mechanical equipment;
 - g. Pools; and
 - h. Impermeable materials covering natural land surfaces.



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

E. Relief

1. An increase of up to 10% from the lot coverage standards may be granted in accordance with Sec. XX. Administrative Modification.
2. An increase beyond 10% may be granted in accordance with Sec. XX. Variance.

Sec. 3.4.3. Outdoor Amenity Space

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

A. Intent

1. To ensure adequate recreation and open space areas for occupants or the public, and to ensure such spaces are accessible, usable and safe.

#009

Posted by **grace212** on **09/02/2025** at **12:11pm** [Comment ID: 1589] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

How will this interact with the site development guidelines for stormwater? I would encourage this to align and provide relief for the extra expense of things like permeable pavers.

(also, what about something like grass block pavers)?

Reply by **SiteAdmin** on **09/16/2025** at **2:50pm** [Comment ID: 1723] - [Link](#)

Answer

Agree: 0, Disagree: 0

We have tried to align as much as possible, but it's often challenging to perfectly align the two.

#010

Posted by **jessicahilltroutman** on **08/12/2025** at **4:33pm** [Comment ID: 1392] - [Link](#)

Agree: 0, Disagree: 0

Consider allowing a greater percentage administrative modification for permeable pavers (or exempting permeable pavers as lot coverage).

Reply by **SiteAdmin** on **08/14/2025** at **12:53pm** [Comment ID: 1434] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your suggestion.

COVERAGE

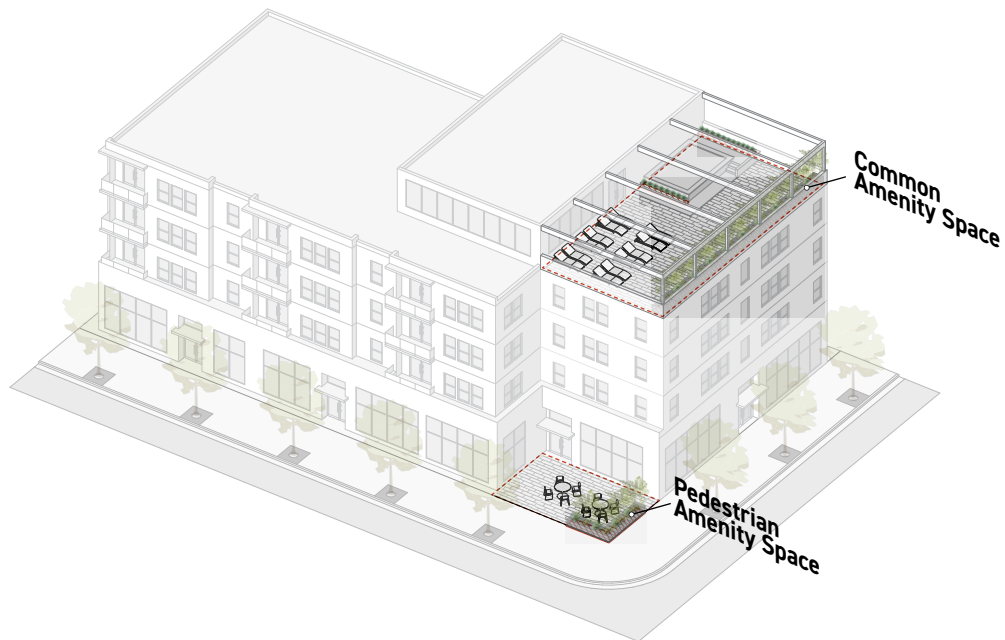
2. To encourage projects to preserve trees and provide high-quality, pedestrian-oriented, and publicly accessible gathering spaces along streetscapes.

B. Applicability

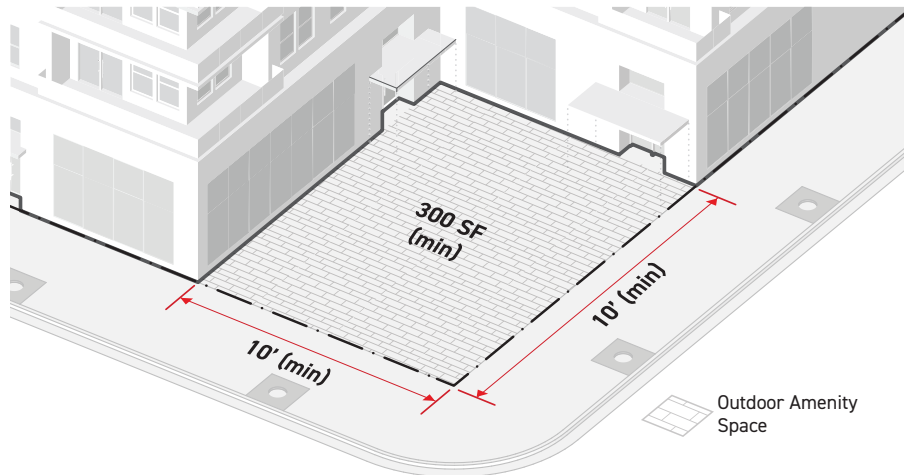
1. Outdoor amenity space standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Where sublots are permitted, outdoor amenity space standards are calculated for each lot, not individual sublots.
3. No outdoor amenity space is required for the site if the outdoor amenity space calculation requires less than 300 square feet.

C. Standards**1. General**

- a. A lot must provide outdoor amenity space with a cumulative area of no less than the minimum percentage of outdoor amenity space specified by the zoning district.
- b. Some zoning districts provide different requirements based on the size of the site. In these zoning districts, the size of the entire site, not individual lots, determines which standard must be met.
- c. The outdoor amenity space requirement can be met through any of the following types of outdoor amenity spaces:
 - i. Common Amenity Space;
 - ii. Pedestrian Amenity Space;
 - iii. Tree Preservation Amenity Space; or
 - iv. Green Roof Amenity Space.
- d. The outdoor amenity spaces must meet all general standards and the specific standards according to the type.



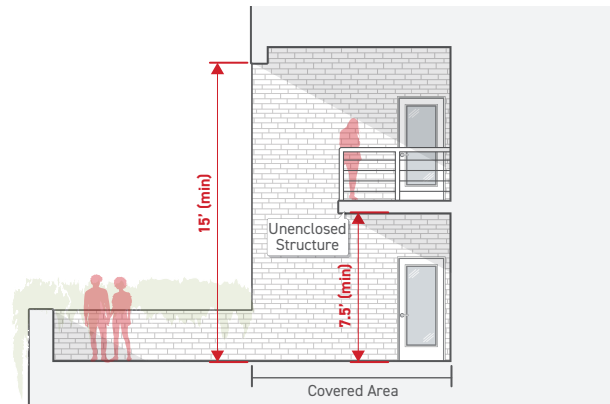
- e. Each outdoor amenity space must have a minimum area of 300 square feet, and no horizontal dimension of less than 10 feet, measured perpendicular to any boundary of the space.



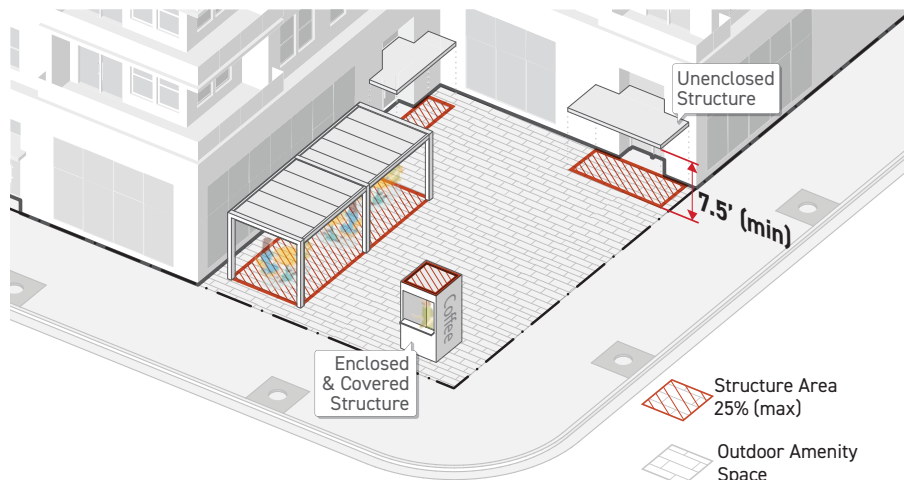
- f. No portion of an outdoor amenity space can have a clear height of less than 7.5 feet.

COVERAGE

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



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



- i. ~~The demolition of a building solely for the purpose of meeting the minimum required outdoor amenity space is not permitted.~~
- j. Any area with above grade mechanical and utility equipment cannot be located within counted towards outdoor amenity space, or between a pedestrian amenity space and an adjacent building facade.

2. Common Amenity Space

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

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

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

- b. Common amenity space must be made available to all occupants of a building, at no additional cost, during the hours of operation of the building. The space may not be permanently reserved or in any way exclude any tenant or their guests during the time it is required to be made available to all occupants.
- c. Building facades abutting a common amenity space must have a minimum transparency of 15% for each story.
- d. Common amenity space cannot be located in a required transition setback based on the requirements of **Sec. XX. Transitions**.
- e. A minimum of 20% of the total area of a common amenity space must be planted with trees, shrubs, or other approved plan materials meeting the requirements of Sec. XX. Plants and Plant Material.
- f. Vegetation must be properly maintained in accordance with Sec. XX. Plants and Plant Materials, including irrigation and replacement of dead or dying plants as needed.

3. Pedestrian Amenity Space

*Type of Outdoor Amenity Space that is publicly accessible and located in close proximity to the **public** sidewalk. Examples include **p011** and plazas.*

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

- a. Each square foot of pedestrian amenity space provided counts as 2 square feet of required outdoor amenity space.
- b. Pedestrian amenity space must abut and be directly accessible from the sidewalk along the street. Pedestrian amenity space cannot be separated from the sidewalk by any structure for more than 50% of the width of the pedestrian amenity space, with the exception of a wall or fence 42 inches in height or the maximum height specified by the zoning district, whichever is less. The allowed wall or fence must provide openings for pedestrian access at least once every 35 feet.
- c. A minimum of 25% of the total area of a pedestrian amenity space must be planted with trees, shrubs, or other approved plan materials meeting the requirements of Sec. XX. Plants and Plant Material.
- d. Vegetation must be properly maintained in accordance with Sec. XX. Plants and Plant Materials, including irrigation and replacement of dead or dying plants as needed.
- e. The finished floor or ground surface of a pedestrian amenity space must be located either at the same grade as the pedestrian zone (see **Sec. XX. Streetscape**), or within the ground story elevation minimums and maximums specified by the zoning district (see **Sec. XX. Ground Story Elevation**).
- f. Where a pedestrian amenity space is connected to a primary or side street, all building facades facing the pedestrian amenity space must meet the windows and doors (**Sec. XX. Windows and Doors**) standards required by the zoning district for primary streets.

#011

Posted by **jessicahilltroutman** on **08/12/2025** at **4:31pm** [Comment ID: 1391] - [Link](#)

Agree: 0, Disagree: 0

Does outdoor dining for eating and drinking establishments count toward pedestrian amenity space?

Reply by **SiteAdmin** on **08/14/2025** at **12:58pm** [Comment ID: 1436] - [Link](#)

Answer

Agree: 0, Disagree: 0

Yes, outdoor dining areas do count, provided they otherwise meet all applicable standards. Many plazas contain dining.

#012

Posted by **abeattie** on **08/19/2025** at **12:58pm** [Comment ID: 1480] - [Link](#)

Question

Agree: 0, Disagree: 0

How will the total planted area be calculated? Will it be solely determined by ground-level pervious materials coverage? Would overstory canopy coverage of trees at mature height be factored in? These questions can also be applicable to Sec. 3.4.3(C)(2)(e).

Reply by **SiteAdmin** on **08/19/2025** at **2:58pm** [Comment ID: 1483] - [Link](#)

Answer

Agree: 0, Disagree: 0

As currently drafted, it would be the planting beds, although we have received several comments asking for greater flexibility to calculate using tree canopy. We will specify changes in the next draft.

COVERAGE

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

4. Tree Preservation Amenity Space

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

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

013

- a. Each square foot of tree preservation amenity space provided counts as 2.5 square feet of required outdoor amenity space.
- b. To qualify for tree preservation amenity space, a significant tree in fair or better condition at least 20 inches DBH in size, as determined by the Arborist, and the existing soils must be preserved.
- c. A pedestrian walkway between the sidewalk and the tree preservation amenity space must be provided.
- d. A pedestrian walkway between the tree preservation amenity space and a building entry must be provided.
- e. Building facades abutting tree preservation amenity space must have a minimum transparency of 15% for each story.

5. Green Roof Amenity Space

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

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

- a. The green roof must be accessible to the public at no additional cost during the building's hours of operation.
- b. The space may not be permanently reserved, restricted, or otherwise made unavailable to building occupants or their guests during the required access period.
- c. A minimum of 50% of the total roof area designated as green roof amenity space must be planted with trees, shrubs, or other approved plant materials.
- d. Vegetation must be properly maintained in accordance with Sec. XX. Plants and Plant Materials, including irrigation and replacement of dead or dying plants as needed.
- e. The green roof must include functional amenities such as seating, shade structures, or pedestrian paths to encourage regular use.

#013

Posted by **grace212** on **09/02/2025** at **12:15pm** [Comment ID: 1591] - [Link](#)

Question

Agree: 0, Disagree: 0

How is tree preservation amenity space calculated? The tree canopy? Or the outdoor area that contains a certain number (or total DBH) of trees?

Reply by **SiteAdmin** on **09/16/2025** at **2:43pm** [Comment ID: 1721] - [Link](#)

Answer

Agree: 0, Disagree: 0

The ground surface.

6. ~~Alternative Design Allowance~~

~~The Director may approve a design for outdoor amenity space that meets the intent of the requirement to an extent equal to or better than the standards for outdoor amenity space.~~

D. Measurement

1. The minimum required outdoor amenity space is calculated by multiplying the total lot area by the minimum outdoor amenity space percentage specified by the zoning district.
2. See **Sec. XX. Lot Area** for the calculation of lot area.

E. Relief

1. A reduction of up to 10% from the outdoor amenity space standards may be granted in accordance with **Sec. XX. Administrative Modification**.
2. A reduction of up to 30% may be granted in accordance with **Sec. XX. Administrative Variation**.
3. A reduction beyond 30% may be granted in accordance with **Sec. XX. Variance**.
4. ~~The Director may approve an alternative outdoor amenity space design that meets or exceeds the intent and performance of the general standards.~~

DIVISION 3.5. **STREETSCAPE**

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

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

A. Intent

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

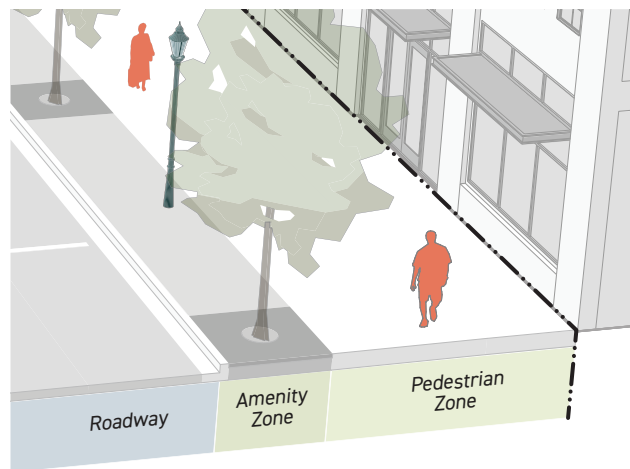
B. Applicability

Amenity and pedestrian zone standards apply based on the requirements of the applicable zoning district and the proposed project activity.

C. Standards

1. General

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



- b. Continuous streetscapes must be provided along all existing and future streets abutting the lot.
- c. The minimum streetscape requirement is determined by the street type according to the Street Type Map (Appendix X), in accordance with the following table. For streets classified as Major or Local, the minimum requirement is varies based on the zoning district of the abutting lot. For streets classified as any Special street, the minimum requirement is the same regardless of the zoning district.

Street Type	Width (min)		
	Amenity Zone	Pedestrian Zone	Total
Major			
House-Scale (H-) districts	None	014 None	None
Neighborhood-Scale (N-) districts, except N6A and N6B	3'	5'	8'
All other districts	5'	10'	15'
Local			
House-Scale (H-) districts	None	None	None
Neighborhood-Scale (N-) districts, except N6A and N6B	3'	5'	8'
All other districts	5'	6'	11'
Special			
Special A	3'	5'	8'
Special B	5'	6'	11'
Special C	4'	6'	10'
Special D	5'	10'	15'
Special E	7'	10'	17'
Special F	7'	13'	20'
Special G	5'	15'	20'
Special H	Match existing	Match existing	Match existing

- d. Where an official City project uses an alternative streetscape design, the streetscape must conform to the design found in the official City project, subject to the approval of the Atlanta Department of Transportation, provided the total width of the streetscape is not less than 15 feet.
- e. Where the existing right-of-way is wider than the width needed to accommodate the roadway and required streetscape, the Director may determine a wider amenity zone or pedestrian zone is required.
- f. Where the existing right-of-way is too narrow to accommodate the roadway and required streetscape, the Director may determine that additional right-of-way must be dedicated or put into an easement to facilitate the required streetscape improvements.
- g. Streetscapes must comply with applicable engineering and construction details in the Streets Atlanta: A Design Manual for Multimodal Streets, City of Atlanta Public Right-of-Way Manual, and Article II - Tree Protection.

2. Amenity Zone

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

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

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

#014

Posted by **grace212** on **09/02/2025** at **12:25pm** [Comment ID: 1593] - [Link](#)

Question

Agree: 0, Disagree: 0

Does this mean sidewalks are not required in H districts?

Reply by **SiteAdmin** on **09/16/2025** at **2:42pm** [Comment ID: 1720] - [Link](#)

Answer

Agree: 0, Disagree: 0

Correct. They are not required today.

STREETSCAPE

- b. The amenity zone must be located between the back of curb and the pedestrian zone.
- c. The width of the amenity zone must, at a minimum, meet the width specified by the street classification on the Street Type Map.
- d. Street trees are required in the amenity zone and must meet the following standards:
 - i. Street trees must be canopy trees. When street trees conflict with overhead utility lines, the Director may determine understory trees are permitted.
 - ii. Street trees must be planted in the amenity zone every 30 feet on center, on average. Tree spacing may vary to accommodate driveways, utilities, and other potential conflicts, provided no street tree is planted closer than **15** feet from another street tree.
 - iii. All required street trees and their planting areas must comply with **Sec. XX. Plants and Plant Material** and **City of Atlanta Code of Ordinances, Article II - Tree Protection**, including allowed species and minimum planting size.
 - 015** All street trees planted along a single street must be the same species.
 - v. Street tree planting areas must have a minimum length of 8 feet and a minimum soil depth of 3 feet. Soils cannot be compacted and the surface area must be pervious.
- e. Pedestrian and street lights, where installed, must be placed a maximum of 60 feet on center and spaced equal distance between required trees along all streets.
- f. For sites 1 acre or greater in area, a bus shelter must be provided in the amenity zone or front yard for any existing bus stop adjacent to the site. The design and location of the bus shelter must be approved by the Director.
- g. The following encroachments are permitted in the amenity zone subject to City approval:
 - i. Public bus shelters, benches, trash receptacles, bicycle racks, newspaper boxes, and residential mailboxes.
 - ii. Utility boxes, meters, manhole covers, regulatory signs, and fire suppression equipment.
 - iii. Pedestrian lighting.
 - iv. Landscaping, sidewalks, trees, and planters.
 - v. Outdoor dining, in accordance with **Sec. XX. Existing Streetscapes**.

3. Pedestrian Zone

The area between the amenity zone and front or side street yard that generally includes sidewalks.

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

- a. A clear, direct, continuous, and paved pedestrian zone consisting of a sidewalk must be provided along all existing and future streets.

#015

Posted by **grace212** on **09/02/2025** at **12:27pm** [Comment ID: 1594] - [Link](#)

Question

Agree: 0, Disagree: 0

Why this requirement? Seems risky if there is a tree disease. Why not give the option to plant varying tree species?

Reply by **SiteAdmin** on **09/16/2025** at **2:40pm** [Comment ID: 1719] - [Link](#)

Answer

Agree: 0, Disagree: 0

It's intended to ensure similar shapes. We will explore whether to change to same genus.

- b. Pedestrian zones must be separated from automobile travel lanes and street parking by an amenity zone.
- c. The width of the pedestrian zone must, at a minimum, meet the width specified by the street classification on the Street Type Map.
- d. The pedestrian zone must be continuous across any driveway providing vehicle access to a lot.
- e. The pedestrian zone must remain clear of obstacles for the minimum specified width at all times and must be constructed to comply with all City and ADA specifications.
- f. Utility poles, street lights, and above-ground utilities cannot be located in a pedestrian zone unless an alternative location is not feasible, as determined by the Director.

D. Existing Streetscapes

1. All Zoning Districts

Where existing streetscapes are determined to be in good condition by the Director, they may be used to comply with amenity zone and pedestrian zone requirements provided they comply with the streetscape standards of this Section.

2. House-Scale (H-) and Neighborhood-Scale (N-) Form Districts

- a. Where the predominant patterns of existing streetscapes conflict with the requirements of this Section, the Director may allow for streetscapes to be constructed to match existing amenity zone and pedestrian zones configurations found on adjacent lots, provided the existing streetscape patterns meet or exceed the intent of the specified design standards.
- b. Where the lot abuts an existing street and the adjacent lots on either side of the project does not have an existing streetscape, the Director may allow the project developer to contribute to a streetscape fund, maintained and administered by the City, in an amount equivalent to the cost of construction of the streetscape.

3. Urban Core (UC-) Form Districts

- a. In Urban Core (UC) districts, the Director may authorize outdoor dining areas to encroach into the pedestrian zone, provided a minimum clear pedestrian pathway of 6 feet is maintained at all times, in accordance with the fencing and public right-of-way requirements in Chapter 138, Article VIII.

E. Measurement

1. Amenity Zone

The required amenity zone width is measured horizontally from the back of curb toward the street lot line.

2. Pedestrian Zone

016

The required amenity zone width is measured horizontally from the amenity space toward the street lot line.

#016

Posted by **grace212** on **09/02/2025** at **12:30pm** [Comment ID: 1596] - [Link](#)

Question

Agree: 0, Disagree: 0

Is this a typo? Should it say "the required pedestrian zone is measured horizontally from ..." ?

Reply by **SiteAdmin** on **09/16/2025** at **2:37pm** [Comment ID: 1717] - [Link](#)

Answer

Agree: 0, Disagree: 0

Yes. Thanks!

STREETSCAPE**F. Relief**

1. A reduction of up to 10% from streetscape standards may be granted in accordance with Sec. XX. Administrative Modification.
2. A reduction of up to 30% may be granted in accordance with Sec. XX. Administrative Variation.
3. A reduction beyond 30% may be granted in accordance with Sec. XX. Variance.

Sec. 3.5.2. Front and Side Street Yard Landscaping

Landscaping in the area between a street-facing facade and the pedestrian zone for certain development types.

A. Intent

To provide open areas on a lot and help reduce the impact of certain uses along sidewalks.

B. Applicability

1. Front and side yard street landscaping standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Where the zoning district regulates front and side street yard landscaping differently based on use, the following standards apply:
 - a. For residential uses, except residential uses abutting storefront streets, the residential standards apply.
 - b. For nonresidential uses or any use abutting storefront streets, the nonresidential / storefront standards apply.

C. Standards

1. Where required by the zoning district, the front yard or side street yard must be landscaped with plantings meeting the requirements of **Sec. XX. Plants and Plant Material**.
2. Where landscaping is required, street-facing entries (**Sec. XX. Street-Facing Entry**) and pedestrian walkways (**Sec. XX. Pedestrian Access**) are also allowed in front and side street yards.

D. Relief

1. Relief for existing conditions, such as block face, may be granted in accordance with **Sec. XX. Administrative Variation**.

DIVISION 3.6. **BUILDING SETBACKS**

Sec. 3.6.1. **Setbacks**

The area on a lot not intended for buildings and other permanent structures.

A. Intent

To provide open areas on a lot and help reduce the impact of buildings or permanent structures on abutting sidewalks and neighboring development and to reflect the character of the prevailing setback pattern.

B. Applicability

1. The building setback standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Where sublots are permitted, setback standards are apply to the perimeter of each lot, not individual sublots.
3. In House-Scale (H-) and Neighborhood-Scale (N-) districts, for through lots, the Director may determine which setback applies to each street lot line. The Director will consider the following criteria to decide whether the requirement applies:
 - a. The proposed number and arrangement of buildings on the lot to determine if meeting the build-to width requirement is practical for all street lot lines; and
 - b. The prevailing pattern of development on the surrounding parcels to determine where the requirement does not apply.

C. Standards

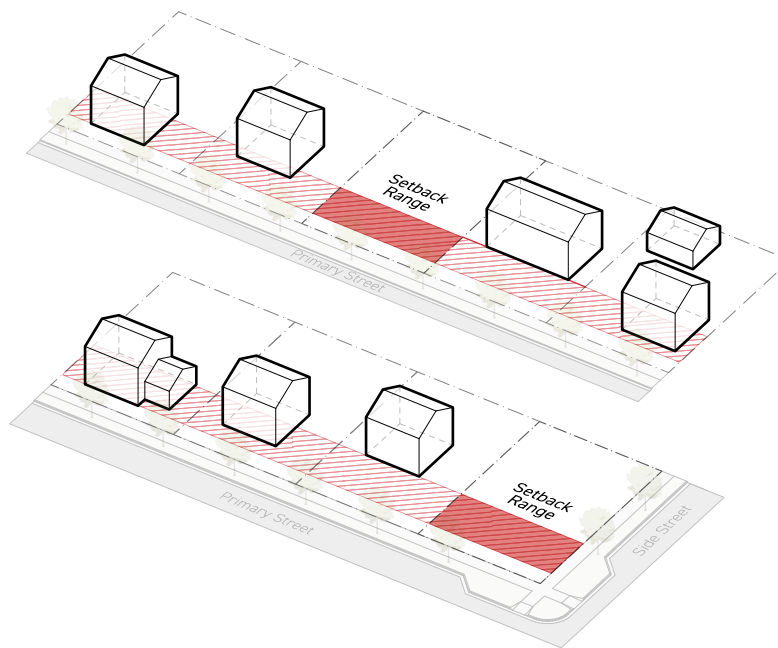
1. General

- a. Building setbacks include the following types:
 - i. Primary street setback;
 - ii. Storefront street setback;
 - iii. Side street setback;
 - iv. Side setback; and
 - v. Rear setback.
- b. All buildings and permanent structures on a lot must be located at or behind the minimum building setbacks specified by the zoning district, unless listed as an exception below.
- c. Some zoning districts have maximum street setbacks in addition to minimum setbacks. In these districts, for a certain portion of the lot, buildings must be located in the area between the required minimum and maximum setbacks, also known as the build-to zone. For requirements related to build-to zones, see **Sec. XX. Build-To Width.**

2. Established Setback Range

When the zoning district specifies a street setback as “Existing Range,” the minimum and maximum primary street setbacks must be modified as follows:

- The required primary street setback must be met within the range of existing primary street setbacks, no closer than the smallest setback in the range and no further than the largest setback in the range.
- On an interior lot, the setback range is determined by the 2 closest existing lots in either direction along the block face.
- On a corner lot, the setback range is determined by the 3 closest existing lots along the block face.



- If any lot included in the setback range calculation has no dwelling unit on the front half of the lot or the lot is vacant, the lot must be disregarded for the purpose of calculating the existing setback range.
- If the Director determines the existing setback range cannot be adequately determined, the setbacks specified for the zoning district must be met.

D. Measurement

- All building setbacks are measured perpendicular to the applicable lot line. Where a street lot line abuts an access easement, the setback may be measured from the interior edge of the access easement rather than the lot line.

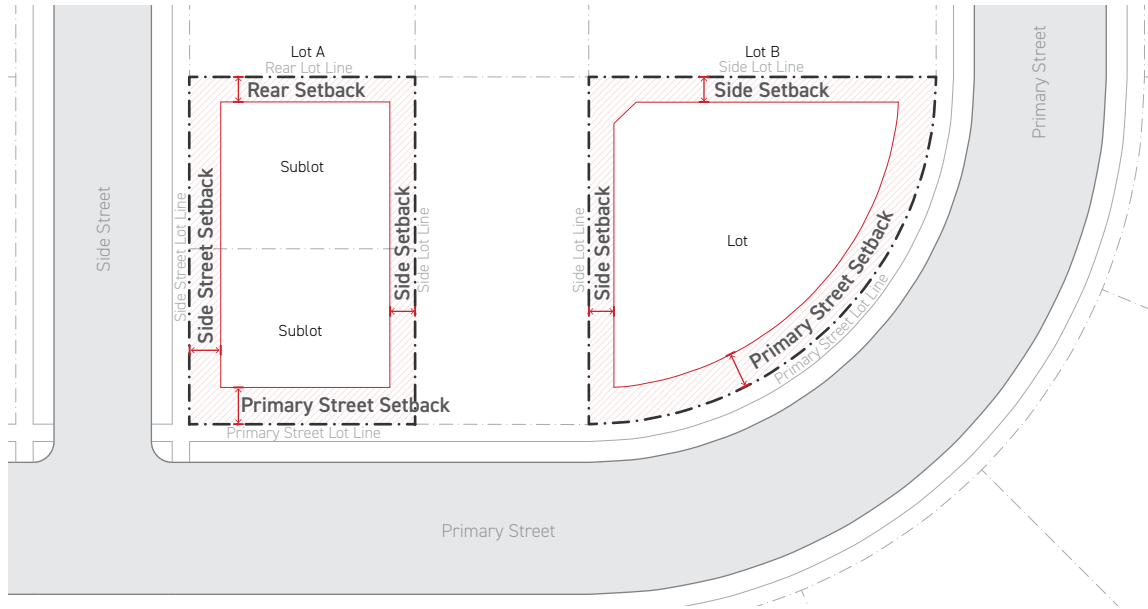
#017

Posted by **grace212** on **09/02/2025** at **12:33pm** [Comment ID: 1597] - [Link](#)

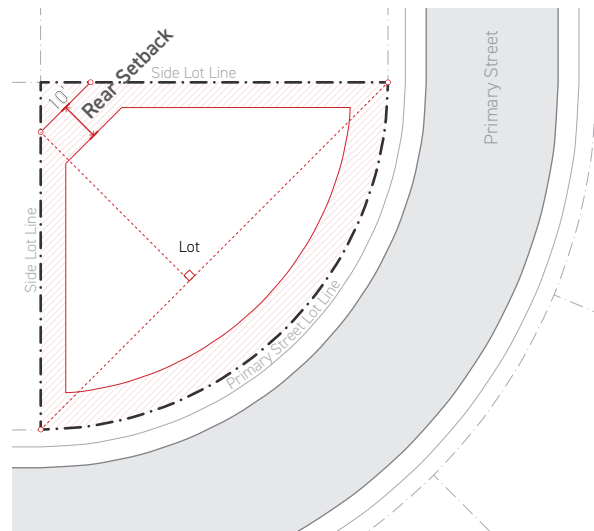
Suggestion

Agree: 1, Disagree: 0

If there is a vacant lot, the next lot with a building should be included in the setback range. So there should always be 3 (corner) or 4 (interior) buildings with actual setbacks in the calculation, instead of losing one if there's a vacant lot.

BUILDING SETBACKS

2. Primary street setback is measured inward from the primary street lot line.
3. Storefront street setback is measured inward from any primary street lot line where the street is designated as a storefront street.
4. Side street setback is measured inward from the side street lot line.
5. Side setback is measured inward from the side lot line. When a legacy alley abuts the side of a lot, the side setback is measured from the centerline of the alley.
6. Rear setback is measured inward from the rear lot line. When a legacy alley abuts the rear of a lot, the rear setback is measured from the centerline of the legacy alley.
 - a. For determining the rear setback for a triangular or gore-shaped lot, the rear lot line is measured from a 10-foot wide line, parallel to the primary street lot line that intersects two side lots lines at its endpoints.



- b. For instances where the primary street lot line is not straight, the rear setback line must be parallel to a line connecting the end points of the primary street lot line.

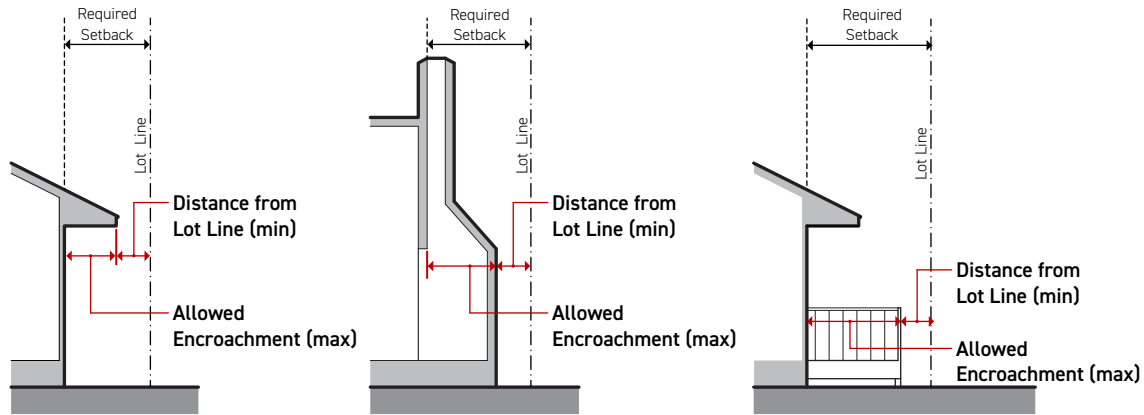
E. Exceptions

1. Limited Encroachments

- a. The following may encroach into a required setback to a limited extent. The encroachment limits only apply when the setbacks specified by the zoning district are equal to or larger than the encroachments allowed below.

	Building Setback	
	Primary, Storefront, or Side Street Setback	Side or Rear Setback
Architectural Details <i>Examples: cornices, belt courses, sills, lintels, pilasters, pediments, and chimneys</i>		
Allowed encroachment (max)	2'	2'
Distance from lot line (min)	0'	2'
Roof Projections <i>Examples: eaves, roof overhangs, gutters, awnings, and canopies</i>		
Allowed encroachment (max)	3'	2'
Distance from lot line (min)	0'	2'
Unenclosed Structures (Ground Story) <i>Examples: porches, decks, stoops, landing platforms, trellises, and pergolas</i>		
Allowed encroachment (max)	<u>10'</u>	2'
Distance from lot line (min)	0'	3'
Unenclosed Structures (Upper Story) <i>Examples: balconies, light shelves, and exterior stairways</i>		
Allowed encroachment (max)	5'	2'
Distance from lot line (min)	0'	3'
Enclosed Structures <i>Examples: bay windows, sleeping porches, and overhanging volumes</i>		
Allowed encroachment (max)	2'	2'
Distance from lot line (<u>min</u>)	0'	3'
Mechanical Equipment <i>Examples: HVAC equipment, gas and electrical meters, water heaters, cisterns, and solar panels</i>		
Allowed encroachment (max)	not allowed	<u>Unlimited</u>
Distance from lot line (min)	same as zoning district	<u>0'</u>
Waste Receptacle Enclosure	see Sec. XX. Site Element Screens	
Signs	see Div. XX. Signs	

- b. In side yards, enclosed structures may encroach into the required setback, provided the encroachment does not exceed 25% of the length of the adjacent building wall. Enclosed structures must not include any additional projections from the building facade.
- c. Allowed encroachment is measured outward from the required setback.
- d. Distance from lot line is measured inward from the applicable lot line.

BUILDING SETBACKS**2. Unlimited Encroachments**

The following are allowed to encroach into a required setback to the extent necessary to perform their proper function:

- a. Accessibility ramps and lifts, and fire escapes;
- b. Covered structures located entirely below grade. Examples include basements, cellars, cisterns, footings, and mechanical equipment less than 4 feet in height; and storm water storage;
- c. Equipment related to public or utility operating systems, including related wires, conduits, and pipes. Examples include hydrants, transformers, utility cabinets, water utility devices, cable television, or phone boxes;
- d. Fences and walls, in accordance with **Sec. XX. Fences and Walls**;
- e. Outdoor amenity features. Examples include gardens, ponds, and pools;
- f. Permanent or movable furniture. Examples include benches, tables, and bike and scooter parking racks;
- g. Plants. Examples include trees, shrubs, flowers, herbs, vegetables, grasses, ferns, mosses, and associated planters and raised planting beds, if applicable;
- h. Sidewalks, multi-use paths, pedestrian walkways, ramps, driveways, patios, and decks 2.5 feet in height or less, measured from finished grade; and
- i. Stormwater devices including underground detention and low impact development (LID) stormwater devices approved by the Director.

F. Relief**1. General**

- a. A change of up to 10% from the building setback standards may be granted in accordance with **Sec. XX. Administrative Modification**, provided the resulting minimum setback is at least 1.5 feet.
- b. A change beyond 10% may be granted in accordance with **Sec. XX. Variance**.

2. Tree Preservation

- a. In House-Scale (H-) and Neighborhood-Scale (N-) zoning districts, minimum and maximum setbacks may be increased or decreased by up to 50% with the approval of the Director where the City Arborist determines the adjustment is necessary to preserve trees in fair or better condition and their existing soils. 019
- b. The Director may apply conditions to this adjustment to ensure the continued health of the trees, including mandatory replacement requirements if the tree health were to fail.
- c. 018 The Director may approve a setback increase or decrease once in a 5-year period on the same lot.

#018

Posted by **grace212** on **09/02/2025** at **12:37pm** [Comment ID: 1600] - [Link](#)

Question

Agree: 0, Disagree: 0

What is the purpose of this time limit? Also, does it mean once per setback in a 5 year period or once per lot?

Reply by **SiteAdmin** on **09/16/2025** at **2:33pm** [Comment ID: 1715] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your questions. We will look into this.

#019

Posted by **Jennifer Friese** on **08/29/2025** at **5:12am** [Comment ID: 1541] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

This standard frightens me, while I appreciate the intent to preserve trees I fear that bad actors will be granted 50% relief in setback but later take down said trees and just pay the recompense.

Reply by **SiteAdmin** on **08/29/2025** at **12:40pm** [Comment ID: 1556] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

This standard has existed in Decatur for several years and have been very effective at encouraging tree preservation. Furthermore, if the tree dies or is otherwise removed, it must be replaced.

TRANSITION

DIVISION 3.7. **TRANSITION**

Additional landscape buffer, setback, and height requirements for buildings on lots in higher-intensity zoning districts that abut lower-intensity zoning districts. For requirements, see Div. XX. Transitions and Screening.

DIVISION 3.8. **BUILD-TO**

Sec. 3.8.1. **Build-To Width**

The cumulative building width that occupies the build-to zone relative to the width of the site or lot at the street lot line.

A. Intent

To regulate the placement of buildings along the public realm so that buildings frame the public realm with a consistent pattern of development.

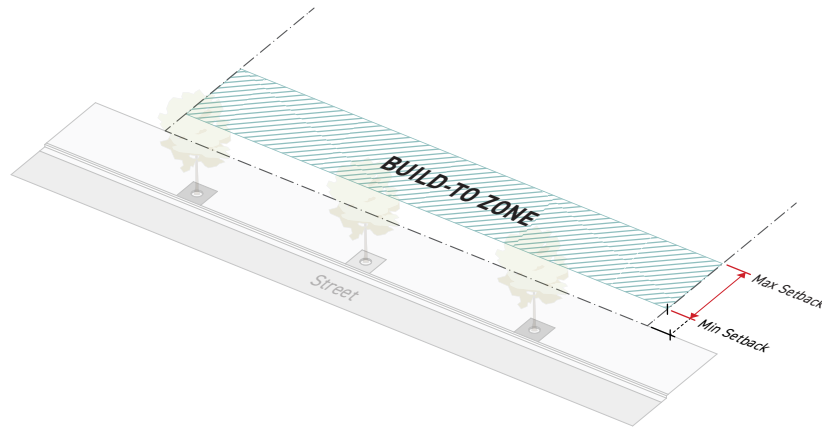
B. Applicability

1. The build-to width standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Where sublots are permitted, build-to width standards are calculated for each lot, not individual sublots.
3. The build-to width requirement applies to the first 2 stories of primary and storefront streets.
4. The build-to width requirement only applies to the ground story on side streets.
5. For through lots, the Director may determine the build-to width requirement does not apply to one of the street lot lines. The Director will consider the following criteria to decide whether the requirement applies:
 - a. The proposed number and arrangement of buildings on the lot to determine if meeting the build-to width requirement is practical for all street lot lines; and
 - b. The prevailing pattern of development on the surrounding parcels to determine where the requirement does not apply.

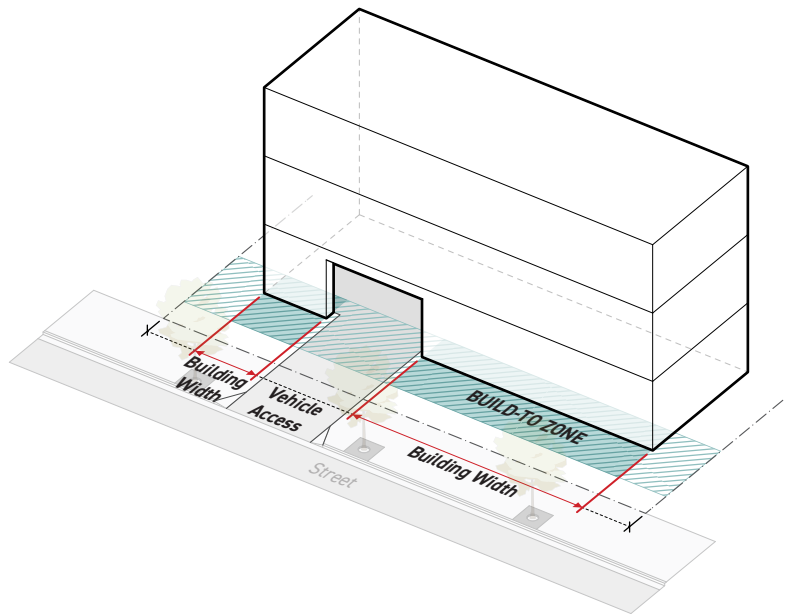
C. Standards

1. General

- a. No building or portion of a building can be located outside of the build-to zone until the build-to width requirement, as specified by the zoning district, has been met for all street lot lines.
- b. The build-to zone is the area on the lot between the minimum and maximum building setbacks, for the full width of the site.

BUILD-TO

- c. Portions of a building providing vehicle access to a vehicle use area through the ground story of a building, such as an entrance into a parking structure, do not qualify as building width and do not count toward the required build-to width



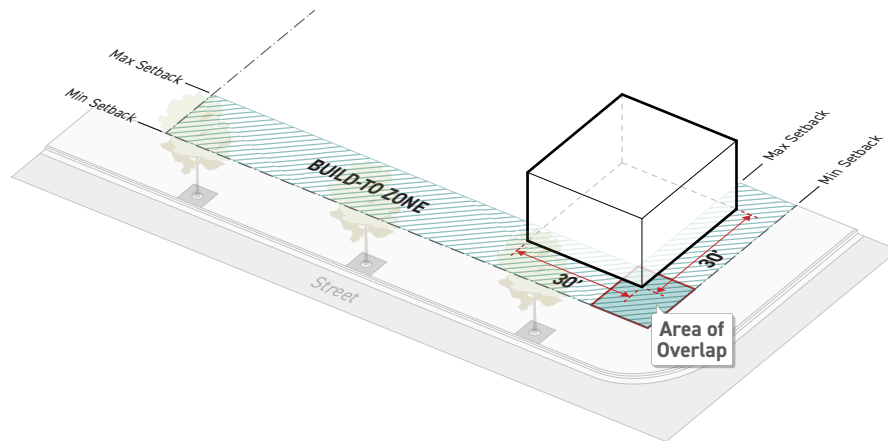
- d. Buildings and structures may occupy the area behind the maximum building setback once the minimum build-to width requirement has been satisfied.
- e. To meet the build-to width requirement on lots with existing buildings, see requirements in **Div. 5.3. Nonconformities**.

2. Corner Lots

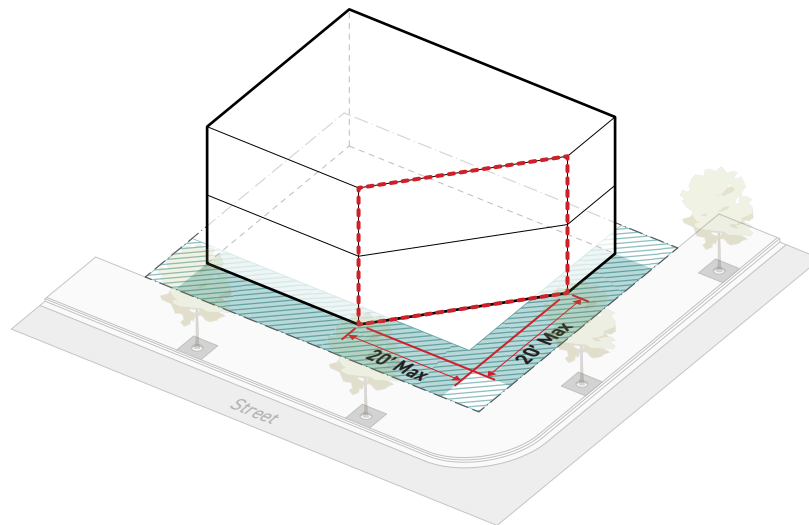
In addition to the general standards for build-to width, corner lots where both streets have a build-to width requirement must meet the following requirements:

- a. A building must occupy the portion of the area where the two intersecting build-to zones overlap. The building must occupy the build-to zones for both streets lot lines for a minimum of 30 feet from the corner. The minimum requirement is measured starting at the edge of the building occupying the area of overlap and moving away from the corner, parallel to the

street lot line. This building width counts toward the required build-to width for both street lot lines.



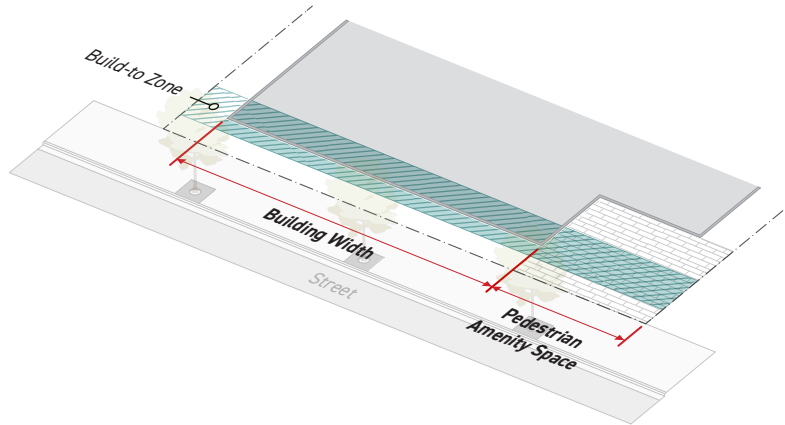
- b. Pedestrian amenity space meeting the requirements of Pedestrian Amenity Space Allowance qualifies as building width in the area of overlap on corner lots.
- c. A chamfered corner no more than 20 feet in width along both street lot lines qualifies as a building width in the build-to zone even where it extends outside of the build-to zone. Chamfered corner width is measured parallel to the street lot line.



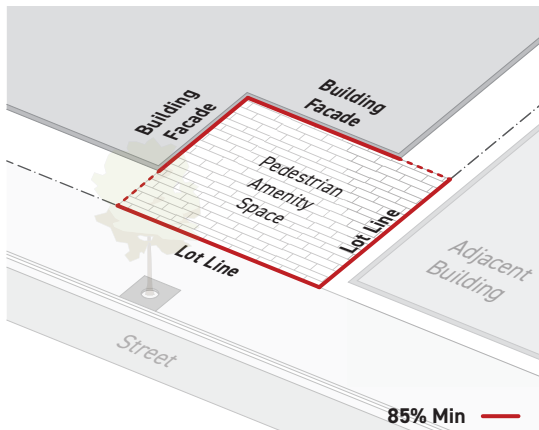
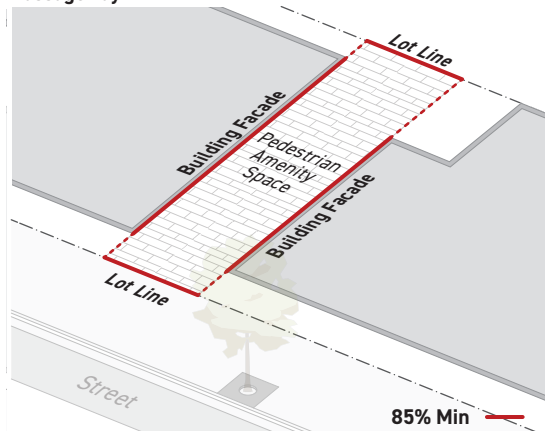
- d. Corner lot standards do not apply if a pedestrian outdoor amenity space occupies the same portion of the area of overlap and is being used to count toward the build-to requirement.

3. Pedestrian Amenity Space Allowance

Open space meeting the requirements for pedestrian amenity space (**Sec. XX. Outdoor Amenity Space**) may be provided as a substitute for building width, provided the following standards are met:

BUILD-TO

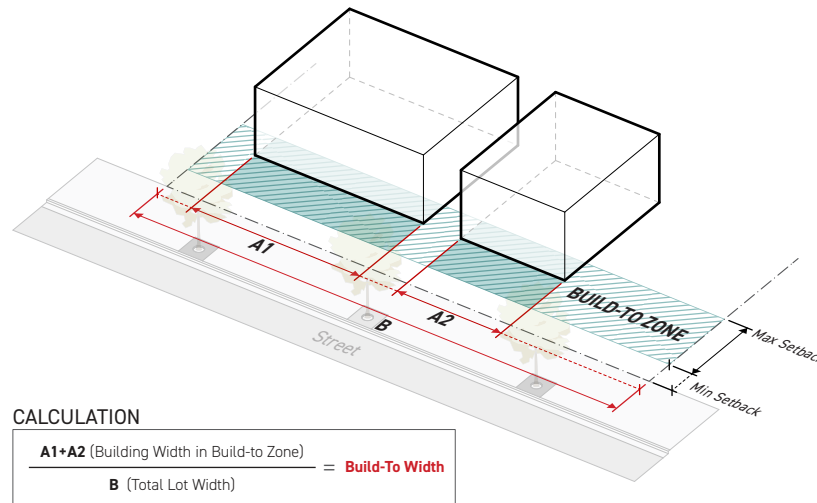
- a. A minimum of **75%** of the pedestrian outdoor amenity space perimeter must abut either a lot line or a building facade meeting the standards for a street-facing facade, as specified by the zoning district.

Plaza:**Passageway:**

- b. Where pedestrian amenity space abuts multiple street lot lines, the standards specified for the street lot line that abuts the pedestrian amenity space for the greatest length applies.

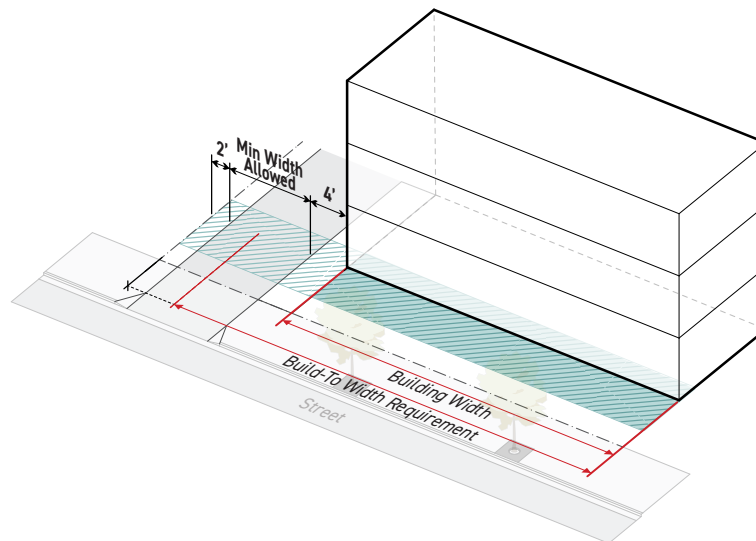
D. Measurement

1. Build-to width is calculated separately along each street lot line where a build-to width is required.
2. Build-to width is a percentage measured as the sum of all building widths occupying the build-to zone, divided by the total lot width.



E. Exceptions

1. Where providing vehicle access prevents a building from meeting the build-to width requirement, a reduced build-to width may be allowed by the Director, provided the vehicle access is no wider than the minimum required driveway width plus an additional 6 feet of width, including 4 feet for a pedestrian zone and 2 feet for clearance. See Sec. XX. Vehicle Access.



2. Where the preservation of a significant tree in fair or better condition at least 20 inches DBH in size, as determined by the Arborist, prevents a building from meeting the build-to width requirement, a reduced build-to width may be allowed by the Director. The build-to width can be reduced to the extent necessary to preserve the tree and existing soils and prevent damage from construction, according to the standards in City of Atlanta Code of Ordinances, Article II - Tree Protection.

BUILD-TO

F. Relief

1. A reduction of up to 10% from the build-to width standards may be granted in accordance with Sec. XX. Administrative Modification.
2. A reduction of up to 30% may be granted in accordance with Sec. XX. Administrative Variation.
3. A reduction beyond 30% may be granted in accordance with Sec. XX. Variance.

DIVISION 3.9. **PARKING LOCATION**

Sec. 3.9.1. **Parking In Required Setbacks**


A. Intent

To minimize the visual impact of parked motor vehicles from the public realm in lower-intensity zoning districts.

B. Applicability

1. Parking in required setback standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Parking in required setbacks standards apply to all lots providing on-site parking where the zoning district limits parking locations based on the required setbacks.

C. Standards

1. When provided, on-site parking is only allowed in a setback as specified by the zoning district.
2. Where a lot abuts an alley, vehicle access to any on-site parking must be provided from the alley. Vehicle access may be provided in another location if the alley is determined to be inaccessible by the Director.
3. When parking is allowed in a primary street, side street, or storefront street setback, the following standard apply:
 - a. Parking is only permitted on a driveway that is 10 feet wide or less. The driveway must meet the requirements of **Sec. XX. Vehicle Access**.
 - b. No portion of a designated on-site parking space is allowed within 6 feet of any street lot line or pedestrian zone (**Sec. XX. Streetscape**). 
4. In the side setback, a driveway is only allowed in one side setback and the continuation of that setback into the primary street setback or rear setback to the lot line.
5. Paved areas, including driveways and parking areas, are not permitted to exceed 30% of any required primary, storefront, or side street setback.

D. Measurement

For the determination of setbacks, see **Sec. XX. Setbacks**.

Sec. 3.9.2. **Parking In Required Yards**

A. Intent

To minimize the visual impact of parked motor vehicles from the public realm.

#020

Posted by **dimnickph** on **09/01/2025** at **2:45pm** [Comment ID: 1562] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

3.9.1 C 3 b. There should be a topography exception as in 3.9.4 C b.i.

Reply by **SiteAdmin** on **09/02/2025** at **8:16am** [Comment ID: 1574] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your suggestion.

PARKING LOCATION**B. Applicability**

1. Parking in required yards standards apply in accordance with the standards of the applicable zoning district and the proposed project activity.
2. Parking in required yards standards apply to all lots providing on-site parking where the zoning district limits parking locations based on the required yards.

C. Standards

1. When provided, on-site parking is only allowed in a yard as specified by the zoning district.
2. Where a lot abuts an alley, vehicle access to any on-site parking must be provided from the alley. Vehicle access may be provided in another location if the alley is determined to be inaccessible by the Director.
3. When parking is allowed in a primary street, side street, or storefront street yard, the following standard apply:
 - a. Parking is only permitted on a driveway that is 10 feet wide or less. The driveway must meet the requirements of **Sec. XX. Vehicle Access.**
 - b. ~~No portion of a designated on-site parking space is allowed within 5 feet of any street lot line or pedestrian zone (Sec. XX. Streetscape).~~
4. In the side setback, a driveway is only allowed in one side yard and the continuation of that yard into the front yard or rear yard to the lot line.
5. Paved areas, including driveways and parking areas, are not permitted to exceed 30% of any required front or side street yard.

D. Measurement

For the determination of yards, see **Sec. XX. Yard.**

Sec. 3.9.3. Between the Building and Street**A. Intent**

To minimize the impact of parked motor vehicles on the public realm and to promote a comfortable, safe, engaging, and attractive streetscape with active spaces and landscaping along the public realm.

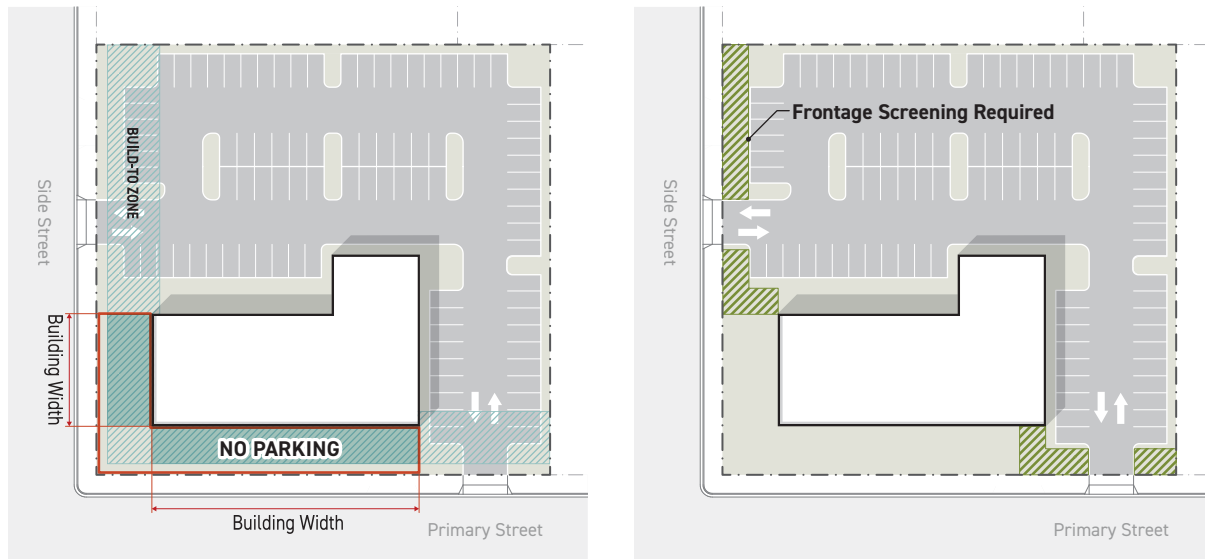
B. Applicability

1. Parking between the building and street standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Parking between the building and street standards apply to all lots providing on-site parking where the zoning district limits parking between buildings and the street.

C. Standards

1. No parking or area for use by a motor vehicle can be located between the portion of a building used to meet the build-to width requirement and the street.

- Where a lot abuts an alley, vehicle access to any on-site parking must be provided from the alley. Vehicle access may be provided in another location if the alley is determined to be infeasible by the Director.
- All parking lots and other vehicle areas that abut a street lot line must be screened in accordance with **Sec. XX. Frontage Screens**.



- See **Div. XX. Vehicle Access and Parking** for additional driveway and parking area requirements.

D. Measurement

For the determination of build-to width, see **Sec. XX. Build-To Width**.

Sec. 3.9.4. Garage Design

A. Intent

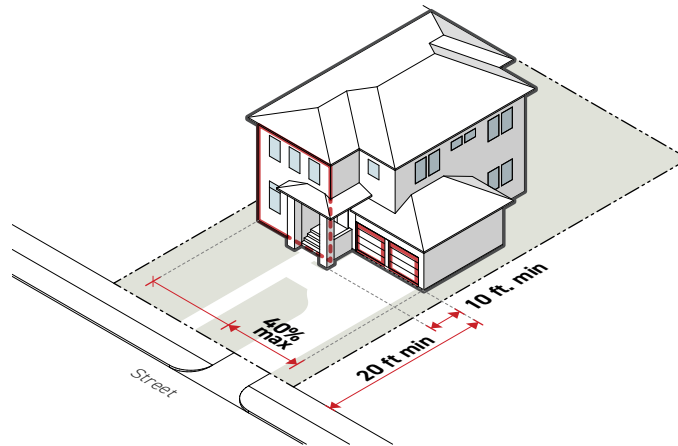
To minimize the impact of motor vehicle areas on the public realm and to promote a comfortable, safe, engaging, and attractive streetscape with active spaces and landscaping along the public realm.

B. Applicability

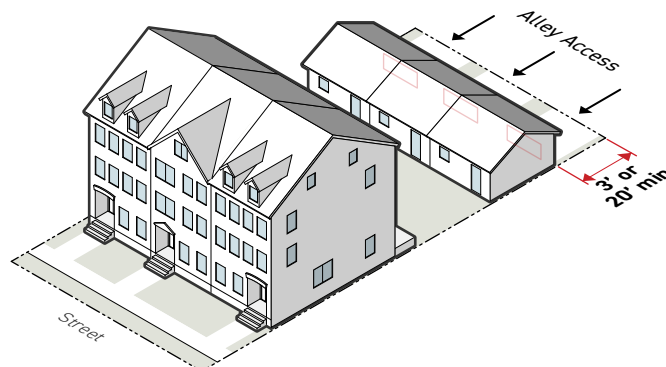
- Garage design standards apply based on the requirements of the applicable zoning district and the proposed project activity.
- Garage design standards do not apply to lots in House-Scale (H-) districts.
- Garage design standards apply to all lots providing on-site parking in a covered structure, including garages and carports.
- Garage design standards do not apply to lots with ~~multiple dwelling units and~~ parking structures providing 10 or more spaces. Parking structures must follow the standards in **Sec. XX. Parking Design**.

PARKING LOCATION**C. Standards****1. General**

- a. Garages may be attached or detached to the primary structure.
- b. For lots providing vehicle access from a primary or side street lot line, the following standards apply:
 - i. Garages must be positioned at least 10 feet behind the primary street-facing facade, unless the Director determines that topographic constraints make this requirement impractical.
 - ii. Garages are limited in width to no more than 40% of any street-facing facade.
 - iii. Garage doors must be at least 20 feet from the edge of a sidewalk.



- c. For lots providing vehicle access from an alley or rear lot line, the following standards apply:
 - i. Garages must be placed entirely to the rear of the primary building and must be rear- or side-accessed.
 - ii. Garage doors are not allowed to face the primary or side street lot line.
- d. ~~For lots providing vehicle access from an alley, the following standards apply:~~
 - i. The garage door must be at least 2 feet from the edge of the alley.



DIVISION 3.10. **MASSING**

Sec. 3.10.1. **Building Height**

The vertical dimension of a building or structure measured in feet and stories.

A. Intent

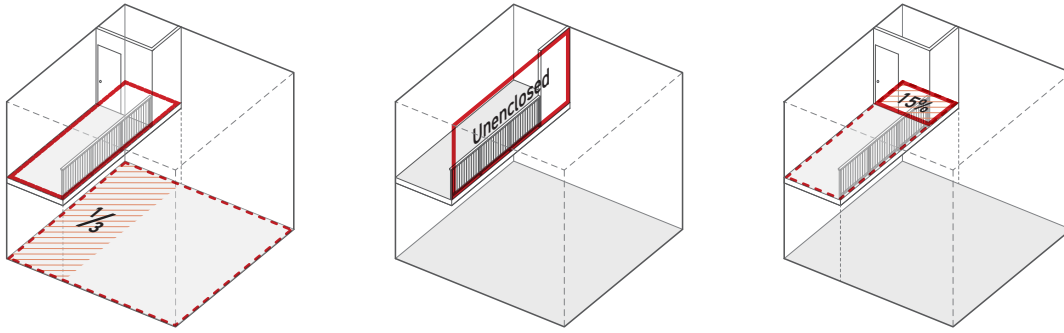
To provide adequate light, air, safety, and to protect the character of an area.

B. Applicability

Building height standards apply based on the requirements of the applicable zoning district and the proposed project activity.

C. Standards

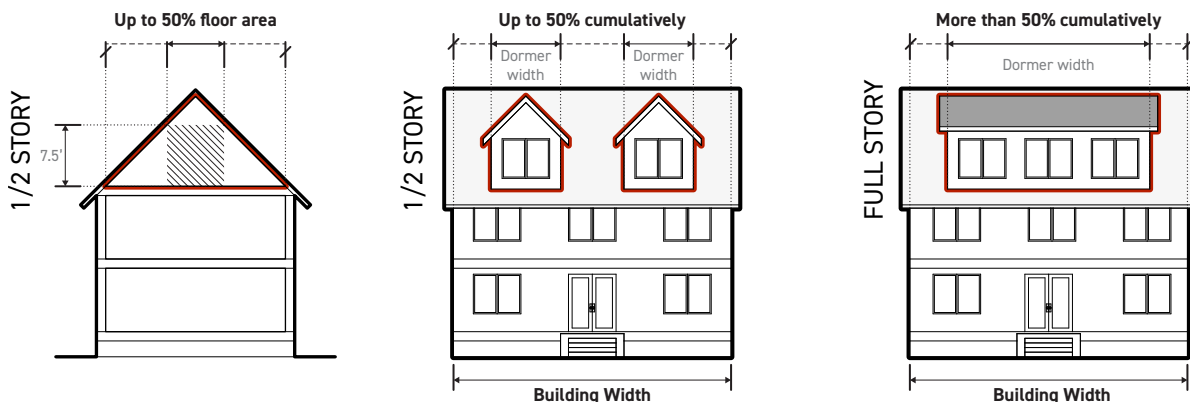
1. No building, portion of a building, or structure can exceed the maximum number of feet or stories allowed in the zoning district, unless:
 - a. The building, portion of a building, or structure is listed as an allowed encroachment below;
or
 - b. The development site meets the criteria for the height bonus in accordance with **Div. XX. Development Bonuses.**
2. Basements are not included in the calculation of maximum height in stories.
3. Mezzanines are not included in the calculation of maximum height in stories, provided they meet the following standards:
 - a. The mezzanine floor area is not more than 1/3 of the floor area of the room or enclosed space it is within.
 - b. The perimeter of the mezzanine is unenclosed, with the following exceptions:
 - i. The portions of the mezzanine perimeter that are formed by the walls enclosing the larger room or space the mezzanine is located within;
 - ii. Required safety barriers along the perimeter of the mezzanine; or
 - iii. Mezzanines are not permitted on street-facing building facades.
 - c. A maximum of 15% of the floor area in the mezzanine may be enclosed.

MASSING**D. Measurement**

021

1. Height in Stories

- a. Height in stories is measured along street-facing facades as the number of stories above existing grade. The ground story and all upper stories are included in the calculation of maximum height in stories. See **Sec. XX. Story** for determining the ground story of a building.
- b. Height in stories may be measured for a full building or for each building module. See **Sec. XX. Story** for determining building modules and **Sec. XX. Average Grade** for measuring average grade.
- c. The topmost story of a building is not counted as a full story and is counted as a half story when the following standards are met:
 - i. It is completely within the roof form of the building and less than 50% of the floor area has a clear height of more than 7.5 feet, measured from the finished floor to the finish ceiling; and
 - ii. Dormers do not exceed more than 50% of the front, rear, or side building width. 022

**2. Height in Feet**

- a. Height in feet is measured for the perimeter of the building as the distance from average existing grade to one of the following:
 - i. The mid-point of the roof, for a building with a roof having a pitch greater than 4:12;
 - ii. The top of the roof deck, for a building with a roof having a pitch of 4:12 or less; and

#021

Posted by **grace212** on **09/02/2025** at **12:47pm** [Comment ID: 1605] - [Link](#)

Question

Agree: 0, Disagree: 0

Is there a reason both of these measurements are included and we didn't decide to just go with one or the other?

Reply by **SiteAdmin** on **09/16/2025** at **2:26pm** [Comment ID: 1713] - [Link](#)

Answer

Agree: 0, Disagree: 0

This section will be updated in the next draft.

#022

Posted by **dimnickph** on **09/01/2025** at **3:13pm** [Comment ID: 1564] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

iii. Dormers are set back no less than three feet from the facade of the floor(s) below.

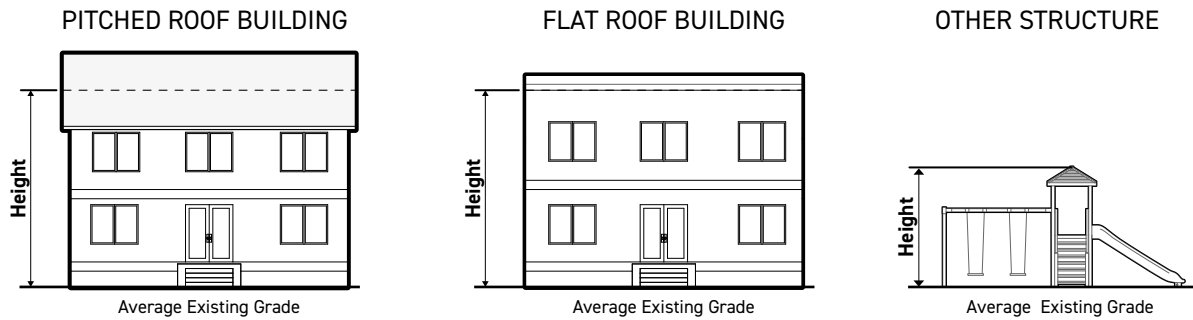
Reply by **SiteAdmin** on **09/02/2025** at **8:14am** [Comment ID: 1573] - [Link](#)

Agree: 0, Disagree: 0

Thank you.

There are many, many examples across Atlanta with dormers built co-planer with the wall of the story below. In fact, several historic districts (which this sections also applies to) require it with new construction.

- iii. The topmost point of the structure, for all other structures.



- b. Height in feet may be measured for a full building or for each building module. See **Sec. XX. Story** for determining building modules and **Sec. XX. Average Grade** for measuring average grade.

E. Exceptions

The following encroachments are allowed to extend beyond the maximum height limit to the extent necessary to perform their proper function:

1. Architectural details including chimneys, ~~spires, belfries,~~ cupolas, ~~domes,~~ flagpoles, and lighting;
2. Safety barriers including fences, walls, parapets, and railings;
3. Vertical circulation including elevators and stairway access to the roof;
4. Unenclosed structures including shade structures, ~~cabanas, pergolas,~~ and sports courts;
5. Mechanical equipment including HVAC equipment, cisterns, wind turbines, solar panels, vent stacks, and satellite dishes;
6. Flatwork including decks, walkways, and patios; and
7. Vegetation including plants and trees.

F. Relief

1. ~~An increase of up to 10% in maximum building height in feet may be granted in accordance with Sec. XX. Administrative Modification.~~
2. A change from the building height standards may be granted in accordance with **Sec. XX. Variance**.

Sec. 3.10.2. Side Wall Height

The vertical dimension of the wall of a building or structure, supporting the roof structure.

A. Intent

To protect the scale and character of development in lower-intensity zoning districts.

B. Applicability

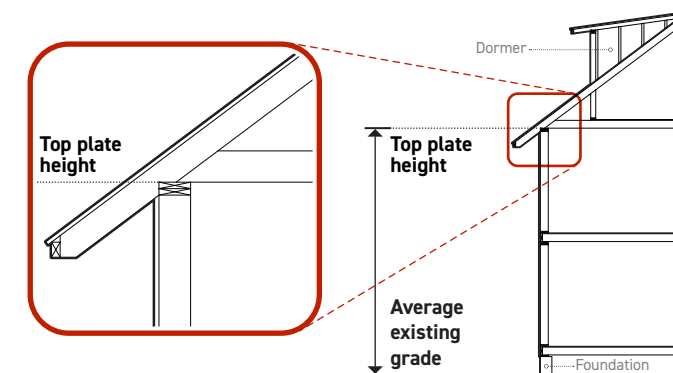
Side wall height standards apply based on the requirements of the applicable zoning district and the proposed project activity.

C. Standards

Side wall height cannot exceed the maximum height specified by the zoning district.

D. Measurement

Side wall height is measured from average existing grade to the top plate of the building.



E. Relief

1. An increase of up to 10% from the side wall height standards may be granted in accordance with Sec. XX. Administrative Modification.
2. An increase of up to 30% may be granted in accordance with Sec. XX. Administrative Variation.
3. An increase beyond 30% may be granted in accordance with Sec. XX. Variance.

Sec. 3.10.3. Building Width

The horizontal width of a building on a lot, parallel to the street lot line.

A. Intent


1. To promote fine-grained patterns of development and prevent larger buildings that are significantly out of context with traditional patterns by breaking wider buildings into multiple, clearly distinguished building widths.
2. To encourage larger buildings to provide open space for pedestrians and recreation.

B. Applicability

1. Building width standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Building width standards apply to all street-facing facades, but ~~Building width standards apply~~ only to portions of buildings located above the maximum ground story elevation, See XX. Ground Story Elevation, required by the zoning district.

C. Standards

1. General

- a. No building located on a lot can be wider than the maximum building width allowed by the zoning district.
- b. Two buildings can abut one another provided that they have no shared components and are structurally independent from one another. Examples of structurally independent buildings include detached buildings and structures, as well as townhouses. 


2. Facade Design Allowance

A continuous structure may use facade design to achieve the appearance of separate buildings for the purpose of meeting the maximum building width requirement, provided the following standards are met:

- a. The facade design allowance may only be used 2 times for each street-facing building facade.
- b. The abutting facade designs must reflect unique and distinct architectural designs for the full height of the building to achieve the appearance of separate buildings. The design of the following architectural details must vary for abutting facades:
 - i. Material;
 - ii. Window and door pattern;
 - iii. Roof or parapet height; and
 - iv. Color.

3. Pedestrian Amenity Space Allowance

A continuous structure may provide an open space meeting the requirements for pedestrian amenity space (Sec. XX. Outdoor Amenity Space) to achieve the appearance of separate buildings for the purpose of meeting the maximum building width requirement, provided the following standards are met:

- a. Pedestrian amenity space allowance may only be used 1 time for each street-facing facade.
- b.  The width of the building break must at least 25% the width of the widest adjacent building with.
- c. The depth of the building break must be at least equal to the width of the building break or 30 feet, whichever is less.

#023

Posted by **Redowan Kaushik** on **08/13/2025** at **9:17am** [Comment ID: 1398] - [Link](#)

Agree: 0, Disagree: 0

Please clarify this sentence.

Reply by **SiteAdmin** on **08/14/2025** at **1:02pm** [Comment ID: 1437] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thanks. We will fix this.

#024

Posted by **Jennifer Friese** on **08/29/2025** at **5:26am** [Comment ID: 1542] - [Link](#)

Question

Agree: 0, Disagree: 0

Isn't having a shared wall what defines a townhouse? And doesn't firecode require two structurally independent buildings to have 5' between them?

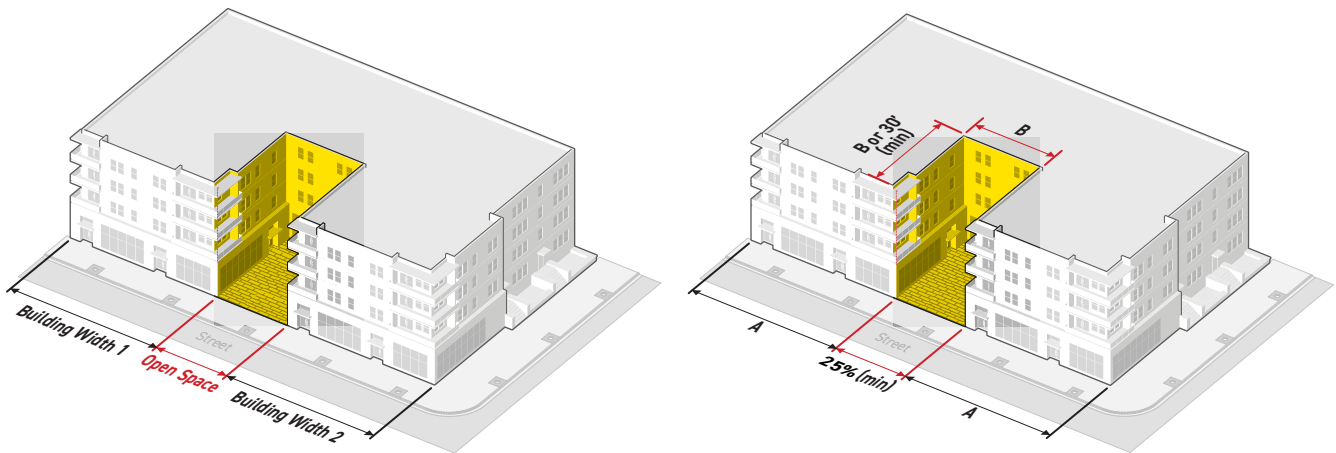
Reply by **SiteAdmin** on **08/29/2025** at **12:38pm** [Comment ID: 1555] - [Link](#)

Answer

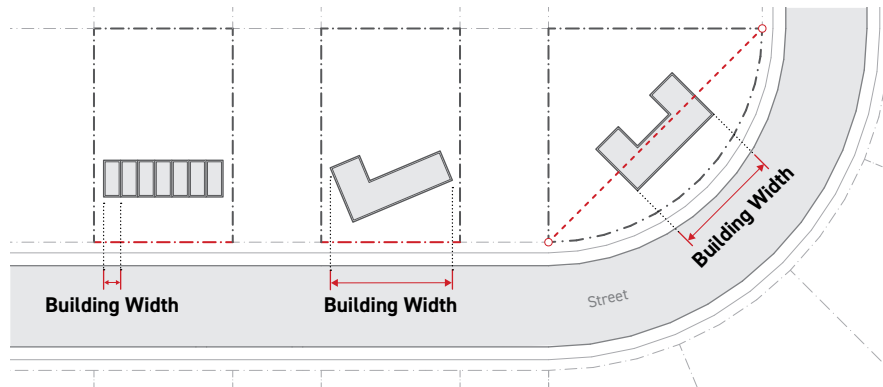
Agree: 0, Disagree: 0

Yes, but we received comments from developers that thought that a row of townhouses was a single "building" from a building width perspective. This is intended to clarify that.

Fire separation will continue to apply and always supersedes zoning. The separation requirements vary, depending on the wall material/fire rating, window openings, and other standards.

MASSING**D. Measurement**

Building width is measured horizontally and parallel to the street lot line, from one end of the building to the opposite end.

**E. Relief**

1. An increase of up to 10% from the building width standards may be granted in accordance with Sec. XX. Administrative Modification.
2. An increase beyond 10% may be granted in accordance with Sec. XX. Variance.

DIVISION 3.11. **ACTIVATION**

Sec. 3.11.1. **Active Depth**

The horizontal depth of a building that must contain active uses.

A. Intent

To help minimize the impact of inactive spaces on the public realm and to promote a safe, comfortable, engaging, and attractive build environment.

B. Applicability

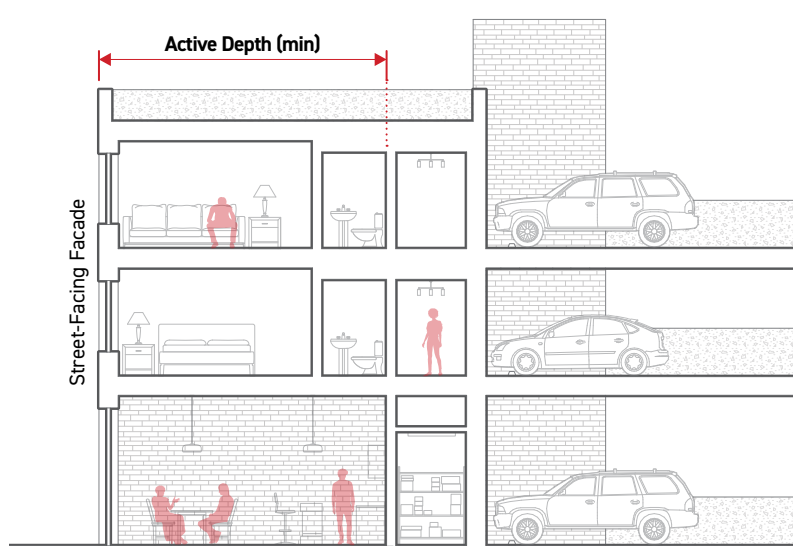
1. Active depth standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Active depth standards apply to all portions of a building used to meet the minimum build-to width requirement. See **Sec. XX. Build-To Width.**
3. Active depth standards apply to all stories on primary and storefront streets.
4. Active depth standards only apply to the ground story on side streets.
5. Active depth standards do not apply to the following:
 - a. Lots with 1 dwelling unit.
 - b. Along the side streets for a townhouse dwelling unit.

C. Standards

1. Applicable portions of a building must provide the minimum active depth required by the zoning district.
2. No more than 20% of the floor area of the required active depth can be used for inactive uses such as storage, hallways, stairwells, elevators, utility rooms, and equipment rooms. This restriction does not apply to areas designated for bicycle parking.
3. Vehicle parking spaces and motor vehicle use areas are not allowed in any portion of the required active depth.

D. Measurement

Active depth is measured from the street-facing facade inward to the interior of the building.

ACTIVATION**E. Relief**

1. A reduction of up to 10% from the active depth standards may be granted in accordance with **Sec. XX. Administrative Modification.**
2. A reduction of up to 30% may be granted in accordance with **Sec. XX. Administrative Variation.**
3. A reduction beyond 30% may be granted in accordance with **Sec. XX. Variance.**

DIVISION 3.12. **GROUND STORY**

Sec. 3.12.1. **Ground Story Height**

The floor-to-floor height of the ground story of a building.

A. Intent

To promote high-quality ground-story spaces that are adaptable and appropriate to their intended use and surrounding context.

B. Applicability

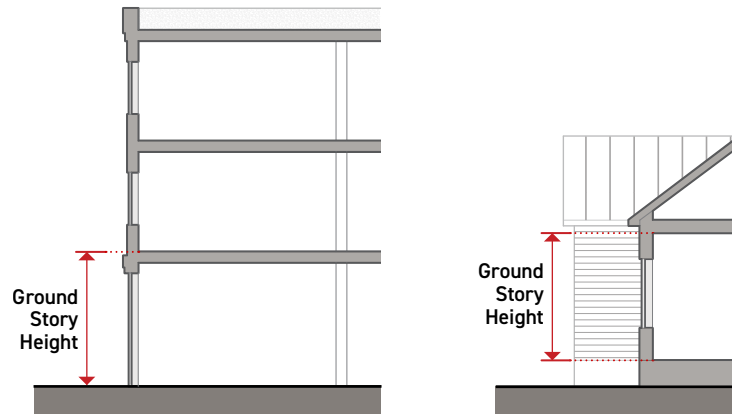
1. Ground story height standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Ground story height standards apply to all buildings that contain active depth on the ground story.
3. Where the zoning district regulates ground story height differently based on use, the following standards apply:
 - a. For residential uses, except residential uses abutting storefront streets, the residential standards apply.
 - b. For nonresidential uses or any use abutting storefront streets, the nonresidential standards apply.

C. Standards

The ground story height can be no lower than the minimum ground story height required by the zoning district.

D. Measurement

1. Ground story height is measured from the top of the finished floor of the ground story to the top of the finished floor of the story above.
2. When there is no story above, ground story height is measured from the top of the finished floor of the ground story to the bottom of the roof structure above.

GROUND STORY**E. Relief**

1. A reduction of up to 10% from the ground story height standards may be granted in accordance with Sec. XX. Administrative Modification.
2. A reduction of up to 30% may be granted in accordance with Sec. XX. Administrative Variation.
3. A reduction beyond 30% may be granted in accordance with Sec. XX. Variance.

Sec. 3.12.2. Ground Story Elevation

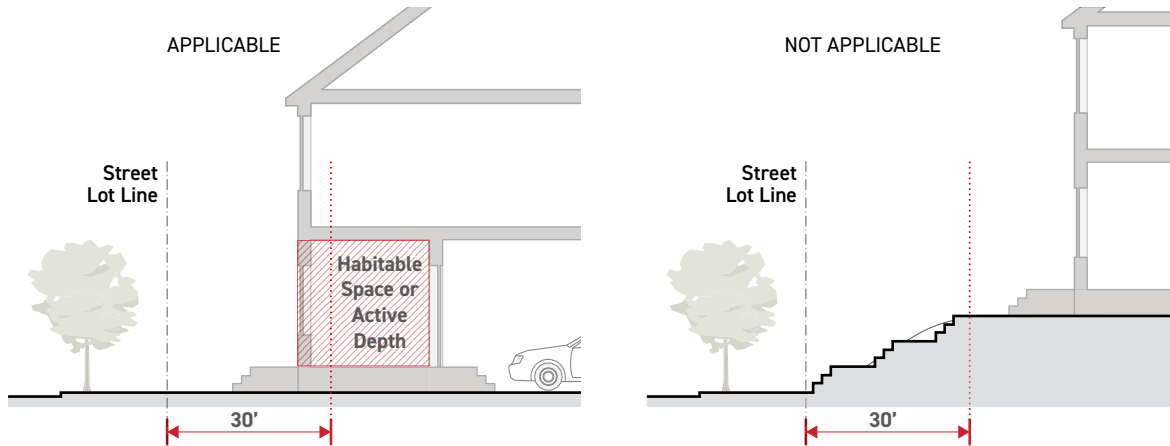
The height of the finished floor associated with the ground story of a building.

A. Intent

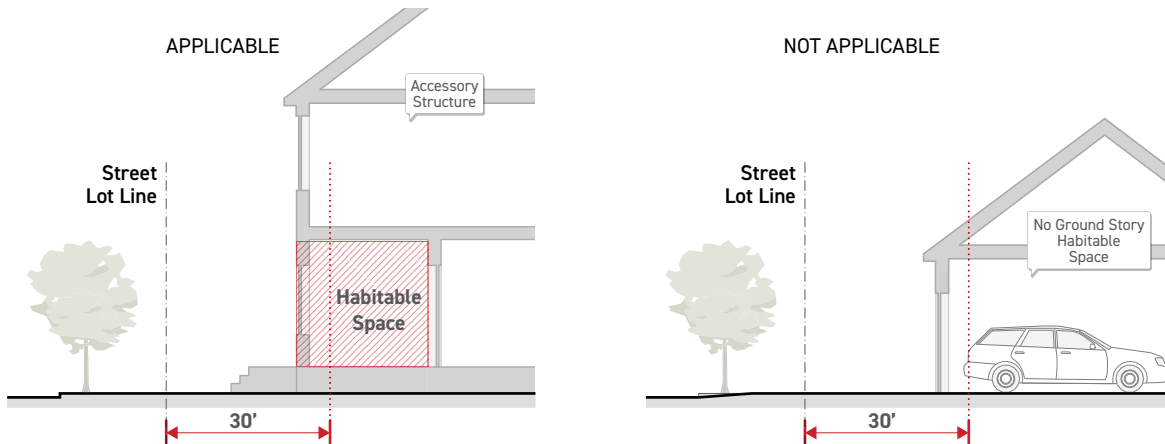
To promote “eyes on the street”, increase the perception of safety, and encourage visual connections between the public realm and the exterior of the building.

B. Applicability

1. Ground story elevation standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Ground story elevation standards apply to all buildings that contain habitable space on the ground story and that are located within 30 feet of a primary street or side street lot line.



3. Where the zoning district regulates active depth, the ground story elevation standards only apply to the required active depth on the ground story.
4. Ground story elevation standards do not apply to accessory structures, unless the ground story of the accessory structure contains habitable spaces.



5. Where the zoning district regulates ground story elevation differently based on use, the following standards apply:
 - a. For residential uses, except residential uses abutting storefront streets, the residential standards apply.
 - b. For nonresidential uses or any use abutting storefront streets, the nonresidential standards apply.

C. Standards

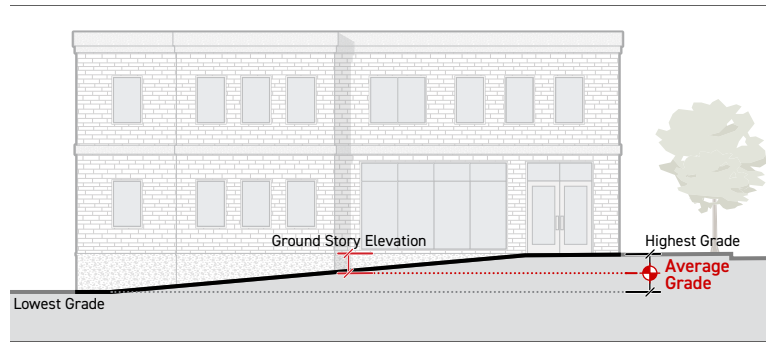
1. All applicable ground stories must have a finished floor surface meeting the following standards:
 - a. An elevation no lower than the minimum ground story elevation required by the zoning district.

GROUND STORY

- b. An elevation no higher than the maximum ground story elevation required by the zoning district.

D. Measurement

1. Ground story elevation is measured from the average existing grade to the top of the finished floor of the ground story.



2. On corner lots, for the purpose of determining ground story elevation, average existing grade must be established independently for each street-facing facade.

E. Exception

1. If a property is located within a designated flood zone, the ground floor elevation may be measured from the base flood elevation instead of the average existing grade. The determination to use base flood elevation as a form of measurement is subject to approval by the Director.

F. Relief

1. A change of up to 30% from the ground story elevation standards may be granted in accordance with Sec. XX. Administrative Modification.
2. A change beyond 30% may be granted in accordance with Sec. XX. Variance.

DIVISION 3.13. **WINDOWS AND DOORS**

Sec. 3.13.1. **Glazing**

The amount of transparent area on a building facade.

A. Intent

To provide visual interest along the public realm by encouraging visual connections between the public realm and the interior of a building.

B. Applicability

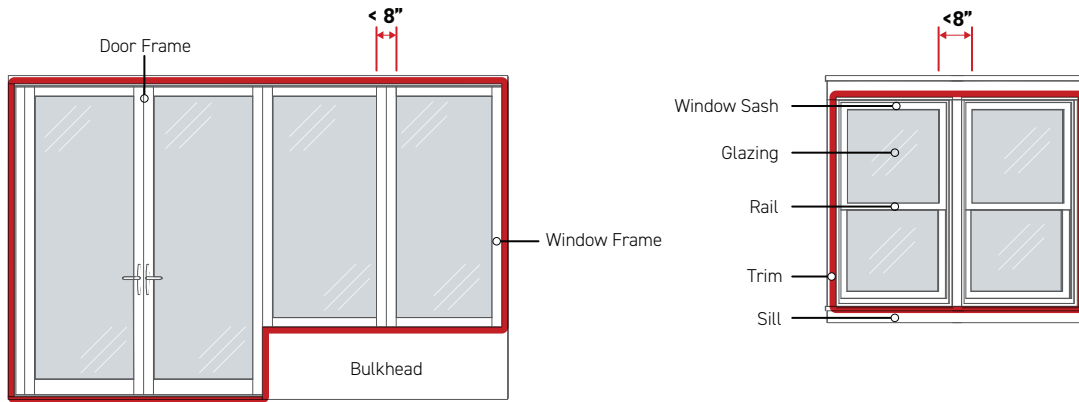
1. Glazing standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Glazing standards apply to all street-facing facades, and specifically:
 - a. Ground story glazing standards apply to the ground story; and
 - b. Upper story glazing standards apply to all stories above the ground story.
3. Where the zoning district regulates glazing differently based on use, the following standards apply:
 - a. For residential uses, the residential standards apply.
 - b. For industrial uses in Workplace Flex (WX-), the industrial standards apply.
 - c. For all other uses in Workplace Flex (WX-), the other standards apply.
 - d. For industrial and all other uses in any other zoning district, the nonresidential standards apply.

C. Standards

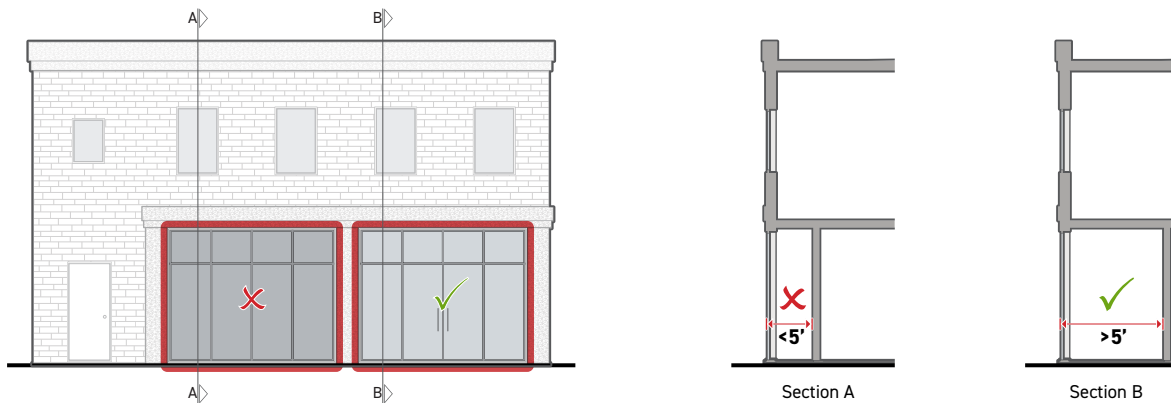
1. Applicable ground and upper story building facades must provide transparent area meeting the minimum glazing requirements of the zoning district.
2. To be considered a transparent area, window and door glazing must meet the following requirements:

	Glazing Specifications	
	Visible Light Transmittance	External Reflectance
Ground Story	More than 60%	Less than 20%
Upper Story	More than 30%	Less than 40%

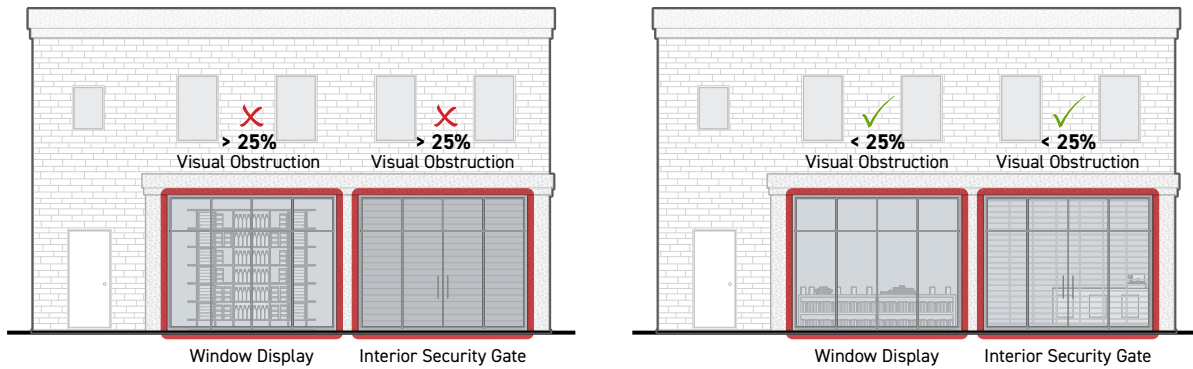
3. Muntins, mullions, window sashes, window and door frames, or window and door trim that are integral to window and door assemblies that are less than 8 inches wide may be considered transparent when calculating required percentages.

WINDOWS AND DOORS

4. Windows and doors used to meet the glazing requirements may be temporarily covered by operable window treatments, such as curtains or blinds.
 - a. Windows and doors obscured by fixed exterior facade screens may count toward the transparent area, provided no more than 25% of the total transparent area is covered for any individual window or door opening counting toward the transparent area.
 - b. Interior walls and other permanent interior visual obstructions cannot be located within 5 feet of the window or door opening used to meet the glazing requirement.



- c. Ground story windows and doors obscured by interior security gates and window displays located less than 5 feet from the window opening may count toward the transparent area, provided no more than 25% of the total transparent area is covered for any individual window or door opening counting toward the transparent area.



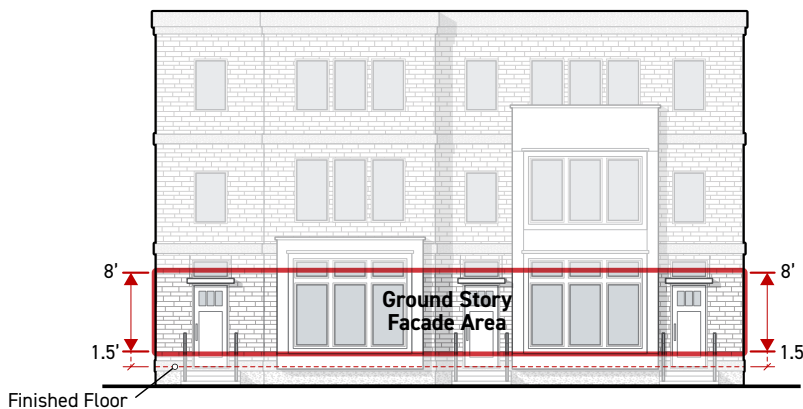
D. Measurement

1. General

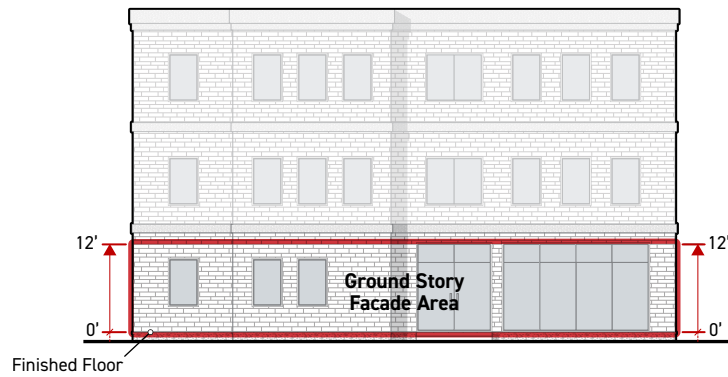
- Ground story and upper story glazing is measured as a percentage calculated as the sum of all transparent area, divided by the total applicable facade area.
- Glazing is measured separately for each story of a street-facing building facade.

2. Ground Story Facade Area

- For residential and industrial uses, ground story facade area is measured between 1.5 and 8 feet from the finished floor of the ground story.

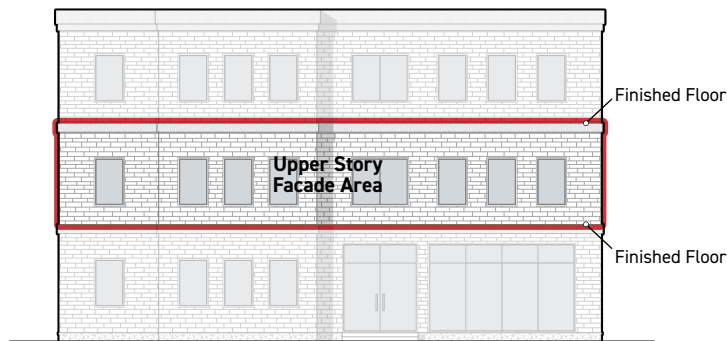


- For all other uses, ground story facade area is measured between 0 and 12 feet from the finished floor of the ground story. If the ground story height is less than 12 feet, ground story facade area is measured between the top of the finished floor of the ground story and the top of the finished floor of the story above. When there is no story above, it is measured to the top of the wall plate.

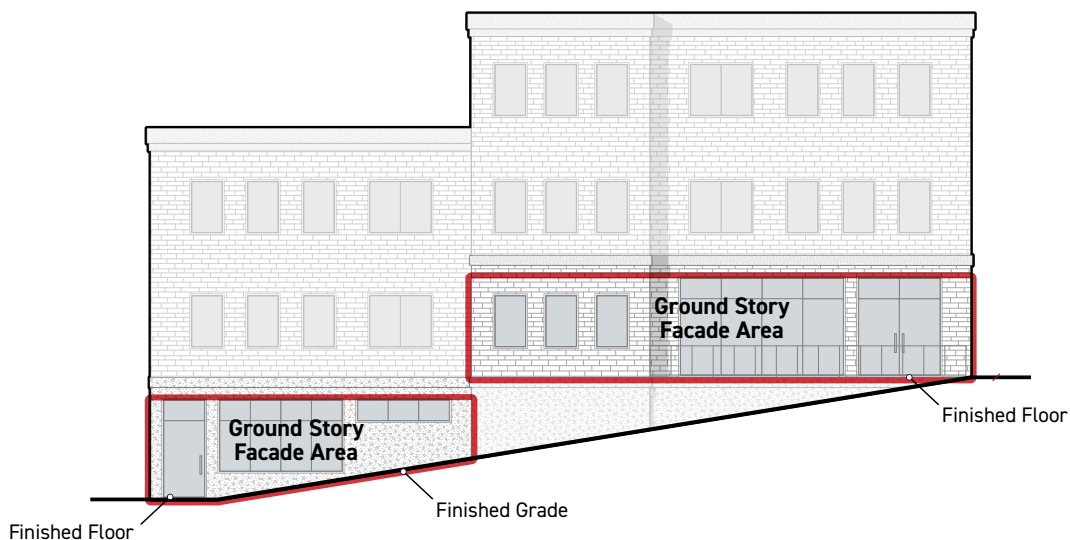


3. Upper Story Facade Area

Upper story facade area is measured as the portion of the facade area between the top of the finished floor for that story and the top of the finished floor above. When there is no story above, it is measured to the top of the wall plate.



- a. No portion of a ground story located below existing grade is included in ground story facade area.



E. Relief

1. A reduction of up to 10% from the glazing standards may be granted in accordance with **Sec. XX. Administrative Modification.**
2. A reduction of up to 30% may be granted in accordance with **Sec. XX. Administrative Variation.**
3. A reduction beyond 30% may be granted in accordance with **Sec. XX. Variance.**

Sec. 3.13.2. Blank Wall Width

The width of ground story facades and foundation walls without window or door openings.

A. Intent

To provide visual interest and activation along the public realm by limiting the area without visual or physical connections between the public realm and the interior of a building.

B. Applicability

1. Blank wall width standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Blank wall width standards only apply to the foundation wall and ground story of street-facing facades.
3. Where the zoning district regulates blank wall width differently based on use, the following standards apply:
 - a. For residential uses, the residential standards apply.
 - b. For industrial uses in Workplace Flex (WX-), the industrial standards apply.
 - c. For all other uses in Workplace Flex (WX-), the other standards apply.
 - d. For industrial and all other uses in any other zoning district, the nonresidential standards apply.

C. Standards

1. General

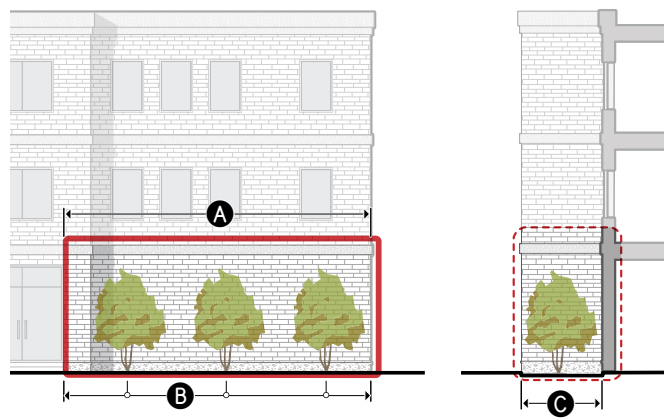
Windows and doors meeting the standards of **Sec. XX. Glazing** on applicable ground story facades or foundation walls can be separated by a distance no greater than the maximum blank wall width specified by the zoning district.

2. Blank Wall Treatments for Ground Story Facades

On side streets, ground story facades that exceed the maximum allowed blank wall width may apply one or more of the following blank wall treatments and increase the allowed blank wall width by 100%.

UNDERSTORY TREES

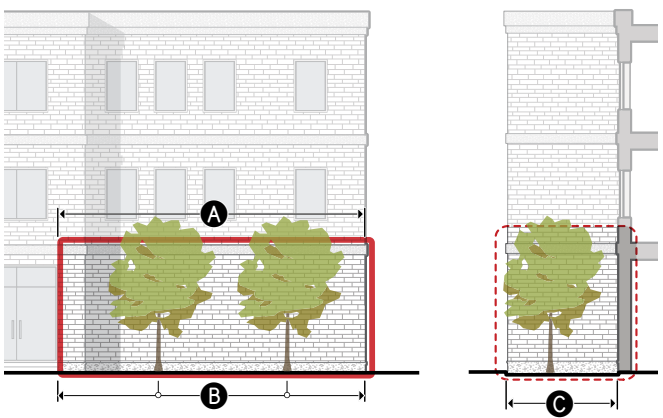
Understory trees planted between a blank wall on a ground story facade and the sidewalk.



DIMENSIONAL STANDARDS	
A Treatment width (min % of blank wall width)	100%
Tree type	Understory
B Planting frequency (min avg.)	5 per 100'
C Planting area width (min)	7'

CANOPY TREES

Canopy trees planted between a blank wall on a ground story facade and the sidewalk.



DIMENSIONAL STANDARDS	
A Treatment width (min % of blank wall width)	100%
Tree type	Canopy
B Planting frequency (min avg.)	3 per 100'
C Planting area width (min)	15'

LIVING WALL

A structure permanently attached to a blank wall on a ground story that supports plants, their growing medium, and irrigation.



DIMENSIONAL STANDARDS	
A Treatment width (min % of blank wall width)	75%
B Planting area width (min)	1.5'

PUBLIC ART

A noncommercial image attached to a blank wall on the ground story that is deemed by the Director to be sufficiently different from the building facade.



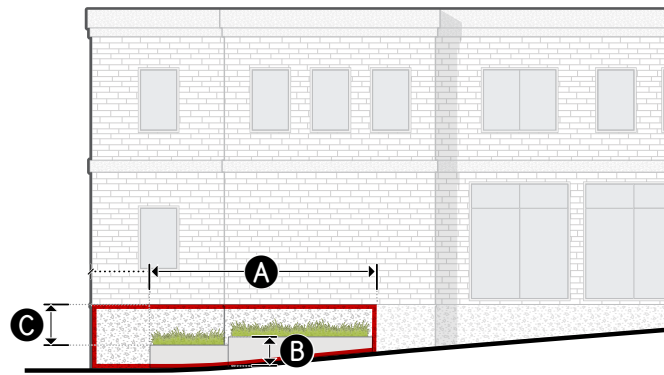
DIMENSIONAL STANDARDS	
A Treatment width (min % of blank wall width)	75%

3. Blank Wall Treatments for Foundation Walls

Foundation walls that exceed the maximum allowed blank wall width may apply one or more of the following blank foundation wall treatments and increase the allowed blank wall width by 100%.

PLANTER

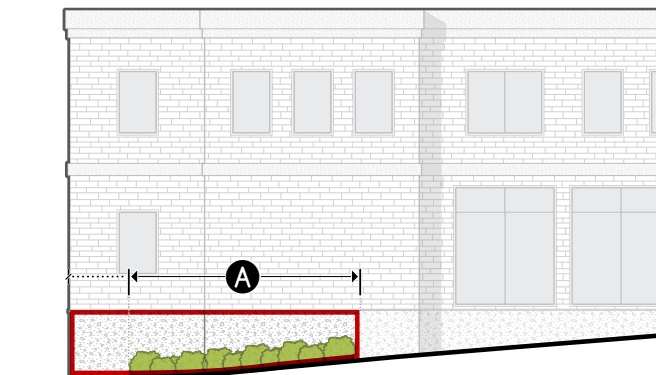
Screening plants located between a blank foundation wall and the public realm.



DIMENSIONAL STANDARDS	
A Treatment width (min % of blank wall width)	75%
Plant area width (min)	2.5'
B Height above sidewalk (max)	4'
C Foundation wall reveal (max)	2'

FOUNDATION PLANTING

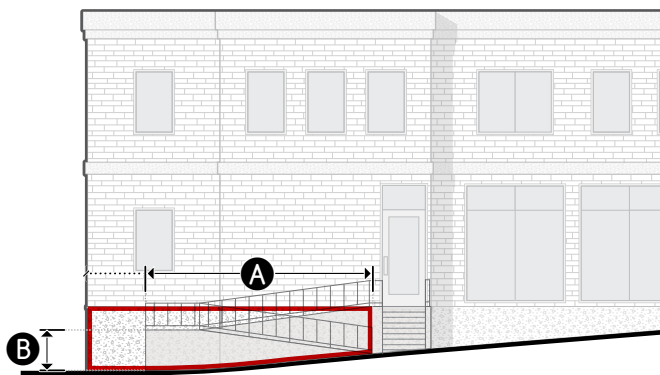
Screening plants located between a blank foundation wall and the public realm.



DIMENSIONAL STANDARDS	
A Treatment width (min % of blank wall width)	75%
Plant type	Screening
Planting frequency (min avg.)	3 per 10'
Planting area width (min)	3'

PEDESTRIAN ACCESS

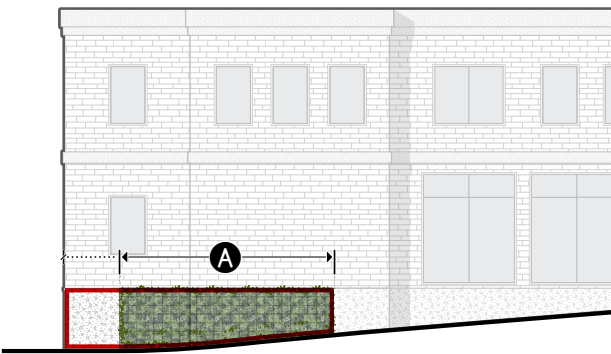
Stairs or ramps providing pedestrian access to a street-facing entry located between a blank foundation wall and the public realm.



DIMENSIONAL STANDARDS		
A	Treatment width (min % of blank wall width)	75%
B	Height above sidewalk (max)	4'

LIVING WALL

A structure permanently attached to a blank foundation wall that supports plants, their growing medium, and irrigation.

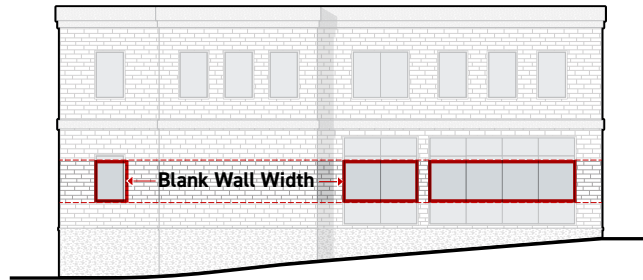


DIMENSIONAL STANDARDS		
A	Treatment width (min % of blank wall width)	75%
	Planting area width (min)	1.5'

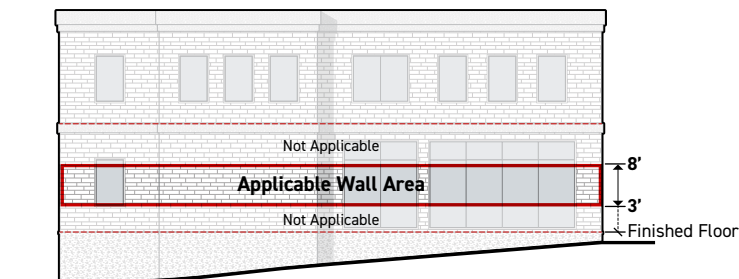
D. Measurement

1. General

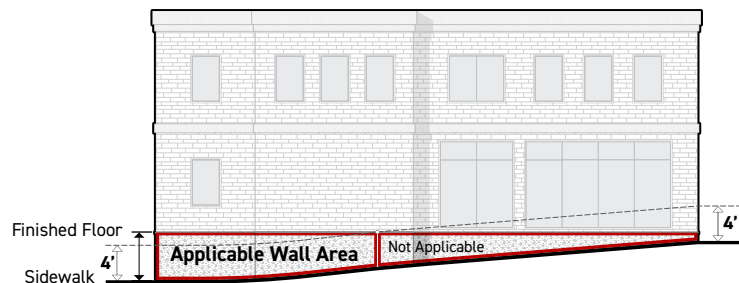
- a. Blank wall width is measured horizontally and parallel to the street boundary line from the edge of a window or door to the edge of an adjacent window or door, or to the edge of the ground story facade.



- b. For ground story street-facing facades, blank wall width is only measured on wall areas between 3 and 8 feet from the finished floor of the ground story.



- c. For street-facing foundation walls, blank wall width is only measured for wall areas that are exposed 4 feet in height or more above existing grade.



2. Blank Wall Treatments

a. Treatment Width

Minimum treatment width is measured as a percentage, calculated as the cumulative width of blank wall treatments divided by the total width of blank wall.

b. Treatment Area

Minimum treatment area is measured as a percentage, calculated as the cumulative area of blank wall treatments divided by the total applicable facade area within the blank wall.

c. Tree Type

See Sec. XX. Plants and Plant Material. for understory and canopy tree planting requirements.

d. Plant Type

See Sec. XX. Plants and Plant Material. for screening plant planting requirements.

e. Planting Frequency

Planting frequency is measured as a ratio of the minimum number of plants required along the total width of the blank wall. A minimum of one plant of the required plant type must be provided regardless of the width of blank wall treatment.

f. Planting Area Width

Minimum planting area width is measured as the horizontal dimension of planting area, measured from the blank wall outward to the street lot line. The planting area must be uncovered.

g. Height Above Sidewalk

- i. Height above sidewalk is measured vertically from adjacent sidewalk grade to the topmost point of the blank wall treatment.
- ii. For foundation walls located more than 10 feet from the sidewalk, maximum height above sidewalk is measured from the lowest elevation of existing grade to within 5 feet of the foundation wall, to the topmost point of the blank wall treatment.

h. Foundation Wall Reveal

Foundation wall reveal is measured vertically from the top of the blank wall treatment to the ground story finished floor elevation along the entire blank wall treatment.

E. Relief

1. A change of up to 10% from the blank wall width standards may be granted in accordance with Sec. XX. Administrative Modification.
2. A change of up to 30% may be granted in accordance with Sec. XX. Administrative Variation.
3. A change beyond 30% may be granted in accordance with Sec. XX. Variance.

Sec. 3.13.3. Street-Facing Entry

A minimum number of street-facing building entrances providing access from the public realm to the interior of a building.

A. Intent

To provide visual interest along the public realm, orient buildings to the public realm, and promote greater use and activation of the public sidewalk by limiting distance without physical connections between the public realm and the interior of a building.

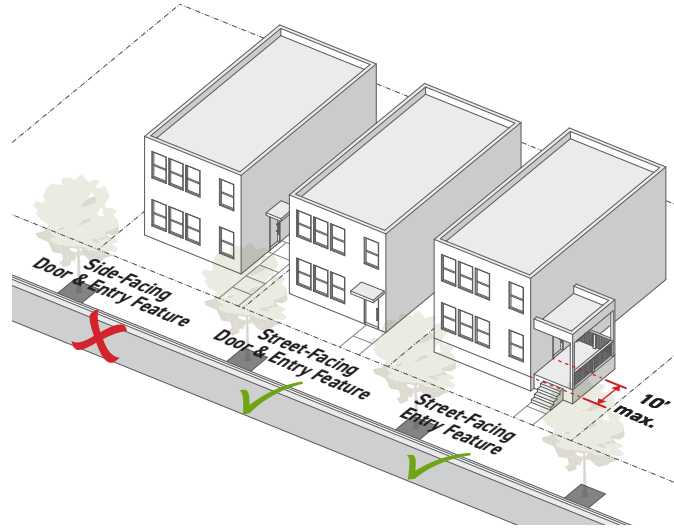
B. Applicability

1. Street-facing entry standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Street-facing entry standards apply to all ground story street-facing facades.
3. Accessory structures are not required to provide a street-facing entry.
4. Where the zoning district regulates street-facing entry differently based on use, the following standards apply:
 - a. For residential uses, the residential standards apply.
 - b. For industrial uses in Workplace Flex (WX-), the industrial standards apply.
 - c. For all other uses in Workplace Flex (WX-), the other standards apply.
 - d. For industrial and all other uses in any other zoning district, the nonresidential standards apply.

C. Standards

1. General

- a. A street-facing entry must be provided when required by the zoning district.
- b. To qualify as a street-facing entry, building entries must meet the following standards:
 - i. Located at the ground story.
 - ii. Provide direct pedestrian access to the ground story from the public right-of-way.
 - iii. Remain operable at all times. Access may be controlled and limited to building occupants and during business hours;
 - iv. Access an occupiable space. Street facing entries cannot provide access directly to motor vehicle areas, utility areas, or storage areas;
 - v. Include a door and an entry feature meeting the standards of one of the entry feature options;
 - vi. The entry feature must be street-facing. The door may be on a side-facing facade if it located 10 feet or less behind a street-facing facade.



2. House-Scale (H-) and Neighborhood-Scale (N-) Form Districts

In addition to the general standards, House-Scale (H-) and Neighborhood-Scale (N-) Form Districts with a street-facing entry requirement must meet the following standards:

- a. At least 1 street-facing entry must be provided for each principal building.
- b. Where dwelling units or uses face multiple street lot lines, required street-facing entries must be provided along primary street lot lines.
- c. Where there is more than 1 dwelling unit on a lot, each dwelling unit along a street must be accessed through a street-facing entry. Each dwelling unit may have its own street-facing entry or multiple dwelling units with a shared lobby or corridor may share a single street-facing entry.

025 Where the majority of existing buildings on the block face have a raised entry or porch entry feature, all required street-facing entries must provide a raised entry or porch as the entry feature.

3. All Other Zoning Districts

In addition to the general standards, all other zoning districts with a street-facing entry requirement must meet the following standards:

- a. For nonresidential uses, at least 1 street-facing entry must be provided for each principal use.
- b. For residential uses, the following standards apply:
 - i. Where up to 4 dwelling units along a street are located on the ground story, at least 1 street-facing entry must be provided for each principal building.
 - ii. Where more than 4 dwelling units along a street are located on the ground story, each dwelling unit on the ground story must provide a street-facing entry.
- c. Where dwelling units or principal uses face multiple street lot lines, required street-facing entries must be provided along primary street lot lines.

#025

Posted by **grace212** on **09/02/2025** at **12:57pm** [Comment ID: 1608] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

I would remove this requirement (d) for two reasons - 1) grade can vary throughout a block face and if the majority are on the other side, this requirement could be out of place or onerous (ex. Berean between Gaskill and Tenelle - there are more homes on the south side that have a retaining wall and high porches but at the north end, the grade evens out). 2) for accessibility, it should be an option to provide a zero-step entrance on the front without requiring a ramp

Reply by **SiteAdmin** on **09/16/2025** at **2:21pm** [Comment ID: 1710] - [Link](#)

Answer

Agree: 0, Disagree: 0

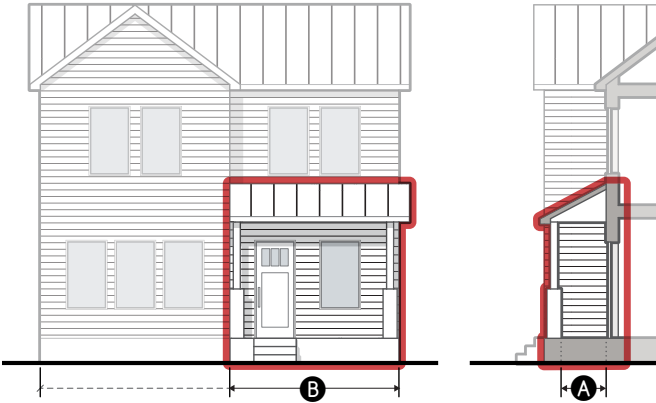
Block face is the same side of the street, not the opposite side. Thank you for your suggestions!

4. Entry Feature Options

- a. A required entry feature must meet the standards of one of the following entry feature options:

PORCH

A wide, ⁰²⁶ platform projecting in front of a street-facing entry that is entirely covered and not enclosed.

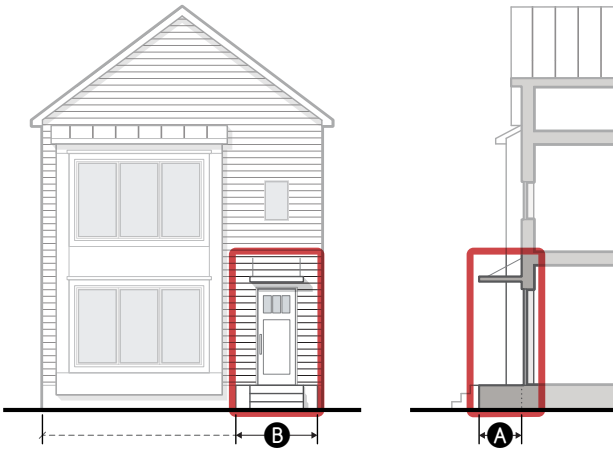


DIMENSIONAL STANDARDS

A Depth (min)	8'
B Width (min % of building width)	30%
Covered area (min)	100%
Enclosure (max)	50%

RAISED ENTRY

A raised platform projecting in front of a street-facing entry that is partially covered and not enclosed.



DIMENSIONAL STANDARDS

A Depth (min)	3'
B Width (min)	3'
Covered entry	Required
Enclosure (max)	50%

#026

Posted by **ltovar@atlantaga.gov** on **06/10/2025** at **1:38pm** [Comment ID: 1245] - [Link](#)

Agree: 0, Disagree: 0

There should be a minimum dimensional standard for the term "raised". I have seen plan reviewers miss this requirement and applicants not adding stoops but doing at grade "porches"

Reply by **SiteAdmin** on **06/11/2025** at **12:31pm** [Comment ID: 1247] - [Link](#)

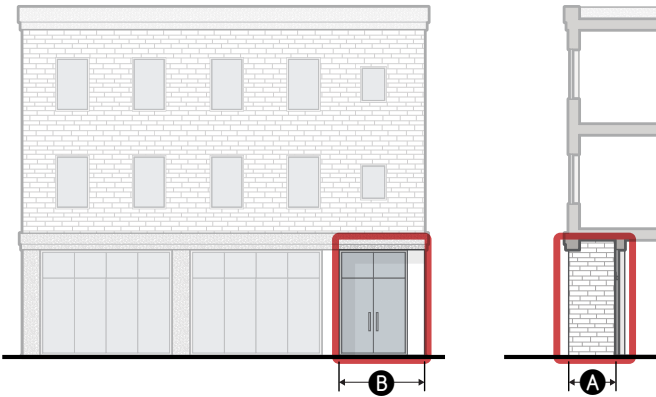
Answer

Agree: 0, Disagree: 0

Thank you for your suggestion. This is intended to align with Sec. 3.12.2 Ground Story Elevation, but we suppose it would be possible for a builder to raise the ground story elevation, but not the porch floor. We will clarify this.

RECESSED ENTRY

A space set behind the primary facade plane providing sheltered access to a street-facing entry.



DIMENSIONAL STANDARDS	
A Depth (min/max)	3' / 15'
B Width (min)	5'
Covered area (min)	100%
Enclosure (max)	75%

COVERED ENTRY

A space that provides sheltered access to an at-grade street-facing entry with an overhead projecting structure.



DIMENSIONAL STANDARDS	
A Depth (min)	None
B Width (min)	None
Covered <u>entry</u>	Required
Enclosure (max)	50%

FORECOURT

A yard screened with a short wall, fence, or hedge that provides privacy for occupants located at the ground story, near sidewalk grade.

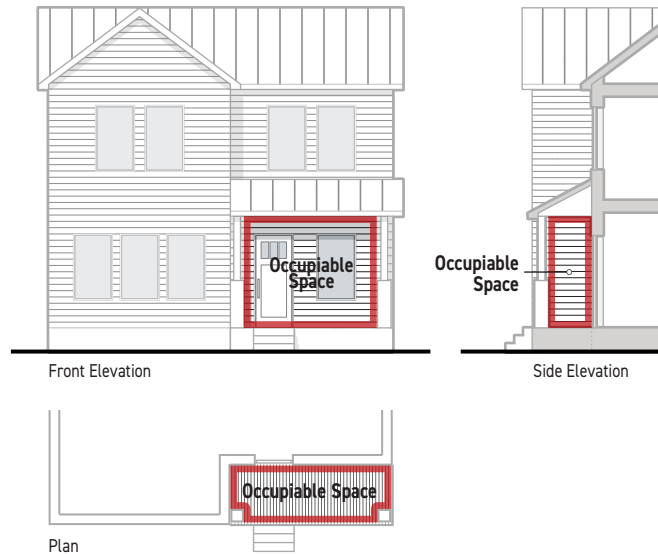


DIMENSIONAL STANDARDS	
A Depth (min)	6'
B Width (min)	10'
Covered <u>entry</u>	Required
Fence or wall height (min/max)	2' / 4'

D. Measurement

1. General

Entry feature standards apply only to the occupiable portion of an entry feature. Stairs and ramps used to access the entry feature are not considered occupiable area for the purpose of meeting entry feature standards.



2. Depth

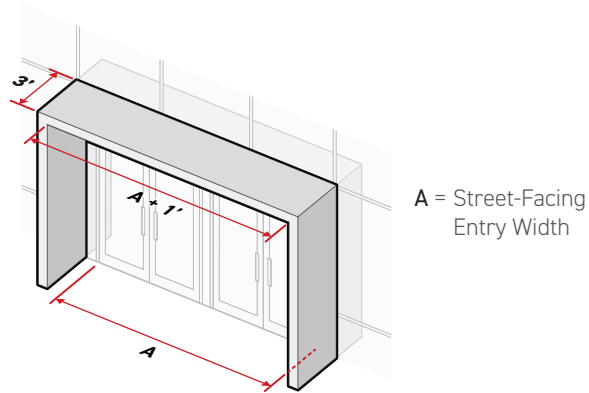
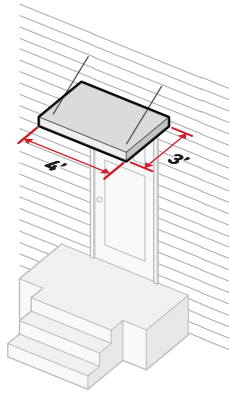
Minimum depth is measured as the horizontal dimension at the narrowest point of an entry feature, perpendicular to the applicable street lot line.

3. Width

- When specified in feet, width is measured as the total width of an entry feature, measured parallel to the applicable street lot line.
- When specified as a percentage, width is measured as the total width of the entry feature divided by the total width of the building or dwelling unit that the entry provides access to, measured parallel to the applicable street lot line.
- When the calculation for an entry feature width percentage results in a fraction, the result is rounded up to the nearest whole number.

4. Covered Entry

- When required as a part of an entry feature, a canopy, roof, or other sheltering structure must cover the exterior area immediately abutting the associated street-facing entry.
- The minimum depth of the covered area must be 3 feet.
- The minimum width of the covered area must be 3 feet or the width of the street-facing entry plus 1 foot, whichever is greater.



5. Covered Area

Covered area is measured as the portion of an entry feature area that is covered by a canopy, roof, or other sheltering structure, divided by the total entry feature area.

6. Enclosure

See [Sec. XX. Enclosure](#) for the calculation of enclosure.

7. Fence or Wall Height

See [Sec. XX. Fences and Walls](#) for the measurement of fence or wall height.

E. Relief

1. A change of up to 10% [from the street-facing entry standards](#) may be granted in accordance with [Sec. XX. Administrative Modification](#).
2. [A request to change a design provision or a change of up to 30% from the street-facing entry standards](#) may be granted in accordance with [Sec. XX. Administrative Variation](#).
3. [A request to eliminate a street-facing entry or a change](#) beyond 30% may be granted in accordance with [Sec. XX. Variance](#).

DIVISION 3.14. **FENCES AND WALLS**

Vertical structures separating the public realm from private property.

For requirements, see [Div. XX. Fences and Walls](#).

CHAPTER 4.

USE DISTRICTS

002

001

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#001

Posted by **erinp** on **09/01/2025** at **7:42pm** [Comment ID: 1567] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

From Garden Hills Zoning Committee:

The proposed ordinance does not adequately address the proliferation of short-term rentals or absentee corporate/private ownerships that undermine neighborhood stability. Garden Hills is a historic residential community, and uncontrolled short-term rental activity threatens both livability and safety. We urge the City to strengthen restrictions on such uses and ensure meaningful enforcement mechanisms.

Reply by **SiteAdmin** on **09/16/2025** at **3:11pm** [Comment ID: 1738] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comments.

#002

Posted by **erinp** on **09/01/2025** at **7:45pm** [Comment ID: 1568] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Form Garden Hills Zoning Committee:

We recognize that ADUs are currently allowed under existing zoning rules, and that the Zoning 2.0 draft maintains this allowance. While the draft introduces some flexibility in ADU configuration, this increased flexibility could alter the primarily single-family residential character of Garden Hills. Our greatest concern about allowing ADUs in a historic and wooded neighborhood like Garden Hills is the loss of privacy for the adjoining properties, additional parking on the streets, and the loss of tree canopy and pervious greenspace which increases stormwater runoff and decreases wildlife habitat. We request that any new ADU provisions either exclude Garden Hills or be carefully limited to ensure that the neighborhood's form and character are preserved.

Reply by **SiteAdmin** on **09/16/2025** at **3:10pm** [Comment ID: 1737] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

DIVISION 4.1. GENERAL PROVISIONS

Sec. 4.1.1. How to Use this Chapter

A. Use Districts

Whether a specific use is allowed on a site is determined by its Use District. Use Districts are organized into categories based on shared characteristics and similar use permissions. For ease of reference, these categories are grouped into two Consolidated Use Tables:

1. Use Table 1 includes use permissions for the following categories:
 - a. Residential (R-)
 - b. Residential Mix (RM-)
 - c. Civic (CV-)
2. Use Table 2 includes use permissions for the remaining categories:
 - a. Neighborhood Mix (NX-)
 - b. Mixed Use (MX-)
 - c. Industrial Flex (IX-)
 - d. Industrial (I-)

B. Specific Uses

Uses are organized by use group (such as Residential Uses), use category (such as Household Living or Group Living), and then by specific use within that category (such as General Household Living or Live-Work). Use categories organize specific uses with similar attributes. Specific uses have permissions in the use table that determine if that use is allowed in a particular Use District.

[Insert graphic of use table with an outline of use groups, categories, and specific uses]

C. Use Standards

1. Some Use Districts have standards that apply to any use that particular Use District. These Use Districts are designated with an asterisk (*) next to the Use District name in the use table. These standards are found in **Sec. XX. Use District Permissions**.
2. Some specific uses have standards that are required to be met for the use to be allowed. These uses are designated with an asterisk (*) next to the use permission in the use table. These standards are found in **Sec. XX. Use Standards**.
3. Use standards can apply to all uses in a group, all uses in a category, or a specific use. For example, if the standard specifies "Residential Uses", the standard is referring to all uses in that group; and if the standard specifies "Household Living Uses", the standard is referring to all uses in that category.

Sec. 4.1.2. Applicability

A. Use District Requirements

1. Use District requirements apply based on the types of project activities proposed, as shown in the table below. Typically, more than one project activity will apply to a proposed project (for example, a renovation may also include a change of use and site modification).

USE DISTRICT REQUIREMENTS		PROJECT ACTIVITY						
		New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance and Repair
Use District Permissions	Sec. XX.XX.	●	●	●	○	●	●	○
Use Standards	Sec. XX.XX.	●	●	●	○	●	●	○
Use Definitions	Sec. XX.XX.	●	●	●	○	●	●	○
Accessory Uses	Sec. XX.XX.	●	●	●	○	●	●	○
Temporary Uses	Sec. XX.XX.	●	●	○	○	●	●	●

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

2. Project activity is defined in Chapter 10. General Standards and Definitions.
3. Where a requirement is listed as applying, any applicable Use District Permissions (Div. XX) or Use Standards (Div. XX) must be met. For existing buildings and uses, applicability may also be modified by Chapter 9. Nonconformities.

B. Relationship to Form Districts

If a use is allowed by the Use District, then the use must meet the requirements in both the Use District and the Form District assigned to the lot. For uses with additional standards listed in this Chapter, the Use District supersedes any conflicting standard listed in the Form District.

Sec. 4.1.3. Use Interpretations

- A. Multiple principal uses are allowed on a lot when the uses are all allowed in the Use District and the standards for all uses can be met.
- 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.

DIVISION 4.2. **USE DISTRICT PERMISSIONS**

Sec. 4.2.1. **Use Table Interpretation**

A. Use Table Key

1. Allowed Uses

P = A by-right allowed use.

P* = A by-right allowed use, provided it meets the use standards in the right-hand column of the use table.

2. Discretionary Allowed Uses

S = A use that is allowed only with a Special Use Permit.

S* = A use that is allowed only with a Special Use Permit, provided it also meets the use standards in the right-hand column of the use table.

3. Uses Not Allowed

- = A use that is not allowed.

B. Use Restrictions

1. Distance

Where a minimum distance is required between certain uses, the distance is measured as the shortest straight line distance between the lot lines of the lots containing the uses.

2. Size

a. Size restrictions expressed as square feet (SF) in the use table refer to gross floor area per tenant.

b. Size restrictions expressed as acreage in the use table refer to the total area of the site.

Sec. 4.2.2. Consolidated Use Tables

A. Use Table 1

Use Category Specific Use

Use Category Specific Use	RESIDENTIAL (R-)					RESIDENTIAL MIX (RX-)			CIVIC (CV-1)		Use Standards	
	R-1*	R-2*	R-3*	R-4*	R-5*	RX-1*	RX-2*	RX-3*	CV-1	CV-2		
RESIDENTIAL USES												
Household Living												
General household living	P*	P*	P*	P*	P*	P	P	P	--	P	Sec. 4.3.2.A.	
Live-work	--	--	--	--	P*	P*	P*	P*	--	--	Sec. 4.3.2.A.	
Purpose-built student housing	--	--	--	--	--	P	P	P	--	P		
Group Living												
General supervised group living	S*	S*	S*	S*	S*	S*	S*	S*	--	S*	Sec. 4.3.2.B.	
General unsupervised group living	--	--	--	--	--	--	--	--	--	--	Sec. 4.3.2.B.	
Dormitory, fraternity, or sorority	--	--	--	--	--	--	--	--	--	P		
Emergency shelter	--	--	--	--	--	--	--	S*	--	S*	Sec. 4.3.2.B.	
Maternity supportive housing	P	P	P	P	P	P	P	P	--	P		
PUBLIC AND INSTITUTIONAL USES												
Civic												
General civic	P	P	P	P	P	P	P	P	--	P		
Community center, private	S	S	S	S	S	S	S	--	--	P		
Library or museum, private												
Up to 8,000 SF	S	S	S	S	S	S	S	S	--	P		
Above 8,000 SF	S	S	S	S	S	S	S	S	--	P		
Religious assembly	S	S	S	S	P	P	P	P	--	P		
Private Education												
General private education	S	S	S	S	S	S	S	S	--	P		
College or university, private	S	S	S	S	S	S	S	--	--	P		

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

#003

Posted by **grace212** on **09/02/2025** at **1:10pm** [Comment ID: 1611] - [Link](#)

Suggestion

Agree: 2, Disagree: 0

this should be rotated!

Reply by **SiteAdmin** on **09/16/2025** at **2:19pm** [Comment ID: 1707] - [Link](#)

Answer

Agree: 0, Disagree: 0

We agree, but it just doesn't fit. The adopted code will be online and property oriented.

Use Category Specific Use	RESIDENTIAL (R-)						RESIDENTIAL MIX (RX-)			CIVIC (CV-1)		Use Standards
	R-1*	R-2*	R-3*	R-4*	R-5*		RX-1*	RX-2*	RX-3*	CV-1	CV-2	
Commercial school												
Up to 8,000 SF	--	--	--	--	--		--	--	--	--	P	
Above 8,000 SF	--	--	--	--	--		--	--	--	--	P	
Day care, private												
Up to 8,000 SF	S	S	S	S	S		S	P	S	--	P	
Above 8,000 SF	S	S	S	S	S		S	S	S	--	P	
Parks and Open Space												
General parks and open space	S	S	S	S	S		P	P	P	P	P	
Cemetery	S	S	S	S	S		--	--	--	--	S	
Utility												
General utility	P	P	P	P	P		P	P	P	--	P	
Commercial wind or solar	--	--	--	--	--		--	--	--	--	--	
Wireless Telecommunication												
Type I: Modification	P*	P*	P*	P*	P*		P*	P*	P*	P*	P*	Sec. 4.3.3.A
Type II: Small wireless collocation	P*	P*	P*	P*	P*		P*	P*	P*	P*	P*	Sec. 4.3.3.A
Type III: Non-small wireless collocation	P*	P*	P*	P*	P*		P*	P*	P*	P*	P*	Sec. 4.3.3.A
Type IV: Small wireless structure	P*	P*	P*	P*	P*		P*	P*	P*	P*	P*	Sec. 4.3.3.A
Type V: Non-small wireless structure	S*	S*	S*	S*	S*		S*	S*	S*	S*	S*	Sec. 4.3.3.A
COMMERCIAL USES												
Adult Establishment												
Adult Establishment	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.4.A.
Agriculture												
Farmers market	--	--	--	--	P*		P*	P*	P*	P*	P*	Sec. 4.3.4.B.
Indoor growing system	--	--	--	--	--		--	--	--	--	--	
Urban garden	P*	P*	P*	P*	P*		P*	P*	P*	P*	P*	Sec. 4.3.4.A.

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

#004

Posted by **Timothy** on **06/03/2025** at **10:38am** [Comment ID: 1242] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Request to Add Funeral Homes as Accessory Use to Cemeteries in R Districts

In the current zoning draft, cemeteries are allowed in R Districts under a Special Use Permit—but funeral homes are not. We respectfully request that funeral homes be permitted as an accessory use to cemeteries in these districts.

This change reflects modern practice: the majority of perpetual care cemeteries in Greater Atlanta and Georgia now include on-site funeral homes to serve families more conveniently and ensure long-term operational sustainability.

We recommend updating the use table and cemetery definition to clearly allow funeral homes as an accessory use where cemeteries are permitted.

CHAPTER 4. USE DISTRICTS
USE DISTRICT PERMISSIONS

Use Category Specific Use	RESIDENTIAL (R-)						RESIDENTIAL MIX (RX-)			CIVIC (CV-1)		Use Standards
	R-1*	R-2*	R-3*	R-4*	R-5*		RX-1*	RX-2*	RX-3*	CV-1	CV-2	
Entertainment and Recreation												
General indoor entertainment and recreation												
Up to 8,000 SF	--	--	--	--	--		--	--	--	--	--	
Above 8,000 SF	--	--	--	--	--		--	--	--	--	--	
General outdoor entertainment and recreation	--	--	--	--	--		--	--	--	--	--	
ATV park	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.4.C.
Club, private												
Up to 8,000 SF	--	--	--	--	--		--	--	--	--	P	
Above 8,000 SF	--	--	--	--	--		--	--	--	--	P	
Convention hall or event facility												
Up to 8,000 SF	--	--	--	--	--		--	--	--	--	--	
Above 8,000 SF	--	--	--	--	--		--	--	--	--	--	
Golf course	S	S	S	S	S		--	--	--	S	S	
Lounge or nightclub												Sec. 4.3.4.C.
Up to 8,000 SF	--	--	--	--	--		--	--	--	--	--	
Above 8,000 SF	--	--	--	--	--		--	--	--	--	--	
Party house	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.4.C.
Sports arena, stadium, or field	S*	S*	S*	S*	S*		--	--	--	--	S	Sec. 4.3.4.C.
Food and Beverage												
General food and beverage												
Up to 2,000 SF	--	--	--	--	P		P	P	S	--	--	
2,001 - 4,000 SF	--	--	--	--	--		--	P	S	--	--	
4,001 - 8,000 SF	--	--	--	--	--		--	--	S	--	--	
Above 8,000 SF	--	--	--	--	--		--	--	--	--	--	

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

#005

Posted by **steele145@comcast.net** on **09/02/2025** at **5:38pm** [Comment ID: 1659] - [Link](#)
Agree: 0, Disagree: 0

RX1 should NOT be the default Use category for UG3 for an embedded lot within a single-family neighborhood. Our neighborhood has been fighting the encroachment of commercial development for decades. Allowing commercial properties within our historic neighborhood would go against our neighborhood development plan. It would be a nuisance for our neighbors and negatively impact our quality of life.

Reply by **SiteAdmin** on **09/03/2025** at **4:21pm** [Comment ID: 1670] - [Link](#)

Answer

Agree: 0, Disagree: 0

Hi, thank you for your comment.

Commercial uses are currently allowed within RG3 and have been since 1982, provided the building contains 50+ units.

Please see below for the memo summarizing some RG3 conversion updates:
<https://www.atlzoning.konveio.com/rg-2-rg-3-conversion-updates>

#006

Posted by **Jennifer Friese** on **08/29/2025** at **6:13am** [Comment ID: 1543] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

RX-1 should not be the default Use for embedded large lot RG-3 (UG-3) lots within neighborhoods on local streets. General 2000sf bars, restaurants, stores that are currently not permitted in these lots within neighborhoods will become a nuisance to the surrounding single family homes bringing noise, traffic, deliveries, garbage etc. Use for these embedded lots should stay as they are and match the surrounding residential use R2 with the same current provision that they may have small commercial uses for their residents only.

Use Category Specific Use	RESIDENTIAL (R-)						RESIDENTIAL MIX (RX-)			CIVIC (CV-1)		Use Standards
	R-1*	R-2*	R-3*	R-4*	R-5*		RX-1*	RX-2*	RX-3*	CV-1	CV-2	
Bakery, wholesale											CV-2	Use Standards
Up to 2,000 SF	--	--	--	--	P		--	--	--	--	--	Sec. 4.3.4.D.
2,001 - 8,000 SF	--	--	--	--	P		--	--	--	--	--	
Above 8,000 SF	--	--	--	--	--		--	--	--	--	--	
Bar												Sec. 4.3.4.D.
Up to 2,000 SF	--	--	--	--	P		P	P	S	--	--	
2,001 - 4,000 SF	--	--	--	--	--		--	P	S	--	--	
4,001 - 8,000 SF	--	--	--	--	--		--	--	S	--	--	
Above 8,000 SF	--	--	--	--	--		--	--	--	--	--	
Catering establishment												Sec. 4.3.4.D.
Up to 2,000 SF	--	--	--	--	P		P	P	--	--	--	
2,001 - 8,000 SF	--	--	--	--	--		--	P	--	--	--	
Above 8,000 SF	--	--	--	--	--		--	--	--	--	--	
Delivery-based commercial kitchen	--	--	--	--	--		--	--	--	--	P	Sec. 4.3.4.D.
Microbrewery, microdistillery, or winery	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.4.D.
Lodging												
General lodging												Sec. 4.3.4.E.
Up to 30 guest rooms	--	--	--	--	--		--	--	--	--	--	
Above 30 guest rooms	--	--	--	--	--		--	--	--	--	--	
Bed and breakfast	--	P*	P*	P*	P*		P*	P*	P*	--	--	Sec. 4.3.4.E.
Short-term rental	P*	P*	P*	P*	P*		P*	P*	P*	--	P*	Sec. 4.3.4.E.
Medical												
General medical												
Up to 2,000 SF	--	--	--	--	P		P	P	P	--	P	
2,001 - 8,000 SF	--	--	--	--	--		--	P	P	--	P	
Above 8,000 SF	--	--	--	--	--		--	--	--	--	P	

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

Use Category Specific Use	RESIDENTIAL (R-)					RESIDENTIAL MIX (RX-)			CIVIC (CV-1)		Use Standards
	R-1*	R-2*	R-3*	R-4*	R-5*	RX-1*	RX-2*	RX-3*	CV-1	CV-2	
Hospital	--	--	--	--	--	--	--	--	--	P	
Medical laboratory	--	--	--	--	--	--	--	--	--	P	
Office											
General office											
Up to 2,000 SF	--	--	--	--	P	P	P	P	--	<u>P</u>	
2,001 - 8,000 SF	--	--	--	--	--	--	P	P	--	<u>P</u>	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	<u>P</u>	
Sound recording studio											
Up to 2,000 SF	--	--	--	--	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	--	--	
2,001 - 8,000 SF	--	--	--	--	--	--	<u>S</u>	<u>S</u>	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Parking											
Commercial parking lot	--	--	--	--	--	--	S	--	--	S	
Commercial parking structure	--	--	--	--	--	--	P	--	--	P	
Personal Service											
General personal service											Sec. 4.3.4.F.
Up to 2,000 SF	--	--	--	--	P	P	P	P	--	--	
2,001 - 8,000 SF	--	--	--	--	--	--	P	P*	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Animal care, indoor											Sec. 4.3.4.F.
Up to 8,000 SF	--	--	--	--	--	--	--	--	--	P*	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	P*	
Animal care, outdoor	--	--	--	--	--	--	--	--	--	--	
Body art studio											Sec. 4.3.4.F.
Up to 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Funeral home	--	--	--	--	--	--	--	--	--	--	Sec. 4.3.4.F.

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Use Category Specific Use	RESIDENTIAL (R-)						RESIDENTIAL MIX (RX-)			CIVIC (CV-1)		Use Standards
	R-1*	R-2*	R-3*	R-4*	R-5*		RX-1*	RX-2*	RX-3*	CV-1	CV-2	
Hair or nail salon												Use Standards
Up to 2,000 SF	--	--	--	--	P		P	P	P	--	--	Sec. 4.3.4.F.
2,001 - 8,000 SF	--	--	--	--	--		--	P	P	--	--	
Above 8,000 SF	--	--	--	--	--		--	--	--	--	--	
Laundry service												Sec. 4.3.4.F.
Up to 2,000 SF	--	--	--	--	P		P	P	P	--	--	
2,001 - 8,000 SF	--	--	--	--	--		--	P	P*	--	--	
Above 8,000 SF	--	--	--	--	--		--	--	--	--	--	
Retail												
General retail												
Up to 2,000 SF	--	--	--	--	P		P	P	P	--	--	
2,001 - 8,000 SF	--	--	--	--	--		--	P	P	--	--	
8,001 - 15,000 SF	--	--	--	--	--		--	--	--	--	--	
Above 15,000	--	--	--	--	--		--	--	--	--	--	
Alternative financial service	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.4.G.
Artisan workshop												
Up to 2,000 SF	--	--	--	--	P		P	P	S	--	--	
2,001 - 8,000 SF	--	--	--	--	--		--	P	S	--	--	
8,001 - 15,000 SF	--	--	--	--	--		--	--	--	--	--	
Above 15,000 SF	--	--	--	--	--		--	--	--	--	--	
Grocery store												
Up to 2,000 SF	--	--	--	--	P		P	P	P	--	--	
2,001 - 8,000 SF	--	--	--	--	--		--	P	P	--	--	
8,001 - 15,000 SF	--	--	--	--	--		--	--	--	--	--	
15,001 - 25,000 SF	--	--	--	--	--		--	--	--	--	--	
Above 25,000 SF	--	--	--	--	--		--	--	--	--	--	

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CHAPTER 4. USE DISTRICTS
USE DISTRICT PERMISSIONS

Use Category Specific Use	RESIDENTIAL (R-)						RESIDENTIAL MIX (RX-)			CIVIC (CV-1)		Use Standards
	R-1*	R-2*	R-3*	R-4*	R-5*		RX-1*	RX-2*	RX-3*	CV-1	CV-2	
Hookah or vape store	--	--	--	--	--		--	--	--	--	--	Use Standards Sec. 4.3.4.G.
Up to 8,000 SF	--	--	--	--	--		--	--	--	--	--	
8,001 - 15,000 SF	--	--	--	--	--		--	--	--	--	--	
Above 15,000	--	--	--	--	--		--	--	--	--	--	
Package store	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.4.G.
Up to 8,000 SF	--	--	--	--	--		--	--	P*	--	--	
8,001 - 15,000 SF	--	--	--	--	--		--	--	--	--	--	
Above 15,000 SF	--	--	--	--	--		--	--	--	--	--	
Retail bank	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.4.G.
Up to 8,000 SF	--	--	--	--	--		--	--	--	--	--	
Above 8,000 SF	--	--	--	--	--		--	--	--	--	--	
Small discount variety store	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.4.G.
Up to 2,000 SF	--	--	--	--	--		P*	P*	--	--	--	
2,001 - 8,000 SF	--	--	--	--	--		--	P*	--	--	--	
8,001 - 12,000 SF	--	--	--	--	--		--	--	--	--	--	
Transportation												
Passenger terminal	--	--	--	--	--		--	--	--	--	--	
Helipad	--	--	--	--	--		--	--	--	--	S	
Truck stop	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.4.H.
Vehicle Sale and Service												
Vehicle sale and rental, light	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.4.I.
Vehicle sale and rental, heavy	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.4.I.
Vehicle service and repair, light	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.4.I.
Up to 8,000 SF	--	--	--	--	--		--	--	--	--	--	
Above 8,000 SF	--	--	--	--	--		--	--	--	--	--	
Vehicle service and repair, heavy	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.4.I.
Car wash	--	--	--	--	--		--	--	--	--	P*	Sec. 4.3.4.I.
Fuel sales	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.4.I.

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Use Category Specific Use	RESIDENTIAL (R-)						RESIDENTIAL MIX (RX-)			CIVIC (CV-1)		Use Standards
	R-1*	R-2*	R-3*	R-4*	R-5*		RX-1*	RX-2*	RX-3*	CV-1	CV-2	
Wholesale Trade												
General wholesale trade												
Up to 15,000 SF	--	--	--	--	--		--	--	--	--	--	
Above 15,000 SF	--	--	--	--	--		--	--	--	--	--	
Showroom												
Up to 15,000 SF	--	--	--	--	--		--	--	--	--	--	
Above 15,000 SF	--	--	--	--	--		--	--	--	--	--	
Wholesale trade mart	--	--	--	--	--		--	--	--	--	--	
INDUSTRIAL USES												
Industrial and Manufacturing												
Low-impact industrial and manufacturing												Sec. 4.3.5.A.
Up to 8,000 SF	--	--	--	--	--		--	--	--	--	--	
8,001 - 15,000 SF	--	--	--	--	--		--	--	--	--	--	
Above 15,000 SF	--	--	--	--	--		--	--	--	--	--	
High-impact industrial and manufacturing	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.5.A.
Crematorium	--	--	--	--	--		--	--	--	--	--	
Research and development	--	--	--	--	--		--	--	--	--	P*	Sec. 4.3.5.A.
Warehouse and Distribution												
General warehouse and distribution												
Up to 15,000 SF	--	--	--	--	--		--	--	--	--	--	
Above 15,000 SF	--	--	--	--	--		--	--	--	--	--	
Data Center												Sec. 4.3.5.B.
Up to 8,000 SF	--	--	--	--	--		--	--	--	--	--	
Above 8,000 SF	--	--	--	--	--		--	--	--	--	--	
Freight terminal	--	--	--	--	--		--	--	--	--	--	

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Use Category Specific Use	RESIDENTIAL (R-)						RESIDENTIAL MIX (RX-)			CIVIC (CV-1)		Use Standards
	R-1*	R-2*	R-3*	R-4*	R-5*		RX-1*	RX-2*	RX-3*	CV-1	CV-2	
Micro-distribution hub												
Up to 2,000 SF	--	--	--	--	--		--	--	--	--	--	
2,000 - 8,000 SF	--	--	--	--	--		--	--	--	--	--	
Self-storage	--	--	--	--	--		--	--	--	--	S*	Sec. 4.3.5.B.
Storage yard	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.5.B.
Waste-Related Service												
General waste-related service	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.5.C.
Green waste	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.5.C.
Recycling drop-off center	--	--	--	--	--		--	--	--	--	--	Sec. 4.3.5.C.
ACCESSORY USES												
Accessory dwelling unit	007	P*	P*	P*	P*							Sec. 4.5.2.A.
1 accessory dwelling unit							--	--	--	--	--	
Up to 2 accessory dwelling units	--	--	P*	P*	P*		--	--	--	--	--	
Up to 4 accessory dwelling units	--	--	--	P*	--		--	--	--	--	--	
Accessory residential structure	P*	P*	P*	P*	P*		P*	P*	P*	--	--	Sec. 4.5.2.B.
Drive-thru, enclosed	--	--	--	--	--		--	--	--	--	--	Sec. 4.5.2.C.
Drive-thru, unenclosed	--	--	--	--	--		--	--	--	--	--	Sec. 4.5.2.D.
EV charging station, levels 1 and 2	P	P	P	P	P		P	P	P	P	P	
EV charging station, level 3	--	--	--	--	--		P	P	P	P	P	
Home art studio and gallery	P*	P*	P*	P*	P*		P*	P*	P*	--	P*	Sec. 4.5.2.G.
Home occupation	P*	P*	P*	P*	P*		P*	P*	P*	--	P*	Sec. 4.5.2.H.
Hookah or vapor consumption	--	--	--	--	--		--	--	--	--	--	
Outdoor amplified sound	--	--	--	--	--		--	--	S*	--	--	Sec. 4.5.2.J.
Outdoor dining	--	--	--	--	P*		P*	P*	P*	--	--	Sec. 4.5.2.K.
Outdoor display	--	--	--	--	P*		P*	P*	P*	--	--	Sec. 4.5.2.L.
Outdoor pet area	--	--	--	--	--		P	P	P	P	P	
Outdoor storage, minor	--	--	--	--	--		P*	P*	--	--	--	Sec. 4.5.2.N.

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#007

Posted by **Kirsten** on **09/02/2025** at **12:12pm** [Comment ID: 1590] - [Link](#)

Question

Agree: 0, Disagree: 0

What is the rationale for excluding ADUs from R-1 when the use is allowed in other residential zones?

Reply by **SiteAdmin** on **09/16/2025** at **2:46pm** [Comment ID: 1722] - [Link](#)

Answer

Agree: 0, Disagree: 0

An earlier draft proposed allowing them in R-1, but there was significant pushback from residents in the existing R-1 through R-3 districts, and not a single comment in support. The current proposal therefore continues the existing prohibition of ADUs in R-1 through R-3.

#008

Posted by **dimnickph** on **09/01/2025** at **2:53pm** [Comment ID: 1563] - [Link](#)

Question

Agree: 0, Disagree: 0

Why can you have 4 ADUs in R-4 and only 2 in R-5? Better question is why would you permit 4 ADUs in R-4?

Reply by **SiteAdmin** on **09/02/2025** at **8:04am** [Comment ID: 1572] - [Link](#)

Answer

Agree: 0, Disagree: 0

This is a proposed new Use District that emerged from some ongoing neighborhood plans where there is interest in allowing four ADUs, while preserving the original house. This Use District would be available for future use.

Use Category Specific Use	RESIDENTIAL (R-)						RESIDENTIAL MIX (RX-)			CIVIC (CV-1)		Use Standards
	R-1*	R-2*	R-3*	R-4*	R-5*		RX-1*	RX-2*	RX-3*	CV-1	CV-2	
Outdoor storage, major	--	--	--	--	--		--	--	--	--	--	Use Standards
Pedestrian bridge or tunnel	--	--	--	--	--		--	--	--	--	--	Sec. 4.5.2.O.
<u>Public Art</u>	<u>S*</u>	<u>S*</u>	<u>S*</u>	<u>S*</u>	<u>S*</u>		<u>S*</u>	<u>S*</u>	<u>S*</u>	<u>S*</u>	<u>S*</u>	Sec. 4.5.2.P.
Renewable energy device	P	P	P	P	P		P	P	P	--	P	Sec. 4.5.2.Q.
TEMPORARY USES												
General temporary event												
Up to 90 days	--	--	--	--	--		--	--	P	P	P	
Beyond 90 days	--	--	--	--	--		--	--	S	P	S	
Active construction structure	P	P	P	P	P		P	P	P	P	P	
Temporary outdoor sales	--	--	--	--	--		--	--	--	P*	P*	Sec. 4.6.2.C.

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B. Use Table 2

Use Category Specific Use	NEIGHBORHOOD MIX (NX-)					MIXED-USE (MX-)														INDUSTRIAL FLEX (IX-)			INDUSTRIAL (I-)				Use Standards					
	NX-1*	NX-2*	NX-3*	NX-4*	NX-5*	NX-6*	MX-1	MX-2	MX-3	MX-4	MX-5	MX-6	MX-7	MX-8	MX-9	MX-10	MX-11	MX-12	MX-13	MX-14	IX-1	IX-2	IX-3*	I-1	I-2*	I-3*		I-4				
RESIDENTIAL USES																																
Household Living																																
General household living	P	P	P	P	P	P*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	P	--	P	--	Sec. 4.3.2.A.		
Live-work	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	P*	P*	P*	--	Sec. 4.3.2.A.		
Purpose-built student housing	P	P	P	P	P	P*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	--			
Group Living																																
General supervised group living	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	--	S*	--	S*	--	Sec. 4.3.2.B.		
General unsupervised group living	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	--	S*	S*	S*	--	Sec. 4.3.2.B.		
Dormitory, fraternity, or sorority	--	--	--	--	--	--	--	--	--	S	P	S	S	S	S	P	S	S	S	S	S	S	S	S	--	S	--	S	--			
Emergency shelter	--	--	--	--	--	--	--	S*	S*	S*	--	S*	--	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	--	S*	--	S*	--	Sec. 4.3.2.B.	
Maternity supportive housing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
PUBLIC AND INSTITUTIONAL USES																																
Civic																																
General civic	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P			
Community center, private	P	P	P	P	P	P	S	--	S	S	S	S	S	S	S	P	S	S	P	P	P	S	--	P	S	P	--	P	--	P	--	
Library or museum, private																																
Up to 8,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	P	P	P	P	P	--	P	P	P	--	P	--	
Above 8,000 SF	S	S	S	S	S	S	P	--	P	P	P	P	P	P	--	--	P	P	P	P	P	P	P	P	--	P	P	P	--	P	--	
Religious assembly	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Private Education																																
General private education	--	--	--	--	--	--	S	S	P	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	--	P	--	
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Use Category Specific Use	NEIGHBORHOOD MIX (NX-)						MIXED-USE (MX-)														INDUSTRIAL FLEX (IX-)				INDUSTRIAL (I-)				Use Standards
	NX-1*	NX-2*	NX-3*	NX-4*	NX-5*	NX-6*	MX-1	MX-2	MX-3	MX-4	MX-5	MX-6	MX-7	MX-8	MX-9	MX-10	MX-11	MX-12	MX-13	MX-14	IX-1	IX-2	IX-3*	I-1	I-2*	I-3*	I-4		
College or university, private	--	--	--	--	--	--	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	--	P	P	P	P	P	P	Use Standards
Commercial school																													
Up to 8,000 SF	P	P	P	P	P	P	--	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Above 8,000 SF	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	--	P	--	P	P	P	--	P	P	P	P	P		
Day care, private																													
Up to 8,000 SF	P	P	P	P	P	P	P	S	P	S	S	S	S	S	S	P	P	P	P	P	P	--	P	--	P	--	P	--	
Above 8,000 SF	S	S	S	S	S	S	S	S	P	S	S	S	S	S	S	P	P	P	P	P	P	S	--	P	--	P	P	--	
Parks and Open Space																													
General parks and open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	P		
Cemetery	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S	S	
Utility																													
General utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Commercial wind or solar	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	P	--	P	P	
Wireless Telecommunication																													
Type I: Modification	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 4.3.3.A	
Type II: Small wireless collocation	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 4.3.3.A	
Type III: Non-small wireless collocation	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 4.3.3.A	
Type IV: Small wireless structure	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 4.3.3.A	
Type V: Non-small wireless structure	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	Sec. 4.3.3.A	
COMMERCIAL USES																													
Adult Establishment																													
Adult Establishment	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	Sec. 4.3.4.A	

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CHAPTER 4. USE DISTRICTS
USE DISTRICT PERMISSIONS

Use Category Specific Use	NEIGHBORHOOD MIX (NX-)						MIXED-USE (MX-)														INDUSTRIAL FLEX (IX-)				INDUSTRIAL (I-)				Use Standards
	NX-1*	NX-2*	NX-3*	NX-4*	NX-5*	NX-6*	MX-1	MX-2	MX-3	MX-4	MX-5	MX-6	MX-7	MX-8	MX-9	MX-10	MX-11	MX-12	MX-13	MX-14	IX-1	IX-2	IX-3*	I-1	I-2*	I-3*	I-4		
Agriculture																													Use Standards
Farmers market	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 4.3.4.B.
Indoor growing system	--	--	--	--	--	--	P	--	--	P	P	P	P	--	P	--	P	--	P	P	P	P	--	P	P	P	P	P	
Urban garden	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 4.3.4.A.
Entertainment and Recreation																													
General indoor entertainment and recreation																													
Up to 8,000 SF	P	P	S	--	P	P	--	P	P	P	P	P	P	P	P	P	P	S	P	P	P	P	P	P	S	P	--	--	
Above 8,000 SF	--	--	--	--	--	S	--	S	P	--	--	P	P	P	P	P	P	P	P	P	P	P	P	P	S	P	--	--	
General outdoor entertainment and recreation	--	--	--	--	--	--	--	--	--	P	--	P	--	P	--	--	P	--	--	--	P	--	--	--	--	P	P	P	
ATV park	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S*	S*	Sec. 4.3.4.C.
Club, private																													
Up to 8,000 SF	P	S	P	P	P	S	P	--	P	P	P	P	P	P	P	P	P	P	P	P	--	--	P	--	P	P	P	P	
Above 8,000 SF	--	S	--	--	--	S	--	--	P	--	P	P	P	P	P	P	P	P	P	P	--	--	P	--	P	P	P	P	
Convention hall or event facility																													
Up to 8,000 SF	P	P	S	--	S	P	--	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	P	P	S	P	--	--	
Above 8,000 SF	--	--	--	--	--	S	--	--	P	P	P	P	P	P	P	P	P	P	P	P	--	--	P	P	S	P	--	--	
Golf course	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Lounge or nightclub																													Sec. 4.3.4.C.
Up to 8,000 SF	P	P	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	S	P	S*	--	--	P	P	--	P	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	P	--	--	--	P	P	P	P	P	P	P	P	--	--	P	P	--	P	--	--	
Party house	S*	S*	S*	S*	S*	--	--	--	P*	--	--	P*	--	P*	P*	P*	P*	S*	S*	S*	S*	S*	S*	P*	P*	--	P*	--	Sec. 4.3.4.C.

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#009

Posted by **Forrest** on **07/18/2025** at **1:23pm** [Comment ID: 1292] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

BLO prohibits Drive-In uses which now fall under General Outdoor uses.

Reply by **SiteAdmin** on **07/20/2025** at **9:17am** [Comment ID: 1301] - [Link](#)

Answer

Agree: 0, Disagree: 0

The existing BLO does not appear to prohibit drive-in theaters -- only drive-in restaurants. It is unlikely that a new drive-in theater will be built. Do you recommend prohibiting drive-in theaters in the BLO?

#010

Posted by **Forrest** on **07/18/2025** at **1:24pm** [Comment ID: 1293] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Drive-in would be allowed with use standards. BLO currently prohibits Drive-ins. ABI is seeking I-Mix (current) on several properties.

Reply by **SiteAdmin** on **07/20/2025** at **9:15am** [Comment ID: 1300] - [Link](#)

Answer

Agree: 0, Disagree: 0

The existing BLO does not appear to prohibit drive-in theaters -- only drive-in restaurants. It is unlikely that a new drive-in theater will be built. Do you recommend prohibiting drive-in theaters in the BLO?

Use Category Specific Use	NEIGHBORHOOD MIX (NX-)					MIXED-USE (MX-)										INDUSTRIAL FLEX (IX-)			INDUSTRIAL (I-)				Use Standards					
	NX-1*	NX-2*	NX-3*	NX-4*	NX-5*	NX-6*	MX-1	MX-2	MX-3	MX-4	MX-5	MX-6	MX-7	MX-8	MX-9	MX-10	MX-11	MX-12	MX-13	MX-14	IX-1	IX-2		IX-3*	I-1	I-2*	I-3*	I-4
Food and Beverage	Sports arena, stadium, or field	--	--	--	--	--	--	--	--	--	P	--	S	--	--	S	--	--	--	S	--	--	--	--	--	--	--	Use Standards
	General food and beverage																										Sec. 4.3.4.C.	
	Up to 2,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	2,001 - 4,000 SF	P	P	P	P	P	P	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	4,001 - 8,000 SF	P	P	P	P	P	P	--	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Above 8,000 SF	--	--	--	--	--	--	S	P	P	P	P	P	P	P	--	P	P	P	P	P	--	P	P	P	--		
	Bakery, wholesale																										Sec. 4.3.4.D.	
	Up to 2,000 SF	--	--	--	--	--	P*	P	--	P	P	P	P	P	P	P	P	P	--	P	P		P	P	P	P		
Catering establishment	2,001 - 8,000 SF	--	--	--	--	--	P	--	P	P	P	P	P	P	P	P	P	P	--	P	P		P	P	P	P		
	Above 8,000 SF	--	--	--	--	--	--	--	P	--	--	P	P	P	P	S	P	P	--	P	P		P	P	P	P	Sec. 4.3.4.D.	
	Bar																											
	Up to 2,000 SF	P	P	P	P	P	P*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	2,001 - 4,000 SF	P	P	P	P	P	P*	P	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	4,001 - 8,000 SF	P	P	P	P	P	P*	--	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Above 8,000 SF	--	--	--	--	--	--	S	P	--	P	P	P	P	P	P	P	P	P	P	--	P	P	P	P	--		
																											Sec. 4.3.4.D.	
Lodging	Up to 2,000 SF	P	P	P	P	P	P*	P	P	P	P	P	P	P	P	P	P	P	--	P	P		P	--	P	P		
	2,001 - 8,000 SF	--	--	--	--	--	P*	P	P	P	P	P	P	P	P	P	P	P	--	P	P		P	--	P	P		
	Above 8,000 SF	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	--	P	P		P	--	P	P		
	Delivery-based commercial kitchen	--	--	--	--	--	P*	--	--	--	--	--	--	--	--	--	--	P	--	--	--		P	--	P	--	Sec. 4.3.4.D.	
	Microbrewery, microdistillery, or winery	--	S*	--	--	--	S	--	--	--	--	--	--	--	--	P	P	P	--	P	P		P	P	P	P	Sec. 4.3.4.D.	
	Lodging																											
	General lodging																										Sec. 4.3.4.E.	
	Up to 30 guest rooms	S*	S*	S*	--	S*	--	--	S	S	P	P	S	P	P	S	S	S	P	P	P	--	P	P	S	P	--	
Above 30 guest rooms	--	--	--	--	--	--	--	S	S	P	P	P	P	P	P	S	S	S	P	P	--	P	P	P	P	--		

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CHAPTER 4. USE DISTRICTS
USE DISTRICT PERMISSIONS

Use Category Specific Use	NEIGHBORHOOD MIX (NX-)						MIXED-USE (MX-)														INDUSTRIAL FLEX (IX-)			INDUSTRIAL (I-)				Use Standards
	NX-1*	NX-2*	NX-3*	NX-4*	NX-5*	NX-6*	MX-1	MX-2	MX-3	MX-4	MX-5	MX-6	MX-7	MX-8	MX-9	MX-10	MX-11	MX-12	MX-13	MX-14	IX-1	IX-2	IX-3*	I-1	I-2*	I-3*	I-4	
Bed and breakfast	--	--	--	--	--	--	P*	--	--	P*	--	--	P*	--	--	--	--	--	--	--	--	--	--	P*	--	--	--	Use Standards
	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	--	Sec. 4.3.4.E.
Short-term rental	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	P*	P*	--	Sec. 4.3.4.E.
Medical																												
General medical																												
Up to 2,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	
2,001 - 8,000 SF	P	P	P	P	P	P	--	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	
Above 8,000 SF	--	--	--	--	--	--	--	--	P	P	P	P	P	--	P	P	P	P	P	P	P	P	P	--	P	P	P	
Hospital	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S	S	--	--	--	--	--	--	--	--	--	--	
Medical laboratory	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	P	P	--	P	P	P	
Office																												
General office																												
Up to 2,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2,001 - 8,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	P	P	P	P	--	P	P	P	P	P	P	P	--	P	P	P	P	P	
Sound recording studio																												
Up to 2,000 SF	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
2,001 - 8,000 SF	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	
Above 8,000 SF	--	--	--	--	--	--	--	--	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	--	<u>S</u>	--	<u>S</u>	--	<u>S</u>	<u>S</u>	<u>S</u>	--	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	
Parking																												
Commercial parking lot	S	S	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S	S	S	S	--	S	P	S	--	S	--	
Commercial parking structure	S	S	S	S	S	--	--	--	--	S	S	S	S	S	S	--	P	P	P	P	P	S	P	S	--	S	--	
Personal Service																												
General personal service																												Sec. 4.3.4.F.
Up to 2,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	
2,001 - 8,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	P	P	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	P	--	S	P	P	P	P	P	P	P	P	P	--	P	P	P	P	P	P	

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

Use Category Specific Use	NEIGHBORHOOD MIX (NX-)						MIXED-USE (MX-)														INDUSTRIAL FLEX (IX-)			INDUSTRIAL (I-)				Use Standards		
	NX-1*	NX-2*	NX-3*	NX-4*	NX-5*	NX-6*	MX-1	MX-2	MX-3	MX-4	MX-5	MX-6	MX-7	MX-8	MX-9	MX-10	MX-11	MX-12	MX-13	MX-14	IX-1	IX-2	IX-3*	I-1	I-2*	I-3*	I-4			
Animal care, indoor	P*	P*	P*	P*	P*		--	--	--	--	--	--	--	--	--		P*	P*	P*	P*		P*	P*	P*	--	P*	P*		Use Standards	
Up to 8,000 SF																													Sec. 4.3.4.F.	
Above 8,000 SF	--	P*	--	--	--		--	--	--	--	--	--	--	--	--		P*	P*	P*	P*		P*	P*	P*	--	P*	P*			
Animal care, outdoor	--	--	--	--	--		--	--	--	--	--	--	--	--	--		--	--	--	--		--	--	P*	--	P*	P*			
Body art studio																													Sec. 4.3.4.F.	
Up to 8,000 SF	P*	P*	P*	--	P*		P	P	P	P	S	S	P	S	P		--	P	P	P		--	P	--	P	--	--	--		
Above 8,000 SF	--	--	--	--	--		--	--	P	P	S	S	P	S	P		--	P	P	P		--	P	--	P	--	--	--		
Funeral home	--	--	--	--	--		--	--	--	--	--	--	--	--	--		--	P*	S*	--	P*		--	--	--	--	--	--		Sec. 4.3.4.F.
Hair or nail salon																													Sec. 4.3.4.F.	
Up to 2,000 SF	P*	P*	P*	P*	P*		P	P	P	P	P	S	P	S	P		P	P	P	P		P	P	P	--	P	--	--		
2,001 - 8,000 SF	P*	P*	P*	P*	P*		P	P	P	P	P	S	P	S	P		P	P	P	P		P	P	P	--	P	--	--		
Above 8,000 SF	--	--	--	--	--		--	--	P	P	S	S	P	S	--		--	P	P	P		--	P	--	P	--	P	--		
Laundry service																													Sec. 4.3.4.F.	
Up to 2,000 SF	P*	P*	P*	P*	P*		P	P	P	P	P	P	P	P	P		P	P	P	P		--	P	--	P	--	P	--		
2,001 - 8,000 SF	--	--	--	--	--		P	P*	P	P	P	P	P	P	P		P	P	P	P		--	P	--	P	--	P	--		
Above 8,000 SF	--	--	--	--	--		--	--	P	--	--	--	--	--	--		--	P	P	P		--	P	--	P	--	P	--		
Retail																														
General retail																														
Up to 2,000 SF	P	P	P	P	P		P	P	P	P	P	P	P	P	P		P	P	P	P		P	P	P	P	P	--	--		
2,001 - 8,000 SF	P	P	P	P	P		P	P	P	P	P	P	P	P	P		P	P	P	P		P	P	P	P	P	--	--		
8,001 - 15,000 SF	S	S	S	S	S		P	--	P	P	P	P	P	P	P		P	P	P	P		S	P	P	P	P	--	--		
Above 15,000	--	--	--	--	--		--	--	P	P	P	P	P	P	P		P*	P*	P*	P*		--	P	--	P	--	P	--		
Alternative financial service	--	--	--	--	--		--	--	P*	--	P*	P*	--	--	--		--	P*	P*	P*		--	--	--	--	--	P*	--		Sec. 4.3.4.G.
Artisan workshop																														
Up to 2,000 SF	P	P	P	P	P		P	P	P	P	P	P	P	P	P		P	P	P	P		P	P	P	P	P	P	P		
2,001 - 8,000 SF	P	P	P	P	P		P	P	P	P	P	P	P	P	P		P	P	P	P		P	P	P	P	P	P	P		
8,001 - 15,000 SF	S	S	S	S	S		P	--	P	P	P	P	P	P	P		P	P	P	P		S	P	P	P	P	P	P		
Above 15,000 SF	--	--	--	--	--		--	--	P	P	P	P	P	P	P		--	P	P	P		--	--	P	P	P	P	P		

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CHAPTER 4. USE DISTRICTS
USE DISTRICT PERMISSIONS

Use Category Specific Use	NEIGHBORHOOD MIX (NX-)					MIXED-USE (MX-)														INDUSTRIAL FLEX (IX-)			INDUSTRIAL (I-)				Use Standards	
	NX-1*	NX-2*	NX-3*	NX-4*	NX-5*	NX-6*	MX-1	MX-2	MX-3	MX-4	MX-5	MX-6	MX-7	MX-8	MX-9	MX-10	MX-11	MX-12	MX-13	MX-14	IX-1	IX-2	IX-3*	I-1	I-2*	I-3*		I-4
Grocery store																												Use Standards
Up to 2,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2,001 - 8,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
8,001 - 15,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
15,001 - 25,000 SF	S*	--	S*	--	S*	S*	--	--	P	P	P	P	P	P	P	P	P	P	P	P	S	P	P	P	P	P	P	
Above 25,000 SF	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	P	P	P	
Hookah or vape store																												Sec. 4.3.4.G.
Up to 8,000 SF	P*	P*	P*	P*	P*	P*	P*	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	
8,001 - 15,000 SF	S*	S*	S*	S*	S*	S*	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	S*	P*	P*	P*	P*	P*	P*	
Above 15,000	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	P*	P*	P*	P*	P*	P*	
Package store																												Sec. 4.3.4.G.
Up to 8,000 SF	P	P	S	P	P	P	P	P	--	--	P	P	P	P	P	P	P	P	P	P	P	--	P	--	P	P	P	
8,001 - 15,000 SF	S	S	S	S	S	S	--	--	--	--	P	P	P	P	P	P	P	P	P	P	S	--	P	--	P	P	P	
Above 15,000 SF	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	--	--	--	P	P	P	P	
Retail bank																												Sec. 4.3.4.G.
Up to 8,000 SF	P*	P*	S*	P*	P*	P*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	P	--	P	P	P	P	
Above 8,000 SF	--	--	--	--	--	S*	--	--	P	P	P	P	P	P	P	P	P	P	P	P	--	P	--	P	P	P	P	
Small discount variety store																												Sec. 4.3.4.G.
Up to 2,000 SF	P*	P*	--	P*	P*	--	P*	--	--	--	P*	P*	--	P*	P*	P*	P*	P*	P*	P*	--	P*	--	P*	P*	P*	P*	
2,001 - 8,000 SF	P*	P*	--	P*	P*	--	--	--	--	--	P*	P*	--	P*	P*	P*	P*	P*	P*	P*	--	P*	--	P*	P*	P*	P*	
8,001 - 12,000 SF	S*	S*	--	S*	S*	--	--	--	--	--	P*	P*	--	P*	P*	P*	P*	P*	P*	P*	--	P*	--	P*	P*	P*	P*	
Transportation																												
Passenger terminal	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S	--	--	--	--	--	--	
Helipad	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S	S	S	S	--	S	--	--	--	S	--	--	
Truck stop	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S*	S*	Sec. 4.3.4.H.
Vehicle Sale and Service																												
Vehicle sale and rental, light	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	--	P*	--	--	S*	P*	P*	Sec. 4.3.4.I.

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

Use Category Specific Use	NEIGHBORHOOD MIX (NX-)						MIXED-USE (MX-)														INDUSTRIAL FLEX (IX-)			INDUSTRIAL (I-)				Use Standards
	NX-1*	NX-2*	NX-3*	NX-4*	NX-5*	NX-6*	MX-1	MX-2	MX-3	MX-4	MX-5	MX-6	MX-7	MX-8	MX-9	MX-10	MX-11	MX-12	MX-13	MX-14	IX-1	IX-2	IX-3*	I-1	I-2*	I-3*	I-4	
Vehicle sale and rental, heavy	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	p*	p*	Use Standards
Vehicle service and repair, light																											Sec. 4.3.4.I.	
Up to 8,000 SF	p*	p*	p*	--	--	--	--	--	--	--	--	--	p*	--	--	--	p*	p*	p*	p*	p*	--	--	p*	s*	p*	p*	Sec. 4.3.4.I.
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	p*	--	--	--	p*	p*	p*	p*	p*	--	--	p*	s*	p*	p*	
Vehicle service and repair, heavy	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 4.3.4.I.
Car wash	--	--	--	--	--	--	--	--	--	s*	--	--	s*	s*	s*	--	p*	p*	p*	p*	p*	--	--	p*	s*	p*	p*	Sec. 4.3.4.I.
Fuel sales	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	p*	p*	p*	p*	p*	--	--	p*	--	--	--	Sec. 4.3.4.I.
Wholesale Trade																												
General wholesale trade																												
Up to 15,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	p	p	p	p	p	--	--	--	p	--	--	
Above 15,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	p	p	p	p	p	--	--	--	p	--	--	
Showroom																												
Up to 15,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	p	p	p	p	p	p	p	--	p	p	p	
Above 15,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	p	p	p	p	p	s	p	--	p	p	p	
Wholesale trade mart	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
INDUSTRIAL USES																												
Industrial and Manufacturing																												
Low-impact industrial and manufacturing																												Sec. 4.3.5.A.
Up to 8,000 SF	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p	p	p	p	p	p	p	
8,001 - 15,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	s*	p	--	p	p	p	p	p	
Above 15,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	s*	--	p	p	p	p	p	p	
High-impact industrial and manufacturing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 4.3.5.A.

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

Use Category Specific Use	NEIGHBORHOOD MIX (NX-)												INDUSTRIAL FLEX (IX-)				INDUSTRIAL (I-)				Use Standards
	NX-1*	NX-2*	NX-3*	NX-4*	NX-5*	NX-6*	MX-1	MX-2	MX-3	MX-4	MX-5	MX-6	MX-7	MX-8	MX-9	MX-10	MX-11	MX-12	MX-13	MX-14	
Crematorium	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Use Standards
Research and development	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Use Standards
Warehouse and Distribution																					
General warehouse and distribution																					
Up to 15,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Above 15,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Data Center																					Sec. 4.3.5.B.
Up to 8,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Freight terminal	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Micro-distribution hub																					
Up to 2,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2,000 - 8,000 SF	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Self-storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 4.3.5.B.
Storage yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 4.3.5.B.
Waste-Related Service																					
General waste-related service	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 4.3.5.C.
Green waste	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 4.3.5.C.
Recycling drop-off center	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 4.3.5.C.
ACCESSORY USES																					
Accessory dwelling unit																					Sec. 4.5.2.A.
1 accessory dwelling unit	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Up to 2 accessory dwelling units	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	

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

INTI: F - Oscillato

Sec. 4.2.3. Residential (R-) Use Districts

A. Intent

The Residential (R-) Use Districts are intended to support a variety of residential living options while preserving the character and scale of established neighborhoods. These districts prioritize housing, but may allow limited nonresidential uses, such as small-scale commercial or service uses, where appropriate, especially in historically mixed-use buildings. Standards are designed to maintain neighborhood compatibility, protect housing supply, and ensure that redevelopment or reuse of older buildings contributes to community stability and resilience.

B. Use District Standards

1. Applicability

The following use district standards apply only where the use table includes an asterisk (*) with the Use District name. Where no asterisk is present in the use table, these use district standards do not apply.

2. **R2 Use District**

a. **Non-Residential Uses**

- i. Nonresidential uses are permitted only on or below the street-level floor.
- ii. When nonresidential floor area exceeds 20,000 square feet or 0.5 times the net lot area, whichever is less, an equivalent or greater amount of residential floor area must be provided, up to the maximum permitted floor area.

3. **All Residential (R-) Use Districts**

a. **Commercial Uses**

Where commercial uses are allowed, the following standards apply:

- i. The use must be located directly adjacent to the primary or side street;
- ii. The Corner Store Alternate Form (Sec. XX) may be used.

b. **Pre-1946 Commercial Use Buildings**

- i. In buildings used for a commercial purpose before 1946, the building is considered conforming and the following uses are allowed:
 - a) Day care, private;
 - b) General food and beverage;
 - c) General office;
 - d) General personal service;
 - e) Hair or nail salon;
 - f) General retail;

#011

Posted by **Jennifer Friese** on **08/29/2025** at **6:24am** [Comment ID: 1544] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

R uses should be the default for existing multifamily lots embedded within neighborhoods - these most closely match existing permitted uses.

Reply by **SiteAdmin** on **08/29/2025** at **12:21pm** [Comment ID: 1553] - [Link](#)

Answer


Agree: 0, Disagree: 0

R Use Districts are conversions from MR and RG districts. MR allows commercial uses by-right (typ. 5% of building) and RG allows by-right in complexes with 50 or more units.

This said, we understand your concern and will discuss it.

- g) Artisan workshop; and
- h) Grocery store.
- ii. In buildings used for a commercial purpose before 1946, the building is considered conforming and the following uses are allowed with a Special Use Permit:
 - a) Bar.
- iii. These provisions do not apply to buildings where a commercial use was established after 1945. These uses are considered nonconforming and must adhere to the standards in **Sec. XX, Nonconformities**.

c. Pre-1946 Residential Use Buildings

- i. In buildings that contained multiple dwelling units before 1946, and the number of dwelling units is greater than what is allowed by the Form District, the building and number of dwelling units are considered conforming and may be re-established at any time.
- ii. Additions to these buildings are not permitted.
-  iii. Renovations are only permitted if the total number of existing dwelling units is not increased.
- iv. If a building using this provision is unintentionally damaged by an act of nature, fire, flooding, or similar event, and the renovation cost does not exceed 60% of the replacement value of the building, the building and the existing number of dwelling units may be re-established and are considered conforming. Damaged or destroyed buildings not meeting this threshold are considered nonconforming and must adhere to the standards in **Sec. XX, Nonconformities**.
- v. This provision does not apply to buildings where multiple dwelling units were established after 1945. These dwelling units are considered nonconforming and must adhere to the standards in **Sec. XX, Nonconformities**.

#012

Posted by **grace212** on **09/02/2025** at **1:14pm** [Comment ID: 1613] - [Link](#)

Question

Agree: 0, Disagree: 0

What if a pre-1946 duplex was converted to SF? Could it be converted back to a duplex?

Reply by **SiteAdmin** on **09/16/2025** at **2:15pm** [Comment ID: 1705] - [Link](#)

Answer

Agree: 0, Disagree: 0

Yes. Provide the structure was **ORIGINALLY** built at a duplex. The Sanborn Maps typically show this.

Sec. 4.2.4. Residential Mix (RX-) Use Districts

A. Intent

The Residential Mix (RX-) Use Districts are intended to promote walkable, mixed-use neighborhoods that combine residential and limited commercial uses in a compatible and balanced way. These districts prioritize housing while allowing small-scale, ground-level commercial activity that serves nearby residents. Standards ensure that residential uses remain the primary focus of development, while encouraging active street frontages and neighborhood-serving businesses.

B. Use District Standards

1. Applicability

The following use district standards apply only where the use table includes an asterisk (*) with the Use District name. Where no asterisk is present in the use table, these use district standards do not apply.

2. All Residential Mix (RX-) Use Districts

a. Commercial Uses

Where commercial uses are allowed, the following standards apply:

- i. Commercial uses are restricted to the ground story;
- ii. The total floor area of residential uses must exceed the total floor area of commercial uses on the site; and
- iii. Commercial uses must be located directly adjacent to the primary or side street.

Sec. 4.2.5. Neighborhood Mix (NX-) Use Districts

A. Intent

Neighborhood Mix (NX-) Use Districts are intended to support a diverse mix of residential, commercial, and service uses that contribute to active, livable neighborhoods. These districts allow for a broader range of uses than purely residential areas, while still maintaining compatibility with surrounding development through use limitations, hours of operation, and design standards. The intent is to foster vibrant, walkable communities that offer convenient access to daily needs without disrupting neighborhood character.

B. Use District Standards

1. Applicability

The following use district standards apply only where the use table includes an asterisk (*) with the Use District name. Where no asterisk is present in the use table, these use district standards do not apply.

2. All Neighborhood Mix (NX-) Use Districts

a. Entertainment and Recreation Uses

Entertainment and recreation uses must follow the hours of operation in **City of Atlanta Code of Ordinances, Section 10-209**, whether or not alcohol is served.

3. NX2 Use District

a. Commercial Uses

- i. Commercial uses, except entertainment and recreation uses, food and beverage uses, and grocery store, are not allowed to operate between the hours of 12:00 a.m. to 6:30 a.m. on Monday through Thursday, except January 1st.
- ii. Commercial uses, except entertainment and recreation uses, food and beverage uses, and grocery store, are not allowed to operate between the hours of 2:00 a.m. to 6:30 a.m. on Friday through Sunday and January 1st.

b. Food and Beverage Uses

- i. Food and beverage uses are not allowed to operate between the hours of 2:00 a.m. to 6:30 a.m. on Monday through Thursday.
- ii. There is no limit to the hours of operation on Friday through Sunday.

4. NX3 Use Districts

a. Commercial Uses

- i. Commercial uses, except entertainment and recreation uses, food and beverage uses, and grocery store, are not allowed to operate between the hours of 12:00 a.m. to 6:30 a.m. on Monday through Thursday, except January 1st.

- ii. Commercial uses, except entertainment and recreation uses, food and beverage uses, and grocery store, are not allowed to operate between the hours of 2:00 a.m. to 6:30 a.m. on Friday through Sunday and January 1st.

b. Entertainment and Recreation Uses

Entertainment and recreation uses must be conducted within a fully enclosed building.

5. NX4 Use District

a. Commercial Uses

Commercial uses are not allowed to operate between the hours of 2:00 a.m. to 6:30 a.m.

6. NX6 Use District

a. Entertainment and Recreation Uses

Entertainment and recreation uses must be conducted within a fully enclosed building.

b. Food and Beverage Uses

- i. Food and beverage uses are not allowed to operate between the hours of 12:00 a.m. to 6:30 a.m. on Monday through Thursday.
- ii. Food and beverage uses are not allowed to operate between the hours of 2:00 a.m. to 6:30 a.m. on Friday through Sunday and January 1st.

Sec. 4.2.6. **Mixed-Use (MX-) Use Districts**

A. Intent

Mixed-Use (MX-) Use Districts are intended to support vibrant, walkable areas where residential, commercial, and civic uses are integrated within the same site or building. These districts encourage higher-intensity development that promotes a mix of activities, supports transit use, and fosters a dynamic public realm. Standards are designed to ensure compatibility among uses, enhance street-level activity, and create complete, connected neighborhoods.

B. Use District Standards

1. MX11 Use District

a. Vehicle Sale and Services

Gasoline fuel dispensers and related vehicular services, such as air pumps and car washes, must not be located between the building and the street.

2. MX13 Use District

a. Office Uses

All office buildings with more than 50,000 square feet of gross office space must provide showering facilities, consisting of showers and lockers, at a minimum ratio of two facilities per 50,000 square feet. These facilities must be accessible to all tenants and their employees. No building is required to provide more than four showering facilities in total.

Sec. 4.2.7. Industrial Flex (IX-) Use Districts

A. Intent

Industrial-Flex (IX-) Use Districts are intended to support a mix of light industrial, employment, and limited commercial uses in a flexible development format. These districts prioritize industrial activity, such as production, repair, and small-scale manufacturing, while allowing compatible nonindustrial uses that contribute to job creation and economic vitality. Standards ensure that industrial uses remain a primary component of development, while accommodating evolving business models and supporting workforce-oriented uses in a modern, adaptable environment.

B. Use District Standards

1. Applicability

The following use district standards apply only where the use table includes an asterisk (*) with the Use District name. Where no asterisk is present in the use table, these use district standards do not apply.

2. IX3 Use District

a. **Industrial Uses Required**

- i. In order to provide nonindustrial uses on a lot, a project must also provide a minimum amount of industrial uses meeting the standards for one of the options for industrial use requirement below.
- ii. Nonindustrial uses must be provided concurrently with industrial uses, meeting the standards of the concurrency requirement below.
- iii. The following uses, when allowed by the Use District, count toward the minimum required amount of industrial uses:
 - a) Industrial uses, except self-storage.
 - b) Accessory outdoor storage, minor and major.
 - c) Animal care, indoor.
 - d) Animal care, outdoor.
 - e) Artisan workshop.
 - f) Bakery, wholesale.
 - g) Catering establishment.
 - h) Commercial or trade school, provided the curriculum relates to a permitted industrial use.
 - i) Data centers, provided the combined floor area of this use and any grocery store use is limited to no more than 50% of the industrial use requirement.
 - j) Day care, private.

- k) Delivery-based kitchen.
- l) General office, provided the use supports the functionality and workforce needs of industrial use. Typical examples include office space for printing, maintenance, mailing, bookkeeping, and security services.
- m) General personal service, provided the use offers repair service. Typical examples include locksmith; repair of consumer goods, such as appliances, clothes, shoes, clocks, watches, jewelry, electronics, and appliances; tailor, custom dressmaking, millinery; tinsmith, plating, or plumbing shop; and furniture repair or upholster.
- n) Grocery store, provided the total floor area of this use is no larger than 30,000 square feet and the combined floor area of this use and any data center use is limited to no more than 50% of the industrial use requirement.
- o) Indoor growing system.
- p) Live-work, provided the nonresidential floor area exceeds the residential floor area.
- q) Medical laboratory.
- r) Microbrewery, microdistillery, or winery.

b. Options for Industrial Use Requirement

To satisfy the industrial use requirement, a project must meet the standards of one of the following options:

i. Option 1: Fixed Ratio Standards

- a) The total floor area of all industrial uses must equal or exceed either:
 - 1) 30% of the total floor area of nonindustrial uses with occupancy permits, or
 - 2) 0.3 times the net lot area (NLA), whichever is less.

ii. Option 2: Lot Size Standards

- a) Based on the size of an existing lot of record, the industrial use requirement may be satisfied by meeting the requirements in the following table:

<u>Lot Size</u>	<u>Industrial Use Required (min)</u>	<u>Industrial Use Required (max)</u>
<u>less than 1 acre</u>	<u>2,000 SF</u>	<u>2,000 SF</u>
<u>1 to < 5 acres</u>	<u>30% of floor area or 0.30 FAR, whichever is less</u>	<u>50,000 SF</u>
<u>5 to < 10 acres</u>	<u>25% of floor area or 0.25 FAR, whichever is less</u>	<u>100,000 SF</u>
<u>10 to < 15 acres</u>	<u>20% of floor area or 0.20 FAR, whichever is less</u>	<u>125,000 SF</u>
<u>15 acres or larger</u>	<u>15% of floor area or 0.15 FAR, whichever is less</u>	<u>150,000 SF</u>

- b) The applicant may choose provide the minimum required amount of industrial use based on the percentage of total floor area dedicated to industrial uses or FAR, whichever is less.
- c) The maximum industrial use required caps the floor area of industrial uses that are required. An applicant may choose to provide more industrial uses beyond the cap, but it is not required to satisfy the industrial use requirements.

c. Concurrency Requirement for Industrial Uses

- i. In order to accommodative phased implementation, a limited amount of nonindustrial uses may be issued an occupancy permit before industrial uses receive an occupancy permit, according to the thresholds specified in the table below:

<u>% of Allowed Nonindustrial Floor Area with Occupancy Permit (max)</u>	<u>% of Required Industrial Floor Area with Occupancy Permit (min)</u>
<u>up to 10% of total proposed nonindustrial floor area</u>	<u>0% of total required industrial floor area</u>
<u>10% to < 25% of total proposed nonindustrial floor area</u>	<u>10% of total required industrial floor area</u>
<u>25% to < 50% of total proposed nonindustrial floor area</u>	<u>25% of total required industrial floor area</u>
<u>50% to < 75% of total proposed nonindustrial floor area</u>	<u>50% of total required industrial floor area</u>
<u>75% or more of total proposed nonindustrial floor area</u>	<u>100% of total required industrial floor area</u>

- ii. The percentage of allowed floor area for nonindustrial uses and required floor area for industrial uses is calculated based on the total floor area proposed for nonindustrial and industrial uses once all phases of the project are complete, and is not calculated per project phase.

Sec. 4.2.8. Industrial (I-) Use Districts

A. Intent

Industrial (I-) Use Districts are intended to accommodate a wide range of manufacturing, logistics, warehousing, and other industrial activities that support the city's economic base. These districts are designed to prioritize industrial operations while limiting residential and commercial uses to minimize conflicts and ensure long-term viability for industrial businesses. Limited nonindustrial uses may be allowed in older buildings to support adaptive reuse and preserve the industrial character of established areas.

B. Use District Standards

1. Applicability

The following use district standards apply only where the use table includes an asterisk (*) with the Use District name. Where no asterisk is present in the use table, these use district standards do not apply.

2. ~~I1 to I4 Use Districts~~

a. ~~Accessory dwelling units~~

~~Accessory dwelling units (ADUs) must not exceed 800 square feet in size.~~

3. I2 and I3 Use Districts

a. Buildings at Least 50 Years Old

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

- i. Residential uses.
- ii. Entertainment and recreation uses.
- iii. Food and beverage uses, except deliverable based commercial kitchen.
- iv. Lodging uses.
- v. Medical uses.
- vi. Retail uses, except artisan workshop.

Sec. 4.2.9. Civic (CV-) Use Districts

A. Intent

Civic (CV-) Use Districts are intended to accommodate public, institutional, and community-oriented uses such as parks, open space, schools, and campuses. These districts provide essential services, gathering spaces, and cultural or educational resources that support the well-being of neighborhoods and the city as a whole. Development in Civic districts is intended to be accessible, inclusive, and compatible with surrounding land uses.

B. Use District Standards

No additional use district standards apply to Civic (CV-) districts.

DIVISION 4.3. **USE STANDARDS**

Sec. 4.3.1. **Applicability**

The following use standards apply only where the use table (Sec. XX) includes an asterisk (*) for the use permission in the applicable Use District. Where no asterisk is present in the use table, these use standards do not apply.

Sec. 4.3.2. **Residential Uses**

A. Household Living Uses

1. General Household Living

a. Residential (R-) Use Districts

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

b. NX6 Use District

Where 5 or more dwelling units are in a building, at least 50% of the ground story of the building must contain Commercial Uses.

2. Live-Work

a. All Use Districts

- i. The total floor area of a live-work unit, including residential and nonresidential uses, is limited to 4,000 square feet or less.
- ii. The floor area of nonresidential uses are limited to 50% or less of the total floor area of a live-work unit.
- iii. Nonresidential uses must be located on the ground story.
- iv. Nonresidential uses are limited to:
 - a) General food and beverage;
 - b) General medical;
 - c) General office;
 - d) General personal service;
 - e) General retail; or
 - f) Artisan workshop.

B. Group Living Uses

1. General Supervised Group Living

a. All Use Districts

- i. The operator of the facility must comply with all applicable local, state and federal laws and regulations, including state minimum Codes. Copies of all applicable approved licenses and permits, including but not limited to, state licenses and business license must be provided to the Department before issuance of the certificate of occupancy.
- ii. General supervised group living is not allowed within 2,000 feet of any other general supervised group living or emergency shelter. This requirement may be waived by the City Council in approving the Special Use Permit.
- iii. Supervised group living must be within a distance of 1/2 mile of a public transportation station or stop. This requirement may be waived by the City Council in approving the Special Use Permit.
- iv. If located in a Residential (R-) Use District, the design of the structure must be residential in appearance.

2. General Unsupervised Group Living

a. All Use Districts

- i. Meals may be provided from a single central kitchen and compensation for such meals, if provided, must be included in the weekly or longer rental rate.
- ii. No restaurant, meeting, reception, or banquet facilities may be provided.
- iii. Other accessory uses, such as recreational facilities, are permitted provided they are appropriate to the size of the facility and operated solely for the residents and their guests.

3. Emergency Shelter

a. All Use Districts

- i. The operator of the facility must comply with all applicable local, state, and federal laws and regulations, including state minimum Codes. Copies of all applicable approved licenses and permits, including but not limited to, state licenses and business license must be provided to the Department before issuance of the certificate of occupancy.
- ii. Emergency shelter is not allowed within 2,000 feet of any other emergency shelter or general supervised group living. This requirement may be waived by the City Council in approving the Special Use Permit.
- iii. Emergency shelter must be within a distance of 1/2 mile of a public transportation station or stop. This requirement may be waived by the City Council in approving the Special Use Permit.

#013

Posted by **grace212** on **09/02/2025** at **1:20pm** [Comment ID: 1614] - [Link](#)

Question

Agree: 0, Disagree: 0

What is the reason for this requirement (ii)? It seems like it could create an unnecessary burden for folks seeking emergency shelter if they are not allowed to be nearby. Additionally, (ii) combined with (iii) seems like a very narrow window.

Reply by **SiteAdmin** on **09/16/2025** at **2:13pm** [Comment ID: 1704] - [Link](#)

Answer

Agree: 0, Disagree: 0

This reflects existing standard for these uses.

Sec. 4.3.3. Public and Institutional Uses

A. Wireless Telecommunications Uses

1. Intent

The intent of wireless communication uses is to provide procedural and substantive requirements for the location, construction, collocation, modification and operation of wireless communication facilities on property located outside the public right-of-way in accordance with applicable federal and state law where otherwise not preempted by such federal or state law.

2. Application Requirements

The following are required components of applications for wireless communication uses:

a. All Types

- i. An applicant must pay the application fees as provided in City Code.
- ii. The applicant must provide the section of state or federal statute or regulation under which applicant seeks review and approval.
- iii. The applicant can only be required to provide documents, information, and fees adopted by City Council, as well as forms promulgated by the Office of Zoning and Development or the Office of Buildings, pertaining to the location, construction, collocation, modification, or operation of such wireless facilities.

b. Type I: Modification

- i. Type I applications take the form of an application for building or electrical permit as determined by the Office of Buildings.
- ii. When an applicant asserts in the application that a request for modification is covered by 47 CFR § 1.6100 or 47 U.S.C. § 1455(a), or as thereafter amended, the applicant must provide the following documentation or information which is reasonably related to determining whether the request meets the requirements of said section:
 - a) An as-built site plan with elevations depicting and providing the measurements of the current deployment of antenna and previously approved eligible support structure on the site;
 - b) A proposed site plan with elevations depicting and providing the measurements, with reference to the proposed total measurements and delta, of the proposed deployment for modification of the previously approved eligible support structure on the site;
 - c) A narrative description of the proposed modification and explanation of why the proposed modification of an eligible support structure does not substantially change the physical dimensions of such structure by reference to each component contained within the definition of "substantial change"; and
 - d) Those items set forth in the Criteria for Review and Decision section below.

c. Type II: Small Wireless Collocation or Type III: Non-Small Wireless Collocation

- i. Type II applications take the form of an application for building or electrical permit as determined by the Office of Buildings.
- ii. Type III applications take the form of an application for Certificate of Endorsement (see Sec. XX).
- iii. When an applicant asserts in the application that a request for collocation is covered by 47 CFR § 1.6001 et seq., or as thereafter amended, the applicant must provide the following documentation or information which is reasonably related to determining whether the request meets the requirements of said section:
 - a) An as-built site plan with elevations depicting and providing the measurements of the current deployment of wireless facilities and wireless support structure on the site;
 - b) A proposed site plan with elevation(s) depicting and providing the measurements, with reference to the proposed total measurements and delta, of the proposed collocation of a small wireless facility (Type II) or non-small wireless facility (Type III), as the case may be;
 - c) A narrative describing the proposed collocation and explaining why the proposed collocation is either a small wireless facility or a non-small wireless facility, as the case may be; and
 - d) Those items set forth in the Criteria for Review and Decision section below.

d. Type IV: Small Wireless Structure or Type V: Non-Small Wireless Structure

- i. Type IV applications take the form of an application for a Certificate of Endorsement (see Sec. XX).
- ii. Type V applications take the form of an application for Special Use Permit (see Sec. XX).
- iii. When an applicant asserts in the application that a request for deployment is covered by 47 CFR § 1.6001 et seq., or as thereafter amended, the applicant must provide the following documentation or information which is reasonably related to determining whether the request meets the requirements of said section:
 - a) A proposed site plan with elevations depicting and providing the measurements, with reference to the proposed total measurements of the proposed deployment of a small wireless facility (Type IV) or non-small wireless facility (Type V), as the case may be
 - b) A written evaluation of the technical, business, or service characteristics of such proposed wireless facility;
 - c) An inventory of its existing structures that are either within the City or within one quarter mile of the city limit, including specific information about the location, height and design of each tower. The Office may share such information with other applicants applying for Special Use Permits or Certificates of Endorsements, or with other organizations seeking to locate wireless support structure or wireless facilities within the City, provided, however, that the Office, by sharing such information, is not in any way representing or warranting that such sites are available or suitable.

- d) A radio frequency analyses and any other documentation intended to demonstrate the proposed service characteristics of the proposed wireless facility, to illustrate the need for such wireless facility, or to justify the business decision to deploy the proposed new wireless facility rather than collocate on an existing structure; and
- e) A letter from a radio frequency engineer certifying the applicant's proposed wireless facilities will not interfere with public safety emergency communications; and
- f) Those items set forth in the **Criteria for Review and Decision** section below and those items required to show compliance with the **Conditions of Approval** section below.

3. Review and Decision Process

a. Type I: Modification

- i. Upon application, the Office reviews to determine whether or not the application is complete and proposes a substantial change. Concurrently, the Office of Buildings reviews to determine whether the application complies with state minimum standards codes. Type I applications are decided by the Office of Buildings based upon a written record as to whether the building or electrical permit satisfies the requirements in this Section and for building or electrical permits generally.
- ii. Within 60 days of the date on which an applicant submits an application seeking approval pursuant to **47 CFR § 1.6100**, or as thereafter amended, the Office of Building must approve the application unless it determines that the application is not covered by said section.
- iii. The 60-day period begins when the application is filed with the Office of Buildings, and may be tolled only by mutual agreement or in cases where the Office determines that the application is incomplete.
- iv. To toll the time frame for incompleteness, the Office must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information listed in this Section.
- v. The time frame for review begins running again when the applicant makes a supplemental submission in response to the Office's notice of incompleteness.
- vi. Following a supplemental submission, the Office will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this Section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- vii. In the event the Office of Building fails to approve or deny a request seeking approval under this section within the time frame for review (accounting for any tolling), the request will be deemed granted. The deemed grant does not become effective until the applicant notifies the Office in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

b. Type II: Small Wireless Collocation

- i. Upon application, the Office reviews to determine whether or not the application is complete and proposes a small wireless facility using an existing structure. Concurrently, the Office of Buildings reviews to determine whether the application complies with state minimum standards codes. Type II applications are decided by the Office of Buildings based upon a written record as to whether the building or electrical permit satisfies the requirements in this Section and for building or electrical permits generally.
- ii. Within 10 days of the date an application is filed with the Office of Buildings, the Office must determine whether or not:
 - a) The application is complete; and
 - b) The proposed collocation is for a small wireless facility using an existing structure.
- iii. If the Office determines the application is not a complete application, it must within 10 days of the filing of the application notify the applicant in writing of any information required to complete such application.
- iv. To the extent additional information is required to complete the application, the time required by the applicant to provide such information will not be counted toward the 60-day decision period.
- v. If the Office determines the application is a complete application and the proposed collocation is for a small wireless facility, the Office of Buildings must commence review for compliance with state minimum standard codes. Applications that required additional information to become complete will, when complete, be immediately transmitted to the Office of Buildings for decision.
- vi. Within 60 days of the date a Type II application is filed with the Office of Buildings, unless another date is specified in a written agreement between the Office and the applicant, the Office of Building must:
 - a) Make its final decision to approve or disapprove the application based on compliance with state minimum standard codes and whether or not the request is for a small wireless facility using an existing structure; and
 - b) Advise the applicant in writing of its final decision supported by the written record.

c. Type III: Non-Small Wireless Collocation

- i. Upon application, the Office initially reviews to determine whether or not the application is complete and proposes a non-small wireless facility using an existing structure. Concurrently, the Office of Building reviews to determine whether the application complies with state minimum standards codes. Type III applications are decided by the office based upon a written record as to whether the Certificate of Endorsement applications satisfies the requirements in this Section and for Certificates of Endorsement generally.

- ii. Within 30 days of the date of application, the Office must determine if it is a complete application and, if it determines the application is not a complete application, notify the applicant in writing of any information required to complete such application.
- iii. To the extent additional information is required to complete the application, the time required by the applicant to provide such information will not be counted toward the 90-day review period.
- iv. A complete application must be e-mailed by the Office to the appropriate Neighborhood Planning Unit (NPU) for its review and comment with regard to the criteria set for in this Section. The NPU will have 30 days from receipt to complete this review.
- v. Within 90 days of the date a Type III application is filed with the Office, unless another date is specified in a written agreement between the Office and the applicant, the Office must:
 - a) Make its final decision to approve or disapprove the application based on the criteria set for in this Section and for Certificates of Endorsements generally; and
 - b) Advise the applicant in writing of its final decision supported by the written record.

d. Type IV: Small Wireless Structure

- i. Upon application, the Office initially reviews to determine whether or not the application is complete and proposes a small wireless facility using a new structure. Type IV applications are decided by the Office based upon a written record as to whether the Certificate of Endorsement application satisfies the requirements in this Section and for Certificates of Endorsements generally.
- ii. Within 10 days of the date of application, the Office must determine if it is a complete application and, if it determines the application is not a complete application, notify the applicant in writing of any information required to complete such application.
- iii. To the extent additional information is required to complete the application, the time required by the applicant to provide such information will not be counted toward the 90-day review period.
- iv. A complete application must be e-mailed by the Office to the appropriate Neighborhood Planning Unit (NPU) for its review and comment with regard to the criteria set for in this Section. The NPU will have 30 days from receipt to remit any written comment to the Office.
- v. Within 90 days of the date an application for modification or collocation of wireless facilities is filed with the Office, unless another date is specified in a written agreement between the Office and the applicant of zoning and development, the office must:
 - a) Make its final decision to approve or disapprove the application based on the criteria set for in this Section and for Certificates of Endorsements generally; and
 - b) Advise the applicant in writing of its final decision supported by the written record.

e. Type V: Non-Small Wireless Structure

- i. Upon application, the Office initially reviews to determine whether or not the application is complete and proposes a non-small wireless facility using a new structure. Type V applications are decided by the City Council after public hearing and based upon a written record as to whether the Special Use Permit application satisfies the requirements in this Section and for Special Use Permits generally.
- ii. Within 30 days of the date of application, the Office must determine if it is a complete application and, if it determines the application is not a complete application, notify the applicant in writing of any information required to complete such application.
- iii. To the extent additional information is required to complete the application, the time required by the applicant to provide such information will not be counted toward the 150-day review period.
- iv. A complete application must be e-mailed by the office to the appropriate Neighborhood Planning Unit (NPU) for its review and comment with regard to criteria set for in this Section. The NPU will have 60 days to remit any written comment to the Office.
- v. Within 150 days of the submission of the initial application, unless another date is specified in a written agreement between the Office and the applicant, the City Council must:
 - a) Make its final decision to approve or disapprove the application based on the criteria set for in this Section and on the criteria for Special Use Permits generally; and
 - b) Advise the applicant in writing of its final decision supported by the written record.

4. Criteria for Review and Decision**a. Type III, Type IV, and Type V**

- i. No new wireless support structure may be permitted unless the applicant reasonably demonstrates that such wireless support structure is necessary and that no existing wireless support structure can accommodate the applicant's proposed wireless facility. To demonstrate that no existing wireless support structure can accommodate the applicant's proposed wireless facility, the applicant must submit evidence that one or more of the following conditions exist:
 - a) No existing wireless support structure is located within the geographic area required to meet the applicant's engineering requirements;
 - b) No existing wireless support structure is of sufficient height to meet the applicant's engineering requirements;
 - c) Existing wireless support structures do not have sufficient structural strength to support applicant's proposed wireless facility;
 - d) The applicant's proposed wireless facility would cause electromagnetic interference with the proposed wireless facility on the existing wireless support structure, or the wireless facility on the existing wireless support structure would cause interference with the operations of the applicant's proposed wireless facility;

- e) The fees, costs or contractual provisions required by the owner in order to share an existing wireless support structure or adapt an existing wireless support structure for sharing are unreasonable; or
 - f) The applicant demonstrates that there are other limiting factors which render existing wireless support structures unsuitable.
- ii. The height of the proposed wireless support structure and proposed wireless facility is regulated and limited in relation to the following:
 - a) Proximity to residential structures and residential district boundaries;
 - b) The surrounding topography;
 - c) The surrounding tree coverage and foliage; and
 - d) The design of the proposed wireless support structure and proposed wireless facility, with particular reference to design characteristics which have the effect of reducing or eliminating visual obtrusiveness
 - iii. In no event may any proposed wireless support structure and proposed wireless facility exceed the minimum height necessary to accomplish its intended function as certified by a registered engineer licensed by the State of Georgia. Said certification is the responsibility of the applicant and must be submitted to the Office at the time application is made.
 - iv. Under no circumstances may any proposed wireless support structure exceed 200 feet in height as measured from existing grade. Any proposed accessory equipment within the equipment compound may not exceed the height limitation specified in the Form District in which the property is located.
 - v. Any proposed wireless support structure and proposed wireless facility must be painted in a neutral color identical to or closely compatible with the surroundings, and in such a manner as to make the proposed wireless support structure and proposed wireless facility as visually unobtrusive as possible.
 - vi. Any proposed wireless support structure and proposed equipment compound must be enclosed by security fencing no less than 6 feet in height, and said proposed wireless support structure must be equipped with an appropriate anti-climbing device. Said fencing must be buffered with landscaping and screened to alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, or signs.
 - vii. Any wireless support structure and wireless facility that are proposed in Residential Use Districts will be permitted only upon a showing by the applicant that said wireless support structure and wireless facility cannot be located on a property with a nonresidential Use District in the same area in such a way as to adequately satisfy its intended purpose. The foregoing requirement of a showing must include submission of an affidavit identifying all properties with a nonresidential Use District which the applicant has considered for the location of the antenna and related equipment. The applicant must identify the boundaries of the geographical area necessary to accomplish the intended purpose of the proposed wireless facility. The affidavit must state the specific reasons that the

USE STANDARDS

wireless facility cannot be located on the properties with a nonresidential Use District. The affidavit must also include all technical information (excluding information that relates to trade secrets or proprietary information) necessary to review the application including information relating to field strength, power density and frequency of actual or potential emissions from those facilities and any other information pertinent to the requirements set forth in this Section. The affidavit must further include all contractual and financial information specifically relating to the subject site and the lease to be entered into.

5. Conditions of Approval

a. Type V:

The City Council may impose conditions on the approval of a Special Use Permit required for a Type V application to protect the public health, safety and general welfare. In the regulation of the placement or construction of any new wireless support structure or wireless facility, the City may not:

- i. Condition the approval of any application for a new wireless support structure on a requirement that a modification or collocation to such structure be subject to a review that is inconsistent with the requirements of **O.C.G.A. § 36-66B-4**;
- ii. Require the removal of existing wireless support structures or wireless facilities as a condition to approval of an application for a new wireless facility or wireless support structure unless such existing wireless support structure or wireless facility is abandoned and owned by the applicant; or
- iii. Require the applicant to place an antenna or other wireless communications equipment on publicly owned land or on a publicly or privately owned water tank, building, or electric transmission tower as an alternative to the location proposed by the applicant.

Sec. 4.3.4. Commercial Uses

A. Adult Establishment Uses

1. Intent

014

The intent of adult establishment uses is to regulate adult establishments in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult establishments within the City. The provisions of the standards have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of the standards to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the standards to condone or legitimize the distribution of obscene material.

#014

Posted by **grace212** on **09/02/2025** at **1:23pm** [Comment ID: 1615] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Is there a definition of adult establishment uses? It should be included or the reader should be directed to the location.

Reply by **SiteAdmin** on **09/16/2025** at **2:12pm** [Comment ID: 1703] - [Link](#)

Answer

Agree: 0, Disagree: 0


All uses are defined in Division 4.4.

2. Findings and Rationale

- a. Based on evidence of the adverse secondary effects of adult establishment uses presented in hearings and in reports made available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in applicable cases, the City Council finds:
 - i. Adult establishment uses are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, human trafficking, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
 - ii. Adult establishment uses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult establishments, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult establishments in one area.
 - iii. Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and abating. The City's interest in regulating adult establishments extends to preventing future secondary effects of either current or future adult establishments that may locate in the City. The City finds that the cases and documentation relied on in this chapter are reasonably believed to be relevant to said secondary effects.
- b. In this Code, the City adopts and incorporates its stated findings and legislative record related to the adverse secondary effects of adult establishments, including the judicial opinions and reports related to such secondary effects.

3. Adult Establishment

a. All Use Districts

- i. Adult establishment is not allowed within 500 feet of any Residential (R-) or Residential Mix (RX-) Use District.
- ii. Adult establishment is not allowed within 1,000 feet of the following uses:
 - a) Religious assembly;
 - b) General civic;
 - c) General private education; or
 - d) General park and open space.
-  Adult establishment is not allowed within 1,000 feet of another adult establishment.
- iv. If an adult establishment meets all other standards of this Code, adult establishment in a location that satisfies the standards in this Section will not be deemed non-compliant by virtue of a subsequent establishment or expansion of a Use District or use identified in this Section or the subsequent establishment or expansion of another adult establishment.

#015

Posted by **grace212** on **09/02/2025** at **1:25pm** [Comment ID: 1618] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

This (iii) should be removed. It doesn't make sense to have it both ways (requirements to not be near opposite nor similar uses).

Reply by **SiteAdmin** on **09/16/2025** at **2:10pm** [Comment ID: 1700] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

USE STANDARDS**B. Agriculture Uses****1. Farmers Market****a. All Use Districts**

- i. At least 75% of the displayed inventory of the products sold in each farmers market must be farm products or value-added farm products.
- ii. At least 75% of the vendors participating during the market's hours of operation must be either producers, family members, employees or agents of producers.
- iii. If a booth sells farm products or value-added farm products that are not produced by the vendor, the booth must explicitly disclose the producer's name and location in writing with lettering that is at least 2 inches tall and visible to the consumer.

b. Residential Mix (RX-) Use Districts**016**

- i. Farmers market is not permitted on undeveloped lots.

2. Urban Garden**a. All Use Districts**

- i. Hoop-houses, greenhouses, trellises, raised beds, tool sheds, and other accessory structures typically associated with urban gardens are allowed.
- ii. Machinery and equipment typically associated with urban gardens are allowed. When not in use, all machinery and equipment must be stored to not be visible from any public street, sidewalk, or right-of-way unless the following standards are met:
 - a) The machinery or equipment is intended for ordinary household use;
 - b) The machinery or equipment is borrowed or rented for no more than 7 days; or
 - c) The urban garden is located in an Industrial Flex (IX-) or Industrial (I-) Use District.
- iii. Vending or sales associated with an urban garden can only occur between 7:00 a.m. and 9:00 p.m. Set up of sales operations may begin no earlier than 6:00 a.m. and take-down may end no later than 10:00 p.m. Community supported agriculture (CSA) pick-ups are allowed at any time during the sales hours.

b. Residential (R-) Use Districts

- i. Urban garden is only permitted as a principal use on undeveloped lots.
- ii. Urban garden is only permitted as an accessory use on lots with a Public and Institutional Use.

C. Entertainment and Recreation Uses**1. ATV Park****a. All Use Districts**

- i. ATV park is only allowed on a site at least 10 acres in size.

#016

Posted by **grace212** on **09/02/2025** at **1:26pm** [Comment ID: 1620] - [Link](#)

Question

Agree: 0, Disagree: 0

Why wouldn't we want to activate undeveloped space like this?

Reply by **SiteAdmin** on **09/16/2025** at **2:08pm** [Comment ID: 1699] - [Link](#)

Answer

Agree: 0, Disagree: 0

This is an existing requirement.

- ii. ATV park is not allowed within 3,000 feet of any Residential Use.

2. Lounge or Nightclub

a. MX14 Use District

- i. Significant noise or sounds must not be detectable by neighboring properties.
- ii. Lounge or nightclub is not allowed in any outdoor area on the ground story.

3. Party House

a. All Use Districts

Party house is not allowed within 150 feet of any Residential Use.

4. Sports Arena, Stadium, or Field

a. Residential (R-) Use Districts

- i. The is use only permitted when it is officially affiliated with a general private education use.
- ii. Other general outdoor entertainment and recreation uses are not permitted.

D. Food and Beverage Uses

1. Bakery, wholesale

a. NX6 Use District

Bakery, wholesale is only permitted when the establishment has a general retail use.

2. Bar

a. NX6 Use District

017

No more than 2 bar establishments are allowed on each block face.

3. Catering Establishment

a. NX6 Use District

Catering establishment is only permitted when the establishment has a general retail use.

4. Delivery-Based Commercial Kitchen

a. NX6 Use District

Delivery-based commercial kitchen is limited to 4,000 square feet or less of total floor area per lot.

5. Microbrewery, Microdistillery, or Winery

a. NX2 Use District

- i. No sound, amplified or otherwise, may be audible from off of the lot.

#017

Posted by **grace212** on **09/02/2025** at **1:27pm** [Comment ID: 1621] - [Link](#)

Question

Agree: 0, Disagree: 0

What is the purpose of this limitation?

Reply by **SiteAdmin** on **09/16/2025** at **2:08pm** [Comment ID: 1698] - [Link](#)

Answer

Agree: 0, Disagree: 0

The intent is to allow these uses but prevent extreme noise pollution - especially since the Use District allows residential uses.

#018

Posted by **ltovar@atlantaga.gov** on **07/03/2025** at **9:48am** [Comment ID: 1262] - [Link](#)

Agree: 0, Disagree: 0

Can we add language to define and measure "significant noise" that is "detectable"

Reply by **SiteAdmin** on **07/03/2025** at **2:16pm** [Comment ID: 1269] - [Link](#)

Agree: 0, Disagree: 0

Thanks for the suggestion. We will look into this.

USE STANDARDS

- ii. If the person who is the licensee for the City of Atlanta Alcoholic Beverage License ceases to be the licensee, then the Special Use Permit will expire 90 days after the person ceases to be the licensee, and a new Special Use Permit must be in place for the establishment to continue operations.
- iii. Doors and loading bays facing any street must be closed at all times, except during the ingress or egress of individuals, the movement of raw materials, other supplies and finished products into and out of the building.
- iv. The permittee must present a unloading and loading plan for all materials, which must be attached to the Special Use Permit application. The written plan must also be accompanied by scale drawings showing any of the elements discussed in the plan. One drawing must be for loading and a second for unloading. The plan must, at a minimum, discuss the following:
 - a) Where vehicles involved in loading and unloading will be parked during the process;
 - b) The amount of time the vehicles will be parked during the loading and unloading process;
 - c) The amount of time required for loading and unloading;
 - d) The times of day that loading and unloading will take place;
 - e) The volume of material being moved;
 - f) The path of travel for loading and unloading materials, and;
 - g) Any lanes of travel that will be blocked during the process and the proposed arrangements to handle any blockage.
- v. The duration of a Special Use Permit is 2 years. If a Special Use Permit is being renewed, unless otherwise stated, the first renewal will be for a period of 5 years, the second and any subsequent renewals will be for a period of 10 years.
- vi. No outdoor storage is allowed.

E. Lodging Uses**1. General Lodging****a. Neighborhood Mix (NX-) Use Districts**

- i. Convention hall or event facility is only allowed as an accessory use and the total floor area is limited to 500 square feet.
- ii. This use is not allowed within 500 feet of any public or private school.

2. Bed and Breakfast**a. All Use Districts**

- i. The structure containing the bed and breakfast must meet the following standards:
 - a) Must be at least 1,200 square feet in floor area; and

#019

Posted by **grace212** on **09/02/2025** at **1:29pm** [Comment ID: 1622] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

I have not gotten to the SUP section yet but please stop making the change of license go to the NPU. Posting and opportunity for public comment and negotiation, definitely, but it takes up so much space in NPU meetings with limited results.

Reply by **SiteAdmin** on **09/16/2025** at **2:06pm** [Comment ID: 1697] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

021

b) Must meet one of the following:

- 1) Must be individually listed on the National Register of Historic Places; or
- 2) Must be contributing to a district listed on the National Register of Historic Places;

022

- 3) Must be within a district listed on the National Register of Historic Places and be architecturally compatible with the district in comparison to the physical descriptions or architectural information available in the official National Register of Historic Places Nomination, as determined by the Executive Director of the Urban Design Commission.

- ii. The structure containing the bed and breakfast must substantially maintain its original or historic exterior appearance based on physical descriptions 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.
- iii. A property owner or manager must reside on the property as their primary residence. Up to 2 additional on-site employed staff may also reside on the property, for a total of 3 unrelated individuals, to manage and maintain the property.
- iv. The property must provide no less than 3 and no more than 8 rooms for overnight guests.
- v. Guest stays are limited to a minimum of 1 night and a maximum of 30 consecutive nights.
- vi. The daily charge to guests must include sleeping accommodations and breakfast. Rooms may not contain independent cooking facilities unless the property is located in a Form District that allows for more than 1 principal dwelling unit.

3. Short-Term Rental

a. All Use Districts

- i. 020 For accessory structures to be used for short-term rental, the property owner must occupy the lot as their primary residence.
- ii. Short-term rentals are subject to the regulations in [Atlanta City Code Section 20-1001](#).

F. Personal Service Uses

1. General Personal Service

a. RX3 Use District

General personal service is limited to 4,000 square feet or less of total floor area per lot.

2. Animal Care, Indoor

a. All Use Districts

Noises from animals must not be detectable by an adjacent lot.

#020

Posted by **grace212** on **09/02/2025** at **1:32pm** [Comment ID: 1624] - [Link](#)

Agree: 1, Disagree: 0

This is ideal!

#021

Posted by **grace212** on **09/02/2025** at **1:31pm** [Comment ID: 1623] - [Link](#)

Agree: 0, Disagree: 0

This seems silly! Bed and breakfasts shouldn't have to be historic.

Reply by **SiteAdmin** on **09/16/2025** at **2:05pm** [Comment ID: 1696] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

#022

Posted by **Timothy** on **06/04/2025** at **10:26am** [Comment ID: 1243] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Please consider allowing funeral homes on cemetery properties.

Most cemeteries in Atlanta are in residential zones, while funeral homes are limited to commercial areas. Cemeteries should be allowed to operate on-site funeral homes to better serve families and reflect modern, full-service practices.

USE STANDARDS**3. Body Art Studio****a. Neighborhood Mix (NX-) Use Districts****023**

Body art studio is not allowed within 1,500 feet of another body art studio.

4. Funeral Home**a. All Use Districts**

Funeral home is not allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

5. Hair or Nail Salon**a. Neighborhood Mix (NX-) Use Districts**

Hair or nail salon is not allowed within 500 feet of another hair or nail salon on a different lot. This does not apply to multiple establishments on the same lot.

6. Laundry Service**a. Neighborhood Mix (NX-) Use Districts**

Laundry service is not allowed within 1,500 feet of another laundry service.

b. RX3 and MX2 Use Districts

Laundry service is limited to 4,000 square feet or less of total floor area per lot.

G. Retail Uses**1. Alternative Financial Service****a. All Use Districts**

Alternative financial service is not allowed within 1,500 feet of another alternative financial service.

2. Hookah or Vape Store**a. All Use Districts**

Hookah or vape store is not allowed within 1,500 feet of another smoke shop on a different lot. This does not apply to multiple establishments on the same lot.

b. NX6 Use District

Hookah or vape store is not allowed within 1,500 feet of another smoke shop or establishment with an accessory hookah or vapor consumption use.

3. Package Store**a. RX3 Use District**

Package store is limited to 4,000 square feet or less of total floor area per lot.

#023

Posted by **grace212** on **09/02/2025** at **1:32pm** [Comment ID: 1625] - [Link](#)

Question

Agree: 0, Disagree: 0

What is the purpose of this limitation?

Reply by **SiteAdmin** on **09/16/2025** at **2:04pm** [Comment ID: 1695] - [Link](#)

Answer

Agree: 0, Disagree: 0

To prevent a concentration of these uses in specific neighborhoods.

b. Neighborhood Mix (NX-) Use Districts

Package store is not allowed within 1,500 feet of another package store.

4. Retail Bank

a. Neighborhood Mix (NX-) Use Districts

024

ATMs are not allowed.

5. Small Discount Variety Store

a. All Use Districts

Small discount variety store is not allowed within 5,280 feet of another small discount variety store.

b. Neighborhood Mix (NX-) Use Districts

Small discount variety store is not allowed within 2,000 feet of another Retail Use with a total floor area of 8,000 square feet or larger.

H. Transportation Uses

1. Truck Stop

a. All Use Districts

- i. Truck stop is not allowed within 1,000 feet of another truck stop. This does not apply to multiple uses on the same lot.
- ii. Truck stop is not allowed within 1,000 feet of the following uses:
 - a) Residential (R-) Use District;
 - b) Public school;
 - c) Religious assembly;
 - d) General private education;
 - e) Day care, private;
 - f) General parks and open space;
 - g) Cemetery; or
 - h) Hospital.

I. Vehicle Sale and Service Uses

1. Light Vehicle Sale and Rental

a. All Use Districts

Light vehicle sale and rental is not allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

#024

Posted by **grace212** on **09/02/2025** at **1:33pm** [Comment ID: 1627] - [Link](#)

Question

Agree: 0, Disagree: 0

Why are ATMs not allowed? Also, does this mean standalone ATMs, or outdoor ATMs connected to a bank?

Reply by **SiteAdmin** on **09/16/2025** at **2:02pm** [Comment ID: 1693] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

USE STANDARDS**b. Mixed-Use (MX-) Use Districts**

Light vehicle sale and rental is not allowed to store vehicles in a parking lot. Any vehicles stored on-site must be in a parking structure. Vehicles may also be displayed in a building functioning as a showroom.

2. Heavy Vehicle Sale and Rental**a. All Use Districts**

Heavy vehicle sale and rental is not allowed within ⁰²⁵100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

3. Light Vehicle Service and Repair**a. All Use Districts**

- i. Light vehicle service and repair is not allowed within 1,500 feet of any other Vehicle Sale and Service Use. This does not apply to multiple uses on the same lot.
- ii. Light vehicle service and repair is not allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.
- iii. When abutting a common lot line of a Residential Use, a **Landscape Screen Type X** is required.
- iv. Any outdoor storage must meet the requirements of **Sec. XX Outdoor Storage, Major**.

4. Heavy Vehicle Service and Repair**a. All Use Districts**

- i. Heavy vehicle service and repair is not allowed within 1,500 feet of any other Vehicle Sale and Service Use. This does not apply to multiple uses on the same lot.
- ii. Heavy vehicle service and repair is not allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.
- iii. When abutting a common lot line of a Residential Use, a **Landscape Screen Type X** is required.
- iv. Any outdoor storage must meet the requirements of **Sec. XX Outdoor Storage, Major**.

5. Car Wash**a. All Use Districts**

- i. Car wash is not allowed within 1,500 feet of any other Vehicle Sale and Service Use. This does not apply to multiple uses on the same lot.
- ii. Car wash is not allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

#025

Posted by **Itovar@atlantaga.gov** on **07/03/2025** at **12:38pm** [Comment ID: 1264] - [Link](#)
Agree: 0, Disagree: 0

For all distance between uses and specific zoning districts. We probably already do, but do we have specific definition on how to measure the distance between uses? is it from property line to property line? as the crow flies?

Reply by **SiteAdmin** on **07/03/2025** at **2:22pm** [Comment ID: 1270] - [Link](#)
Agree: 0, Disagree: 0
Please see page 4-5.

b. All Mixed Use (MX-), Industrial Flex (IX-), and Civic (CV-) Use Districts

- i. Car wash is only allowed as an accessory to a lodging, office, medical, and vehicle sale and service use.
- ii. The use must not be visible from any lot line.
- iii. The use is not allowed to have signage that is visible from any lot line.

6. Fuel Sales

a. All Use Districts

- i. Fuel sales is not allowed within 1,500 feet of any Vehicle Sale and Service Use. This does not apply to multiple uses on the same lot.
- ii. Fuel sales is not allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

Sec. 4.3.5. Industrial Uses

A. Industrial and Manufacturing Uses

1. Low-Impact Industrial and Manufacturing

a. All Use Districts

- i. When abutting a common lot line of a Residential Use, a **Landscape Screen Type X** is required.

2. High-Impact Industrial and Manufacturing

a. All Use Districts

- i. When abutting a common lot line of a Residential Use, a **Transition Type X** is required.
- ii. Any outdoor storage must meet the requirements of **Sec. XX Outdoor Storage, Major**.

3. Research and Development

a. All Use Districts

- i. When abutting a common lot line of a Residential Use, a **Landscape Screen Type X** is required.
- ii. Heat, noise, vibrations, odors, or particulates must not be detectable by an adjacent lot.

B. Warehouse and Distribution Uses

1. Data Center

a. All Use Districts

- i. Data center is not permitted in the Beltline Overlay District.
- ii. Data center is not permitted within 1/2 mile of a high-capacity transit stop. **026**

#026

Posted by **Kirsten** on **09/02/2025** at **12:47pm** [Comment ID: 1606] - [Link](#)

Agree: 1, Disagree: 0

Also add: Data Centers should not be located within $\frac{3}{4}$ of a mile of each other, and no more than 4 within a 2-mile radius (borrowed language from DeKalb County-<https://engagedekalb.dekalbcountyga.gov/data-center-text-amendment#:~:text=Zoning%20height%20of%207%20feet.>) This will prevent data center overcrowding and promote distribution of data center impacts so that one neighborhood does not bear the bulk of these impacts.

Reply by **SiteAdmin** on **09/16/2025** at **2:25pm** [Comment ID: 1712] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

USE STANDARDS**b. All Use Districts, Except I4**

029

- i. Data center is limited to 8,000 square feet or less of total floor area per lot.
- ii. At least 50% of the total floor area of all buildings on a site must have a use other than data center or self-storage.
- iii. No occupancy permit may be issued for a data center use before one or more occupancy permits have been issued for non-data center 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.
- iv. Any building with data center is required to provide an active depth (see **Sec. XX. Active Depth**) of at least 30 feet for any portion of the building facing a public street, public park, the Beltline, or other multi-use trail. The active depth requirement applies to any story with this use.

2. Self-Storage**a. All Use Districts**

- i. Self-storage is not permitted in the Beltline Overlay District.
- ii. Self-storage is not permitted within 1/2 mile of a high-capacity transit stop.
- iii. Self-storage is not allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

b. Mixed-Use (MX-) and Civic (C-) Use Districts

- i. At least 50% of the total floor area of all buildings on a site must have a use other than self-storage or data center.
- ii. Self-storage is limited to 8,000 square feet or less of total floor area per lot.
- iii. No occupancy permit may be issued for a self-storage use before one or more occupancy permits have been issued for non-self-storage 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.
- iv. Any building with data center is required to provide an active depth (see **Sec. XX. Active Depth**) of at least 30 feet for any portion of the building facing a public street, public park, the Beltline, or other multi-use trail. The active depth requirement applies to any story with this use.
- v. Each compartment or storage unit must be exclusively accessible from the interior of the structure.
- vi. The use must be climate-controlled.
- vii. There must be secured-access to the structure (other than front desk).

#027

Posted by **Itovar@atlantaga.gov** on **07/03/2025** at **1:22pm** [Comment ID: 1266] - [Link](#)

Agree: 0, Disagree: 0

I would assume we are going to be add the latest language in the data center ordinance that was recently approved by council?

Reply by **SiteAdmin** on **07/03/2025** at **2:22pm** [Comment ID: 1271] - [Link](#)

Answer

Agree: 0, Disagree: 0

Yes.

Reply by **Kirsten** on **09/02/2025** at **12:47pm** [Comment ID: 1604] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

Agreed that it will be important to add in language from the latest data center ordinance from June 2, 2025 or provide reference to the ordinance (e.g., "See 25-O-1063) to ensure clarity in regulations. Also important to reference the Post Development Storm Water Ordinance to ensure alignment with water permitting for data centers.

#028

Posted by **Itovar@atlantaga.gov** on **07/03/2025** at **1:11pm** [Comment ID: 1265] - [Link](#)

Agree: 0, Disagree: 0

typo

Reply by **SiteAdmin** on **07/03/2025** at **2:23pm** [Comment ID: 1272] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thanks!

#029

Posted by **Kirsten** on **09/02/2025** at **12:50pm** [Comment ID: 1607] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Add a noise impact assessment, plans for proposed lighting, and proposed measures for preventing light trespass to data center requirements. Such assessments can alleviate concerns about noise and light pollution, promote adherence to any noise standards, prevent light interference at night in residential areas, and have already been adopted by other US counties

(see Fairfax County, VA: Board of Supervisors Approves New Data Center Zoning Ordinance Amendment -

<https://www.fairfaxcounty.gov/news/board-supervisors-approve-new-data-center-zoning-ordinance-amendment>; and Loudoun County, VA: Zoning Ordinance -<https://www.loudoun.gov/1755/Zoning-Ordinance>).

Also require data centers to use battery back up supply systems rather than diesel generators. This will reduce noise impacts from diesel generators and reduce fossil fuel dependency for powering back up systems.

Reply by **SiteAdmin** on **09/16/2025** at **2:24pm** [Comment ID: 1711] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you. This section will be updated based on the recent amendments approved by City Council.

3. Storage Yard

a. All Use Districts

- i. When abutting a common lot line of a Residential Use, a Landscape Screen Type X is required.
- ii. Any outdoor storage must meet the requirements of Sec. XX Outdoor Storage, Major.

C. Waste-Related Service Uses

1. General Waste-Related Service

a. All Use Districts

- i. When abutting a common lot line of a Residential Use, a Landscape Screen Type X is required.
- ii. Any outdoor storage must meet the requirements of Sec. XX Outdoor Storage, Major.

2. Green Waste

a. All Use Districts

- i. When abutting a common lot line of a Residential Use, a Landscape Screen Type X is required.
- ii. Any outdoor storage must meet the requirements of Sec. XX Outdoor Storage, Major.

3. Recycling Drop-Off Center

a. All Use Districts

- i. When abutting a common lot line of a Residential Use, a Landscape Screen Type X is required.
- ii. Any outdoor storage must meet the requirements of Sec. XX Outdoor Storage, Major.

DIVISION 4.4. USE DEFINITIONS

Sec. 4.4.1. Residential Uses

A. Household Living Uses

Residential occupancy for at least 30 consecutive overnight stays in a building or portion of a building providing complete and permanent living facilities, including bathing and sleeping facilities, by a household. A household is defined as 1 or more people functioning as a single nonprofit housekeeping unit, with common access to, and common use of, all living, kitchen, and eating areas within the dwelling unit, provided that, unless all persons are related by blood, marriage, adoption or legal guardianship, a household is not permitted to contain over 4 people. Household Living use category includes the following specific uses:

1. General Household Living

Household living uses where a dwelling unit is occupied by a household. The number of dwelling units allowed on a lot is determined by the Form District (**Chapter 2**). Typical examples include single-unit houses, duplexes, multiplexes, townhouses, and multiunit buildings.

2. Live-Work

A dwelling unit that includes nonresidential activity conducted wholly within the unit that allows employees, customers, clients, or patrons to visit.

3. Purpose-Built Student Housing

A use marketed to students of an accredited college or university; private school; or other recognized institution of higher learning, where there are with 12 or more dwelling units on a lot. The use is typically located near the school campus and offers amenities such as individual leases, fully-furnished units, and residence life programs specific to students. For this use, the definition of a household allows for up to 6 unrelated individuals within a dwelling unit.

B. Group Living Uses

Residential occupancy for at least 30 consecutive overnight stays in a building or portion of a building providing complete and permanent living facilities, including bathing and sleeping facilities, by a group of people not meeting the definition of a household. See Sec. XX. Household Living Uses for the definition of a household. Group Living use category includes the following specific uses:

1. General Supervised Group Living

Group living uses that typically provide supervision, assistance, protection, medical care, or personal care to residents, in addition to room and board. Typical examples include assisted living, independent living, nursing home, inpatient hospice facility, intermediate care home, permanent supportive housing, personal care home, rehabilitation facility, skilled nursing facility, and transitional housing.

#030

Posted by **HerbertStanton** on **08/21/2025** at **10:12pm** [Comment ID: 1490] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

As someone who has relied on roommate situations throughout my adult life, this discriminatory definition of "household" creates two tiers of housing access based solely on family relationships. This proposal allows unlimited occupancy for blood relatives while restricting unrelated individuals to just 4 people max, which is textbook housing discrimination that violates equal protection principles.

The real-world impact harms our community's most vulnerable residents. Seniors on fixed incomes seeking cooperative living arrangements will lose that option. Young professionals, working class people living in shared housing to be closer to their jobs, caregivers with live-in support, and LGBTQ+ chosen families face arbitrary restrictions that don't apply to traditional nuclear families. This creates disparate impact on multiple protected classes under fair housing law.

This household definition is not actually about density, noise, or neighborhood character. If those were genuine concerns, the restrictions would apply equally regardless of relationships. Instead, this allows 10 related people in a small house while banning 5 quiet, responsible unrelated roommates in a large home. Courts nationwide are rejecting these relationship-based definitions as unconstitutional restrictions on association rights.

Better solutions exist that address legitimate concerns without discrimination. Occupancy limits based on square footage, parking requirements tied to bedrooms, and existing noise, trash, parking ordinances already handle density and neighborhood impact fairly. These neutral standards protect community character without picking winners and losers based on who you're related to.

This household definition uses zoning power to enforce a narrow vision of acceptable family structure while creating economic barriers for those who don't fit that mold. Atlanta should develop housing policies that serve all residents equitably rather than institutionalizing relationship-based discrimination.

Reply by **SiteAdmin** on **08/28/2025** at **3:22pm** [Comment ID: 1529] - [Link](#)

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0. This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as we prepare Draft V2 in the coming months.

#031

Posted by **ltovar@atlantaga.gov** on **07/03/2025** at **6:56am** [Comment ID: 1260] - [Link](#)

Agree: 0, Disagree: 0

Do we want to set a limit to number of employees?

Reply by **SiteAdmin** on **07/03/2025** at **2:14pm** [Comment ID: 1267] - [Link](#)

Answer

Agree: 0, Disagree: -1

Domestic employees living on the premises for more than 30 days will be considered be part of the household.

Reply by **AtlantaJay** on **08/12/2025** at **12:45pm** [Comment ID: 1386] - [Link](#)

Question

Agree: 0, Disagree: 0

where is this referenced in this document?

Reply by **SiteAdmin** on **08/12/2025** at **2:25pm** [Comment ID: 1388]

- [Link](#)

Answer

Agree: 0, Disagree: 0

My apologies -- this service doesn't always display comments in the correct location. If this comment pertains to "live-work" employees, there is no limit proposed on the number of employees not living on the premises. Live-work units are permitted only in Use Districts that also allow commercial uses. Since there is no employment limit for commercial uses, there is likewise no zoning limit on employment in live-work units within these districts. Please note, however, that building code occupancy limits may still apply.

Reply by **AtlantaJay** on **08/12/2025** at **2:37pm** [Comment ID: 1389]

- [Link](#)

Suggestion

Agree: 1, Disagree: 0

I was referring to this part of the code from your comment above: "Domestic employees living on the premises for more than 30 days will be considered be part of the household."

Reply by **SiteAdmin** on **08/13/2025** at **7:23am** [Comment ID: 1396] -

[Link](#)

Answer

Agree: 0, Disagree: 0

The proposed standard is based exclusively on an occupancy limit of unrelated individuals. There is no proposed distinction between the types of unrelated individuals. This, by definition, would include domestic employees living on the premises in the limit.

Reply by **AtlantaJay** on **08/13/2025** at **11:06pm** [Comment ID:

1422] - [Link](#)

Question

Agree: 0, Disagree: 0

So if you have more than 3 domestic employees, how can you cure?

Reply by **SiteAdmin** on **08/14/2025** at **12:06pm** [Comment ID:

1429] - [Link](#)

Answer

Agree: 0, Disagree: 0

If the domestic employees live full-time in the dwelling, they may be out of compliance with the proposed standard. Please share any concerns you have related to this in writing by emailing atlzoning2@atlantaga.gov.

#032

Posted by **AtlantaJay** on **08/12/2025** at **12:22pm** [Comment ID: 1385] - [Link](#)

Question

Agree: 2, Disagree: 0

Were 7,000 petition signatures earlier this year to city electeds, and the numerous court cases and statewide occupancy prohibitions insufficient to convince Atlanta's zoning department that they should remove the discriminatory definitions of family? Changing the word from family to household doesn't change anything if you're still restricting occupancy based on the blood status of the occupants. The Mayor's office and several city council officials have announced that the city would adopt HUD's definition of family household, one as recently as last week. How did it go back to no more than 4 unrelated people?

Reply by **AtlantaJay** on **08/20/2025** at **6:35am** [Comment ID: 1485] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

I posted the above question over a week ago and have not received a response. Please respond.

Reply by **SiteAdmin** on **08/21/2025** at **1:54pm** [Comment ID: 1486] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your patience in responding.

The definition of "household" has been updated to better distinguish household living from group living and rooming houses. This change makes the Zoning Ordinance clearer and easier to enforce.

This definition also continues to comply with federal law. Importantly, the U.S. Supreme Court has upheld local zoning rules that limit the number of unrelated people living together. In *Village of Belle Terre, NY v. Boraas*, 416 U.S. 1 (1974), the Court ruled that defining a household

as related persons or no more than two unrelated persons does not violate the Equal Protection Clause.

Finally, this updated definition does not prevent roommates from living together.

- [Link](#)

Reply by **AtlantaJay** on **08/21/2025** at **5:58pm** [Comment ID: 1489]

Question

Agree: 3, Disagree: 0

Wow. FYI, here is the first line stating the goal of this zoning rewrite: "The existing Zoning Ordinance is 40 years old and no longer meets Atlanta's current and future needs. It includes many outdated standards that do not reflect City policies or best practices." You do realize the case you're citing to justify this revision is over 51 years old, that the first & only black justice on the court was Thurgood Marshall and that he wrote the dissent in that case for reasons of discrimination, and that Belle Terre V Boraas has had multiple state & local courts rule (with Marshall) counter to the ruling since then? I must clearly be misreading the stated objectives to modernize the code since a highly controversial 51 year old case is being used to "modernize" a 40 year old zoning code. For what it's worth, I'm including a link to Colorado's 2024 passage of bill that outlaws similar occupancy restrictions in order to promote affordability. <https://www.colorado.gov/governor/news/more-housing-now-colorado-eliminates-unfair-occupancy-limits-under-new-law-signed-governor>. You can find similar efforts to remove familial restrictions in Charlotte, NC, Austin, TX, statewide in TX, NH, IA, OR, CA, and WA all in just the last 5 years. So I find it interesting that Atlanta is choosing to go back 51 years in order to modernize as opposed to following suit with similar policies. Since we are in an election season, can you please list which elected officials in the city are supporting the proposed change?

[Link](#)

Reply by **nicolais85** on **08/25/2025** at **1:36pm** [Comment ID: 1512] -

Question

Agree: 0, Disagree: 0

I second all of this. Can you please list which elected officials in the city are supporting the proposed change to the definition of a household?

1520] - [Link](#)

Reply by **AtlantaJay** on **08/27/2025** at **10:50am** [Comment ID:

Suggestion

Agree: 0, Disagree: 0

I'm still waiting for a response here. Even the 51 year old court case you cited ruled that occupancy limits should be the result of a legislative process. This is the legislative process, and we are in an election season. Voters deserve to know which elected officials are supporting this reversion in household definition from the HUD definition of family that the Mayor's office and several elected officials had publicly said the city would adopt.

Reply by **SiteAdmin** on **08/28/2025** at **3:22pm** [Comment ID: 1528]

- [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0. This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as we prepare Draft V2 in the coming months.

#033

Posted by **HerbertStanton** on **08/12/2025** at **1:58pm** [Comment ID: 1387] - [Link](#)

Suggestion

Agree: 3, Disagree: 0

This definition of household is blatantly discriminatory based on race and class. When I first moved to Atlanta, I lived with more than four roommates. I was in my early 20s and this helped me save money. The money I saved by living in shared housing allowed me to buy a house sooner than I otherwise could have. Under this definition, none of that would have been allowed.

The kinds of people who live with people they're not related to by blood or marriage are often people of lower income and people who face discrimination based on race, gender identity, and ethnicity. Young people, immigrants, LGBTQ+ individuals, students, working people - we all depend on sharing housing costs with multiple roommates. This is just a way for cities to decide what kinds of people live in their single-family neighborhoods. If you're wealthy enough to afford living alone or you are a couple living with 6 blood family members you're good. But if you need roommates to make rent or to afford your mortgage and your bills, suddenly you're not welcome. With housing prices and interest rates so high, more and more people are forced to live with roommates just to make ends meet. Why can someone live with their 4 brothers and sisters but cannot live with their 4 closest friends?

If there are real problems with overcrowding, address those directly. There are already ordinances on the books that protect health and safety like fire codes limiting occupancy based on egress and safety, parking requirements, noise ordinances etc. The number of people in a house should be limited by standards like square footage of livable space per person, not based on an arbitrary and

discriminatory definition of a "household."

This rule would have prevented the housing arrangement that let me build economic stability and buy my own home. You're telling lower-income people, marginalized communities, or people just starting their professional lives can't use one of the most basic strategies for economic mobility.

Reply by **SiteAdmin** on **08/12/2025** at **2:43pm** [Comment ID: 1390] - [Link](#)

Answer

Agree: 1, Disagree: 0

Thank you for your input.

Reply by **SiteAdmin** on **08/21/2025** at **1:54pm** [Comment ID: 1487] - [Link](#)

Answer

Agree: 0, Disagree: 0

The definition of "household" has been updated to better distinguish household living from group living and rooming houses. This change makes the Zoning Ordinance clearer and easier to enforce.

This definition also continues to comply with federal law. Importantly, the U.S. Supreme Court has upheld local zoning rules that limit the number of unrelated people living together. In *Village of Belle Terre, NY v. Boraas*, 416 U.S. 1 (1974), the Court ruled that defining a household as related persons or no more than two unrelated persons does not violate the Equal Protection Clause.

Finally, this updated definition does not prevent roommates from living together.

#034

Posted by **yellajackets** on **08/23/2025** at **12:56pm** [Comment ID: 1504] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

I echo the abundant comments expressing how this change will have a negative, not positive outcome. We already have a housing shortage in Atlanta and this will not only create a larger bottleneck for housing availability but secondarily increase the already expensive housing and rental markets. As long as a property meets safety standards, why do we have to have these unnecessary limits.

Reply by **SiteAdmin** on **08/28/2025** at **3:23pm** [Comment ID: 1530] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0. This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as

we prepare Draft V2 in the coming months.

#035

Posted by **tfloyd640** on **08/22/2025** at **7:21am** [Comment ID: 1494] - [Link](#)

Agree: 0, Disagree: 0

Occupancy limits should be guided by health, space, and safety standards, not by arbitrary definitions of relationships. The proposed person cap is both discriminatory and inconsistent with Fair Housing principles, effectively outlawing affordable co-living models while privileging traditional families. To protect housing access and equity, the code should restore the six-adult household standard or, preferably, adopt a floor-area-based metric that ensures safety without excluding lawful and much-needed shared housing arrangements.

Reply by **SiteAdmin** on **08/28/2025** at **3:22pm** [Comment ID: 1523] - [Link](#)

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0. This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as we prepare Draft V2 in the coming months.

#036

Posted by **TachyonHoldings** on **08/24/2025** at **2:02pm** [Comment ID: 1507] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Limiting housing to nuclear families is outdated and discriminatory. In a few decades this will be looked back on the same as other things we now take for granted, like women being allowed to have their own credit cards.

Reply by **SiteAdmin** on **08/28/2025** at **3:23pm** [Comment ID: 1531] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0. This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as we prepare Draft V2 in the coming months.

#037

Posted by **Dara** on **08/13/2025** at **9:52am** [Comment ID: 1399] - [Link](#)

Suggestion

Agree: 2, Disagree: 0

This should be based on actual space and safety standards rather than arbitrary relationship restrictions. Overly restrictive caps would inadvertently impact

legitimate shared housing arrangements that provide affordable housing solutions for our community.

Reply by **SiteAdmin** on **08/14/2025** at **12:36pm** [Comment ID: 1431] - [Link](#)

Answer

Agree: 1, Disagree: 0

Thank you for your suggestion.

#038

Posted by **PIC2025** on **08/22/2025** at **5:19am** [Comment ID: 1491] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

This definition continues to be discriminatory , out of line with HUD standards, and contrary to the goals of affordable housing. Please do not continue to bow to the NIMBY crowd and disadvantage many people who are unaware of the impact of this change.

Reply by **SiteAdmin** on **08/28/2025** at **3:22pm** [Comment ID: 1524] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0. This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as we prepare Draft V2 in the coming months.

#039

Posted by **Alij** on **08/25/2025** at **9:03am** [Comment ID: 1510] - [Link](#)

Question

Agree: 2, Disagree: 0

This feels like an arbitrary number and doesn't follow Atlanta's fair housing mission. I stay in a place that has more than 4 and because of that, I get very inexpensive housing. Why is the City of Atlanta looking to make housing more unaffordable?!

Reply by **SiteAdmin** on **08/28/2025** at **3:24pm** [Comment ID: 1538] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0. This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as we prepare Draft V2 in the coming months.

#040

Posted by **hieubuime** on **08/22/2025** at **8:48am** [Comment ID: 1498] - [Link](#)

Agree: 0, Disagree: 0

It's discriminatory to ban five unrelated adults from sharing a home while allowing a family of five to do the same, especially when Atlanta faces a major housing shortage and a mayoral pledge of 20,000 affordable units. This zoning rewrite would eliminate thousands of safe, naturally affordable roommate households for no clear benefit. If the goal is safety, base it on square footage per person (e.g., 200-250 SF) rather than arbitrary limits. Atlanta needs more housing choices, not fewer—preserve coliving and keep the mayor's promise.

Reply by **SiteAdmin** on **08/28/2025** at **3:21pm** [Comment ID: 1521] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0. This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as we prepare Draft V2 in the coming months.

#041

Posted by **annaswatkins** on **08/22/2025** at **7:54am** [Comment ID: 1496] - [Link](#)

Agree: 1, Disagree: 0

Question -- Exactly where is there a written list of issues that the rezoning process is intended to address?

If an update in keeping with modern Atlanta, how does limiting a household to 4 unrelated people help solve for unaffordable housing for low-income workers, be they students, full-time McDonald's employees or seniors? How does it solve for neighborhood traffic & parking, if a household of 4 related adults has 6 cars among them (or is that only ok in high-income neighborhoods)? How does it help MARTA if low-income workers without cars can't afford to live in decent neighborhoods near public transportation?

As others have reasonably suggested, overcrowding, parking and traffic can be addressed in non-discriminatory ways, such as household size based on square footage/number of bathrooms of the dwelling or number of cars permitted per dwelling (oh, except in Buckhead).

Only when problems are individually identified, along with perceived causes, can the best solutions be found. Blanket solutions often hurt the people with the least economic power.

Reply by **SiteAdmin** on **08/28/2025** at **3:24pm** [Comment ID: 1537] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0.

This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as we prepare Draft V2 in the coming months.

#042

Posted by **Mel Whatley** on **08/25/2025** at **1:58am** [Comment ID: 1509] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Limiting the number of unrelated people in a home to four is arbitrary, discriminatory, and counterproductive. Occupancy should be based on objective standards such as square footage, number of bedrooms, bathrooms, and parking—not on whether residents are related by blood or marriage. A 2,000-square-foot home can safely and comfortably house far more than four roommates, and existing ordinances already address concerns like noise, safety, parking, and overcrowding.

This proposal not only worsens the affordable housing crisis by preventing us from fully utilizing existing housing stock, it also unfairly targets the very people who rely most on shared housing: young adults, students, immigrants, LGBTQ+ individuals, working families, and lower-income residents.

The discriminatory nature of defining a “household” by blood or marriage is especially troubling. Why should six siblings be allowed to live together, but six friends, coworkers, or single parents pooling resources be forbidden? This wording creates enforcement nightmares, penalizes blended and nontraditional families, and ultimately tells people who can’t afford to live alone that they are not welcome in our communities.

If the goal is to ensure safe, livable housing, then regulate by health and safety standards—square footage per person, fire codes, and parking—not by family structure. Anything else is both unjust and harmful at a time when we need all possible solutions to address the housing crisis.

Reply by **SiteAdmin** on **08/28/2025** at **3:23pm** [Comment ID: 1532] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0. This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as we prepare Draft V2 in the coming months.

#043

Posted by **PIC2025** on **08/22/2025** at **5:24am** [Comment ID: 1492] - [Link](#)

Question

Agree: 0, Disagree: 0

This definition appears to discriminate against a man or woman with 3 kids and a girlfriend or boyfriend. That would mean 5 people in the household, and the GF or BF is not related by blood, marriage, adoption, or legal guardianship, so that family would run afoul of this definition. That is a very normal situation, and there are so many variants of that scenario that would also be against this regulation... am I reading this correctly? If so, that would be discriminating against a huge proportion of households!

Reply by **SiteAdmin** on **08/28/2025** at **3:22pm** [Comment ID: 1525] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0. This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as we prepare Draft V2 in the coming months.

#044

Posted by **nicolais85** on **08/19/2025** at **12:02pm** [Comment ID: 1477] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

Familial Status is protected under the Fair Housing Act. It is blatantly discriminatory to outlaw a household with 5 unrelated roommates, while it would be legal for a family of 5 to live together in the same house.

Atlanta has an affordable housing shortage, and a mayor who pledged to create or preserve 20,000 affordable units. This zoning change would eliminate thousands of units of safe, affordable housing in the form of roommate households. For what purpose? Who benefits from this?

This aspect of the Zoning rewrite received thousands of comments during the last discussion period. I believe it was the most commented section of the entire rewrite. Why then, have you released a new version that still contains an illegal, arbitrary limit on the number of unrelated persons per household?

As many others have commented, if your goal is to ensure safe living conditions in roommate households, there are other ways to achieve this. Why not base it on square footage per person? For every resident of a household, there needs to be XX SF (200 or 250 SF seems to be fair and reasonable).

Housing advocates, people who love Atlanta and want to see it thrive, are all baffled by the backward steps taken by this zoning rewrite so far. We implore you to fulfill the mayor's promise and preserve safe affordable housing in all forms.

Reply by **SiteAdmin** on **08/28/2025** at **3:23pm** [Comment ID: 1533] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0. This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as we prepare Draft V2 in the coming months.

#045

Posted by **Jaime** on **08/22/2025** at **1:22pm** [Comment ID: 1499] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Totally against this paragraph. It's discriminatory to ban five unrelated adults from sharing a home while allowing a family of five to do the same, especially when Atlanta faces a major housing shortage and a mayoral pledge of 20,000 affordable units. This zoning rewrite would eliminate thousands of safe, naturally affordable roommate households for no clear benefit. If the goal is safety, base it on square footage per person (e.g., 200-250 SF) rather than arbitrary limits. Atlanta needs more housing choices, not fewer—preserve coliving and keep the mayor's promise.

Reply by **SiteAdmin** on **08/28/2025** at **3:22pm** [Comment ID: 1526] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0. This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as we prepare Draft V2 in the coming months.

#046

Posted by **smcatl404** on **08/27/2025** at **10:13am** [Comment ID: 1519] - [Link](#)

Question

Agree: 0, Disagree: 0

This is completely discriminatory! Are you trying to kick working people out of Atlanta?

Reply by **SiteAdmin** on **08/28/2025** at **3:24pm** [Comment ID: 1536] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0. This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as we prepare Draft V2 in the coming months.

#047

Posted by **Dean Bendall** on **08/22/2025** at **4:56pm** [Comment ID: 1501] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

There is a true housing crisis for people looking for reasonable affordable housing. Those providing that housing and those utilizing that housing will both suffer due to this regulation. In fact, this appears discriminatory to limit occupancy based on familial status or by imparting a square footage per person limit. MANY people need a clean, safe and affordable place to live and this regulation will simply make that more difficult on some of the most vulnerable in our city. Thank you for considering this comment.

Reply by **SiteAdmin** on **08/28/2025** at **3:22pm** [Comment ID: 1522] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0. This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as we prepare Draft V2 in the coming months.

#048

Posted by **mwhatley** on **08/25/2025** at **1:54am** [Comment ID: 1508] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

These guidelines should be grounded in the actual square footage of the property and established safety standards, rather than arbitrary restrictions based on relationships between occupants. Implementing overly restrictive caps could unintentionally harm legitimate shared housing arrangements that play a critical role in providing affordable, safe, and stable housing options in our community. Such limits risk reducing availability for individuals who rely on these setups to live near work, access public transportation, or simply afford a place to call home. A balanced approach that prioritizes safety while supporting diverse living arrangements will better serve the needs of our community.

Reply by **SiteAdmin** on **08/28/2025** at **3:23pm** [Comment ID: 1534] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0. This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as we prepare Draft V2 in the coming months.

#049

Posted by **EzraKlein** on **07/22/2025** at **11:43am** [Comment ID: 1316] - [Link](#)

Suggestion

Agree: 2, Disagree: 0

We should restore the “household” limit to six unrelated adults (the current code) or even better switch to a floor-area metric (e.g., 200 sf per adult).

Draft V1’s 3-adult cap will unintentionally criminalize lawful room-mates and co-living models.

I think you'll agree that occupancy should hinge on health-and-safety space standards, not relationship status.

Reply by **SiteAdmin** on **07/23/2025** at **9:36am** [Comment ID: 1336] - [Link](#)

Answer

Agree: 1, Disagree: 0

Thank you for your input!

Reply by **nicolais85** on **08/19/2025** at **11:33am** [Comment ID: 1476] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

I completely agree with the comment above. It is blatantly discriminatory to outlaw a household with 5 unrelated roommates, while it would be legal for 5 brothers or sisters to live together in the same house. Familial Status is protected under the Fair Housing Act!!!

Reply by **SiteAdmin** on **08/21/2025** at **1:55pm** [Comment ID: 1488] - [Link](#)

Answer

Agree: 0, Disagree: -2

The definition of “household” has been updated to better distinguish household living from group living and rooming houses. This change makes the Zoning Ordinance clearer and easier to enforce.

This definition also continues to comply with federal law. Importantly, the U.S. Supreme Court has upheld local zoning rules that limit the number of unrelated people living together. In *Village of Belle Terre, NY v. Boraas*, 416 U.S. 1 (1974), the Court ruled that defining a household as related persons or no more than two unrelated persons does not violate the Equal Protection Clause.

Finally, this updated definition does not prevent roommates from living together.

Reply by **EzraKlein** on **08/22/2025** at **7:58am** [Comment ID: 1497] - [Link](#)

Question

Agree: 1, Disagree: 0

Can you address why not switch to a floor-area metric (e.g., 200 sf per adult)?

Shouldn't occupancy hinge on health-and-safety space standards, not relationship status?

Why focus on relationship again?

#050

Posted by **Kirsten** on **09/02/2025** at **12:20pm** [Comment ID: 1592] - [Link](#)

Suggestion

Agree: 2, Disagree: 0

I suggest removing this household definition altogether and instead ensuring solid regulations around external impacts, such as vehicle trips and noise levels, to avoid the problems associated with overcrowding. This is a more equitable solution in that it accommodates the changing nature of families as well as the need for affordable housing

<https://www.strongtowns.org/journal/2025/3/7/what-zoning-codes-get-wrong-about-families>

#051

Posted by **ConcernedATLResident** on **08/22/2025** at **7:52am** [Comment ID: 1495] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Limiting the number of unrelated people to a residence to 4 is both arbitrary and absurd. It shows that little thought has gone into this figure and is intended to penalize people who want, or financially need, roommates. This decision of how many persons can live in a house should be made ENTIRELY based off of the square footage and amenities of the house. 6+ people can easily be roommates in a 2,000 square foot home. If anything, limit the number of occupants to the number of square feet and bathrooms (i.e. no more than 2 number of occupants per bedroom with a minimum size TBD and no more than 3 or 4 occupants per bathroom.) If parking is an issue, then focus on how many parking spots must be made available for the occupants.

The real question is WHAT PROBLEM IS THIS SOLVING? Is it to keep people from partying in a house? There are already ordinances on the books to solve any issues related to noise, parties, illegal parking, etc. Limiting the number of people in a home is NOT the solution.

We need all hands on deck and ALL solutions available to us to solve the affordable housing crisis. This proposal will exacerbate the current affordable housing problem by not allowing us to reasonably maximize our current inventory of homes.

Reply by **SiteAdmin** on **08/28/2025** at **3:22pm** [Comment ID: 1527] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0. This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as we prepare Draft V2 in the coming months.

#052

Posted by **jerry@modwellddevelopment.com** on **09/02/2025** at **2:14pm** [Comment ID: 1637] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

The proposed limit of four unrelated persons per household will be detrimental to Atlanta's large student population. Our city is already facing a housing shortage, particularly within the Atlanta University Center, where both supply and affordability are significant challenges. Restricting occupancy to four unrelated roommates will only worsen these conditions by reducing access to shared housing arrangements that many students depend on.

I respectfully urge the City to consider relief or tailored provisions for college and university districts. Allowing greater flexibility in these areas will help meet the real housing needs of students while balancing community concerns.

#053

Posted by **Little Bird** on **08/23/2025** at **12:11pm** [Comment ID: 1503] - [Link](#)

Agree: 0, Disagree: 0

And, while I am riled up by this definition, can we talk about how problematic the specific wording of "unless all persons are related by blood, marriage, adoption, or legal guardianship, a household is not permitted to contain over 4 people" is?

This wording is laughable. Let's look at some soon to be illegal arrangements:

- 4 step-kids in the house that you have not legally adopted
- Grandmother, her adult son, and his girlfriend with her two kids
- Two single mothers sharing housing while raising their children
- Divorced parents in new relationships with children from previous marriages
- An unmarried couple with 3 kids
- 3 roommates, 2 of which end up moving their partners in or 4 roommates with 1 SO

What an enforcement nightmare! Now city officials have to look at marriage and birth certificates, make sure your adoption and guardianship paperwork is in order. Maybe we'll have to ask Keyetta to decide if the lady you call "auntie" but who is really your 2nd cousin's wife is close enough to be called your blood relative.

Reply by **SiteAdmin** on **08/24/2025** at **11:08am** [Comment ID: 1506] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your input.

#054

Posted by **Little Bird** on **08/23/2025** at **11:42am** [Comment ID: 1502] - [Link](#)

Agree: 1, Disagree: 0

The city's reliance on Belle Terre is so misplaced. Courts have increasingly recognized that Belle Terre doesn't immunize all household restrictions from scrutiny, especially when they target specific demographics, lack clear connection to stated governmental purposes or intrude on privacy and associational rights.

The city must prove the reduction from 6 to 4 actually serves legitimate governmental interests, but there is no evidence that 4-person households create fewer problems than 6-person households. His proposed ordinance is both over-inclusive (prohibits harmless arrangements) and under-inclusive (allows unlimited related persons regardless of actual impacts). Plus, HUD has long interpreted the Fair Housing Act to create liability for practices with an unjustified discriminatory effect, even if those practices were not motivated by discriminatory intent.

The worst part of this is the assertion that this definition is more "easily enforceable." How will the city determine who is "related"? What about chosen families, domestic partnerships, and non-traditional relationships? The ordinance creates privacy concerns requiring intrusive investigations into personal relationships. I can just see the poor Inspector walking up now to a house full of people, being forced to figure out how each person is related and how.

Reply by **SiteAdmin** on **08/28/2025** at **3:23pm** [Comment ID: 1535] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comments on the Discussion Draft V1 of ATL Zoning 2.0. This draft was developed to support the policies found in the recently adopted Plan A Comprehensive Development Plan. Your feedback, along with other public input and the policy guidance of Plan A, will play an important role as we prepare Draft V2 in the coming months.

a. Additional Definitions

For the purposes of defining general supervised group living uses, the following words and phrases have the meanings ascribed to them in this Section unless a different meaning is clearly indicated by the context:

Assisted living. A personal care home with a minimum of 25 beds that is licensed by the State of Georgia as an assisted living community.

Independent living. A facility for adults at least 55 years of age or older with central dining facilities that provide residents, as part of their monthly fee, access to meals and other services such as housekeeping, linen service, transportation, and social and recreational activities. Independent living facilities do not provide, in a majority of the units, assistance with activities of daily living such as supervision of medication, bathing, dressing, and toileting, and do not provide licensed skilled nursing beds on the property.

Inpatient hospice facility. A facility that is licensed to provide acute inpatient care for hospice patients in beds that are not included in the certified bed capacity of another licensed facility. "Inpatient care" means short-term, 24-hour medically supervised care for the purpose of adjusting and monitoring the terminally ill patient's medications for pain control or managing acute or chronic symptoms that cannot be managed in another setting. Inpatient care is provided within the confines of a licensed hospital, a licensed skilled nursing facility, or a licensed inpatient hospice facility.

Intermediate care home. A facility that admits residents on medical referral only, and includes the provision of food, and special diets when required, shelter, laundry, and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed-ridden patients except on an emergency or temporary basis.

Nursing home. A facility that admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision, maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical or dental emergency and who will be responsible for the general medical and dental supervision of the home.

Permanent supportive housing. Permanent housing in which supportive services are provided to assist unhoused persons with a disability to live independently. Permanent housing means community-based housing without a designated length of stay, and includes both permanent supportive housing and rapid rehousing. To be permanent housing, the program participant must be the tenant on a lease for a term of at least one year, which is renewable for terms that are a minimum of one month long, and is terminable only for cause. Supportive services means assistance that provides appropriate services or assists such persons in obtaining appropriate services, including health care, mental health treatment, alcohol and other substance abuse services, child care services, case management services, counseling, supervision, education, job training, and other services essential for achieving and maintaining independent living. Inpatient acute

USE DEFINITIONS

hospital care does not qualify as a supportive service. The term “unhoused” has the same meaning as “homeless,” as defined in [24 CFR 578.3](#).

Personal care home. Any dwelling unit or building, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. “Personal services” includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

Rehabilitation facility. A facility that is required to operate pursuant to a state license as a residential sub-acute detoxification program, a residential intensive treatment program, or a psychiatric rehabilitation treatment program.

Skilled nursing facility. A public or private institution or a distinct part of an institution which is primarily engaged in providing inpatient skilled nursing care and related services for patients who require medical or nursing care or rehabilitation services for the rehabilitation of injured, disabled, or sick persons. “Skilled nursing care ” means the application of recognized nursing methods, procedures, and actions directed toward implementation of the physician’s therapeutic and diagnostic plan, detection of changes in the human body’s regulatory system, preservation of such body defenses, prevention of complications and emotional well-being, including but not limited to the following:

- i. The administration of oral or injectable medications which cannot be self-administered. Other examples include the administration of oxygen, the use of suction, the insertion or changing of catheters, the application of medicated dressings, the use of aseptic technique and preparation of the patient for special procedures; and
- ii. Observation in the care of the patient for symptoms and/or physical and mental signs that may develop and which will require attention of the physician and a revision in the patient’s treatment regimen.

Transitional housing. Housing, where all program participants have signed a lease or occupancy agreement, the purpose of which is to facilitate the movement of unhoused individuals and families into permanent housing within 24 months or such longer period as HUD determines necessary. The program participant must have a lease or occupancy agreement for a term of at least one month that ends in 24 months and cannot be extended. The term “unhoused” has the same meaning as “homeless,” as defined in [24 CFR 578.3](#).

2. General Unsupervised Group Living

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.

3. Dormitory, Fraternity, or Sorority

A facility officially affiliated with an accredited college or university; private school; or religious institution. The term also includes student centers operated by religious institutions, approved by

#055

Posted by **nicolais85** on **08/26/2025** at **2:47pm** [Comment ID: 1515] - [Link](#)

Question

Agree: 0, Disagree: 0

Under the proposed draft - will General Unsupervised Group Living be allowed by-right in R-4, R-4A and R-5 zoning districts?

Reply by **SiteAdmin** on **08/26/2025** at **4:33pm** [Comment ID: 1518] - [Link](#)

Answer

Agree: 0, Disagree: 0

Existing R4 and R4A become the new R2 Use District, and the existing R5 becomes the R3 Use District.

Generally, general unsupervised group living is currently prohibited in R4, R4A, and R5. ATL Zoning 2.0 reflects a continuation of this standard. See page 4-6 of Ch. 4 Use Districts.

the educational institutions to which they relate, and that provide the same services as fraternities and sororities.

4. Emergency Shelter

A facility where the primary purpose is to provide a temporary shelter for the unhoused and does not require occupants to sign leases or occupancy agreements. The term “unhoused” has the same meaning as “homeless,” as defined in **24 CFR 578.3**.

5. Maternity Supportive Housing

A dwelling unit holding a valid registration certificate from the State of Georgia as a maternity supportive housing residence. Maternity supportive housing is operated on behalf of a nonprofit organization and houses up to 6 pregnant women aged 18 or older and their minor children at any time during the pregnancy and up to 18 months after childbirth. This term does not include the following:

- a. Uses where medical service is regularly provided;
- b. A child welfare agency, as defined in **O.C.G.A. § 49-5-12**;
- c. Dwelling unit of a relative in which a **woman** receives maternity care; or
- d. Any medical use.

Sec. 4.4.2. Public and Institutional Uses

A. Civic Uses

Uses that provide ongoing governmental, life safety, educational, and cultural services to the general public, and uses that provide meeting areas for religious practice. Civic use category includes the following specific uses:

1. General Civic

Civic uses in any building, structure, or lot owned or operated by the federal government; State of Georgia; Fulton County; DeKalb County; MARTA; City of Atlanta; or any authority, agency, board, or commission of government, that is necessary to serve a public purpose. Typical examples include community center; government administrative building; library or museum; post office; police, fire or EMS station; public health facility; public works facility; school or university; and transit facility. The term specifically excludes “transit-oriented development” as specified in **O.C.G.A. § 32-9-15**.

2. Community Center, Private

A privately owned and operated use that provides on-site social or recreational activities and programs where dues-paying membership is not required for access. The use typically includes activities such as community meetings, after school programs, or other social services to the general public. This use does not include activities that would be classified as residential uses or commercial uses.

USE DEFINITIONS**3. Library or Museum, Private**

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

4. Religious Assembly

A use that provides meeting areas for religious activities, including facilities operated by a religious group and used for educational activities. This use may include accessory buildings, day care facilities, and dwelling units operated directly by the religious group. Typical examples include chapel, church, mosque, synagogue, and temple.

B. Private Education Uses

Privately owned and operated uses that provide educational services to students. Private Education use category includes the following specific uses:

1. General Private Education

Private education uses that provide education to students at the pre-kindergarten, elementary, middle, or high school level.

2. College or University, Private

A private education use that provides post-secondary education to students. Typical examples include college or university, community college, seminary, and artistic or vocational school.

3. Commercial School

A private education use that is affiliated with a commercial or industrial use and teaches skills using heavy machinery; conducts a commercial enterprise, such as a driving school; or a similar school that does not offer a complete educational curriculum.

4. Day Care, Private

A use that regularly provides care services to 4 or more children or adults away from their residence for less than 24 hours a day. Typical examples include childcare center, prekindergarten, preschool, play school, nursery school, drop-in center, and adult day care center. This use does not include other public or private education uses or group living uses.

C. Parks and Open Space Uses

Uses that provide active or passive outdoor recreation. Typically, areas and facilities are publicly accessible and often contain recreational equipment or facilities. Parks and Open Space use category includes the following specific uses:

1. General Parks and Open Space

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

#056

Posted by **Itovar@atlantaga.gov** on **07/03/2025** at **9:30am** [Comment ID: 1261] - [Link](#)

Agree: 0, Disagree: 0

Should a minimum lot area be required for these uses in residential single-family zoning categories?

Reply by **SiteAdmin** on **07/03/2025** at **2:15pm** [Comment ID: 1268] - [Link](#)

Answer

Agree: 0, Disagree: 0

Currently there is no minimum, other than the minimum lot sizes of the district. An example would be a privately-owned "house museum" such as the Grant Mansion in Grant Park, which occupies a standard residential lot.

#057

Posted by **Timothy** on **06/03/2025** at **10:25am** [Comment ID: 1241] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

*****Allow Funeral Homes as Accessory to Cemeteries*****

Please consider allowing funeral homes on cemetery properties. They are a natural and appropriate accessory use. Many modern cemeteries in greater Atlanta and Georgia now include on-site funeral homes to better serve families in one convenient location. This also helps ensure the long-term sustainability of cemetery operations.

If you agree with this suggestion, we recommend adapting the zoning code's definition of cemeteries to include funeral homes as an accessory use.

#058

Posted by **grace212** on **09/02/2025** at **1:41pm** [Comment ID: 1628] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

Also include an accessory use for snacks.

trail, greenway, or multi-use path. This use does not include sports arena and community center, private.

2. Cemetery

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, including mausoleums, chapels, benches, ledges, walls, graves, roads, paths, landscaping, and soil storage consistent with federal, state, and local laws on soil erosion and sedimentation control.

D. Utility Uses

Uses that distribute public or private utility services such as electricity, gas, sewer, water, cable and internet. Utility use category includes the following specific uses:

1. General Utility

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

2. Commercial Wind or Solar

A private facility exclusively used for the commercial generation of electricity using wind turbines or solar panels. This use does not include private wind or solar generation for personal use.

E. Wireless Telecommunication Uses

Uses that include a facility for the provision of radio waves or wireless service. Wireless Telecommunication use category includes the following specific uses:

1. Type I: Modification

An eligible facilities request for modification of a previously approved eligible support structure that does not propose a substantial change to the physical dimensions of such structure.

2. Type II: Small Wireless Collocation

A request to collocate a small wireless facility using an existing structure whether or not it has an existing antenna facility that is used or to be used for the provision of personal wireless service.

3. Type III: Non-Small Wireless Collocation

A request to collocate a non-small wireless facility using an existing structure whether or not it has an existing antenna facility that is used or to be used for the provision of personal wireless service.

USE DEFINITIONS**4. Type IV: Small Wireless Structure**

A request to deploy a small wireless facility using a new structure.

5. Type V: Non-Small Wireless Structure

A request to deploy a non-small wireless facility using a new structure.

6. Additional Definitions

Terms not defined in this section or elsewhere in this Code have the meanings defined in federal law. The following terms only apply to use standards and definitions related to wireless communication uses:

Accessory equipment. Any equipment serving or being used in conjunction with a wireless facility or wireless support structure and includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets, and storage sheds, shelters, or similar structures.

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

Antenna. An apparatus designed for the purpose of emitting radio frequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the transmission of writing, signs, signals, data, images, pictures, and sounds of all kinds, including the transmitting device and any on-site equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with that antenna and added to a tower, structure, or building as part of the original installation of the antenna. For most services, an antenna will be mounted on or in, and is distinct from, a supporting structure such as a tower, structure or building. However, in the case of AM broadcast stations, the entire tower or group of towers constitutes the antenna for that station. For purposes of this section, the term antenna does not include unintentional radiators, mobile stations, or devices authorized under [Part 15 of CFR Title 47](#).

Antenna equipment. Equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

Antenna facility. An antenna and associated antenna equipment.

Base station. A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower.

- i. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- ii. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless

of technological configuration (including Distributed Antenna Systems and small-cell networks).

- iii. The term includes any structure other than a tower that, at the time the relevant application is filed with the City under **Section 1.6100**, supports or houses equipment described in this definition that has been reviewed and approved under the City zoning or siting process, even if the structure was not built for the sole or primary purpose of providing such support.
- iv. The term does not include any structure that, at the time the relevant application is filed with the City, does not support or house equipment described in this definition.

Collocate. Mounting or installing an antenna facility on a pre-existing structure; or modifying a structure for the purpose of mounting or installing an antenna facility on that structure. Collocation also means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting or receiving radio frequency signals for communications purposes.

Eligible facilities requests. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- i. Collocation of new transmission equipment;
- ii. Removal of transmission equipment; or
- iii. Replacement of transmission equipment.

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

Existing. A constructed tower or base station that has been reviewed and approved by the City under the applicable zoning or siting process, including any building permit, Certificate of Endorsement, or Special Use Permit.

Modification. The improvement, upgrade, expansion, or replacement of existing wireless facilities on an existing wireless support structure or within an existing equipment compound.

Previously authorized. Approval that the City issued under applicable law before the deployment of personal wireless service facilities, including, but not limited to, any building permit, Certificate of Endorsement, or Special Use Permit.

Site. For towers, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by the City, if the approval of the modification occurred before the Spectrum Act adoption on February 22, 2012, or otherwise outside of the **Section 6409(a)** process.

Small wireless facilities. Facilities that meet each of the following conditions:

USE DEFINITIONS

- i. The facilities:
 - a) Are mounted on structures 50 feet or less in height including their antennas; or
 - b) Are mounted on structures no more than 10% taller than other adjacent structures; or
 - c) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10%, whichever is greater;
- ii. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than 3 cubic feet in volume;
- iii. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- iv. The facilities do not require antenna structure registration under **Part 17 of the Code of Federal Regulation**; and
- v. The facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in **47 CFR § 1.1307(b)**.

Structure. A pole, tower, base station, or other building whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or co-mingled with other types of services).

Substantial change. The proposed modification or collocation meets any of the following criteria:

- i. It increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than 10 feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved before the passage of the **2012 Spectrum Act (47 U.S.C. § 1455(a))**.
- ii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- iii. It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

- iv. It would defeat the concealment elements of the eligible support structure; or
- v. It does not comply with conditions associated with the City's prior siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in 47 CFR § 1.40001(b)(7)(i) through (iv).

Tower. Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Utility. Any person, corporation, municipality, county, or other entity, or department thereof or entity related or subordinate thereto, providing retail or wholesale electric, data, cable, or telecommunications services.

Wireless facility. The set of equipment and network components, exclusive of the underlying wireless support structure, including antennas, transmitters, receivers, base stations, power supplies, cabling, and accessory equipment, used to provide wireless data and wireless telecommunication services.

Wireless support structure. A freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing or alternative structure designed to support or capable of supporting wireless facilities. Such term does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

Sec. 4.4.3. Commercial Uses

A. Adult Establishment Uses

Uses associated with the sale or viewing of sexually-oriented content or paraphernalia. Adult Establishment use category includes the following specific uses:

1. Adult Establishment

A sexually-oriented business including adult arcade, adult bookstore, adult cabaret, adult motion picture theater, and sexual device shop.

a. Additional Definitions

For the purposes of defining adult establishment uses, the following words and phrases have the meanings ascribed to them in this Section unless a different meaning is clearly indicated by the context:

Adult arcade. A commercial establishment to which the public is permitted or invited that maintains booths or rooms smaller than 100 square feet, where image-producing devices are regularly maintained to show images characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."

USE DEFINITIONS

Adult bookstore. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas.” A principal business activity exists where the commercial establishment meets any of the following criteria:

- i. At least 25% of the establishment’s displayed merchandise consists of said items;
- ii. At least 25% of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items;
- iii. The establishment maintains at least 25% of its floor area for the display, sale, or rental of said items;
- iv. The establishment maintains at least 500 square feet of its floor area for the display, sale, or rental of said items;
- v. The establishment regularly offers for sale or rental at least 500 of said items; or
- vi. The establishment regularly makes said items available for sale or rental and holds itself out, in any medium, as an establishment that caters to adult sexual interests.

Adult cabaret. A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment that regularly offers live semi-nude conduct. No establishment will avoid classification as an adult cabaret by offering nude conduct.

Adult motion picture theater. A commercial establishment to which the public is permitted or invited that maintains viewing rooms that are 100 square feet or larger where films or videos characterized by their emphasis upon “specified sexual activities” or “specified anatomical areas” are regularly shown.

Characterized by. Describing the essential character or quality of an item. As applied in this Section, no business will be classified as an adult establishment by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

Employ, employee, employment. Describe and pertain to any person who works or engages in activity for pay on the premises of an adult establishment, on a full time, part time, temporary, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises, or an attorney, accountant, or similar state-licensed professional performing professional services for the business.

Floor space. The floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

Nudity or nude conduct. The showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola. For purposes

of this Section, a “fully opaque covering” must not consist of any substance that can be washed or peeled off the skin (such as paint, make-up, or latex).

Operate. To cause to function or to put or keep in a state of doing business.

Operator. Any person who manages, supervises, or controls the adult establishment or a portion of the establishment. A person may be found to be an operator regardless of whether such person is an owner, part owner, or licensee of the business.

Person. An individual, proprietorship, partnership, corporation, association, or other legal entity.

Premises. The real property upon which the adult establishment is located, and any accessory buildings, including, but not limited to, the adult establishment, the grounds, private walkways, and parking lots or parking garages, under the ownership, control, or supervision of the operator.

Regularly. The consistent and repeated doing of an act on an ongoing basis.

Semi-nude or semi-nudity. The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks, with less than a fully opaque covering. This definition includes the lower portion of the human female breast, but does not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part. For purposes of this use category, a “fully opaque covering” cannot consist of any substance that can be washed or peeled off the skin (such as paint, make-up, or latex).

Sexual device. Any three-dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, nipple, or for sadomasochistic use or abuse of oneself or others and includes devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition will be construed to include devices primarily designed for protection against sexually transmitted diseases or for preventing pregnancy.

Sexual device shop. A commercial establishment meeting any of the following criteria:

- i. Where more than 100 sexual devices are regularly made available for sale or rental; or
- ii. Where sexual devices are regularly made available for sale or rental and the establishment regularly gives special prominence to sexual devices (e.g., by using lighted display cases for sexual devices, having a room or discrete area of the establishment significantly devoted to sexual devices, positioning sexual devices near cash registers or similar points of sale, hosting events focused on sexual devices, or holding itself out to the public as a place that focuses on sexual devices).
- iii. This definition will not be construed to include commercial establishment that makes no more than 200 sexual devices regularly available for sale or rental and that operates a pharmacy employing a licensed pharmacist who regularly fills prescriptions in the same tenant space where the sexual devices are made available.

USE DEFINITIONS

Specified anatomical areas. Includes the following areas:

- i. Human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola that are less than completely and opaquely covered; and
- ii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Viewing room. The room or booth where a patron of an adult establishment would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video on an image-producing device.

B. Agriculture Uses

Uses dedicated to the growing and harvesting of food crops or non-food crops, such as flowers and ornamental plants, for use on-site or for sale or distribution off-site or on-site. Agriculture use category includes the following specific uses:

1. Farmers Market

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

a. Additional Definitions

The following terms only apply to use standards and definitions related to farmers market uses:

Producer. A person or entity that raises or farm products on land that the person or entity farms and owns, rents or leases; or a person or entity that creates (by cooking, canning, baking, preserving, roasting, etc.) value-added farm products; and whose method of production has been verified by the Office of Sustainability based on the standards set forth in their internal operating regulation.

Farm products. Fruits, vegetables (including soy-based), mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

Value-added farm product. Any product processed by a Producer from a Farm Product, such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.

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

Vendor. Any person who sells any goods, wares, merchandise, food or drink at a farmers market.

2. Indoor Growing System

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

3. Urban Garden

An area of land managed and maintained by a person or group of persons, for outdoor growing and harvesting, farming, community gardening, or any other outdoor use, which contributes to the production of agricultural, floricultural, or horticultural products for beautification, education, recreation, community use, consumption, off-site sale, or off-site donation. On-site sales are permitted. This use does not include gardens located on lots with residential structures and grown for personal use of the residents of those lots.

C. Entertainment and Recreation Uses

Uses that provide continuous or periodic assembly, entertainment, or recreational activity. Entertainment and Recreation use category includes the following specific uses:

1. General Indoor Entertainment and Recreation

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.

2. General Outdoor Entertainment and Recreation

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.

3. ATV Park

An indoor or outdoor facility where motorcycles and other motor vehicles drive directly upon dirt, water, rocks, sand, snow, ice, marsh, swampland, and similar unpaved surfaces.

4. Club, Private

A use that provides meeting areas for membership organizations that hold regular social or educational meetings or events for dues-paying members and their guests.

5. Convention Hall or Event Facility

A use operated for the purpose of providing accommodations for temporary conventions; trade shows and other similar activities; and events, including parties, ceremonies, receptions, or similar gatherings, where a fee is typically charged for the use of the facility.

6. Golf Course

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

7. Lounge or Nightclub

See definition in [City of Atlanta Code of Ordinances, Section 10-1](#).

USE DEFINITIONS**8. Party House**

A dwelling unit, including all accessory structures and the dwelling unit's premises, used for the purpose of hosting commercial events, including parties, ceremonies, receptions, or similar large-scale gatherings, where a fee is typically charged for the use of the dwelling unit. This use does not include events 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.**

9. Sports Arena, Stadium, or Field

A use intended primarily for the playing or viewing of athletic events. Sports arena, stadium, or field may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or concerts.

D. Food and Beverage Uses

A facility that prepares and sells food and drink for on- or off-premises consumption. Food and Beverage use category includes the following specific uses:

1. General Food and Beverage

Food and beverage uses that prepare and sell food or beverage and may only serve alcohol for on-premise consumption as an accessory use. Typical examples include retail bakery, cafe, coffee and tea shop, fast food establishment, ice cream or yogurt shop, juice or smoothie bar, and restaurant.

2. Bakery, Wholesale

A use that provides for the preparation of baked goods for wholesale or institutional distribution.

3. Bar

See definition in **City of Atlanta Code of Ordinances, Section 10-1.**

4. Catering Establishment

A 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. This use does not include the on-site sale of individual meals or individual beverages.

5. Delivery-Based Commercial Kitchen

A use that provides kitchen and operating space to two or more businesses that prepare and sell food for same-day pickup and delivery where customers order the food using online and telephone sales and where the establishment does not serve dine-in customers or walk-up customers.

6. Microbrewery, Microdistillery, or Winery

See definition in **City of Atlanta Code of Ordinances, Section 10-1.** This use includes any biergartens accessory to this use.

E. Lodging Uses

Uses with individual sleeping or living units that provide overnight accommodations to guests for short-term stays of less than 30 days. Lodging use category includes the following specific uses:

1. General Lodging

Lodging uses that provide a variety of short-term stay facilities. Typical examples include hotel, motel, inn, hostel, and extended stay facility.

2. Bed and Breakfast

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

3. Short-Term Rental

A use where, in exchange for compensation, any portion of a principal dwelling unit, accessory dwelling unit, or accessory residential structure, is provided for lodging for a period of time not to exceed 30 consecutive days.

F. Medical Uses

Uses that provide medical, surgical or dental care to patients such as the diagnosis, treatment, mitigation, cure or prevention of disease. Medical use category includes the following specific uses:

1. General Medical

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

3. Medical Laboratory

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.

G. Office Uses

Uses characterized by activities conducted in a private or co-working setting and generally focusing on business, professional, or financial services. Office use category includes the following specific uses:

USE DEFINITIONS**1. General Office**

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. Sound Recording Studio

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

H. Parking Uses

Uses that provide parking as a principal use. Parking use category includes the following specific uses:

1. Commercial Parking Lot

A use that provides vehicle storage or parking on a surface lot as a principal use, whether or not a fee is charged. The use also includes vehicle storage or parking on a surface lot as an accessory use when the amount exceeds any applicable parking maximums unless a variance is granted by the Board of Zoning Adjustment.

2. Commercial Parking Structure

A use that provides vehicle storage and parking in a building or structure as a principal use, whether or not a fee is charged. The use also includes vehicle storage or parking in a building or structure as an accessory use when the amount exceeds any applicable parking maximums unless a variance is granted by the Board of Zoning Adjustment.

I. Personal Service Uses

Uses involved in providing personal care or repair services. Personal Service use category includes the following specific uses:

1. General Personal Service

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 upholstery.

2. Animal Care, Indoor

A use that provides for the care and boarding of animals, or for the treatment of sick or injured animals, and that operates completely in an indoor setting.

3. Animal Care, Outdoor

A use that provides for the care and boarding of animals, or for the treatment of sick or injured animals, and that includes outdoor facilities.

4. Body Art Studio

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

5. Funeral Home

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

6. Hair or Nail Salon

A use that includes barber shops, beauty shops, manicure shops and similar personal service uses.

7. Laundry Service

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

J. Retail Uses

Uses involved in the sale, lease, or rent of new or used products to end consumers. Retail use category includes the following specific uses:

1. General Retail

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 or art gallery; and jewelry store.

2. Alternative Financial Service

A 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**. Typical examples include check cashing, pawnshop, payday lending, precious metal and gem dealers, and title loan centers.

3. Artisan Workshop

A use that provides for the production and sale of handcrafted or artisan products. Typical examples include art studio; ceramic manufacturing; glass blowing; jewelry manufacturing; metalwork; musical instrument manufacturing; leatherwork; and woodworking, cabinet makers or furniture manufacturing.

4. Grocery Store

A use 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.

USE DEFINITIONS**5. Hookah or Vape Store**

Any use primarily engaged in the sale of alternative nicotine products, vape juice, or both. This use includes any retail establishment where at least 25% of the floor area of the publicly accessible area is devoted to the sale of alternative nicotine products, vape juice, or both.

a. Additional Definitions

The following terms only apply to use standards and definitions related to hookah or vape store uses:

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.

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.

6. Package store

A use primarily engaged in the sale of alcoholic beverages, such as beer, wine, and whiskey, for off-premise consumption. This use includes liquor store and any use classified as **Industry No. 5921 in the Standard Industrial Classification (SIC) Manual, 1972 prepared by the Executive Office of the President - Office of Management and Budget.**

7. Retail Bank

A use that includes bank, savings and loan association, or similar financial institution that provides on-site services to customers. This term also includes lots where an automated teller machine (ATM) is the only use on the lot.

8. Small Discount Variety Store

A use less than 12,000 square feet in floor area that offers a variety of consumer products, including household goods, personal care products, food or beverages for off-premise consumption, entertainment products, electronics, and other consumer products, at a discounted rate. This use does not include retail uses with fuel sales and accessory retail uses typically less than 5,000 square feet in floor area located inside civic uses, office buildings, hotels, hospitals, and similar locations that primarily serve employees and visitors of the facility.

K. Transportation Uses

Uses that facilitate the boarding, loading, arrival or departure of passengers for a variety of mobility and transportation options including trains, buses, cars, and helicopters. Transportation use category includes the following specific uses:

1. Passenger Terminal

A facility that is privately owned or operated for the pickup, drop off and interchange of passengers. Typical examples include bus terminals, multi-modal facility, rail stations, and passenger related mass transit facilities.

2. Helipad

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

3. Truck Stop

A facility intended to serve semi-truck drivers that generally includes some combination of the following uses: fuel sales, overnight parking for semi-trucks, a convenience store, a restaurant, or showering or dormitory facilities utilized as a rest area for truck drivers.

L. Vehicle Sales and Service Uses

Uses that sell, rent, lease, service or repair motorcycles, scooters, passenger vehicles, commercial vehicles, recreational vehicles, and heavy equipment. Vehicle Sales and Service use category includes the following specific uses:

1. Vehicle Sale and Rental

Uses that sell, rent, or lease vehicles, and vehicles available for sale or rent are typically stored outdoors on-site. Typical examples include automobile sale or rental, truck or trailer rental, recreational vehicle sale or rental, and heavy equipment sale or rental. Vehicle sale and rental is broken down into the following specific uses:

a. Vehicle Sale and Rental, Light

A use that sells, rents, or leases vehicles including automobiles, motorcycles, scooters, pickup trucks, vans, and trailers.

b. Vehicle Sale and Rental, Heavy

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

2. Vehicle Service and Repair

Uses that service and repair vehicles. Typical examples include automobile repair or servicing, tire sales or installation, heavy truck servicing or repair, and heavy equipment repair. Vehicle Service and Repair is broken down into the following specific uses.

a. Vehicle Service and Repair, Light

A use where limited repair is conducted on vehicles weighing up to 10,000 pounds where the work is typically done in one day and vehicles are not left outdoors overnight on-site. Typical examples include audio and alarm installation, brakes and exhaust services, battery replacement, tire and alignment services, emissions testing, oil and lube service, minor scratch and dent repair, glass and windshield repair, window tinting, and vehicle inspections.

USE DEFINITIONS**b. Vehicle Service and Repair, Heavy**

A use where substantial repair is conducted on vehicles weighing up to 10,000 pounds where the work is typically done over a several day period and vehicles are left outdoors overnight on-site, or any service and repair on vehicles weighing more than 10,000 pounds. Typical examples include transmission and engine repair, body repair and paint shops, semi-truck service and repair, and used tire collection or sales.

3. Car Wash

A use that cleans and details vehicles.

4. Fuel Sales

A use that sells and dispenses vehicle fuel, including diesel, gasoline, hydrogen, electricity, and other alternative fuels. The use does not include accessory EV charging stations.

M. Wholesale Trade Uses

Uses primarily engaged in selling products in bulk to retailers or business representatives for resale rather than to end consumers for direct consumption. Wholesale Trade use category includes the following specific uses:

1. General Wholesale Trade

Wholesale trade uses where products are generally sold by a business representative with the intention that they will be resold to consumers for direct consumption, and the products are allowed on-site to be picked up by the business representative.

2. Showroom

A use where sample products are displayed for sale and all products sold are shipped or delivered to the business representative. The products are not allowed on-site for pick up by the business representative. This use does not include vehicle showrooms.

3. Wholesale Trade Mart

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

Sec. 4.4.4. Industrial Uses**A. Industrial and Manufacturing Uses**

Uses involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales. Relatively few customers come to the site. Industrial and Manufacturing use category includes the following specific uses:

1. Low-Impact Industrial and Manufacturing

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

- a. Majority of manufacturing or industrial activity takes place indoors;
- b. No significant heat, noise, sounds, vibrations, odors, or particulates detectable off premises;
- c. No significant use of dangerous or harmful chemicals;
- d. No significant use of highly combustible or flammable materials, liquids, or gases;
- e. No use of hazardous or explosive materials; and
- f. Limited or no outdoor storage.

Typical examples include manufacturing, processing, fabrication, packaging or assembly of prefabricated parts, consumer electronics, computers, appliances, optical devices or instruments, medical or surgical instruments, alcoholic and non-alcoholic beverages, cosmetics, clothing or shoes, printed or photographic materials, signs, small automotive parts; welding or machine shops; industry laundries; exterminators; and commercial food preparation.

2. High-Impact Industrial and Manufacturing

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

- a. The majority of manufacturing or industrial activity takes place outdoors.
- b. Significant heat, noise, sounds, vibrations, odors or particulates may be detectable by neighboring properties.
- c. Significant use of dangerous or harmful chemicals.
- d. Significant use of highly combustible or flammable materials, liquids, or gases.
- e. Use of hazardous, radioactive, or explosive materials.

Typical high-impact industrial examples include abrasives manufacturing; acid manufacturing; annealing or heat treating plants; acid manufacture; asphalt plants; battery rebuilding; concrete plants, cement plants, plants for the manufacture of lime, gypsum, or plaster of Paris; distillation of bones and glue manufacture; explosive manufactures or storage; fat rendering and fertilizer manufacture; hazardous toxic materials, including radioactive materials; paper and paper pulp manufacture; petroleum refining or fuel oil distribution; solid fuel yard; smelting of tin, copper, zinc, or iron ores; and resource extraction such as sand, gravel, clay, topsoil or dirt extraction, and quarries.

3. Crematorium

A facility used for the cremation of human and pet remains.

4. Research and Development

A 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.

USE DEFINITIONS**B. Warehouse and Distribution Uses**

Uses involved in the storage or movement of goods for themselves or other entities. Goods are generally delivered to other establishments or the final consumer. There is little or no on-site sales activity with customers present. Warehouse and Distribution use category includes the following specific uses:

1. General Warehouse and Distribution

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 use primarily for the storage, management, processing, and transmission of digital data, housing computer and network equipment, systems, servers, appliances and other associated components related to digital data operations. May also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the data center.

3. Freight Terminal

A use involved in freight pick-up, transfer, or distribution by rail or truck and characterized by significant outdoor movement and activity. Typical examples include containerized freight yard, inter-modal freight terminal, switching yard, trucking terminal, trailer storage yard, and shipping container storage yard.

4. Micro-Distribution Hub

A use up to 8,000 square feet in floor area providing the receipt, transfer, short-term storage, and dispatching of retail merchandise and similar goods. This use does not include retail uses that sometimes transfers or dispatch retail merchandise to other retail establishments.

5. Self- Storage

A use that offers secure self-storage for household goods in individual rooms, compartments, lockers, or containers, where customers bring goods for storage ~~and retrieve them at any time~~ during normal business hours.

6. Storage Yard

A use primarily intended for the outdoor storage of material, equipment, or vehicles for a period greater than 24-hours, and any structures associated with the outdoor storage. Typical examples include construction storage yard, lumberyard, sand or gravel yard, equipment yard, towing service storage yard, vehicle storage lot, school bus lot, impound lot, and wholesale greenhouse or nursery. The use may involve the sale or rental of items stored.

C. Waste-Related Service Uses

Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect waste, or uses that manufacture or produce goods or energy from the composting of organic material. Waste-Related use category includes the following specific uses:

1. General Waste-Related Service

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, transfer station, vehicle-related waste, and recycling facilities with outdoor storage.

2. Green Waste

A use that accepts garden, wood, and other organic waste to reprocess into compost, wood chips, or other products, including the use of power-driven processing equipment. Facilities which receive green waste (garden, wood, or other organic waste) for shipment to another facility for reprocessing or composting are included in this type of facility.

3. Recycling Drop-Off Center

A use with a salvage, recycling, or recovery operation that is conducted completely indoors or involving outdoor operations with all materials stored in containers located in a fenced yard.

DIVISION 4.5. **ACCESSORY USES**

Sec. 4.5.1. **General Provisions**

A. Permitted Accessory Uses

1. The permitted use table in **Sec. XX** establishes the allowed accessory uses and structures in each Use District. Multiple accessory uses are allowed on a lot when the uses are all allowed and the standards for all uses can be met.
2. An accessory use or structure not specifically listed in the permitted use table (**Sec. XX**) is not allowed unless the Director determines the use meets the following standards:
 - a. The use is clearly incidental to and customarily found in connection with an allowed principal use;
 - b. The use is subordinate to and serving an allowed principal use;
 - c. The use is subordinate in area, extent, and purpose to the principal use; and
 - d. The use is located on the same lot as the principal use.

B. Rules for All Accessory Uses and Structures

1. **059** No accessory use or structure is allowed to be established on a lot prior to the establishment of a permitted principal use.
2. Accessory structures must comply with the dimensional requirements of the Form District.
3. Accessory structures cannot encroach into a primary or side street yard, unless stated otherwise in **Sec. XX Rules for Form Districts**.
4. **060** In House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, accessory structures cannot occupy more than 25% of the rear yard.

Sec. 4.5.2. **Definitions and Standards**

A. Accessory Dwelling Unit

1. Definition

A dwelling unit typically arranged to accommodate long-term stays of 30 days or more that is secondary to the principal use with independent cooking facilities.

2. Standards

a. All Use Districts

- i. Accessory dwelling units may be attached or detached from the principal dwelling unit.
- ii. Accessory dwelling units must be located on the same lot as the principal dwelling unit.

#059

Posted by **grace212** on **09/02/2025** at **1:49pm** [Comment ID: 1629] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

I would urge this code to consider new construction in which a principal and accessory structure could be built at the same time.

Reply by **SiteAdmin** on **09/16/2025** at **1:59pm** [Comment ID: 1692] - [Link](#)

Answer

Agree: 0, Disagree: 0

We will specify that. Thanks.

#060

Posted by **grace212** on **09/02/2025** at **1:49pm** [Comment ID: 1630] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

I suggest removing this language (4) as it will have inequitable impact on intown (and higher walkable amenity) neighborhoods).

Reply by **SiteAdmin** on **09/16/2025** at **1:59pm** [Comment ID: 1691] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comment. This is an existing provision.

- iii. The maximum number of accessory dwelling units allowed per lot is determined by the Use District.
- iv. Accessory dwelling units are not permitted on lots where the existing number of dwelling units exceeds the maximum allowed and is therefore nonconforming.
- v. The total floor area of each accessory dwelling unit is limited to 850 square feet.
- vi. The floor area of accessory dwelling units counts toward the maximum allowable FAR of the Form District.
- vii. When an accessory dwelling unit is attached to the principal dwelling unit, any exterior door providing access to the accessory dwelling unit is not allowed on a street-facing building facade along a primary street. An exterior door is permitted on a street-facing building facade along a side street.
- viii. Pedestrian access must be provided from the street to the accessory dwelling unit and may be accommodated through a driveway or alley.

B. Accessory Residential Structure

1. Definition

A structure that is commonly associated with household living and detached from the principal dwelling unit. ~~Residential accessory structures are not intended to be used as a dwelling unit, not intended to accommodate long-term stays of 30 days or more, and do not include an independent cooking facility.~~ Typical examples include guest houses, pool houses or cabanas, greenhouses, garden sheds, private garages, barns, and similar structures.

2. Standards

a. All Use Districts

- i. Accessory residential structures must be detached from the principal dwelling unit.
- ii. Accessory residential structures must be located on the same lot as the principal dwelling unit.
- iii. The total floor area of all accessory residential structures on a lot is limited to 30% of the total floor area of the principal dwelling unit.
- iv. The floor area of accessory residential structures counts toward the maximum allowable FAR of the Form District.
- v. Accessory residential structures cannot be used as a dwelling unit.
- vi. Accessory residential structures cannot be used for stays of 30 days or more.
- vii. Accessory residential structures cannot contain any independent kitchen or cooking facilities.

C. Drive-Through, Enclosed

1. Definition

A facility, enclosed within a building or parking structure, allowing for customers to conduct a transaction at a service window or mechanical device while remaining in their vehicle.

2. Standards

a. All Use Districts

- i. Drive-through, enclosed must meet all the standards of **Sec. XX, Other Vehicle Use Areas**.
- ii. No part of the use, including queuing lanes, is allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.
- iii. Only 1 queuing lane is allowed.
- iv. Service windows, menu boards, trash receptacles, ordering boxes, or other objects associated with a drive-through are not allowed within 60' of any primary or side street lot line and must be fully screened from any primary or side street lot line.
- v. The queuing lane is not allowed within 60' of any primary or side street lot line and must be fully screened from any primary or side street lot line. This does not include a driveway providing access to other parking areas.
- vi. When the use is an accessory to a food and beverage use, a dining room or walk-up window must be provided and must be available to customers at all times the drive-through is operating.
- vii. Applications for new drive-through facilities or changes of use involving drive-through service must include a stacking demand study prepared by a licensed traffic engineer. The study must establish anticipated peak-hour stacking requirements and account for the specific business type; the percentage of customers using drive-through, pick-up, or dine-in service; average service time per customer; number of order lanes; and identified peak service times.

D. Drive-Through, Unenclosed

1. Definition

A facility allowing for customers to conduct a transaction at a service window or mechanical device while remaining in their vehicle.

2. Standards

a. All Use Districts

- i. Drive-through, unenclosed must meet all the standards of **Sec. XX, Other Vehicle Use Areas**.
- ii. No part of the use, including queuing lanes, is allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

- iii. When the use is an accessory to a food and beverage use, a dining room or walk-up window must be provided and must be available to customers at all times the drive-through is operating.
- iv. Applications for new drive-through facilities or changes of use involving drive-through service must include a stacking demand study prepared by a licensed traffic engineer. The study must establish anticipated peak-hour stacking requirements and account for the specific business type; the percentage of customers using drive-through, pick-up, or dine-in service; average service time per customer; number of order lanes; and identified peak service times.

E. EV Charging Station, Level 1 or 2

1. Definition

Facility providing electric vehicle charging stations with Level 1 or Level 2 charging equipment.

F. EV Charging Station, Level 3

1. Definition

Facility providing electric vehicle charging stations with direct current fast charging (DCFC) equipment.

G. Home Art Studio and Gallery

1. Definition

- a. The creation, presentation and sale of works of art when conducted in a dwelling unit.
- b. For the purposes of this definition, "works of art" is defined as including, but not limited to, the following categories: Two- or three-dimensional objects, including paintings, sculptures, collages, constructions, and handmade books; photographs; prints, including silk-screens, etchings, lithographs, intaglios, woodcuts, and monotypes; drawings; jewelry; ceramics; textile designs; and weavings.
- c. The works of art must be handmade by the applicant; of the applicant's own design; and not solely intended for utilitarian use.
- d. This definition specifically excludes T-shirts, objects produced from kits or moulds, objects produced by numbers, or objects created by mass-production.
- e. For purposes of this definition, "mass-production" means the creation of more than 5 completed objects per day by wholly mechanical means, but specifically excludes objects created through the process of photography and printmaking.
- f. This use does not include uses classified as Home Occupation.

#061

Posted by **grace212** on **09/02/2025** at **1:53pm** [Comment ID: 1631] - [Link](#)

Question

Agree: 0, Disagree: 0

Is there a reason this regulation is so intense? I would imagine that art is generally good for neighborhoods and aligned with vibrant communities.

Reply by **SiteAdmin** on **09/16/2025** at **1:58pm** [Comment ID: 1690] - [Link](#)

Answer

Agree: 0, Disagree: 0

This is an existing provision with a lot of history behind it. It only applies to Home Arts Studios and Galleries within a dwelling in specific areas.

2. Standards

a. All Use Districts

- i. Before filing an application with the Office of Buildings, the applicant must secure a "Home Art Studio and Gallery Certificate" from the Office of Cultural Affairs stating the following:
 - a) That the proposed home art studio and gallery meets the definitional requirements for works of art; and
 - b) The specific category or categories of works of art that are to be created for sale at the proposed location.
- ii. The certificate must then be presented by the applicant to the Office of Buildings as a part of the home art studio and gallery application.
- iii. If a permit is subsequently granted by the Office of Buildings, no work of art outside the scope of the certificate may be presented or sold at the authorized location unless the certificate has been amended by the Office of Cultural Affairs. All amended certificates must be presented to the Office of Buildings so that the existing permit may be appropriately amended by the Office of Buildings before any sales are conducted.
- iv. The use of the dwelling unit for the home art studio and gallery must be clearly incidental and subordinate to its use for residential purposes by its occupants. No more than 50% of the floor area of the dwelling or 500 square feet, whichever is less, is allowed to be used as a home art studio and gallery.
- v. The use is allowed in a lawful accessory residential structure.
- vi. There may be no more than 6 public sales presentations per year of works of art for sale at a home art studio and gallery. Each sales presentation must consist of no more than 12 consecutive hours scheduled between the hours of 9:00 a.m. and 9:00 p.m.
- vii. The applicant must inform the Director of the Office of Buildings in writing, of each planned sales presentation at least 10 days in advance of each presentation. The Director will maintain a record of all sales presentations and locations to ensure compliance with these standards.
- viii. All works of art presented for sale at a home art studio and gallery must have been created on the premises.
- ix. Only persons living on the premises may present and offer for sale works of art at a home art studio and gallery sale. Any person who obtains authorization permitting the conduct of a home art studio and gallery must reside on the lot as their primary place of residence.
- x. Assembly or group instruction is not allowed in connection with the home art studio and gallery. Individual instruction on a one-to-one basis is permitted.
- xi. No traffic may be generated by home art studio and gallery in greater volumes than would normally be expected in the neighborhood, and any need for parking generated by the conduct of such home art studio and gallery must be met off-street. This requirement does not apply during the sales presentation periods.

- xii. No equipment or process may be used in home art studio and gallery which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process may be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

H. Home Occupation

1. Definition

- a. An occupation conducted the same lot as a dwelling unit.
- b. This use includes any activity for which the City of Atlanta would normally require a business license and specifically includes the use of the premises by professional persons engaged in the practice of law, business, or personal services.
- c. This use includes the use of the premises by a manufacturer's representative providing that no merchandise is stored on the premises, other than samples which may be transported by hand and which are usually carried by a salesman, agent, or representative to prospects' offices or places of business.

2. Standards

a. All Use Districts

- i. No more than 2 individuals are allowed to be engaged in home occupation, one of whom must reside on the lot as their primary place of residence.
- ii. The use of the dwelling unit for the home occupation must be clearly incidental and subordinate to its use for residential purposes by its occupants and no more than 25% of the floor area of the dwelling unit, or 500 square feet, whichever is less, is allowed to be used for the conduct of the home occupation.
- iii. The use is allowed in a lawful accessory structure.
- iv. Assembly or group instruction is not allowed in connection with the home occupation. Individual instruction on a one-on-one basis are permitted.
- v. No product may be sold on the premises. This provision will not be construed as prohibiting sales by telephone when delivery of the merchandise is to take place elsewhere.
- vi. No traffic may be generated by home occupation in greater volumes than would normally be expected in the neighborhood and any need for parking generated by the conduct of home occupation must be met off the street.
- vii. No equipment or process may be used in home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process may be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

ACCESSORY USES

- viii. Any person who obtains authorization permitting the conduct of a home occupation must reside on the lot as their primary place of residence.
- ix. Any sign advertising a home occupation, including those mounted inside windows and doors, that is visible from a lot line is not allowed to be internally or externally illuminated.

I. Hookah or Vapor Consumption**1. Definition**

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

J. Outdoor Amplified Sound**1. Definition**

The outdoor use of a speaker or any other electronic device that transmits sounds. The term does not include sound from an exterior fire alarm or burglar alarm, provided such alarm is responding to a fire or burglary and is shut off within 15 minutes of activation.

2. Standards**a. All Use Districts**

- i. Outdoor amplified sound is not allowed within 50 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.
- ii. The transmission of outdoor amplified sound is prohibited beyond the hours of operation of a business.
- iii. The use must meet the requirements the City of Atlanta Code of Ordinances, Chapter 74. Environment, Article IV. Noise Control.

K. Outdoor Dining**1. Definition**

Accessory outdoor dining on the property of a permitted principal commercial use. Outdoor dining is in an unenclosed area with or without tables, chairs, and other furnishings set up for the purpose of drinking or eating food and beverages.

2. Standards**a. All Use Districts**

- i. Outdoor dining must obtain approval from the Atlanta Department of Transportation to encroach in the public right-of-way in accordance with Chapter 138, Article VIII.
- ii. The use is not allowed to impair the ability of pedestrians to use the sidewalk. There must be a minimum of 6 feet of clear distance on the sidewalk at all times.

b. NX2 Use District

Outdoor dining on a rooftop is not allowed within 50 feet of a property in a Residential (R-) Use District.

c. NX4 Use District

Outdoor dining is not allowed to operate between the hours of 11:00 p.m. to 6:30 a.m.

L. Outdoor Display

1. Definition

Accessory outdoor display of products actively available for sale on the property of a permitted principal commercial use or industrial use. Typical examples include clothes, books, and housewares.

2. Standards

a. All Use Districts

- i. Outdoor display must abut the primary facade with the principal customer entrance, may not extend more than 10 feet from the facade, and may not exceed 8 feet in height.
- ii. The use must be removed and placed inside a building at the end of each business day.
- iii. The use must obtain approval from the Atlanta Department of Transportation to encroach in the public right-of-way.
- iv. The use is not allowed to impair the ability of pedestrians to use the sidewalk. There must be a minimum of 6 feet of clear distance on the sidewalk at all times.

M. Outdoor Pet Area

1. Definition

An outdoor fenced area intended to be used by unleashed pets.

N. Outdoor Storage, Minor

1. Definition

Accessory outdoor storage of merchandise, goods, inventory, materials, or other similar items on the property of a permitted principal nonresidential use. Outdoor storage, minor includes items that are actively available for sale and items stored in boxes, in creates, or on pallets. Typical examples include plants and garden tools, outdoor furniture, and holiday decorations.

2. Standards

a. All Use Districts

- i. Outdoor storage, minor may not encroach in the public right-of-way.
- ii. The use is not allowed to impair the ability of pedestrians to use the sidewalk. There must be a minimum of 6 feet of clear distance on the sidewalk at all times.

ACCESSORY USES

- iii. When abutting a common lot line of a residential use, a **Landscape Screen Type X** is required.

O. Outdoor Storage, Major**1. Definition**

Accessory outdoor storage of merchandise, goods, inventory, materials, equipment, or other similar items on the property of a permitted nonresidential use. Outdoor storage, major includes items that are stored on the site and not intended for immediate sale or use. Typical examples include contractor's equipment, used tires, fleet vehicles, trailers, storage of soil, mulch, stone, lumber, pipe, steel, concrete, wood, vehicles waiting repair and operable vehicle storage.

2. Standards**a. All Use Districts**

- i. Outdoor storage, major must be screened from any street with **Frontage Type X**.
- ii. When abutting a common lot line of a residential use, a **Landscape Screen Type X** is required.

P. Pedestrian Bridge or Tunnel**1. Definition**

A continuous structure which spans across (bridge) or runs under (tunnel) a public street, pedestrian way, access or service road or open space, making connection within a lot or between two adjacent lots and is intended for the passage of pedestrians only. The structure does not include the use of the structure for automobiles.

2. Standards**a. MX14 Use District**

- i. Pedestrian tunnels, buildings, parking structures and privately owned vehicular bridges and tunnels are prohibited when located above or below public streets, with the exception of tunnels for service and loading purposes.
- ii. Pedestrian bridges when located above a public street are only allowed when all the following criteria are met:
 - a) The pedestrian bridge must connect two buildings that are owned by the same owner and are operated by a common business enterprise;
 - b) The two buildings connected by the pedestrian bridge must have a combined total floor area of more than 3,500,000 square feet;
 - c) The facades of the two buildings connected by the pedestrian bridge are considered street-facing facades and must meet all of the requirements of the Form District;
 - d) The streets abutting the two buildings connected by the pedestrian bridge must meet the streetscape requirements of **Sec. XX (Streetscapes)**.

- e) The pedestrian bridge must be located at least 36 feet above the spanned public street, as measured vertically from the highest finished grade elevation of the paved surface to the lowest point of the bridge structure;
 - f) The pedestrian bridge must not exceed of 15 feet wide at any point;
 - g) At least 50% of the wall area of the pedestrian bridge must consist of transparent material; and
 - h) All requirements of **City of Atlanta Code of Ordinances, Section 138-25** must be met.
- iii. The following additional structures are allowed, even if the other use standards above are not met:
- a) One tunnel spanning the width of Linden Avenue between Peachtree Street and West Peachtree Street; provided that all requirements of **City of Atlanta Code of Ordinances, Section 138-25** are met.
 - b) One two-level pedestrian bridge spanning across Linden Avenue between Peachtree Street and West Peachtree Street which bridge must be at least 17 feet 6 inches above Linden Avenue as measured vertically from the highest finished grade elevation of Linden Avenue to the lowest point of the bridge structure; provided that all requirements of **City of Atlanta Code of Ordinances, Section 138-25** are met. The Department of Public Works and the Department of City Planning has the authority to approve signs on the bridge subject to the approval of both departments and in accordance with **Sec. XX (Signs)**.
 - c) Pedestrian bridges spanning across Luckie Street between Baker Street and Ivan Allen, Jr. Boulevard which must be at least 17 feet above Luckie Street as measured vertically from the finished grade elevation of Luckie Street to the point of the bridges structure directly above; provided that all requirements of **City of Atlanta Code of Ordinances, Section 138-25** are met. The Department of Public Works and the Department of City Planning has the authority to approve signs on the bridge subject to the approval of both departments and in accordance with **Sec. XX (Signs)**.

Q. Public Art

1. Definition

Public art is a visual, noncommercial artistic expression that is intended to be, and can be, viewed from a public right-of-way.

2. Standards

a. All Use Districts

Public art that meets the criteria outlined below may be conditionally located in any district. In keeping with the purpose and intent of this Section, the Atlanta City Council may approve a work of public art by ordinance. Such approval may not be granted unless the ordinance includes the following three preliminary certifications:

ACCESSORY USES

- a) A certification from the Director of the Bureau of Traffic and Transportation, or their designee, stating that the proposed work will not create a traffic hazard or pose an undue and dangerous distraction to motorists or pedestrians.
- b) A certification from the Executive Director of the Urban Design Commission, or their designee, stating that the proposed work does not contain, and is not primarily intended to convey, a commercial message. The name of a sponsor may be displayed on an adjacent plaque or similar display, provided it does not exceed two square feet in area; and
- c) A certification from the Director of the Bureau of Cultural Affairs, or their designee, stating that the proposed work is not inconsistent with the City of Atlanta's Public Art Program.
 - 1) If the City Council is provided with the above certifications, it may approve, conditionally or otherwise, a work of public art upon finding that the proposed installation does not negatively impact the public interest with respect to aesthetics, sign clutter, or public safety. In making this determination, the Council must consider the required certifications; the spatial relationship of the proposed work to the building or premises on which it is located and to the surrounding area; vehicular and pedestrian traffic safety; the presence of nearby signs; and the size, dimensions, and other physical characteristics of the proposed artwork.
 - 2) In applying these criteria, the Council shall not restrict or regulate the content or message of the proposed work.

R. Renewable Energy Device

1. Definition

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

DIVISION 4.6. **TEMPORARY USES**

Sec. 4.6.1. **General Provisions**

A. Permitted Temporary Uses

1. The permitted use table in **Sec. XX** establishes the allowed temporary uses and structures in each Use District.
2. Temporary uses are characterized by their short-term or seasonal nature and by the fact that permanent improvements are not made to the lot or principal structure.

B. Rules for all Temporary Uses

1. All temporary uses must follow the procedures in **Sec. XX. Temporary Use Review** unless otherwise stated in this Section.
- 2 **062** o more than 2 temporary uses will be permitted for the same lot in any calendar year. Each event or activity authorized by the Director must be separated by a period of no less than 30 consecutive days.
3. A temporary use must not have substantial detrimental impacts to neighboring properties.
4. Temporary events requiring an outdoor events permit according to **City of Atlanta Code of Ordinances, Chapter 142** are not reviewed by the Office of Zoning and Development and are not required to meet the standards of this Division.

Sec. 4.6.2. **Definitions and Standards**

A. General Temporary Event

1. Definition

A temporary outdoor amusement enterprise, exhibit, entertainment, music venue, meeting, or outdoor area for religious ceremonies, other than those requiring an outdoor events permit according to **City of Atlanta Code of Ordinances, Chapter 142**.

B. Active Construction Structure

1. Definition

A temporary structure needed for active construction projects. Typical examples include construction offices, portable toilets, security fencing, scaffolding, cranes, concrete mixers, storage sheds, and similar structures that are only on the premises until completion of construction.

2. Standards

Active construction structures may not be placed within building setbacks that are less than 20 feet.

#062

Posted by **grace212** on **09/02/2025** at **1:56pm** [Comment ID: 1632] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

This rule (2) should be removed. Regular outdoor sales activate neighborhoods!

TEMPORARY USES**C. Temporary Outdoor Sales****1. Definition**

A temporary stand, tent, or booth intended to accommodate the display and sale of products to consumers.

2. Standards**a. All Use Districts**

- i. Temporary outdoor sales is not allowed in any yard subject to a transition, frontage, or screening requirement in **Sec. XX Transitions and Screening** or **Sec. XX Use Standards**.
- ii. The use is not allowed to impair the ability of pedestrians to use the sidewalk. There must be a minimum of 6 feet of clear distance on the sidewalk at all times.
- iii. The use is not allowed to operate between the hours of 11:00 p.m. to 6:30 a.m.

CHAPTER 5.

OVERLAY DISTRICTS



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#001

Posted by **EzraKlein** on **07/22/2025** at **10:58am** [Comment ID: 1314] - [Link](#)

Suggestion

Agree: 2, Disagree: 0

Suggestion: Let's copy Barcelona and add a voluntary "PX—Pedestrian Priority (Superblock) Overlay."

The overlay would let an NPU (or cluster of property owners representing $\geq 60\%$ of street frontage) petition to convert a 3×3 block grid ($\approx 400\text{ m} \times 400\text{ m}$) into a pedestrian first zone by:

1. Re routing through traffic to the perimeter and capping internal speeds at 10 mph;
2. Re striping or raising intersections so cars must turn at every corner (standard "no straight through" geometry used in Barcelona); and
3. Reallocating one travel lane per internal street to public realm—plaza paving, benches, shade trees, rain gardens, play equipment, outdoor dining, etc.

To finance build out, permit a bonus + 0.5 FAR and + 6 ft height on perimeter parcels (those fronting the collector streets that now shoulder the diverted traffic). Projects using the bonus would pay a one time Streetscape Improvement Fee set in § 5.14.7 and earmarked for curb, paving, and interim tactical urbanism treatments (paint and planters) inside the new PX grid.

1 · Why Atlanta's code needs a block scale "switch"

- ☐ Gap in current toolkit. Draft V1 contains excellent corridor tools (BeltLine, SPI), but nothing that empowers residents themselves to calm traffic and reclaim excess pavement between arterials without a multi year capital project. A PX overlay fills that gap in one stroke: NPUs vote, Council adopts, Public Works stripes the diverters, and Planning administers the modest FAR bump—no parcel by parcel rezonings.
- ☐ Fits the historic street grid. Many intown neighborhoods (Old Fourth Ward, Summerhill, Adair Park) already follow 300 to 450 ft block patterns; a 3×3 cell folds neatly into their fabric without disturbing the wider arterial hierarchy.

2 · Documented performance from Barcelona's "Superilla" pilots

- ☐ Air quality: Nitrogen dioxide (NO_2) concentrations fell 25 % in the Sant Antoni superblock one year post conversion

<https://cities-today.com/barcelona-superblock-sees-25-percent-drop-in-pollution/>

- ☐ Noise: Daytime average sound levels dropped 4 dB after the Poblenou pilot—measurable even by residents on upper floors

<https://citychangers.org/barcelona-superblocks/>

- **Public realm:** In Poblenou, the city recorded an 80 % increase in pedestrian only space and a 48 % reduction in asphalt devoted to car movement

<https://www.iaa-mobility.com/en/newsroom/news/smart-infrastructure/superblocks-for-everyone>

- **Economic vitality:** Retail fronts inside superblocks increased from 65 to 85 (a 30 % gain) within two years, reversing fears of business decline

(source: ibid)

- **Health:** A peer reviewed exposure model scenario projects a ~200 day increase in average life expectancy city wide if Barcelona rolls out the concept at scale.

<https://www.sciencedirect.com/science/article/pii/S0160412019315223>

3 · Local transferability & safeguards

- **Traffic resilience:** Atlanta’s grid already absorbs diversion during festivals (e.g., Streets Alive). A PX grid replicates that pattern permanently but allows deliveries, emergency response, and resident access at posted 10 mph.
- **Equity:** NPU’s decide where to apply; no overlay is imposed top down. The 0.5 FAR bonus is modest—roughly one extra half story—yet large enough to fund the first wave “paint and planter” kit recommended by the Atlanta Tactical Urbanism Guide (Public Works, 2023).
- **Adaptive management:** Draft V1’s new § 9.1.6 Performance Monitoring already calls for periodic overlay evaluation. Add PX overlays to that list: if quarterly counts show cut through speeds above 15 mph, the Director may order speed table installation funded from the Streetscape Fee.

4 · Proposed code language (summary)

- **§ 5.14.1 Purpose.** Create safe, low noise, low emission neighborhood cores while allowing strategic height/FAR at the edges.
- **§ 5.14.2 Eligibility & Petition.** Any contiguous 3 × 3 block cell meeting collector street perimeter criteria; petition signed by owners of ≥ 60 % linear frontage or adopted by majority NPU vote.
- **§ 5.14.3 Required Traffic Treatments.** (i) One way diverters every internal intersection; (ii) 10 mph design speed; (iii) emergency access clearance path.
- **§ 5.14.4 Public Realm Conversion.** Minimum 20 % of paved carriageway inside PX surrendered to permeable plaza or green infrastructure surface within 24 months.
- **§ 5.14.5 Development Incentive.** Perimeter parcels may exceed base FAR by 0.5 and

height by 6 ft; no waiver of setbacks or step backs.

- § 5.14.6 Streetscape Improvement Fee. Set at \$22 per bonus square foot (parity with BeltLine Commercial Impact Fee) and held in a PX sub account for curb, tree, and tactical urbanism work.

- § 5.14.7 Monitoring & Sunset. If quarterly average internal street speeds > 15 mph for two successive counts, bonus is frozen until compliance. Overlay may sunset by Council vote after five years if targets missed.

5 · Why this belongs in Draft V1

- Scalable: Each PX overlay is only nine blocks—small enough for Public Works to stripe in weeks, yet big enough to model traffic and public health gains.

- Data proven: The Barcelona metrics cited above (25 % NO₂, 4 dB noise, + 80 % pedestrian realm) arrived before major capital upgrades—Atlanta can pilot the same “light, quick, cheap” approach first.

- Cross department alignment: Overlay leverages Draft V1’s new parking maximums (§ 8.3), Vision Zero traffic calming standards, and the Urban Tree Ordinance (2023) that already offers canopy credit for reclaimed asphalt.

Bottom line: A PX Superblock Overlay hands NPUs a self funded mechanism to calm local streets, fight emissions, and add small increments of density precisely where traffic can handle it—trading <1 additional storey of height for vastly healthier, quieter public space. That is a bargain Atlanta should write directly into Chapter 5 while the draft is still on the table.

SOURCE LIST FOR STAFF

- Barcelona Public Health Agency (ASPB) Salut als Carrers report – NO₂ ↓ 25 % in Sant Antoni

<https://cities-today.com/barcelona-superblock-sees-25-percent-drop-in-pollution/>

- CityChangers (2023) field notes – noise ↓ 4 dB after Poblenou pilot

<https://citychangers.org/barcelona-superblocks/>

- IAA Mobility case study – pedestrian space ↑ 80 %, retail fronts ↑ 30 %

<https://www.iaa-mobility.com/en/newsroom/news/smart-infrastructure/superblocks-for-everyone>

- Martínez et al., Environ. Int. (2023) – projected +200 day life expectancy if rolled out city wide

<https://www.sciencedirect.com/science/article/pii/S0160412019315223>

Reply by **SiteAdmin** on **07/23/2025** at **7:47am** [Comment ID: 1332] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for sharing this materials.

Some of these ideas cannot be accomplished through zoning, which only regulates the use and layout of new private development. For example, zoning can require a large new development sites to include blocks within them (e.g., Atlantic Station, Glenwood Park, etc.) but cannot affect existing City streets not owned by the developer.

This said, we will consider allowing pedestrian-only streets to meet the block size standards WITHIN developments under Sec. 8.3.1.

Thanks again!

DIVISION 5.1. **GENERAL PROVISIONS**

Sec. 5.1.1. **Intent**

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

Sec. 5.1.2. **Applicability**

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

Sec. 5.1.3. **Overlay Districts Established**

In order to carry out the purposes and intent of the Overlay Districts, the following districts are established.

<u>GENERAL OVERLAYS</u>		<u>ARCHITECTURAL DESIGN OVERLAYS</u>	
<u>-BL</u>	<u>Beltline</u>	<u>-D</u>	<u>Downtown</u>
<u>-CR</u>	<u>Campbellton Road</u>	<u>-FM</u>	<u>Fort McPherson</u>
<u>-CR1</u>	<u>Subarea 1: Niskey Park</u>	<u>-EA</u>	<u>English Avenue</u>
<u>-CR2</u>	<u>Subarea 2: Ben Hill Village</u>	<u>-AUC</u>	<u>Ashview Heights and Atlanta University Center</u>
<u>-CR3</u>	<u>Subarea 3: Greenbriar Town Center</u>	<u>-CP</u>	<u>Candler Park</u>
<u>-CR4</u>	<u>Subarea 4: Harbin Square</u>	<u>-BV</u>	<u>Buckhead Village</u>
<u>-CR5</u>	<u>Subarea 5: Campbellton East</u>		
<u>-ECP</u>	<u>Emory Campus Parking</u>		
<u>-MSA</u>	<u>Marietta Street Artery</u>		
<u>-UW</u>	<u>Upper Westside</u>		
<u>AFFORDABLE HOUSING OVERLAYS</u>			
<u>-H</u>	<u>Affordable Workforce Housing</u>		
<u>-WH</u>	<u>Westside Affordable Workforce Housing</u>		
<u>-WPH</u>	<u>Westside Park Affordable Workforce Housing</u>		

DIVISION 5.2. **GENERAL OVERLAYS**

Note: Provisions from this Division are in progress.

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

[Note: Beltline Overlay District regulations were previously Sec. 16-36. The reference to existing Sections is noted in brackets and in red highlighted text]

A. Findings, Purpose, and Intent

[Sec. 16-36.002.]

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

GENERAL OVERLAYS

- f. Preserve the historic physical character of the industrial districts along the Beltline by promoting adaptive re-use of historic structures and encouraging new construction to be consistent with the size, scale, or character of those buildings;
- g. 002 Ensure that new construction is compatible with the character of existing established adjacent single-unit neighborhoods;
- h. Create new mixed-use and commercial nodes at Beltline station areas that are pedestrian and transit-oriented;
- i. Create a diversified urban environment where people can live, work, shop, meet and play;
- j. Promote public health and safety by providing a pedestrian-oriented environment that includes active street-level uses, sufficient sidewalk widths, and primary pedestrian access from sidewalks to adjacent building entrances;
- k. Promote development of a wide range of housing types appropriate to meet various housing needs and income levels;
- l. Facilitate safe, pleasant and convenient pedestrian and bicycle circulation and minimize conflict between pedestrians and alternative transit modes;
- m. Provide accessible and sufficient parking in an unobtrusive manner by encouraging shared parking solutions and minimizing commercial parking in residential neighborhoods;
- n. Maximize air and water quality, including that which supports tree planting, greenspace and watershed protection, and bicycle parking; and
- o. Improve the aesthetics of street and built environments.

B. Applicability

[Sec. 16-36.001.]

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

1. The existing zoning map and underlying zoning regulations governing all properties within the BeltLine Overlay District shall will remain in full force and effect. The regulations contained within this chapter shall will be overlaid upon, and shall will be imposed in addition to, said existing zoning regulations with the exception of existing lots of record that are zoned R-1 through R-5 or Special Public Interest District any House-Scale District, N1, N2A, N2B, N4A, or any Legacy District and not located immediately adjacent to the BeltLine Corridor. Except where it is otherwise explicitly provided, whenever the following overlay regulations are at variance with said existing underlying zoning regulations, the regulations of this Section shall will apply.
2. Whenever the following regulations are at variance with historic district regulations of Ch. 6. Historic & Landmark Districts, the more stringent regulations shall will apply with the exception of regulations specific to the Beltline Corridor whereas not to impact designated historic structures or buildings.

#002

Posted by **grace212** on **09/02/2025** at **2:01pm** [Comment ID: 1633] - [Link](#)

Question

Agree: 0, Disagree: 0

What does this mean? And how does it interact with item (k)?

Reply by **SiteAdmin** on **09/16/2025** at **1:53pm** [Comment ID: 1688] - [Link](#)

Answer

Agree: 0, Disagree: 0

This is an existing provision.

C. Boundaries

[Sec. 16-36.003.]

The boundaries of the BeltLine Overlay District ~~shall~~ will be as shown on the official zoning map ~~Attachment B~~ adopted herewith entitled "BeltLine Overlay District." Any future property in which any portion of said property is located within the boundary of the BeltLine Overlay District ~~shall~~ will be subject to the full regulations set forth in this Section.

D. Administrative Procedures

[Sec. 16-36.004.]

Note: Provisions struck from this Section are covered in Chapter 9. Administration

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

1. ~~Rezoning—Pre-application: In addition to the current rezoning procedures, any applications for rezoning within the Beltline Overlay District subject area will begin with a pre-application consultation between the Applicant and the Bureau of Planning as set by the Bureau of Planning.~~
2. ~~Special administrative permit requirement and procedures: A special administrative permit (SAP) application and a specified number of copies of each site plan, landscape plan and elevation drawings of each exterior facade shall be submitted, as applicable, and approved by the director of the Bureau of Planning, under the requirements specified in section 16-25.004, prior to the issuance of a building permit.~~
 - a. ~~In addition to SAP submittal as specified above, the Applicant shall also provide to the Director of the Bureau of Planning a United States Postal Service certificate of mailing (first-class) of one copy of the full SAP application to the appropriate Neighborhood Planning Unit (NPU) Chair or their designee for the purpose of notification and comment, and also a signed affidavit of said NPU notification. Said appropriate NPU shall have a period of 21 days from the date of the said certificate of mailing to provide one set of written comments to the Bureau of Planning prior to any SAP approval.~~
 - b. ~~All exterior demolition, new construction (including additions to existing buildings), expansions of outdoor dining or any construction which results in increased lot coverage, modification of the building footprint, or modification of building façades that alters the configuration of openings, shall be subject to said site plan and building elevation approval as part of the SAP.~~
 - c. ~~Any subdivisions, consolidations and replats shall conform to any proposed City of Atlanta future street plans in addition to the requirement of Part 15 of the City Code. When a conflict arises between Part 15 and this chapter, the requirements of this chapter shall will apply.~~
 - d. ~~Where the proposed development may require one or more special administrative permits, processing by the Director of the Bureau of Planning shall include consideration of such special administrative permits. Where underlying regulations require variance, special exception or special use permit action, the special administrative permit shall not be issued until the necessary approval has been obtained.~~

- 3.—Exemptions from the special administrative permit requirement: Existing lots of record that have an underlying zoning designation of R-1 through R-5 or Special Public Interest (SPI) and not located immediately adjacent to the Beltline Corridor shall be used and constructed as is otherwise permitted pursuant to the provisions of Part 16 and shall not require the obtaining of a special administrative permit (SAP) except as required by the underlying zoning district.
 - a.—Any interior renovations or exterior repairs not explicitly set forth shall not require SAP approval. Said classes of special administrative permit applications may be exempted from detailed review requirements upon written findings that generally within these districts, the actions proposed are of such a character or of such a scale as to make detailed reviews and approval by the Planning Director unnecessary. Where applications for special administrative permits are determined by reference to such findings to be thus exempted, the permit shall be issued if otherwise lawful.

E.—Provisions for Administrative Variations from Regulations

[Sec. 16-36.005.]

Note: Provisions struck from this Section are covered in Chapter 9. Administration

As part of general action when plans require approval of a special administrative permit, the Director of the Bureau of Planning may authorize variations from regulations generally applying based on written findings that either:

- 1.—A plan proposed by an Applicant, while not strictly in accord with regulations applying generally within the district, satisfies the public purposes and intent, and provides public protection to an equivalent or greater degree; or
- 2.—In the particular circumstances of the case, strict application of a particular regulation or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at the time or in the future.
- 3.—Notation concerning the existence of such variation shall be made by written findings of SAP approval to be filed in the Office of the Bureau of Buildings as public record. Variances and special exceptions from underlying zoning regulations shall be required from the board of zoning adjustment (BZA) in cases such as minimum yards (not adjacent to the street), minimum transitional yards, minimum open spaces, maximum building height, maximum fence height, minimum parking and loading requirements and signage limitations among others.

F.—Demolition of Existing Structures and Redevelopment Requirements

[Sec. 16-36.006.]

Note: Provisions struck from this Section are covered in Chapter 2. Form Districts, Chapter 3. Rules for Form Districts, and Chapter 9. Administration.

- 1.—Any structure 50 years or older shall not be demolished for the purpose of creating open space. All requests for demolition of buildings 50 years or older shall include concept plans for the redevelopment of the property that are sufficient to obtain an SAP for the development of the new structure.

003

#003

Posted by **Jennifer Friese** on **08/29/2025** at **1:58pm** [Comment ID: 1558] - [Link](#)

Question

Agree: 0, Disagree: 0

Is this standard in one of the other sections? It would be a shame for historic preservation if its been removed.

Reply by **SiteAdmin** on **08/30/2025** at **10:22am** [Comment ID: 1559] - [Link](#)

Answer

Agree: 0, Disagree: 0

This provision was removed based on public comments. There are many cases along the Beltline and in other locations where buildings or portion of buildings 50+ years have been demolished to create outdoor amenity space, including: the courtyard at StudioPlex on Auburn, Westside Paper, The Works, and a significant number of buildings in South Downtown.

- 2.—Any property wherein 60 percent or greater of the principal building is removed or destroyed by any means shall be redeveloped in accordance with the requirements of this chapter notwithstanding any other provisions in Part 16, chapter 24 to the contrary, specifically including the installation of sidewalks and street trees.—

G. Definitions

[Sec. 16-36.007.]

Note: Provisions struck from this Section are covered in Chapter 3. Rules for Form Districts, Chapter 8. Development Standards, or Chapter 10. General Standards & Definitions

For purposes of this chapter, the following definitions shall must apply:—

- 1.—Beltline Corridor. Property located inside the Beltline Overlay District that is:
 - a.—Owned by or subject to easements owned by, leased, or otherwise in favor of the Georgia Department of Transportation or a railroad subject to the jurisdiction of the Interstate Commerce Commission Termination Act of 1995, 49 U.S.C. § 10101, et seq. and used for transit related purposes; or—
 - b.—Shown as railroad right-of-way on the City of Atlanta 200 foot scale cadastral maps as maintained by the bureau of planning as of November 20, 2006; or—
 - c.—Shown as part of the transit corridor by the Beltline Redevelopment Plan adopted by the City of Atlanta in November 2005 (and as amended by map Attachment B).—
- 2.—Immediately adjacent. Physically touching or bordering upon without an intervening right-of-way.—
- 3.—Useable open space. As defined in subsection 16-28.010(5)(a).—
- 4.—Public space. As defined in subsection 16-28.012(2).—
- 5.—Sidewalk-level. Any building floor within five vertical feet of the adjacent required sidewalk, provided supplemental zone or Beltline Corridor.—
- 6.—Street furniture and tree planting zone. The portion of a continuous sidewalk located immediately adjacent to the curb reserved for the placement of street trees and street furniture including utility and light poles, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters, bicycle racks, seating and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be a type specified by the Director of the Bureau of Planning in accordance with uniform design standards utilized by the director for placement of such objects in the public right-of-way.—
- 7.—Street trees. All newly planted street trees shall be a minimum caliper of three inches measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven feet. Trees shall have a minimum planting area of 40 square feet planted with evergreen ground cover such as mondo grass or liriope spicata or covered with hardwood mulch. Flowers and seasonal plantings may be planted in tree planting areas but shall be supplemented by hardwood mulch when not planted.— Tree grates shall be prohibited.—

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- ~~8.—Sidewalk clear zone Pedestrian Walk Zone. The portion of a continuous sidewalk located immediately contiguous to the street furniture and tree planting zone reserved for pedestrian circulation and passage and unobstructed by any permanent objects to a height of eight feet. No fixed elements, including traffic control boxes or other utility structures, shall be placed above ground in the clear zone. The clear zone shall have a consistent cross-slope not exceeding two percent.~~
- ~~9.—Supplemental zone. The area between any building, parking lot or parking structure and the back of the required sidewalk or Beltline Corridor when no intervening building exists.~~
- ~~10. Fenestration. The design and placement of windows and entrances in a building facade.~~
- ~~11.—Shared parking. Joint use of a parking area for more than one use. Note that shared parking involves parking spaces that are used at different times by different uses, to eliminate the need to meet the minimum parking requirement for each principal use.~~

E. Use Standards

[Sec. 16-36.008.]

Note: Provisions struck from this Section are covered in Chapter 4. Use Districts.

1. Permitted Uses

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

2. Prohibited Uses

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

- a. Drive-through, enclosed and drive-through, unenclosed (either as a principal or accessory use) are prohibited.

~~i.—For the purposes of this ordinance a drive-through and drive-in facility shall means:~~

- ~~a) —Drive-through facility: 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. Such facilities shall include drive-through eating and drinking establishments, drive-through establishments selling malt beverages, wine, or distilled spirits, drive-through banking establishments, drive-through dry cleaning establishments, drive-through car washing establishments, and other similar drive-through establishments.~~

005 Drive-in facility: an eating and drinking establishment 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 shall not include a facility that provides dedicated parking spots for customers to receive a single pick-up order which does not involve continual service.

- b. Fuel sales are prohibited.
- c. Data centers are prohibited.

#004

Posted by **Forrest** on **07/17/2025** at **2:48pm** [Comment ID: 1284] - [Link](#)

Question

Agree: 0, Disagree: 0

Not clear where a 1-1 definition is located. Could not located in Chapter 3. (3.13 Windows and doors)?

Reply by **SiteAdmin** on **07/18/2025** at **10:18am** [Comment ID: 1287] - [Link](#)

Answer

Agree: 1, Disagree: 0

Thank your reviewing the draft.

Are referring to "fenestration"? If so, the term is being replaced with the term "glazing," which is defined in Sec. 3.13 Windows and Doors.

#005

Posted by **Forrest** on **07/18/2025** at **1:26pm** [Comment ID: 1294] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Maintain this as a prohibited use as it is not in line with the intent of the BLO.

Reply by **SiteAdmin** on **07/20/2025** at **8:54am** [Comment ID: 1297] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for pointing this out. We will make sure drive-in restaurants remain prohibited.

d. ~~006~~ pedestrian bridges or tunnels are prohibited.

3. Permitted Accessory Uses and Structures

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

~~I. Transitional Uses and Yards~~

[Sec. 16-36.009.]

Note: Provisions struck from this Section are covered in Chapter 8. Development Standards

- ~~1. Transitional height planes: The underlying zoning requirements shall apply.~~
- ~~2. Transitional yards: Where this district adjoins an R-1 through R-5, RG-1, RG-2, MR-1, MR-2, RLC or PD-H district without an intervening street, a minimum of 20 feet is required which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of pedestrian walkways, trails, private alleys or drives up to ten feet in width. Such yards shall otherwise will be planted as approved by the City Arborist and maintained as a landscaped strip.~~
- ~~3. Screening: The underlying zoning requirements shall apply.~~

~~J. Open Space Requirements and Incentives~~

[Sec. 16-36.010.]

Note: Provisions struck from this Section are covered in Chapter 8. Development Standards

Except as provided below, open space requirements are regulated per the underlying zoning.

- ~~1. Required yards and requirements for sidewalk and supplemental zone widths which are constructed on private property may be counted towards useable open space requirements (UOSR) or public space requirements. Such space may include planted areas, fountains, community gardens, parks plazas, hardscape elements related to sidewalks and plazas, and similar features which are located on private property.~~
- ~~2. Balconies for residential units, which are enclosed on three sides or less, may be counted towards outdoor space requirements for a maximum depth of six feet.~~
- ~~3. The buffer area, as required in subsections 16-36.011(2)(a) and 16-36.011(3), may be counted toward UOSR or public space requirements even if such buffer area is dedicated to the city or other governmental entity for recreation use, conveyed to a conservation group or is subject to permanent easements for public use.~~
- ~~4. Supplemental zone area may be counted towards UOSR or public space requirements except as specified in subsections 16-36.013(1) and 16-36.013(2).~~
- ~~5. Open space incentives:~~

#006

Posted by **grace212** on **09/02/2025** at **2:04pm** [Comment ID: 1634] - [Link](#)

Question

Agree: 0, Disagree: 0

Why are pedestrian bridges prohibited? Couldn't they allow for greater connectivity?

Reply by **SiteAdmin** on **09/16/2025** at **1:52pm** [Comment ID: 1687] - [Link](#)

Answer

Agree: 0, Disagree: 0

Because they remove people from the sidewalk.

This is an existing prohibition.

GENERAL OVERLAYS

- a. ~~New streets incentive: New public streets, or private streets which function as public streets, may be counted towards UOSR and public space requirements provided the following criteria are met:~~
 - i. ~~Connects two other public streets or private streets not currently directly connected; and~~
 - ii. ~~Meets the sidewalk requirements of section 16-36.012; and~~
 - iii. ~~When adjacent to a park area, new streets shall meet all above requirements along each park edge; and~~
 - iv. ~~Gates shall not be permitted across said streets.~~
- b. ~~Connectivity incentive: Developments which provide connectivity across public rights-of-way which do not provide pedestrian access, such as railroads and freeways, may be permitted by the Director of the Bureau of Planning to be counted towards UOSR or public space requirements provided the following criteria are met:~~
 - i. ~~Said connectivity shall be achieved through the use of public streets, private streets which function as public streets, pedestrian walkways or shared use paths; and~~
 - ii. ~~Meets the sidewalk requirements of section 16-36.012 for new streets; or~~
 - iii. ~~Shared use paths shall be a minimum width of 15'-0"; and~~
 - iv. ~~Streets and shared use paths shall connect to other public streets and shared use paths or parks.~~
- c. ~~On-street parking incentive: New on-street parking may be counted towards UOSR or public space requirements provided the following criteria are met:~~
 - i. ~~No on-street parking currently exists in the public right-of-way adjacent to the project area for which credit is sought; and~~
 - ii. ~~The new on-street parking is located where there is no existing street lane; and~~
 - iii. ~~All new on-street parking shall be accessible to the general public; and~~
 - iv. ~~Sidewalk extensions are provided at street intersections as applicable; and~~
 - v. ~~All other sidewalk requirements of this chapter are met.~~

F. Site Standards

[Sec. 16-36.011.]

Note: Provisions struck from this Section are covered in Chapter 2. Form Districts or Chapter 8. Development Standards

Except as provided below, ~~development controls~~ development standards are regulated per the underlying zoning.

- 1. ~~Site plans must conform to any proposed City of Atlanta future street plans to limit block sizes and enhance connectivity, unless granted an Administrative Variation in accordance with Ch. 9-Administration. Said future street plans will supplant any other block face requirements.~~

1. Properties adjacent to a public space such as a park space, greenway trail or railroad right-of-way (but not the BeltLine Corridor) ~~shall~~ must meet the following requirements:
 - a. ~~Shall~~ Must have a minimum 20-foot wide buffer along the ~~property lot~~ line adjacent to said public space in existence or proposed by the City. Said buffer ~~shall~~ must be completely landscaped excluding walkways, benches and other such recreational features as approved by the Director ~~of the Bureau of Planning~~.
 - b. ~~Shall~~ Must not locate off-street surface parking lots or loading docks between any building and said public space except in cases where meeting this would require the development to be in conflict with ~~the requirements of section 16-36.014 or section 16-36.018 other requirements of this Section.~~
 - c. ~~Shall~~ Must include an entrance to all adjacent uses which:
 - i. ~~Shall~~ Must face and be visible from said public space.
 - ii. ~~Shall~~ Must be directly accessible from said public space.
2. Properties adjacent to the BeltLine Corridor:
 - a. ~~Shall~~ Must have a minimum 20-foot wide buffer along any part of the property adjacent to the BeltLine Corridor. Said buffer ~~shall~~ must be completely landscaped excluding walkways, benches and other such recreational features as approved by the Director ~~of the Bureau of Planning~~ except as specified below.
 - b. ~~Shall~~ Must meet the requirements of subsection **Sec. XX. Site Standards** above except as specified below.
 - c. Any property within or adjacent to the BeltLine Corridor that is being used for transportation purposes or any property that has been acquired primarily for non-transportation use prior to November 20, 2006 ~~shall~~ will not be regulated by this Section. However, any property within the BeltLine Corridor ~~shall~~ will be governed by this section if either:
 - i. Acquired in fee simple or under a long-term ground lease after November 20, 2006; or
 - ii. Ceases to be used for presently active operational transit purposes after the date of the Zoning Ordinance.
3. Public or private access paths to connect to any existing or proposed greenway trails, including the BeltLine, ~~shall~~ must be built to a minimum paved width of 15' for two-directional bicycle and pedestrian use.
- ~~5. Drive-through service windows, drive-in facilities and associated queuing areas shall not be located between a building and the street, unless otherwise prohibited by the underlying zoning. Such facilities shall also be limited to two drive-through or drive-in facilities and two queuing lanes.~~
- ~~6. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between a building and the street, unless otherwise prohibited by the underlying zoning.~~

GENERAL OVERLAYS

4. Storage, digital industry switchboards, power generators and other relay equipment and rooms housing such equipment ~~shall are~~ permitted, with the exception of a minimum depth of 20 feet of ~~any sidewalk-level ground floor~~ street frontage beginning at any building facade along the public sidewalk.
5. Parking within a building or structure, structures ~~shall will~~ be permitted subject to meeting ~~all other~~ requirements in the Zoning Ordinance.
- ~~9. Sidewalk and supplemental zone minimum width requirements as specified in sections 16-36.012 and 16-36.013 shall supplant any minimum setback requirements for any yards immediately adjacent to any public or private street.~~
6. Properties adjacent to the BeltLine corridor or any railroad right-of-way with an existing or proposed multi-use trail ~~shall must~~ meet the following requirements:
 - a. ~~Shall Must~~ have a minimum 20-foot wide buffer along the property line adjacent to said public space in existence or proposed by the city. Said buffer ~~shall must~~ be completely landscaped excluding walkways, benches and other such recreational features as approved by the Director of the Office of Zoning and Development. ~~Provided the buffer meets the requirements of~~ Sec. XX. Outdoor Amenity Space, a development may count this buffer area as part of the required open outdoor amenity space ~~or public space~~ for the lot, even if such setback area is dedicated to the City or other governmental entity for recreation use or such buffer area is conveyed to a conservation group.
 - b. ~~Shall Must~~ provide a new public access street (or streets) in accordance with the BeltLine Street Framework Plan, unless granted a variation in accordance with Chapter 9. Administration.
 - c. ~~Shall Must~~ not locate ~~off-street on-site~~ parking areas or loading docks between any building and said space except in cases where meeting this would require the development to be in conflict with the requirements of this Section.
 - d. ~~Shall Must~~ include an entrance entry feature to all adjacent uses which:
 - i. ~~Shall Must~~ face and be visible from the BeltLine Corridor, park space, greenway or any railroad right-of-way with an existing or proposed multi-use rail-trail.
 - ii. ~~Shall Must~~ be directly accessible from said space from the BeltLine Corridor park space, greenway, abandoned rail line or any railroad right-of-way line with an existing or proposed multi-use rail-trail.
- ~~11. Properties within 500 feet of the Beltline Corridor with a proposed data center use shall must meet the following requirements:~~
 - a. ~~Data centers that are not a part of a unified plan shall not exceed 150,000 square feet floor area per floor:~~
 - i. ~~Shall not be located within 2,000 feet of another data center.~~
 - ii. ~~Must obtain a special use permit.~~
 - b. ~~Data centers that are a part of a unified development plan:~~

- ~~i. Shall not require a special use permit.~~
- ~~ii. Shall not exceed 300,000 square feet per floor in floor area.~~
- ~~iii. Shall not be located within 2,000 feet of a data center not a part of a unified plan.~~
- ~~c. Art or green walls, or architecturally treated custom precast concrete may be installed along blank walls facing public right-of-way or Beltline Corridor in lieu of meeting fenestration requirements.~~
- ~~d. Parapets, cornices, and other design features can be used to articulate roof lines.~~
- ~~e. For new construction:~~
 - ~~i. For every 75 feet of building length on a single face, there shall be a variation in the exterior to include but not limited to projections, recesses, changes in patterns or materials, or green walls.~~
 - ~~ii. Buildings with facade(s) facing the public right-of-way or the Beltline Corridor shall architectural articulation and architectural design elements of the facade(s) up to the first three levels of the building or within a minimum height of 24 feet as measured from the sidewalk level ground floor. Architectural articulation and architectural design elements such as a variety in facade treatment, materials, textures, colors and/or window and door patterns to provide visual interest are allowed.~~
 - ~~iii. Barb-wire, chain link coated and uncoated or razor wire fencing is prohibited.~~
 - ~~iv. Aluminum siding and synthetic stucco is prohibited.~~
 - ~~v. Mechanical equipment shall be located in the side or rear yard of the principal structure and where possible in the location least visible from a public street or park. Screening with appropriate plant material or fencing is required if the equipment is visible from a public right-of-way or park.~~
- ~~f. For converted buildings:~~
 - ~~i. Only buildings older than 50 years may be converted.~~
 - ~~ii. Barb-wire, coated or uncoated chain link fence, or razor wire fencing is prohibited.~~
 - ~~iii. Architectural articulation and architectural design elements such as a variety in facade treatment, materials, textures, colors and/or window and door patterns to provide visual interest are allowed.~~

L. Sidewalks

[Sec. 16-36.012.]

Note: Provisions from this Section are covered in Chapter 2. Form Districts or Chapter 8. Development Standards

Public sidewalks shall be located along all public streets and shall must have the minimum widths specified in the Beltline Sidewalk and Supplemental Zone Table. Sidewalks shall must consist of two zones: A street furniture and tree planting zone amenity zone; and a pedestrian walk zone. The

GENERAL OVERLAYS

following regulations shall must apply to all public sidewalks:-

- 1.—Paving materials: All sidewalk paving shall must be a type specified by the Director of the Bureau of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way.-
- 2.—Street trees: are required as indicated in the Beltline Sidewalk and Supplemental Zone Table.- Street trees shall must be planted a maximum of 30 feet on center within the street furniture and tree planting zone amenity zone and spaced equal distance between street lights. All plantings, planting replacement and planting removal shall will be approved by the City Arborist. The area between required plantings shall will either be planted with evergreen ground cover such as mondo grass or liriope spicata or shall will be paved as approved by the Director of the Bureau of Planning.-
- 3.—Decorative pedestrian lights: Where appropriate, shall must be placed at a maximum of 60 feet on center and spaced equidistant between required street trees within the street furniture and tree planting amenity zone. All said lights shall be Atlanta Type "C" or other as approved by the Director of the Bureau of Planning.-
- 4.—Objects in the street furniture and tree planting amenity zone: Trash receptacles, benches, bike racks or other similar elements shall must be placed within the street furniture and tree planting amenity zone and be a type specified by the Director of the Bureau of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way. Awning, canopies or similar elements shall will be prohibited within the street furniture and tree planting amenity zone.-
- 5.—Visibility at intersections: Nothing shall must be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections, as measured from the curb, between the heights of two and one-half 2 and ½ feet and eight 8 feet above grade. See subsection 16-28.008(9): Visibility at intersections.-
- 6.—Overhead utilities: Upon redevelopment of a parcel lot reasonable efforts shall must be made to place utilities underground or to the rear of structures.-

M. Supplemental Zone

[Sec. 16-36.013.]

Note: Provisions from this Section are covered in Chapter 2. Form Districts or Chapter 8. Development Standards

The supplemental zone shall have the minimum widths specified in the Beltline Sidewalk and Supplemental Zone Table.-

- 1.—The supplemental zone shall be no more than 30 inches above the adjacent public sidewalk for a minimum linear distance of 15 feet from the nearest edge of the adjacent sidewalk or Beltline Corridor unless existing topographical considerations render this requirement unreasonable.-
- 2.—Plazas, terraces, porches and stoops within the supplemental zone shall have a maximum finished floor height of 30 inches above finished grade unless existing topographical considerations render this requirement unreasonable.-

3. ~~Requirements for supplemental zones:~~
 - a. ~~Adjacent to all uses: Shall provide a pedestrian walkway with a minimum width of four feet through said supplemental zone to connect to the adjacent required sidewalk. Said walkway shall be perpendicular to the street unless topography prohibits.~~
 - b. ~~Adjacent to sidewalk-level residential uses:~~
 - i. ~~Said zone shall be landscaped except for terraces, porches, stoops and walkways.~~
 - ii. ~~For all such buildings with more than four residential units: Shall be permitted to share said required pedestrian walkway with one adjacent unit.~~
4. ~~Fences and walls: shall only be allowed in the supplemental zone when meeting the following regulations:~~
 - a. ~~For all sidewalk-level residential and outdoor dining uses (including adjacent to the Beltline Corridor):~~
 - i. ~~Fences shall not exceed 42 inches in height.~~
 - ii. ~~Walls shall not exceed 24 inches in height unless existing topography requires a retaining wall of greater height.~~
 - iii. ~~Outdoor dining may be separated from the sidewalk only with movable planters, fencing, or similar barriers provided they do not exceed a height of 36 inches including any plant material.~~
 - b. ~~For all other non-residential sidewalk-level uses: fencing is prohibited.~~
5. ~~Supplemental zones providing a depth of 15 feet or less shall not be counted towards UOSR or public space requirements unless all sidewalk-level non-residential uses are visible and accessible from the adjacent sidewalk by the general public.~~
6. ~~Supplemental zones providing a depth greater than 15 feet shall be counted towards UOSR or public space requirements only when the following additional requirements are met:~~
 - a. ~~Shall permit and allow pedestrians to walk on a minimum of 80 percent of the surface of the supplemental zone excluding fountains, pedestrian furniture, public art and similar elements.~~
 - b. ~~When adjacent non-residential sidewalk-level uses are provided, all sides of buildings fronting said zone meet the requirements of subsection 16-36.014(7).~~

Sidewalks*		Supplemental Zone	
Street Furniture and Tree Planting Minimum Width	Sidewalk Clear Minimum Width	Minimum Width	Street Trees in Street Furniture and Tree Planting
5 feet	10 feet	0 or 5 feet**	Required 30' apart on-center
* Within 20 feet of an abutting an R, R-G, MR, PD-H, or LW District without an intervening street or railroad right-of-way, the sidewalk area shall taper as necessary to provide a smooth transition to the existing R, R-G, MR, PD-H, LW District sidewalk. In the event that the abutting district has no existing sidewalk, the sidewalk shall will taper to a width of six 6 feet.			
** Five feet minimum required when located adjacent to sidewalk-level residential uses or located along streets which function as an arterial or collector; otherwise no supplemental zone requirement.			

G. Relationship of Building to Street Building Standards

[Sec. 16-36.014.]

Note: Provisions from this Section are covered in Chapter 2. Form Districts or Chapter 8. Development Standards

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

~~a. For residential uses:~~

- ~~i. All such buildings, except assisted living, with more than four residential units shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, supplemental zone, terrace, porch, plaza, or park adjacent to the sidewalk.~~
- ~~ii. Said buildings shall have porches, stoops or wheelchair access at each sidewalk-level entrance.~~

~~b. For non-residential uses:~~

- ~~i. Shall remain unlocked during business hours.~~
 - ~~ii. Shall be at-grade with the closest portion of the adjacent required sidewalk.~~
- ~~4. All residential uses not located at sidewalk-level shall have pedestrian access to the required public sidewalk via a lobby fronting and accessible from said sidewalk.~~
 - ~~5. A street address number shall be located directly above or beside the primary building and business establishment entrances, shall be clearly visible from the sidewalk, and shall must have a minimum height of six 6 inches.~~
 - ~~6. No walls, except retaining walls, shall be located between a public street, private street or Beltline Corridor and any building, with the exception of screening for authorized off-street loading areas. Retaining walls shall be finished poured concrete or shall be faced with stone, brick or smooth stucco. See subsection 16-29.001(25).~~
 - ~~7. Fences and walls shall must meet the following regulations:~~
 - ~~a. For all uses not adjacent to a street or Beltline Corridor: Fences and walls not exceeding six feet in height may be erected.~~

- b. ~~No barbed wire, razor wire, uncoated chain link fence or similar elements shall will be visible from any public plaza, sidewalk-level outdoor dining area, the Beltline Corridor or any other public right-of-way.~~
8. ~~Fenestration: Shall be provided at the minimum percent as specified herein and in the Beltline: Fenestration Table. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Tinted glass shall have a transmittance factor of 50 percent or greater and shall have a visible light reflectance factor of ten or less. For additional parking deck requirements see subsection 16-36.017(3).~~
- a. ~~Street-fronting non-residential uses along the Beltline Corridor and along streets that function as arterial streets and collector streets shall meet the following sidewalk-level requirements, with the exception of churches and fire stations:~~
- i. ~~The length of facade without intervening fenestration or entryway shall not exceed 20 feet.~~
- ii. ~~Fenestration and entrances shall be provided for a minimum of 65 percent of the length of all street frontages:~~
- a) ~~Beginning at a point not more than three feet above the sidewalk, to a height no less than ten 10 feet above the sidewalk; or~~
- b) ~~Beginning at the finished floor elevation to a height no less than ten feet above the finished floor elevation when the finished floor elevation is three or more feet above the sidewalk; or~~
- c) ~~Beginning at a point not more than sidewalk level, to a height no less than ten feet above the finished floor elevation when the finished floor elevation is below the sidewalk.~~
- b. ~~Street and Beltline Corridor fronting residential uses and non-residential uses along local streets, with the exception of churches and fire stations: Fenestration and entrances shall be provided for a minimum of 30 percent of the length of all street frontages.~~
- c. ~~Such buildings shall have windows at sidewalk level on each frontage facade which are substantially similar in size to the sidewalk level front facade windows.~~

Beltline: Fenestration Table			
Street or Corridor Classification			
USE	Arterial or Collector	Local	Beltline Corridor
Residential	30% minimum length	30% minimum length	30% minimum length
Non-Residential*	65% minimum length	30% minimum length	65% minimum length
*No minimum fenestration requirement for churches and fire stations.			

O. Signage

[Sec. 16-36.015.]

Note: Provisions from this Section are covered in Chapter 8. Development Standards

Refer to section 16-28A. Sign Ordinance for regulations pertaining to the underlying zoning category.

P. ~~Loading Areas, Loading Dock Entrances and Building Mechanical and Accessory Features~~

[Sec. 16-36.016.]

Note: Provisions from this Section are covered in Chapter 8. Development Standards

1. ~~Dumpsters and loading areas: Shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, sidewalk-level outdoor dining area, public sidewalk, public right-of-way or Beltline Corridor. In addition, dumpsters and loading areas serving residential uses shall be enclosed with opaque walls not less than six feet in height.~~
2. ~~Loading dock entrances for nonresidential uses. Loading dock entrances for nonresidential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way or Beltline Corridor.~~
3. ~~Building mechanical and accessory features:~~
 - a. ~~Shall be located to the side, rear, or roof of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way.~~
 - b. ~~When located on rooftops shall be incorporated in the design of the building and screened with building materials similar to the building.~~
 - c. ~~Shall not be permitted between the building and any public street.~~

Q. ~~Driveway Curb Cuts, Driveways and Parking Structures~~

[Sec. 16-36.017.]

Note: Provisions from this Section are covered in Chapter 8. Development Standards

1. ~~Driveway curb cuts:~~
 - a. ~~Shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the Commissioner of Transportation.~~
 - b. ~~Shall not be permitted on any street that functions at the location on the right-of-way in question as an arterial street or collector street when access may be provided from a local street with the exception of hotels and hospitals.~~
 - c. ~~All sidewalk paving materials shall be continued across any intervening driveway curb cut at the same prevailing grade and cross slope as the adjacent sidewalk clear.~~
 - d. ~~Shall have a band of textured concrete adjacent to the street which is in-line and equal in width to the street furniture zone and shall have a textured band of concrete adjacent to the sidewalk which is in-line with the supplemental zone with a minimum width of five feet from the sidewalk or such standard as developed by the Department of Transportation.~~
 - e. ~~Maximum permitted number of driveway curb cuts for each development, subject to the provisions of subsection 16-25.002(3):~~
 - i. ~~Developments with only one street frontage, which is less than 300 feet in length: One;~~

- ii. ~~Developments with only one street frontage, which is greater than or equal to 300 feet in length: Two;~~
- iii. ~~Developments with more than one street frontage: One located on each street frontage;~~
- iv. ~~For the purposes of this section, two curb cuts serving two one-way driveways shall must only be counted as one curb cut.~~

2. ~~Driveways:~~

- a. ~~Driveways or circular drives, except to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street with the exception of hotels, hospitals, childcare centers, kindergartens and special schools, subject to provisions in subsection 16-25.002(3).~~
- b. ~~All contiguous sidewalk-level residential units shall share one common drive, located in rear yards or side yards without street frontage, to serve garages and parking areas.~~
- c. ~~Independent driveways are not required for single and two-family dwellings or when access is provided by a private alley.~~
- d. ~~Notwithstanding the provisions of subsection 16-28.006(10), the Director of the Bureau of Planning may authorize a common or joint driveway when adjacent lots have direct vehicular access to a street or a driveway from a private street which functions as a public street based on traffic considerations when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such agreement is provided to the Bureau of Planning.~~

3. ~~Parking structures either principal or accessory use: In addition to Section 16-28.028 the following regulations shall apply:~~

- a. ~~When located immediately adjacent to the Beltline Corridor, any public right-of-way, public park, private street or adjacent R-1 through R-5, RLC, R-G, MR, PD-H District:~~
 - i. ~~Shall be delineated to, and including, the third story above the sidewalk-level executed through windows, belt courses, cornice lines or similar architectural detailing and shall conceal automobiles from view. Said structure shall have an appearance similar to that of the adjoining or attached residential, commercial or mixed-use structure.~~
 - ii. ~~Parking structure facades shall have openings screened with mesh or decorative panels, tinted or sandblasted glass, or similar screening elements so as to prevent views into the parking structure.~~
 - iii. ~~Parking decks shall be illuminated with uplighting or shall contain shielded internal light bulbs to eliminate light spillage outside the structure. See section 16-36.018 for additional lighting requirements.~~
- b. ~~Along all facades not along the Beltline Corridor, any public right-of-way, public park, or private street: Shall provide a continuous landscaped strip between the structure and property line to be planted as indicated in subsection 16-36.017(3)(c)(i) below.~~
- c. ~~Facades along the Beltline Corridor, any public right-of-way, public park, or private street:~~

GENERAL OVERLAYS

- i. ~~Shall meet the facade treatment requirements as applicable in subsection 16-36.012(5) unless topographic considerations render this requirement unreasonable. In such case, a continuous minimum five feet wide landscaped strip shall be provided between the structure and the public sidewalk, except at ingress and egress points into the structure. Said landscaped strip shall be planted with street trees spaced a maximum distance of 20 feet on center, as defined in section 16-36.007. The landscape strip shall also be planted with evergreen ground cover such as mondo grass, liriope spicata, ivy or evergreen shrubs with a maximum mature height of 24 inches. All plantings, planting replacement and planting removal shall be approved by the City Arborist.~~
- ii. ~~Shall meet an active-use depth requirement from said parking structure facade at sidewalk-level floor, except at ingress and egress points into said parking structures. When two or more floors meeting the definition of sidewalk-level exist within the same building, this requirement shall only apply to the frontage of each floor located within five vertical feet above or below the grade of the adjacent sidewalk. For the purposes of this chapter active uses shall be serviced by plumbing, heating, and electricity and are limited to residential, retail, eating and drinking establishments, museum, gallery, office, institutional, auditorium, library, hotel lobby, or cultural facility uses, and shall not include parking, non-residential storage areas, driveway or queuing lanes parallel to the adjacent street. Minimum active-use depths shall be provided as follows:~~
 - a) ~~Residential uses: Minimum depth of ten feet.~~
 - b) ~~All other uses (as specified above): Minimum depth of 20 feet.~~
- 4. ~~All developments, including parking decks, shall have walkways a minimum width of four feet connecting ground-level parking to the public sidewalks and to all building entrances.~~
- 5. ~~Entrances to garages and carports that serve a single residential unit, and which are located less than 20 feet behind the facade of the principal structure, shall face the rear yard or a side yard which has no street frontage.~~
- 6. ~~Drop-off lanes: Where on-street parking is provided, certain parking spaces may be utilized as drop-off spaces, when permitted by the Commissioner of Public Works. Drop-off spaces or lanes are otherwise prohibited.~~

R. Lighting, Security, and Maintenance Requirements

[Sec. 16-36.018.]

Note: Provisions struck this Section are covered in Chapter 8. Development Standards

- 1. ~~All lighting, including all parking decks and lots, loading areas, and lit canopies, shall reduce light spillage onto adjacent residentially used properties by providing cutoff luminaries that have a maximum 90-degree illumination.~~
- 2. ~~All lighting that up-lights trees, buildings or other elements, shall be located a minimum height of eight feet above the sidewalk, driveway or pedestrian area when not located within completely landscaped areas.~~

S. Minimum Landscaping Requirements for Surface Parking Lots

[Sec. 16-36.019.]

Note: Provisions struck this Section are covered in Chapter 8. Development Standards

The requirements of City of Atlanta Code of Ordinances, chapter 158 vegetation, article II, tree protection, section 30, parking lot requirements shall apply to this district in addition to the street tree planting requirements, with additional requirements as follows:-

1. Said surface parking lot requirements shall apply to all lots regardless of size;-
2. Existing parking lots shall not be required to reduce the number of parking spaces by more than three percent as a result of implementing the following surface parking lot landscaping regulations:-
 - a. All parking bays shall be terminated with a landscape strip a minimum width of five feet and equal to the length of the parking bay.-
 - b. All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum mature height of 30 inches; and-
 - c. All required landscaped buffer strips, regardless of length, shall have a minimum of one tree planted per 30 feet of length with a minimum caliper of two and one-half inches.-

T. Off-Street Parking and Loading Requirements

[Sec. 16-36.020.]

Note: Provisions from this Section are covered in Chapter 8. Development Standards

In addition to the provisions of subsection 16-28.008(7), which shall apply and are incorporated herein the following parking requirements shall apply to all permitted uses. (See also sections 16-28.013 and 16-28.014.)-

1. Minimum parking: The number of off-street parking spaces required shall be as followings:-
 - a. For residential uses: Determined by the underlying zoning and any applicable provisions of section 16-28.014, but not more than one space per dwelling units.-
 - b. For non-residential uses: Determined by the underlying zoning and any applicable provisions of section 16-28.014.-
2. Maximum parking: No development, unless granted a special exception by the Board of Zoning Adjustment or subject to "2.c" below, shall have parking in excess of:-
 - a. For residential uses:
 - i. One space per each one-bedroom unit.-
 - ii. Two spaces per each two or greater bedroom unit.-
 - b. For non-residential uses: The greater of the following either:-
 - i. Ten spaces greater than the minimum parking required; or-

GENERAL OVERLAYS

- ii. ~~Twenty-five percent greater than the minimum parking required.~~
 - iii. ~~When the underlying zoning has no minimum requirement, one space per 300 square feet of floor area shall be used to determine conformance with "2.b.i" and "2.b.ii" immediately above.~~
- c. ~~High capacity transit maximums. Paragraphs "2.a" and "2.b" immediately above shall not apply to developments subject to the high capacity transit parking requirement of section 16-28.014(14).~~
- d. ~~The parking maximums of paragraph "2" immediately above shall not include newly created on-street parking along a public street or private street built to public standards.~~
- 3. ~~Minimum loading: The number and size of off-street loading spaces required shall be determined by the underlying zoning.~~
- 4. ~~Shared parking and loading:~~
 - a. ~~Reduction of on-site parking required may be granted by administrative variation subject to evidence of a shared parking arrangement within 600 feet of the property and not located either:~~
 - i. ~~Within districts R-1 through R-5, RLC or PDH; and~~
 - ii. ~~Immediately adjacent to single-family dwellings in districts RG-1, RG-2, MR-1 and MR-2.~~
 - iii. ~~Said evidence of a shared parking arrangement shall include the following:~~
 - a) ~~A to-scale map indicating location of proposed parking spaces; and~~
 - b) ~~Written consent of property owners agreeing to the shared parking arrangement; and~~
 - c) ~~Copies of parking leases. Renewed leases shall be filed with the Bureau of Planning. Failure to file or lapse of such required lease agreement with the Bureau of Planning shall terminate said shared parking arrangement.~~
 - b. ~~Reduction of on-site loading required is authorized as provided for in section 16-28.15.~~
- 5. ~~Off-street surface parking lots:~~
 - a. ~~Shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking during non-normal business hours by compliance with the parking requirements of the underlying zoning.~~
 - b. ~~Shall not be located between a building and the street without an intervening building.~~
 - c. ~~No portion of any parcel on which a building has been demolished, destroyed, or otherwise removed shall be utilized for an independent primary park-for-hire surface parking lot.~~
- 6. ~~For office uses:~~
 - a. ~~All developments shall reserve and designate at least five percent of the employee parking spaces "Carpool Only." Such spaces shall be located near the building's employee entrance or~~

~~other preferable locations within the employee parking areas as approved by the director of the bureau of traffic and transportation.~~

- ~~b. All new parking structures shall be built to accommodate vanpool access at entry level. The minimum ceiling height for vanpools is eight feet two inches.~~

U. Off-Street Bicycle Parking

[Sec. 16-36.021.]

Note: Provisions from this Section are covered in Chapter 8. Development Standards

See section 16-28.014(6), Bicycle parking requirements.

V. Pedestrian Bridges and Tunnels

[Sec. 16-36.022.]

Note: Provisions from this Section are covered in Chapter 4. Use Districts and moved to a different part of this Section.

- ~~1. Bridges, tunnels, buildings, and parking structures are prohibited when located above or below the Beltline Corridor, public streets, private streets which function as public streets, or other public rights-of-way unless granted an administrative variation subject to the following:
 - ~~a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, topography, subsurface conditions, or overhead structures; and~~
 - ~~b. Such conditions are peculiar to the property in question; and~~
 - ~~c. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.~~~~

H. Relief

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

007

Sec. 5.2.2. Campbellton Road (-CR)

[Note: Campbellton Road Overlay District regulations were previously Sec. 16-43. The reference to existing Sections is noted in brackets and in red highlighted text]

A. Findings, Purpose, and Intent

[Sec. 16-43.002.]

- 1. The City finds that Campbellton Road is a corridor of residential, commercial, and mixed-use land uses that serves as the main street of southwest Atlanta. Campbellton Road has been identified as an economic development priority area and is in the Campbellton Road Tax Allocation District (TAD). Historically the corridor has served the established neighborhoods of Adams Park, Arlington Estates, Ashley Courts, Baker Hills, Ben Hill, Ben Hill Acres, Ben Hill Forest, Ben Hill Pines, Ben Hill Terrace, Bonnybrook, Brentwood, Briar Glen, Butner/Tell, Campbellton Road,

#007

Posted by **Kirsten** on **09/02/2025** at **6:24pm** [Comment ID: 1661] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

I would suggest adding a Transit-Oriented Development Overlay around existing and proposed transit stops to more intentionally apply equitable TOD form and use standards to applicable areas, rather than the blanket 1/2-mile radius around stations mentioned elsewhere in the code.

Reply by **SiteAdmin** on **09/03/2025** at **4:26pm** [Comment ID: 1672] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your input.

GENERAL OVERLAYS

Cascade Green, Continental Colony, Deerwood, Elmco Estates, Fairburn, Fairburn Tell, Fairway Acres, Fort Valley, Greenbriar, Greenbriar Village, Heritage Valley, Huntington, Kings Forest, Lake Estates, Laurens Valley, Meadows, Meadowbrook Forest, Mellwood, Mt. Gilead Woods, Niskey Cove, Niskey Lake, Old Fairburn Village, Pamona Park, Princeton Lakes, Rue Royal, Sandlewood Estates, Southwest Canopy Overlook, Tampa Park, Venetian Hills, Wildwood Forest, and Windsor Forest and now serves newer neighbors in the City of South Fulton and the City of East Point.

2. To ensure that ~~the growth envisioned in Atlanta City Design~~ is in keeping with the needs and desires of residents there is a need for special consideration to ensure that future development and redevelopment within this area reflect a mixture of uses that promote the public health, safety, and welfare. In establishing this overlay district, the City intends to anticipate, and restrict or encourage as may be appropriate, certain uses as well as the size and scale of those uses, in a manner that:
 - a. Is consistent with the Comprehensive Development Plan; and
 - b. Properly balances increasing residential and retail uses with the district's ongoing commercial and mixed-use development; and
 - c. Provides greater regulation of businesses within the district that attract large numbers of people working and living on and along the corridor.

B. Applicability

[Sec. 16-43.001.]

Note: Provisions struck in this Section are covered in Chapter 1. Introduction and Division 5.1. General Provisions

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

~~These regulations constitute the Campbellton Road Overlay District. The scope of these regulations are as follows:-~~

- ~~1. The existing zoning map and underlying zoning regulations governing all properties within the Campbellton Road Overlay District shall remain in full force and effect. The regulations contained within this chapter shall be overlaid upon, and shall be imposed in addition to, these existing zoning regulations. Whenever the following overlay regulations vary from the existing underlying zoning regulations, the regulations of this chapter 43 shall apply:-~~

C. Use Standards

[Sec. 16-43.003.]

1. The following uses are prohibited:
 - a. General supervised group living;
 - b. Cemetery;
 - c. Adult establishment uses;

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

The following use restrictions and regulations shall will apply to all property within this district:-

~~1.—Prohibited uses:—~~

- ~~a.—Adult businesses as defined in section 16-29.001(3). See section 16-28.016 for locational requirements;—~~
- ~~b.—Any establishment offering check cashing services pursuant to a license issued pursuant to Article 4A of Title 7 of the Official Code of Georgia or that loans money to the public except for any state or federally chartered bank, trust company, credit union, savings and loan association, or savings bank with deposits that are federally insured;—~~
- ~~c.—Automobile service stations including locations where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied, sold, or dispensed at retail in connection therewith or where general automotive servicing is performed;—~~
- ~~d.—Automotive repair garages, paint tire and body repair shops, auto parts retail stores, or carwashes (handwashing or automated);—~~
- ~~e.—Barber shops, beauty shops, beauty supply, manicure shops and similar personal service establishments;—~~

GENERAL OVERLAYS

- ~~f.—Cemetery, mausoleum, or mortuary;~~
- ~~g.—Convenience stores meaning a small retail establishment stocked to sell primarily prepackaged food items, but may also sell alcoholic beverages, periodicals, and other household supplies to customers who purchase relatively few items per visit;~~
- ~~h.—Package store as defined in section 10-1, provided that two wine specialty shop and two brewpubs and are permitted in Subarea 1 and 2 and that one wine specialty shop and one brewpub is permitted in Subarea 5;~~
- ~~i.—New and used car sales, including other motorized vehicles such as mopeds and motorcycles;~~
- ~~j.—Nightclubs as defined by section 10-1;~~
- ~~k.—Small discount variety stores; and~~
- ~~l.—Supportive housing.~~

~~D. Variances~~

[Sec. 16-43.004.]

Note: Provisions from this Section are covered in Chapter 8. Development Standards

~~There shall be no variances to the transitional height plane.~~**~~E. Sidewalks and Relationship of Building to Street~~**

[Sec. 16-43.005.]

Note: Provisions from this Section are covered in Chapter 8. Development Standards

- ~~1.—Public sidewalks shall be located along all public streets and shall meet the sidewalk requirements for MRC zoning districts provided in section 16-34.012.~~
- ~~2.—Utilities shall be located below ground, provided that such location is not in violation of the policies of utility regulated by the public service commission or otherwise regulated by state law and/or franchise agreement.~~

~~D. Subarea 1. Niskey Park: Relationship of Building to Street~~

[Sec. 16-43.006.]

Note: Provisions struck from this Section are moved to another place in this Section or covered in Chapter 8. Development Standards

- ~~1.—Drive-through uses.~~
 - ~~a.—Drive-through uses, including service windows, drive-through structures, and associated queuing, are prohibited when located within 100 feet of Campbellton Road, measured in a straight line from the closest edge of the Campbellton Road public right-of-way to the closest property line of the establishment using the drive-through.~~

~~b. Except for fuel dispensing services at gasoline service stations and outdoor dining, all commercial sales and service shall be conducted within completely enclosed buildings and there shall be no unenclosed displays of merchandise. Outdoor sales or displays are permissible only by special use permit.~~

~~2. Buildings with residential uses at the sidewalk level, shall meet the following regulations:~~

~~a. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five feet wide.~~

~~b. Such buildings shall have windows at sidewalk level or on each street frontage which are substantially similar in size to the sidewalk level front facade windows.~~

~~3. Siding and Foundation~~

1. Single-Unit Dwelling Units

a. ~~Single family:~~ All exterior street-facing building facades ~~shall~~ **must** be brick, horizontal wood clapboard siding, or horizontal cementitious lap siding ~~hardiplank (cementitious siding).~~

b. Foundations are required and ~~shall~~ **must** be finished with brick, smooth stucco, or smooth finish concrete at least ~~two~~ **2** feet above grade.

2. Townhouse Dwelling Units

~~a. Townhouse structures: Shall be defined as a row of two or more attached multi-family dwelling units with no unit located above or below another residential unit whereas:~~

a. All exterior street-facing building facades ~~adjacent to a public street shall~~ **must** be brick, stone, cast stone, three-part hard coat stucco, horizontal wood clapboard siding or cementitious lap siding ~~hardiplank (cementitious siding).~~

b. All exterior other building facades ~~not adjacent to a public street shall~~ **must** be brick, stone, cast stone, three-part hard coat stucco, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding ~~hardiplank (cementitious siding).~~ Exposed concrete masonry units are not permitted.

3. All Other Buildings and Structures

~~a. All other multifamily and non-residential structures:~~

a. All street-facing building facades ~~exterior facades adjacent to and/or visible from a public street shall~~ **must** be ~~predominately~~ at least 30% ~~percent~~ brick per building facade. Stone, cast stone or three-part hard coat stucco may comprise the remaining portion of each street-facing building facade.

b. All exterior other building facades ~~not adjacent to and/or visible from a public street shall~~ **must** be brick, stone, cast stone, three-part hard coat stucco, architecturally treated concrete masonry units, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding ~~hardiplank (cementitious siding).~~

~~4. Landscape screening and buffers.~~

GENERAL OVERLAYS

- ~~a.—Building mechanical and accessory features not located on rooftops shall provide landscaping to screen such features. Shrubbery shall consist of a continuous hedge of evergreen shrubbery and shall be a minimum height of three feet at the time of planting and reach a minimum height of six feet at maturity.~~
- ~~b.—Buildings on lots which abut districts zoned R-1 through R-5 and PD-H and property used for residential purposes shall have buffers for screening, aesthetic purposes, and noise reduction along the property line. Buffers can consist of:

 - ~~i.—Vegetation (trees or shrubbery) of a continuous hedge of evergreen shrubbery and shall be a minimum height of three feet at the time of planting and reach a minimum height of six feet at maturity.~~
 - ~~ii.—Fencing that blocks the view of the commercial activity, with masonry, metal, etc. Screening walls must be closed and be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; stucco over standard concrete masonry blocks; glass block; or other material approved by the Director of the Office of Zoning and Development.~~~~
- c. Any fence or wall required by Sec. XX. Transitions must be constructed of high quality materials including one or a combination of the following: decorative blocks, brick, stone, cast-stone, stucco over standard concrete masonry blocks, glass block, or other material approved by the Director.
- d. Roofing: Shingled slanted roof lines are prohibited on non-residential structures. Metal roofs are permitted. Exposed gutters are prohibited for use with flat roofs. All flat roofs ~~shall~~ must have a parapet and cornice and ~~shall~~ must be continuous on all building facades.

E. Subarea 2. Ben Hill Village: Relationship of Building to Street

[Sec. 16-43.007.]

Note: Provisions struck from this Section are moved to another place in this Section or covered in Chapter 8. Development Standards

1.—Drive-through uses:

- ~~a.—Drive-through uses, including service windows, drive-through structures, and associated queuing, are prohibited when located within 100 feet of Campbellton Road, measured in a straight line from the closest edge of the Campbellton Road public right-of-way to the closest property line of the establishment using the drive-through.~~
- ~~b.—Except for fuel dispensing services at gasoline service stations and outdoor dining, all commercial sales and service shall be conducted within completely enclosed buildings and there shall be no unenclosed displays of merchandise. Outdoor sales or displays are permissible only by special use permit.~~

2.—Buildings with residential uses at the sidewalk level, shall meet the following regulations:

- ~~a.—All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five feet wide.~~

- b. ~~Such buildings shall have windows at sidewalk level or on each street frontage which are substantially similar in size to the sidewalk level front facade windows.~~

3. ~~Siding and foundation:~~

1. Single-Unit Dwelling Units

- a. ~~Single family: All exterior street-facing building facades shall must~~ be brick, horizontal wood clapboard siding, or horizontal cementitious lap siding ~~hardiplank (cementitious siding).~~
- b. ~~Foundation walls at least 2 feet above finished grade are required and must be finished with brick, smooth stucco, or smooth-finished concrete. Single-family: Foundations are required and shall be finished with brick, smooth stucco, or smooth finish concrete at least two feet above grade.~~

2. Townhouse Dwelling Units

- a. ~~Townhouse structures: Shall be defined as a row of two or more attached multi-family dwelling units with no unit located above or below another residential unit whereas:~~
- a. All ~~exterior street-facing building~~ facades ~~adjacent to a public street shall~~ must be brick, stone, cast stone, three-part hard coat stucco, horizontal wood clapboard siding or cementitious lap siding ~~hardiplank (cementitious siding).~~
- b. All ~~exterior other building~~ facades ~~not adjacent to a public street shall~~ must be brick, stone, cast stone, three-part hard coat stucco, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding ~~hardiplank (cementitious siding).~~ Exposed concrete masonry units are not permitted.

3. All Other Buildings and Structures

- a. ~~All other multi-family and non-residential structures:~~
- a. All street-facing building facades ~~exterior facades adjacent to and/or visible from a public street shall~~ must be predominately at least 30% percent brick per building facade. Stone, cast stone or three-part hard coat stucco may comprise the remaining portion of each street-facing building facade.
- b. All exterior other building facades ~~not adjacent to and/or visible from a public street shall~~ must be brick, stone, cast stone, three-part hard coat stucco, architecturally treated concrete masonry units, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding ~~hardiplank (cementitious siding).~~

4. ~~Landscape screening and buffers.~~

- a. ~~Building mechanical and accessory features not located on rooftops shall provide landscaping to screen such features. Shrubbery shall consist of a continuous hedge of evergreen shrubbery and shall be a minimum height of three feet at the time of planting and reach a minimum height of six feet at maturity. If plant material dies, it shall be replaced within 30 days.~~

GENERAL OVERLAYS

- b. ~~Buildings on lots which abut districts zoned R-1 through R-5 and PD-H and property used for residential purposes shall have buffers for screening, aesthetic purposes, and noise reduction along the property line. Buffers can consist of:~~
 - i. ~~Vegetation (trees or shrubbery) of a continuous hedge of evergreen shrubbery and shall be a minimum height of three feet at the time of planting and reach a minimum height of six feet at maturity.~~
 - ii. ~~Fencing that blocks the view of the commercial activity, with masonry, metal, etc. Screening walls must be closed and be constructed of high-quality materials including one or a combination of following: decorative blocks; brick; stone; cast-stone; stucco over standard concrete masonry blocks; glass block; or other material approved by the Director of the Office of Zoning and Development.~~
- c. Any fence or wall required by Sec. XX. Transitions must be constructed of high quality materials including one or a combination of the following: decorative blocks, brick, stone, cast-stone, stucco over standard concrete masonry blocks, glass block, or other material approved by the Director.
- d. ~~Roofing:~~ Shingled slanted roof lines are prohibited on non-residential structures. Metal roofs are permitted. Exposed gutters are prohibited for use with flat roofs. All flat roofs ~~shall~~ must have a parapet and cornice and ~~shall~~ must be continuous on all building facades.

F. Subarea 3. Greenbriar Town Center: ~~Relationship of Building to Street~~

[Sec. 16-43.008.]

Note: Provisions struck from this Section are covered in Chapter 8. Development Standards

All regulations of chapter 18T shall apply in addition to the following:

1. All Buildings and Structures

- a. All ~~exterior street-facing building~~ facades ~~adjacent to and/or visible from a public street shall~~ must be ~~predominately~~ at least 51% ~~percent face~~ brick per building facade. ~~Thin brick is prohibited. (thin brick prohibited) per vertical wall plane.~~ Natural stone, split-faced concrete masonry units or integrally colored split-faced concrete masonry units, cast stone trim or three-part stucco ~~(true stucco)~~ may comprise the remaining ~~49% percent portion~~ of each street-facing building facade.
 - b. All ~~exterior other building~~ facades ~~not adjacent to and/or visible from a public street shall~~ must include may be constructed using materials in the above list with the addition of synthetic stone, synthetic stucco, metal panels, and synthetic cast stone trim.
2. ~~Landscaping. Building mechanical and accessory features not located on rooftops shall provide landscaping to screen such features. Shrubby shall consist of a continuous hedge of evergreen shrubbery and shall be a minimum height of three feet at the time of planting and reach a minimum height of six feet at maturity.~~
3. ~~Parking lot landscaping.~~

- ~~a.—Applicability. Parking lot landscaping is required on all on-site surface parking lots created after the effective date of this chapter. Multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.~~
- ~~b.—Perimeter screening. All surface parking areas as well as drive aisles and other related vehicular use areas must be screened from view from the adjacent street using one of the options below. A required landscape strip must be located at the outer perimeter of the parking area and must be provided along the entire parking area, excluding breaks for pedestrians, bicycles, and driveways.~~
 - ~~i.—Landscape strip with shrubs. A minimum ten-foot-wide landscape strip planted with shrubs. Shrubs must be provided to fully screen paved areas and parking lots from the right-of-way within three years of planting.~~
 - ~~ii.—Landscape strip with screening wall. A 2.5-foot-high screening wall located within a minimum four-foot planting strip. Screening walls must be closed and be constructed of high-quality materials including one or a combination of the following: decorative blocks; brick; stone; cast stone; stucco over standard concrete masonry blocks; glass block; or other material approved by the Director of the Office of Zoning and Development.~~
 - ~~iii.—Landscape strip with berm. An earth berm a minimum of 2.5 feet higher than the finished elevation of the parking area, planted with five shrubs for every 35 linear feet of street frontage, excluding driveway openings. The berm must contain a rounded crown suitable for planting, and a stabilized side slope of no greater than 3:1.~~
 - ~~iv.—Landscape strip with grade change. A six-foot landscaped strip with a minimum three-foot grade drop from the street to the parking area, planted with five 5 shrubs for every 35 linear feet of street frontage, excluding driveway openings.~~
- ~~d.—Interior islands.~~
 - ~~i.—A landscaped interior island must be provided every eight parking spaces. Interior islands must be distributed evenly throughout the parking area. Interior islands may be consolidated, or intervals may be expanded in order to preserve existing trees.~~
 - ~~ii.—An interior island abutting a single row of parking spaces must be a minimum of nine feet in width and 200 square feet in area. Each island must include one shade tree.~~
 - ~~iii.—An interior island abutting a double row of parking spaces must be a minimum of nine feet in width and 400 square feet in area. Each island must include two shade trees.~~
- ~~e.—Median islands.~~
 - ~~i.—A landscaped median island must be provided between every six 6 single parking rows. Intervals may be expanded to preserve existing trees on the lot.~~
 - ~~ii.—A landscaped median island must be at least six feet wide.~~
 - ~~iii.—At least three shrubs must be planted in the median island for every 80 feet in length.~~

GENERAL OVERLAYS~~f. Island plantings:~~

- ~~i. All required shade trees species must be approved by the Arborist Division.~~
- ~~ii. All required shade trees must have a minimum caliper of three inches and be at least ten feet tall at time of planting.~~
- ~~iii. Islands must be installed below the level of the parking lot surface and designed to allow for runoff capture.~~

G. Subarea 4. Harbin Square: Relationship of Building to Street

[Sec. 16-43.009.]

Note: Provisions struck from this Section are moved to another place in this Section or covered in Chapter 8. Development Standards

~~1. Drive-through uses:~~

- ~~a. Drive-through uses, including service windows, drive-through structures, and associated queuing, are prohibited when located within 100 feet of Campbellton Road, measured in a straight line from the closest edge of the Campbellton Road public right-of-way to the closest property line of the establishment using the drive-through.~~
- ~~b. Except for fuel dispensing services at gasoline service stations and outdoor dining, all commercial sales and service shall be conducted within completely enclosed buildings and there shall be no unenclosed displays of merchandise. Outdoor sales or displays are permissible only by special use permit.~~

~~2. Buildings with residential uses at the sidewalk level, shall meet the following regulations:~~

- ~~a. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five feet wide.~~
- ~~b. Such buildings shall have windows at sidewalk level or on each street frontage which are substantially similar in size to the sidewalk level front facade windows.~~

~~3. Siding and foundation:~~**1. Single-Unit Dwelling Units**

- ~~a. Single family: All exterior street-facing building facades shall must be brick, horizontal wood clapboard siding, or horizontal cementitious lap siding hardiplank (cementitious siding).~~
- ~~b. Foundation walls at least 2 feet above finished grade are required and must be finished with brick, smooth stucco, or smooth-finished concrete. Single-family: Foundations are required and shall be finished with brick, smooth stucco, or smooth finish concrete at least two feet above grade.~~

2. Townhouse Dwelling Units

- ~~a. Townhouse structures: Shall be defined as a row of two or more attached multi-family dwelling units with no unit located above or below another residential unit whereas:~~

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

3. All Other Buildings and Structures

- ~~a. All other multi-family and non-residential structures:~~
- a. All street-facing building facades ~~exterior facades adjacent to and/or visible from a public street shall~~ must be predominately at least 51% percent brick per building facade. Stone, cast stone, or three-part hard coat stucco may comprise the remaining 49% percent portion of each street-facing building facade.
- b. All exterior other building facades ~~not adjacent to and/or visible from a public street shall~~ must be brick, stone, cast stone, three-part hard coat stucco, architecturally treated concrete masonry units, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding ~~hardiplank (cementitious siding)~~.
- ~~d. Landscape screening. Building mechanical and accessory features not located on rooftops shall provide landscaping to screen such features. Shrubbery shall consist of a continuous hedge of evergreen shrubbery and shall be a minimum height of three feet at the time of planting and reach a minimum height of six feet at maturity.~~
- ~~e. Security materials. Burglar bars, street gates, and steel roll down doors or shutters are prohibited on the exterior of a structure when visible from any public or private street. Interior security burglar bars, steel gates and roll down doors shall allow 80 percent visibility into tenant space and shall be fully retractable during hours of operation. Vacant buildings and tenant spaces not possessing a current valid business license burglar bars, steel gates, and steel roll down doors or shutters not in conformance with this requirement shall be removed within 30 days of the passage of this chapter or the occurrence of vacancy thereafter.~~
- c. Roofing: Shingled slanted roof lines are prohibited on non-residential structures. Metal roofs are permitted. Exposed gutters are prohibited for use with flat roofs. All flat roofs shall must have a parapet and cornice and shall must be continuous on all building facades.
- ~~g. Landscaping. Building mechanical and accessory features not located on rooftops shall provide landscaping to screen such features. Shrubbery shall consist of a continuous hedge of evergreen shrubbery and shall must be a minimum height of three feet at the time of planting and reach a minimum height of six feet at maturity.~~

4. Parking Lot Landscaping

- ~~a. Applicability. Parking lot landscaping is required on all on-site surface parking lots created after the effective date of this chapter. Multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.~~

GENERAL OVERLAYS

- b. ~~Perimeter screening. All surface parking areas as well as drive aisles and other related vehicular use areas must be screened from view from the adjacent street using one of the options below. A required landscape strip must be located at the outer perimeter of the parking area and must be provided along the entire parking area, excluding breaks for pedestrians, bicycles, and driveways.~~
- c. ~~For screening options that include shrubs, those must be 30 inches tall at the time of planting and 70 percent of them must be evergreen.~~
 - i. ~~Landscape strip with shrubs. A minimum ten-foot-wide landscape strip planted with shrubs. Shrubs must be provided to fully screen paved areas and parking lots from the right-of-way within three years of planting.~~
 - ii. ~~Landscape strip with screening wall. A 2.5-foot-high screening wall located within a minimum four-foot planting strip. Screening walls must be closed and be constructed of high-quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; stucco over standard concrete masonry blocks; glass block; or other material approved by the director of the Office of Zoning and Development.~~
 - iii. ~~Landscape strip with berm. An earth berm a minimum of 2.5 feet higher than the finished elevation of the parking area, planted with five shrubs for every 35 linear feet of street frontage, excluding driveway openings. The berm must contain a rounded crown suitable for planting, and a stabilized side slope of no greater than 3:1.~~
 - iv. ~~Landscape strip with grade change. A six-foot landscaped strip with a minimum three-foot grade drop from the street to the parking area, planted with five shrubs for every 35 linear feet of street frontage, excluding driveway openings.~~
- d. ~~Interior islands.~~
 - i. ~~A landscaped interior island must be provided every eight parking spaces. Interior islands must be distributed evenly throughout the parking area. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.~~
 - ii. ~~An interior island abutting a single row of parking spaces must be a minimum of nine feet in width and 200 square feet in area. Each island must include one shade tree.~~
 - iii. ~~An interior island abutting a double row of parking spaces must be a minimum of nine feet in width and 400 square feet in area. Each island must include two shade trees.~~
- e. ~~Median islands.~~
 - i. ~~A landscaped median island must be provided between every six single parking rows. Intervals may be expanded to preserve existing trees on the lot.~~
 - ii. ~~A landscaped median island must be at least six feet wide.~~
 - iii. ~~At least three shrubs must be planted in the median island for every 80 feet in length.~~
- f. ~~Island plantings.~~
 - i. ~~All required shade trees species must be approved by the Arborist Division.~~

- ii. ~~All required shade trees must have a minimum caliper of three inches and be at least ten feet tall at time of planting.~~
 - iii. ~~Islands must be installed below the level of the parking lot surface and designed to allow for runoff capture.~~
5. ~~Dumpster shall be screened with brick opaque walls and self-closing opaque gates along one side which matches the brick color and shall be surrounded with evergreen shrubs between the building and the street. Gate material shall be wood or metal. Screening shall be 12 inches above the dumpster at a maximum height of seven feet. Dumpsters shall only be in the side or rear of the lot.~~
- d. Vending machines, paper stands, and other similar devices ~~shall~~ **must** be located interior to all buildings.
 - e. ~~Lighting.~~ Lights outlining ~~and/or~~ detailing a building ~~and/or~~ windows are prohibited.
8. ~~Fencing. Where wood fences are constructed along all property lines the finished side shall be toward the public right-of-way or residentially zoned property, R-1 through R-5, RG-1, MR-1 and PD-H. Wood fencing other than cedar or redwood must be stained or painted. Bright or fluorescent colors are prohibited. Fencing shall have a horizontal top and bottom trim.~~

H. Subarea 5. Campbellton East: Relationship of Building to Street

[Sec. 16-43.010.]

Note: Provisions struck from this Section are moved to another place in this Section or covered in Chapter 8. Development Standards

1. Standards for All Buildings

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

2. Single-Unit Dwelling Units

- a. ~~Single family:~~ All exterior street-facing building facades ~~shall~~ **must** be brick, horizontal wood clapboard siding, or horizontal cementitious lap siding ~~hardiplank (cementitious siding).~~
- b. Foundation walls at least 2 feet above finished grade are required and must be finished with brick, smooth stucco, or smooth-finished concrete. ~~Single-family: Foundations are required and shall be finished with brick, smooth stucco, or smooth finish concrete at least two feet above grade.~~

3. Townhouse Dwelling Units

- a. ~~Townhouse structures: Shall be defined as a row of two or more attached multi-family dwelling units with no unit located above or below another residential unit whereas:~~

GENERAL OVERLAYS

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

4. All Other Buildings and Structures

- ~~a. All other multi-family and non-residential structures:-~~
- a. All street-facing building facades ~~exterior facades adjacent to and/or visible from a public street shall~~ must be ~~predominately~~ at least 51% ~~percent~~ brick per building facade. Stone, cast stone, or three-part hard coat stucco may comprise the remaining ~~49% percent portion~~ of each street-facing building facade.
- b. All ~~exterior other building~~ facades ~~not adjacent to and/or visible from a public street shall~~ must be brick, stone, cast stone, three-part hard coat stucco, architecturally treated concrete masonry units, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding ~~hardiplank (cementitious siding)~~.

~~Notwithstanding anything to the contrary in City Code section 16-34.001 et seq., the regulations contained within this chapter shall be overlaid upon, and shall be imposed in addition to, these existing zoning regulations. Whenever the following overlay regulations vary from the existing underlying zoning regulations, the regulations of this Chapter 43 shall apply:-~~

- ~~5. Building entrances: The primary pedestrian entrance facing the street and sidewalk shall be articulated and differentiated from other components of the facade with two or more of the following elements:-~~
- ~~a. Recessed entries, not exceeding five feet in depth from the facade;-~~
- ~~b. Entry surrounds; transom windows; awnings or canopies. Metal awnings are prohibited; or~~
- ~~c. Horizontal change of materials. A horizontal change of materials from one material to another shall include a cast stone cap or masonry sill. The cap sill shall project from the face of the building.-~~
- c. Roofing: Shingled slanted roof lines are prohibited on non-residential structures. Metal roofs are permitted. Exposed gutters are prohibited for use with flat roofs. All flat roofs ~~shall~~ must have a parapet and cornice and ~~shall~~ must be continuous on all building facades.
- ~~4. Buildings with residential uses at the sidewalk level, shall meet the following regulations:-~~
- ~~a. All primary pedestrian entrances adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five feet wide.-~~
- ~~b. Such buildings shall have windows at sidewalk level or on each street frontage which are substantially similar in size to the sidewalk level front facade windows.-~~

- ~~c. A building's street-facing facade should have a maximum of two different cladding materials, excluding the fenestration material.~~
- ~~4. Street-fronting buildings including parking decks shall meet the following sidewalk level requirements:~~
 - ~~a. The length of facade without intervening fenestration or entryway shall not exceed 20 feet.~~
 - ~~b. For buildings with ground floor non-residential uses, fenestration shall be provided for a minimum of 65 percent of the length of the frontage. For buildings with ground floor residential usage, fenestration shall be provided for a minimum of 30 percent of the length of the frontage.~~
 - ~~i. Beginning at a point not more than three feet above the sidewalk, to a height no less than ten feet above the sidewalk; or,~~
 - ~~ii. Beginning at the finished floor elevation to a height no less than ten feet above the finished floor elevation when the finished floor elevation is three or more feet above the sidewalk; or~~
 - ~~iii. Beginning at a point not more than sidewalk level, to a height no less than 10 feet above the finished floor elevation when the finished floor elevation is below the sidewalk.~~
 - ~~c. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.~~
 - ~~d. For parking decks, commercial uses shall occupy a minimum depth of 20 feet of the ground floor street frontage beginning at any building facade along the public sidewalk, except at ingress and egress points.~~
- ~~5. Minimum building facade height: 24 feet along each facade visible from the public right-of-way.~~
 - ~~d. Vending machines, paper stands, and other similar devices shall must be located interior to all buildings.~~
- ~~7. Fencing. Where wood fences are constructed along all property lines the finished side shall be toward the public right of way or residentially zoned property, R-1 through R-5, RG, MR and PD-H. Wood fencing other than cedar or redwood must be stained or painted. Fencing shall must have a horizontal top and bottom trim. Bright or fluorescent colors are prohibited. Chain link fencing shall be black or dark green vinyl coated.~~
- ~~8. Dumpster shall be screened with brick opaque walls and self-closing opaque gates along one side which matches the brick color and shall be surrounded with evergreen shrubs between the building and the street. Gate material shall be wood or metal. Screening shall be 12 inches above the dumpster at a maximum height of seven feet. Dumpsters shall only be in the side or rear of the lot.~~
- ~~9. Landscape screening. Building mechanical and accessory features not located on rooftops shall provide landscaping. Shrubbery shall consist of a continuous hedge of evergreen shrubbery and shall be a minimum height of three feet at the time of planting and reach a minimum height of six feet at maturity.~~

~~a. A minimum of 60 percent of landscaped areas shall be in bio-diverse planting of native and adapted plants other than turf grass.~~

~~10. Security materials. Burglar bars, street gates, and steel roll down doors or shutters are prohibited on the exterior of a structure when visible from any public or private street. Interior security burglar bars, steel gates and roll down doors shall allow 80 percent visibility into tenant space and shall be fully retractable during hours of operation. Vacant buildings and tenant spaces not possessing a current valid business licenses burglar bars, steel gates, and steel roll down doors or shutters not in conformance with this requirement shall be removed within 30 days of the passage of this chapter or the occurrence of vacancy thereafter.~~

~~e. Lighting. Lights outlining and/or detailing a building and/or windows are prohibited.~~

~~12. Speakers and amplified music outside an enclosed permanent structure is prohibited.~~

~~14. Landscaping. Building mechanical and accessory features not located on rooftops shall provide landscaping to screen such features. Shrubbery shall consist of a continuous hedge of evergreen shrubbery and shall be a minimum height of three feet at the time of planting and reach a minimum height of six feet at maturity.~~

~~a. Parking lot landscaping.~~

~~i. Applicability. Parking lot landscaping is required on all on-site surface parking lots created after the effective date of this chapter. Multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.~~

~~ii. Perimeter screening. All surface parking areas as well as drive aisles and other related vehicular use areas must be screened from view from the adjacent street using one of the options below. A required landscape strip must be located at the outer perimeter of the parking area and must be provided along the entire parking area, excluding breaks for pedestrians, bicycles, and driveways.~~

~~For screening options that include shrubs, those must be 30 inches tall at the time of planting and 70 percent of them must be evergreen.~~

~~a) Landscape strip with shrubs. A minimum ten-foot-wide landscape strip planted with shrubs. Shrubs must be provided to fully screen paved areas and parking lots from the right-of-way within three years of planting.~~

~~b) Landscape strip with screening wall. A 2.5-foot-high screening wall located within a minimum four-foot planting strip. Screening walls must be closed and be constructed of high-quality materials including one or a combination of the following: decorative blocks; brick; stone; cast stone; stucco over standard concrete masonry blocks; glass block; or other material approved by the Director of the Office of Zoning and Development.~~

~~c) Landscape strip with berm. An earth berm a minimum of 2.5 feet higher than the finished elevation of the parking area, planted with five shrubs for every 35 linear feet of street frontage, excluding driveway openings. The berm must contain a rounded crown suitable for planting, and a stabilized side slope of no greater than 3:1.~~

- d) ~~Landscape strip with grade change. A six-foot landscaped strip with a minimum three-foot grade drop from the street to the parking area, planted with five shrubs for every 35 linear feet of street frontage, excluding driveway openings.~~
- iii. ~~Interior islands:~~
 - a) ~~A landscaped interior island must be provided every eight parking spaces. Interior islands must be distributed evenly throughout the parking area. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.~~
 - b) ~~An interior island abutting a single row of parking spaces must be a minimum of nine feet in width and 200 square feet in area. Each island must include one shade tree.~~
 - c) ~~An interior island abutting a double row of parking spaces must be a minimum of nine feet in width and 400 square feet in area. Each island must include two shade trees.~~
- iv. ~~Median islands:~~
 - a) ~~A landscaped median island must be provided between every six single parking rows. Intervals may be expanded to preserve existing trees on the lot.~~
 - b) ~~A landscaped median island must be at least six feet wide.~~
 - c) ~~At least three shrubs must be planted in the median island for every 80 feet in length.~~
- v. ~~Island plantings:~~
 - a) ~~All required shade trees species must be approved by the Arborist Division.~~
 - b) ~~All required shade trees must have a minimum caliper of three inches and be at least ten feet tall at time of planting.~~
 - c) ~~Islands must be installed below the level of the parking lot surface and designed to allow for runoff capture.~~

Sec. 5.2.3. Emory Campus Parking

[Note: Emory Campus Parking Overlay District regulations were previously Sec. 16-39. The reference to existing Sections is noted in brackets and in red highlighted text. This Overlay District regulations are now covered by Chapter 8. Development Standards and the Parking Zone Map.]

A. Scope of Regulations

[Sec. 16-39.001.]

The scope of the regulations set forth in this chapter are the regulations in the Emory Campus Parking Overlay District. The scope of these regulations are as follows:

1. ~~The existing zoning map and underlying zoning regulations governing all properties within the Emory Campus Parking Overlay District must remain in full force and effect. The regulations contained within this chapter must be overlaid upon, and must be imposed in addition to, said existing zoning regulations. Except where it is otherwise explicitly provided, whenever the following overlay regulations are at variance with said existing underlying zoning regulations, the regulations of this chapter must apply.~~

GENERAL OVERLAYS

2. Whenever the following regulations are at variance with historic district regulations of Part 16, Chapter 20, the more stringent regulations shall apply so not to impact designated historic structures or buildings.

B. Findings and Statement of Intent

[Sec. 16-39.002.]

The intent of this chapter and of the regulations herein is to set forth the maximum parking that may be provided on-site for future development within the Emory Campus Parking Overlay District.

C. Applicability

[Sec. 16-39.003.]

The regulations herein must affect future development within the Emory Campus Parking Overlay District. Any previously approved developments and/or parking facilities must not be affected.

D. Off-Street Parking Facilities Permitted

[Sec. 16-39.004.]

Parking structures, either principal or accessory use, are permitted within the Emory Campus Overlay District.

E. Off-street Parking Requirement

[Sec. 16-39.005.]

1. Parking requirements: The maximum number of parking spaces allowed must be in accordance with the following Emory Campus Parking Overlay District Table:

Emory Campus Parking Overlay District Table		
	Parking Spaces	
	Minimum	Maximum
Residential Dwellings/Lodgings		
Hotels and motels (spaces per lodging unit)	None	2:0
Residential Dwellings	None	2 spaces per dwelling unit
Dorms, fraternities, sororities	None	.75 per bed
Non-Residential Uses (Spaces per 1,000 sq. ft. of floor area)		
Eating and Drinking Establishments (not including student or hospital dining)	Underlying zoning controls	Underlying zoning controls
Commercial/Retail (not Eating and Drinking Establishments)	None	2:0
Institutional	None	2:0
Office	None	2:0
Medical Office/Hospital	None	4.5
Recreation/Entertainment	None	2:0

- ~~2. Any administrative variation to increase the allowable parking requirement of this chapter must be based upon the following criteria:~~
 - ~~a. User demand based for on campus parking throughout the Emory Campus Parking Overlay District.~~
 - ~~b. Parking efficiency and utilization for on campus uses throughout the Emory Campus Parking Overlay District.~~
 - ~~c. Parking available off campus within one-quarter-mile radius.~~

Sec. 5.2.3. Marietta Street Artery (-MSA)

A. Findings and Intent

[Sec. 16-40.002.]

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

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

B. Applicability

[Sec. 16-40.001.]

Note: Provisions struck in this Section are covered in Chapter 1. Introduction and Division 5.1. General Provisions

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

~~These regulations constitute the Marietta Street Artery Overlay District. The scope of these regulations are as follows:~~

- ~~1. The existing zoning map and underlying zoning regulations governing all properties within the Marietta Street Artery Overlay District shall remain in full force and effect. The regulations contained within this chapter shall be overlaid upon, and shall be imposed in addition to, these existing zoning regulations. Whenever the following overlay regulations vary from the existing underlying zoning regulations, the regulations of this chapter 40 shall apply.~~

GENERAL OVERLAYS

2. ~~Whenever the following regulations vary from regulations applicable to historic or landmark buildings, sites or districts designated under the provisions of part 16, chapter 20, the more stringent regulations shall apply.~~

C. Use Standards

[Sec. 16-40.003.]

1. The following uses are prohibited:

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

The following use restrictions and regulations shall apply to all property within this district:

- 2. ~~Prohibited uses: Service stations, gasoline service stations, battery exchange stations, car washes, tire and repair shops, paint and body shops, cement manufacturers, concrete plants, junkyards, salvage yards, and scrap metal processors are prohibited.~~
- 3. ~~Self-storage facilities:~~
 - a. ~~Are prohibited as a principal permitted use.~~
 - b. ~~Are authorized as an accessory use to another principal permitted use provided:~~
 - i. ~~Such accessory storage use is limited to ten 10 percent of the square footage of the principal permitted use; and~~
 - ii. ~~Such accessory storage use shall must not be provided for a minimum depth of 60 feet from any building facade along the public sidewalk.~~
- 4. ~~Drive-through uses:~~
 - a. ~~Within 200 feet of Northside Drive. Drive-through uses, including service windows, drive-through structures and associated queuing, are authorized when located within a distance of 200 feet of Northside Drive, measured in a straight line from the closest edge of the Northside Drive public right-of-way to the closest property lot line of the establishment using the drive-through.~~
 - b. ~~All other locations: If such uses are not located within 200 feet of Northside Drive, they are authorized only when embedded within enclosed buildings or enclosed parking structures,~~

~~provided they are located a minimum depth of 60 feet from all sidewalk-level ground-story building facades.~~

2. The following standards are required for all nonresidential uses with a floor area greater than 7,500 square feet:
 - a. A Special Use Permit is required for any use where alcoholic beverages are sold or consumed on the premises. This requirement does not apply to establishments that are licensed to sell alcoholic beverages only by the package, hotels, city food markets, city park organizations, continuing education centers, government centers, parks, park facilities, outdoor markets, retail grocery supermarkets, schools, or suite hotels, as those terms are defined in **section 10.1 of the Code of Ordinances (article 1, chapter 10 "Alcoholic Beverages")**.

~~6. Limitations on non-residential uses exceeding 7,500 square feet:~~

- ~~a. All non-residential uses or establishments exceeding 7,500 square feet in area in which alcoholic beverages are sold or consumed on the premises require a special use permit. This special use permit requirement also applies to such uses or establishments previously under 7,500 square feet if subsequent renovations, additions, or other expansions result in the total square footage exceeding 7,500 square feet. This requirement does not apply to establishments that are licensed to sell alcoholic beverages only by the package, hotels, city food markets, city park organizations, continuing education centers, government centers, parks, park facilities, outdoor markets, retail grocery supermarkets, schools, or suite hotels, as those terms are defined in section 10.1 of the Code of Ordinances (article 1, chapter 10 "Alcoholic Beverages"). For purposes of this section 16-40.003(4), "area" shall mean and include the total gross square footage of all buildings, structures, and premises that make up the establishment, including all kitchen, restroom and storage areas, as well as all patios, rooftop spaces, exterior spaces, and outdoor spaces of any kind, whether or not containing a roof or walls, in which activities associated with or accessory to the sale or consumption of alcoholic beverages are conducted. "Area" shall not be restricted to individual parcels or lots but shall include multiple parcels or lots or portions thereof if they are in any way a part of or accessory to the operation of the use or establishment.~~
- ~~b. Non-residential uses or establishments requiring a special use permit under this section shall demonstrate compliance with each of the criteria and requirements provided in subsections (c) through (e) of this section (16-40.003(4)(c-e)), in addition to those criteria relating to special use permits set forth in chapter 25 of part 16 of the Code of Ordinances ("Special Permits").~~
- b. A scaled and sealed site plan **shall must** be provided showing the entire **project** area ~~as defined in section 16-40.003(a)~~ above as well as all other buildings, structures, and parking structures or locations.
- c. Applicants **shall must** submit a Transportation Management Plan (TMP) containing strategies to reduce single occupancy vehicle trips generated by the proposed use. The TMP **shall must** include, but not be limited to, the following traffic reduction strategies:
 - i. Incentives for public transit ridership such as transit cards;
 - ii. Carpooling and vanpooling;

GENERAL OVERLAYS

- iii. Ridesharing;
 - iv. Commuter bicycling and walking programs;
 - v. Alternative, staggered, compressed or flexible work hours for commercial uses;
 - vi. Improvements to alternative modes such as vanpooling;
 - vii. Financial incentives given to those who use commute alternatives;
 - viii. Parking management programs;
 - ix. Commute alternatives information and marketing;
 - x. Shared parking arrangements;
 - xi. Provisions addressing a mixture of uses if present on-site;
 - xii. Pedestrian links to adjacent uses; and
 - xiii. Programs to promote and maintain participation in the use of mass transit, including a method of monitoring the number of ride sharers and their travel patterns.
- d. Applicants ~~shall~~ **must** submit a Public Safety Management Plan (PSMP) containing strategies to ensure public safety for customers or visitors to the proposed use and to the broader community. The PSMP ~~shall~~ **must** include, but not be limited to, public and private security strategies that are sufficient for the size of the establishment or premises, including parking areas.

~~D. Sidewalks and Relationship of Building to Street~~~~(Sec. 16-40.004.)~~~~Note: Provisions from this Section are covered in Chapter 2. Form Districts or Chapter 8. Development Standards~~

- ~~1. Public sidewalks shall must be located along all public streets and shall must meet the sidewalk requirements for MRC zoning districts provided in sec. 16-34.012.~~
- ~~2. Utilities shall must be located below ground, provided that such location is not in violation of the policies of utility regulated by the public service commission or otherwise regulated by state law and/or franchise agreement.~~

Sec. 5.2.4. Upper Westside (-UW)**Note: Provisions from this Section are in progress.****A. Findings and Intent**~~(Sec. 16-44.002.)~~

- 1. The district is a unique part of Atlanta containing a wide mix of land uses that range from single-unit residential, to mixed-use, to industrial. These are traditionally organized into a development

pattern consisting of distinct low density residential areas separated by rail corridors, roadways, commercial and industrial uses, or major public facilities.

2. Recently, the district has experienced significant growth, especially in its traditional industrial and commercial areas, where piecemeal redevelopment is now common. Often, this redevelopment abuts residential areas.
3. The City finds that rapid evolution of portions of the district from industrial and commercial uses to a diverse mixture of residential, commercial, industrial, and open space uses requires special consideration to ensure that future development and redevelopment provides a mix of uses that promotes the public health, safety, and welfare.
4. The City also finds that rapid rail and Atlanta Beltline transit opportunities in the district are currently limited, making the use, block, streetscape, access management, and transportation management provision of this chapter appropriate given these transportation realities.
5. Therefore, in establishing this district it is the intent of the City to:
 - a. Implement provisions of the Comprehensive Development Plan, which incorporates certain recommendations contained in studies of this area, including the Upper Westside Masterplan and Beltline Subarea 8 and 9 Master Plans;
 - b. Balance increasing residential, retail, and offices uses with the district's ongoing industrial and commercial uses and existing residential neighborhoods;
 - c. Provide more regulation of businesses that are incompatible with other uses in the district due to excessive noise, dust, smoke, traffic, vibration, light, or similar impacts;
 - d. Provide more regulation of businesses that attract large numbers of people in combination with alcohol sales by the drink during late evening and early morning hours;
 - e. Facilitate safe, pleasant and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles, in keeping with Vision Zero Policy adopted by the City.
 - f. Encourage the increased use of alternative modes of transportation and mobility such as walking, biking, and public transportation;
 - g. Support the creation of an interconnected street network of small blocks and inter-parcel access to evenly distribute traffic, improve access throughout the district, reduce congestion, and further walking, bicycling, and transit use; and
 - h. Provide more regulation of certain auto-oriented uses, especially traffic congestion, roadway safety, and resulting conflicts with pedestrians, bicyclists, and transit riders.

B. Applicability

(Sec. 16-44.001.)

The regulations in this Section constitute the Upper Westside Overlay District (~~"the district"~~). The scope of these regulations is as follows:

GENERAL OVERLAYS

1. The existing zoning map and underlying zoning regulations governing all properties within the district ~~shall will~~ remain in full force and effect. The regulations in this ~~chapter shall~~ Section will be overlaid upon, and ~~shall will~~ be imposed in addition to, these underlying zoning regulations.
2. The provisions of this Section shall apply to all properties in the district, except properties to be used exclusively for household living with 1 or 2 dwelling units. ~~with an underlying zoning designation of:-~~
 - a. ~~R-1 through R-5; and~~
 - b. ~~PD-H and exclusively used for single-unit family or two-unit family dwellings.~~
2. Whenever the following overlay regulations vary from the underlying zoning regulations, another overlay, or conditions of rezoning, the more restrictive ~~shall will~~ apply.

C. Boundaries

(Sec. 16-44.003.)

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

~~The boundaries of the district are shown on Exhibit A: Upper Westside Overlay Boundaries which by this reference is incorporated into and made a part of this chapter. The district further includes standards for properties completely or partially within 2,000 feet of Howell Mill Road shown on said Exhibit A: Upper Westside Overlay Boundaries.~~

~~D. Procedures~~

(Sec. 16-44.004.)

Note: Provisions struck from this Section are covered in Chapter 9. Administration

1. ~~Special administrative permit requirements:~~
 - a. ~~A special administrative permit (SAP) application shall be submitted and approved by the Director of the Office of Zoning and Development, under the requirements specified in section 16-25.004, prior to the issuance of a building permit. The application shall submit a site plan, landscape plan, and elevation drawings of each exterior facade, as applicable. All exterior demolition, new construction (including additions to existing buildings), expansions of outdoor dining or any construction which results in increased lot coverage, modification of the building footprint, or modification of building facades that alters the configuration of openings, shall subject said site plan and building elevation approval as part of the SAP.~~
 - b. ~~The Director of the Office of Zoning and Development may exempt certain classes of applications for SAPs from detailed review requirements as set forth upon written findings that generally within this district, the actions proposed are of such a character or scale as to make detailed reviews and approval unnecessary. Where applications for SAPs are determined by reference to such findings to be thus exempted, the permit shall be issued if otherwise lawful.~~
 - c. ~~In addition to SAP submittal specified above, the applicant shall email one copy of the full SAP application to the appropriate Neighborhood Planning Unit (NPU) Chair or their designee for the purpose of notification and comment. A signed affidavit of said notification shall~~

~~submitted to the Director of the Office of Zoning and Development. Upon request of the NPU Chair, the applicant shall also provide one printed copy of the full SAP application to the NPU Chair or their designee. The NPU shall have a period of 21 days from the date of the email to provide one set of written comments to the Office of Zoning and Development prior to any SAP approval.~~

- ~~d. In addition to the NPU notification specified above, the applicant shall email one copy of the full SAP application to the Upper Westside Community Improvement District.~~
- ~~e. Where regulations require special exception or special use permit action, the SAP for building permit purposes shall not be issued until the necessary approval has been obtained for a special exception or special use permit.~~

~~2. Provisions for administrative variations from regulations:~~

- ~~a. As part of general action when plans require approval of an SAP, the Director of the Office of Zoning and Development may authorize variations from regulations generally applying, except where otherwise prohibited, based on written findings that either:

 - ~~i. A plan proposed by an applicant, while not strictly in accord with regulations applying generally within the district, satisfies the public purposes and intent, and provides public protection to an equivalent or greater degree; or~~
 - ~~ii. In the circumstances of the case, strict application of a particular regulation or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at the time or in the future.~~~~
- ~~b. Notation concerning the existence of such variation shall be made by written findings of SAP approval to be filed in the Office of Zoning and Development as public record.~~
- ~~c. Variances and special exceptions shall be required from the Board of Zoning Adjustment (BZA) in cases such as minimum transitional yards transitions, transitional height planes, minimum open spaces, maximum building height, maximum fence height, maximum (as applicable) parking and loading requirements, and signage limitations. Variances may be granted by the BZA only in accordance with section 16-26.003 (Conditions of granting a variance):~~

~~D. Redevelopment Requirements~~

~~(Sec. 16-44.005.)~~

Note: Provisions from this Section are covered in Chapter 8. Development Standards or Chapter 9. Administration

- ~~1. Any property wherein 60 percent or greater of the principal building is removed or destroyed by any means shall be redeveloped in accordance with the requirements of this chapter notwithstanding any other provisions in part 16, chapter 24, and "2" immediately below to the contrary.~~
- ~~2. Sidewalks and street trees shall be required when less than 60 percent of the principal building is removed or destroyed in accordance with section 16-44.009(2).~~

D. Definitions

(Sec. 16-44.006.)

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

1. **Official city project.** A project identified or designed in one of the following:
 - a. **Priority city project.** A project that has undergone study, design, and design refinement and can be implemented without significant modification, including:
 - i. Projects fully or partially funded by the City of Atlanta or its agencies or authorities, including Atlanta Beltline, Inc., Atlanta Housing, Atlanta Public Schools, Invest Atlanta, and similar agencies or authorities;
 - ii. Projects undertaken by MARTA in city rights-of-way which have been authorized by the city;
 - iii. Projects fully or partially funded with state or federal grants;
 - iv. Transportation, park, stormwater, or other infrastructure concept reports, scoping studies, designs, or similar materials that include city rights-of way or other lands, and that have been undertaken or approved by the Atlanta Department of Transportation, the Atlanta Department of Public Works, or other City agency.
 - b. **Secondary city project.** A project identified in one or more of the following, but which has not undergone the professional design required to advance beyond a conceptual planning phase:
 - i. The Comprehensive Development Plan (CDP), including all supplements and incorporations by reference;
 - ii. The Capital Improvements Program (CIP);
 - iii. The Capital Improvement Element (CIE);
 - iv. The Community Work Program (CWP);
 - v. SPLOST or bond project lists;
 - vi. Connect Atlanta Plan or Atlanta Transportation Plan (ATP); and
 - vii. Cycle Atlanta 1.0 or Cycle Atlanta 2.0.
 - c. **Conflicts.**
 - i. When the same project is identified in both a priority city project and secondary city project, the design show in the priority city project ~~shall~~ will be the official city project.
 - ii. When the same project is identified in two or more priority city projects, the design that is designed and funded ~~shall~~ will be the official city project.
 - iii. When the same project is identified in two or more secondary city projects, the design that is most recent ~~shall~~ will be the official city project.

E. Use Standards

(Sec. 16-44.007.)

1. ~~Permitted uses. The underlying zoning requirements shall apply unless specifically prohibited by this chapter.~~
2. The following uses are prohibited:
 - a. Adult establishment uses;
 - b. Alternative financial service;
 - c. Truck stop;
 - d. Vehicle sale and rental;
 - e. Car wash;
 - f. Fuel sales;
 - g. High-impact industrial and manufacturing;
 - h. Freight terminal;
 - i. Storage yard;
 - j. Waste-related service uses;
3. ~~Prohibited uses. In addition to uses prohibited by the underlying zoning requirements or the Beltline Overlay, the following uses shall be prohibited:~~
 - a. ~~Adult businesses.~~
 - b. ~~Any pawnbroker establishment licensed by the city pursuant to City Code Chapter 122, Article III.~~
 - c. ~~Billboards.~~
 - d. ~~Car washes as a principal use.~~
 - e. ~~Heavy industries (e.g. acid manufacture, asphalt plants, junkyards (outside), automobile salvage yards (outside), scrap metal processors (outside), concrete plants, cement plants, lime/gypsum plants, bone and glue distillation and manufacturers, explosive manufactures or storage, fat rendering and fertilizer manufacturers, garbage, offal or dead animals, reduction or dumping, hazardous toxic materials, paper and paper pulp manufacturers, petroleum refineries, metal smelters).~~
 - f. ~~Junkyards, automobile salvage yards or scrap metal processors (inside).~~ (g) ~~Materials recovery facility.~~
 - g. ~~Municipal solid waste disposal facilities.~~
 - h. ~~New and used car sales, including other motorized vehicles such as mopeds and motorcycles.~~

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- i. ~~Service stations and gasoline service stations, except when owned or operated by a grocery store having at least 15,000 square feet in floor area on the same lot.~~
 - j. ~~Solid waste handling facilities.~~
 - k. ~~Terminals (freight, rail, bus, or truck). Structures and uses required for the operation of MARTA shall will be exempt this prohibition.~~
 - l. ~~Truck stops.~~
4. ~~Permitted accessory uses and structures. The underlying zoning requirements shall apply, subject to the restrictions contained elsewhere in this chapter.~~
 5. Where the use is permitted, the following use standards apply:
 6. ~~Use Standards. The use standards in section 16-44.007(5) through section 16-44.007(11) shall apply when the indicated use is otherwise permitted.~~
 7. ~~Data centers use standards. The following shall apply to data centers:~~
 - a. ~~Beltline Overlay standards incorporated and expanded by reference. Data centers everywhere in the district shall be subject to section 16-36.011(11)(a) through (f) of the Beltline Overlay.~~
 - b. ~~Concurrency requirement. The following shall also apply:~~
 - i. ~~The total floor area used for data centers shall not exceed 50 percent of the total project floor area;~~
 - ii. ~~The total project floor area identified in "i" immediately above shall include the total floor area of all existing and proposed uses, including within any unified development plan; and~~
 - iii. ~~No occupancy permit shall be issued for a data center use before one or more occupancy permits have been issued for other permitted uses in the project. Furthermore, the combined floor area of all said other permitted uses holding occupancy permits shall equal or exceed the floor area of the data center use.~~
 - c. ~~Active use requirements. The following shall also apply:~~
 - i. ~~Active uses that conform to section 16-44.010(3) shall be provided in the locations set forth in "ii" through "iv" immediately below, even when not otherwise applicable. Data centers are not considered "active uses."~~
 - ii. ~~Active uses are required within 60 feet of any building facade along a public street.~~
 - iii. ~~Active uses are required within 30 feet of any building facade that faces an existing public park or multi-use trail.~~
 - iv. ~~Active uses are required within 30 feet of any building facade that faces a proposed public park or multi-use trail identified in an official city project.~~
 8. ~~Drive-through use standards. The following shall apply to drive-throughs, including, but not limited to, drive-through service windows, menu boards, trash receptables, ordering boxes, queuing, and other objects associated with the drive-through:~~

- a. ~~General standards. The following shall apply to all unenclosed drive-throughs:-~~
 - i. ~~Shall not be placed between the associated building and a public or required private street.-~~
 - ii. ~~When a drive-through exists or is allowed between the associated building and a public or required private street, the entire length of the drive-through shall be screened from view from the street to a height of at least 36 inches. Screening shall be accomplished through use of a continuous opaque evergreen hedge, or a screening wall faced in stone and/or brick, or a combination of the two.-~~
- b. Drive-through, unenclosed must meet the following requirements:
 - i. Drive-through, unenclosed is not permitted on any lot within 2,000 feet of Howell Mill Road.
 - ii. Along public streets, no curb cuts for driveways exclusively serving a drive-through is allowed.
 - iii. Along arterial streets, collector streets, and Chattahoochee Avenue, no curb cuts for driveways directly or indirectly serving a drive-through shall may be within 300 feet of a public street intersection (measured along the right-of-way along the same side of the same street from the intersecting street right-of-way).
- c. Drive-through, enclosed on a lot within 2,000 feet of Howell Mill Road must meet the following requirements:
 - i. Drive-through, enclosed that is accessory to any food and beverage use is only permitted when:
- d. ~~Within 2,000 feet of Howell Mill Road. The following shall apply to all drive-throughs located on a property completely or partially within 2,000 feet of Howell Mill Road (measured in a straight line from the centerline of Howell Mill Road to the closest portion of the property):-~~
 - i. ~~Drive-throughs shall only be permitted when completely enclosed within buildings or parking structures on all sides, including above, except as set forth in section 16-44.007(6)(b)(iv) below.-~~
 - ii. ~~Enclosed drive-throughs shall be completely screened from view from the exterior of the building or parking structure containing them.-~~
 - iii. ~~No enclosed drive-through service window, menu board, trash receptacle, ordering box, or other object associated with a drive-through shall be located within 60 feet of any building or parking deck facade that faces an abutting public street.-~~
 - iv. ~~No enclosed queuing shall be located within 60 feet of any building or parking deck facade that faces an abutting public street, unless oriented perpendicular to the street.-~~
 - v. ~~Drive-throughs that are accessory to eating and drinking establishments are only permitted when:-~~
 - a) The food and beverage use is located in a multi-story building with at least 10,000 square feet of floor area; and

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- b) The multistory building contains 3 or more occupiable stories directly above the entire food and beverage use, excluding any drive-through or accessory outdoor dining area.
 - e. All other locations. The following applies to drive-throughs not subject to “b” immediately above:
 - i. No drive-through ~~shall~~ must be located within 1,500 feet of another property containing a drive-through (measured in a straight line from property line to property line).
9. Eating and drinking establishment use standards.
- a. No eating and drinking establishment located within 50 feet of any **R-1 through R-5** classifications (measured from ~~property~~ lot line to ~~property~~ lot line from the **R1 through R5** ~~property~~ lot line to closest point of the property) shall operate between the hours of 12:00 a.m. to 6:30 a.m. unless the establishment already operated before 6:30 a.m. daily before the date this District went into effect.
 - b. No outdoor dining and/or any amplified sound ~~shall~~ will be allowed to operate outside enclosed permanent structures between the hours 11:00 p.m. to 6:30 a.m.
10. Fleet and equipment storage use standards. The following ~~shall~~ must apply to areas exclusively used for the parking or storage of fleet vehicles or equipment, whether as a principal or accessory use, including, but not limited to, taxis, heavy equipment, tool and equipment rental, tractor trailers, trailers, delivery vans, moving vans, and other commercial vehicles.
- a. Within 200 feet of an arterial, street, collector street, or Chattahoochee Avenue. No fleet or equipment storage use ~~shall~~ must be located within 200 feet of an arterial street, collector street, or Chattahoochee Avenue (measured in a straight line from the edge of the applicable right-of-way to closest portion of any fleet or equipment storage use).
 - b. All other locations. Fleet or equipment storage not subject to “a” immediately above is permitted but ~~shall~~ 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~~ 5 feet high may be installed in zoning districts that allow them.
11. Package store standards. The following ~~shall~~ must apply to package stores:
- a. No package store over 1,200 square feet in floor area ~~shall~~ must be located within 1,500 feet of another property containing a package store over 1,200 square feet in floor area (measured in a straight line from ~~property~~ lot line to ~~property~~ lot line).
 - b. Drive-through package stores of any size are prohibited.
12. Self-storage use standards.
- a. Non-commercial self-storage use standards. The following ~~shall~~ must apply to self-storage facilities used exclusively by residents, employees, or owners of the development and specifically excludes where individual storage units are rented to the general public:
 - i. The total floor area used for non-commercial self-storage ~~shall~~ must not exceed ~~ten~~ 10 percent of the floor area of total project floor area.

- ii. The total project floor area identified in "i" immediately above **shall** must include the total floor area of all existing and proposed uses, including within any unified development plan; and
 - iii. No non-commercial self-storage **shall** must be located within 60 feet of any building facade along a public street.
 - iv. No occupancy permit **shall** will be issued for non-commercial self-storage before one or more occupancy permits have been issued for other permitted uses in the project. Furthermore, the combined floor area of all said other permitted uses holding occupancy permits **shall** equal or exceed the floor area of the non-commercial self-storage.
- b. Commercial self-storage use standards. The following **shall** must apply to self-storage facilities where individual storage units are rented to the general public:
- i. Concurrency requirement. The following **shall** must also apply:
 - a) The floor area used for commercial self-storage **shall** must not exceed 25 percent of the total project floor area;
 - b) The total project floor area identified in "a" immediately above **shall** must include the total floor area of all existing and proposed uses, including within any unified development plan; and
 - c) No occupancy permit **shall** will be issued for commercial self-storage before one or more occupancy permits have been issued for other permitted uses in the project. Furthermore, the combined floor area of all said other permitted uses holding occupancy permits **shall** must equal or exceed the floor area of the commercial self-storage.
 - ii. Active **use** Depth requirements.
 - a) Active **uses** that conform to **section 16-44.010(3)(a)** **shall** will be provided in the locations set forth in "ii" through "iv" immediately below, even when not otherwise applicable. Self-storage is not considered an "active use."
 - a) Active uses are required within 60 feet of any building facade along a public street.
 - b) Active uses are required within 30 feet of any building facade that faces an existing public park or multi-use trail.
 - c) Active uses are required within 30 feet of any building facade that faces a proposed public park or multi-use trail identified in an official city project.
14. Vehicular use standards. The following **shall** must apply to the indicated vehicular uses:
- a. Within 2,000 feet of Howell Mill Road. No battery exchange stations, car washes, tire and repair shops, or paint and body shops, whether permitted or accessory uses, **shall** must be located on a property completely or partially within 2,000 feet of Howell Mill Road (measured in a straight line from the centerline of Howell Mill Road to the closest portion of the property).

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- b. All other locations. Battery exchange stations, car washes, tire and repair shops, and paint and body shops, whether permitted or accessory uses, on property not identified in “a” immediately above are subject to the following:
 - i. No battery exchange station, car wash, tire and repair shop, or paint and body shop shall be located within 1,500 feet of another property containing the same vehicular use (measured in a straight line from ~~property~~ lot line to ~~property~~ lot line).
15. Limitations on non-residential uses exceeding 7,500 square feet.
- a. SUP required. All non-residential uses or establishments exceeding 7,500 square feet in area in which alcoholic beverages are sold or consumed on the premises require a **special use permit**. This special use permit requirement also applies to such uses or establishments previously under 7,500 square feet if subsequent renovations, additions, or other expansions result in the total square footage exceeding 7,500 square feet. This requirement does not apply to establishments that are licensed to sell alcoholic beverages only by the package, hotels, city food markets, city park organizations, continuing education centers, government centers, parks, park facilities, outdoor markets, retail grocery supermarkets, schools, or suite hotels, as those terms are defined in section 10.1 of the Code of Ordinances (article 1, chapter 10 “Alcoholic Beverages”). For purposes of this section 16-44.007(12), “area” shall mean and include the total gross square footage of all buildings, structures, and premises that make up the establishment, including all kitchen, restroom and storage areas, as well as all patios, rooftop spaces, exterior spaces, and outdoor spaces of any kind, whether or not containing a roof or walls, in which activities associated with or accessory to the sale or consumption of alcoholic beverages are conducted. “Area” ~~shall~~ must not be restricted to individual parcels or lots but shall include multiple parcels or lots or portions thereof if they are in any way a part of or accessory to the operation of the use or establishment.
 - b. SUP standards. Non-residential uses or establishments requiring a special use permit under this section 16-44.007(12) shall demonstrate compliance with each of the criteria and requirements provided in (a) immediately above, (c) immediately below, and section 16-44.013(2), in addition to those criteria relating to special use permits set forth in chapter 25 of part 16 of the Code of Ordinances (Special Permits).
 - c. Site plan. A scaled and sealed site plan ~~shall~~ must be provided showing the entire area as defined in ~~section~~ section 16-44.007(12)(a) above as well as all other buildings, structures, and parking structures or locations.
 - d. Transportation management plan. Applicants ~~shall~~ must submit a transportation management plan that conforms to the requirements of section 16-44.013..
 - e. Public safety. Applicants ~~shall~~ must submit a Public Safety Management Plan (PSMP) containing strategies to ensure public safety for customers or visitors to the proposed use and to the broader community. The PSMP ~~shall~~ must include, but not be limited to, public and private security strategies that are sufficient for the size of the establishment or premises, including parking areas.

F. Site Limitations

(Sec. 16-44.008.)

1. Blocks.
 - a. Blocks required. Developments proposing to contain an entire block face greater than 600 feet in total frontage along a single existing public or private street **shall** must incorporate new streets that conform to the following:
 - i. New streets **shall** must create block faces not exceeding 400 feet in length, except when the new block only contains a single industrial use that exceeds 160,000 square feet in floor area. Incorporation of any city right of way or abandoned railroad (e.g., CSX Norfolk Southern, etc.), that is planned as a priority project for a Beltline multiuse trail, or any public trail as identified by the Beltline, the Path Foundation, or other local agencies, should not be developed per those official city plans.
 - ii. Blocks **shall** must incorporate any existing dead end public streets abutting the property.
 - iii. Blocks **shall** must incorporate any existing unbuilt public street rights-of-way within or abutting the property.
 - iv. Block face length **shall** must be measured at the back of the required sidewalk.
 - b. Block exemptions. Equivalent bicycle and pedestrian access, including any trails identified in an official city project, may be provided in lieu of any street otherwise required by this section **16-44.008(1) (Blocks)**.
 - c. New street standards. New streets required to satisfy “a” immediately above:
 - i. May be public or private, and any such private streets **shall** must be referred to as “required private streets” in this district;
 - ii. **Shall** must not be gated.
 - iii. **Shall** must connect two other public streets or private streets, except for stub streets within the development that provide existing or future connectivity to adjacent properties; and
 - iv. **Shall** must provide required sidewalks on both sides, unless the street is located at the edge of the property. **See section 16-44.009 (Sidewalks)**.
 - d. Intersection standards. When new streets required by **section 16-44.008(1)(a) (Blocks Required)** intersects an existing or new public or private street, the resulting intersection **shall** must provide crosswalks and any warranted intersection control devices, subject to approval of the Atlanta Department of Transportation or the Georgia Department of Transportation, as applicable.
2. Beltline Overlay path standards incorporated and expanded by reference. Public or private access paths everywhere in the district **shall** must be subject to **section 16-36.011(4)** of the Beltline Overlay.
3. **Open space.**
 - a. Minimum requirement. An amount equal to ten percent net lot area shall be provided as open space when both of the following conditions are met:

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- i. Non-residential, non-industrial uses constitutes the greatest floor area; and
- ii. The underlying zoning has no open space or public space requirement.
- b. Permitted open space. When (a) above applies, the following may be used to satisfy open space requirements:
 - i. Useable open space.
 - ii. Open space identified in an official city project.
 - iii. Vegetated roofs.
 - iv. Stormwater ponds that manage and control stormwater runoff from multiple buildings or properties, in accordance with the current City of Atlanta Stormwater Design Manual, when said stormwater ponds have been designed by a qualified professional as formal or natural amenities that incorporate additional functions other than stormwater management into their design, including, but not limited to aesthetic appeal, seating, boardwalks, and similar features.
 - v. New public streets, or private streets which function as public streets, provided the following requirements are met:
 - a) Connects two other public streets or private streets which meet the requirements of items "b" through "d" below; and
 - b) Meets all sidewalk requirements; and
 - c) The maximum width shall be 36 feet which shall must include, two on-street parallel parking lanes, two travel lanes and sidewalk extensions at intersections and shall must have granite curbs; and
 - d) When adjacent to a park area, new streets shall must meet all above requirements along each park edge; and
 - e) Gates shall must not be permitted across said streets.
 - vi. Connectivity across adjacent public rights-of-way which do not provide pedestrian access, such as railroads and freeways, provided the following requirements are met:
 - a) Said connectivity shall must be achieved using public streets, private streets which function as public streets, pedestrian walkways, or bike and jog paths; and
 - b) Streets shall must meet all sidewalk requirements; and
 - c) Pedestrian walkways shall be a minimum width of ~~six~~ 6 feet and bike and jog paths shall be a minimum width of ~~ten~~ 10 feet; and
 - d) Streets, pedestrian walkways and bike and jog paths shall must connect to other public streets, pedestrian walkways, bike and jog paths or parks.
- c. Prohibited open space. New on-street parking and new streets required by section 16-44.008(1)(a) (Blocks Required) shall must not be counted towards open space, even when otherwise allowed by the underlying zoning.

4. Adjacent to public spaces. Properties adjacent to a public space such as a park space, greenway trail, railroad right-of-way which has been abandoned, or a railroad right-of-way with an existing or proposed rail-trail:
 - a. **Shall** Must have a minimum of a 20-foot-wide buffer along the property line adjacent to said public space. Said buffer **shall** must be completely landscaped excluding walkways, benches and other such recreational features as approved by the Director of the Office of Zoning and Development, or
 - b. **Shall** Must provide a new public access street, pedestrian walkway, or bike and jog path between any development and said space and shall meet the following requirements:
 - i. Streets **shall** must meet the requirements of **section 16-44.008(3)(b)(v)**.
 - ii. Pedestrian walkways shall be at least six feet wide, and bike and jog paths shall conform to **section 16-44.008(2)** above.
 - iii. Wherever possible, streets, pedestrian walkways and bike and jog paths **shall** must connect to other streets, pedestrian walkways, bike and jog paths and parks.
 - c. **Shall** Must not locate off-street parking areas or loading docks between any building and said space except in cases where meeting this would require the development to be in conflict with any applicable requirements to screen loading areas, loading dock entrances, and building mechanical and accessory features, or any applicable requirements for parking lot barriers and landscaping.
 - d. **Shall** Must include an entrance to all adjacent uses which:
 - i. **Shall** Must face and be visible from the park space, greenway, abandoned rail line or rail line with an existing or proposed rail-trail.
 - ii. **Shall** Must be directly accessible from said space from the park space, greenway, abandoned rail line or rail line with an existing or proposed rail-trail.
 - iii. Wherever possible **shall** must open directly onto the adjacent sidewalk, or an outdoor dining area or plaza adjacent to the sidewalk.

G. Sidewalks

(Sec. 16-44.009.)

1. Beltline Overlay sidewalks standards incorporated and expanded by reference. Sidewalks everywhere in the district shall be subject to **section 16-36.012** of the Beltline Overlay and the additional standards of this **section 16-44.009**.
2. Sidewalks required. Sidewalk shall be installed when one or more of the following occurs:
 - a. General. When required by **section 16-44.005 (Redevelopment Requirements)** or **section 16-44.009(3) (General Sidewalk Standards)**.
 - b. Expansion. When 25 percent or more increase in cumulative total floor area is proposed, measured beyond the floor area existing on the effective date of this **chapter**.

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- c. Site work. When a 25 percent or more site work is proposed. Site work includes as all land disturbing activities defined in section 74-37 and any repaving or resurfacing of parking lots, driveways, and other surfaces used by vehicles.
 - d. Off-site parking. When existing or new principal or accessory parking on a lot is used as off-site parking, regardless of whether shared parking is provided.
3. General sidewalk standards. Sidewalks shall be located along public or required private streets and with the components and widths specified for “General Standards” in **Table 1: Upper Westside Sidewalk Table**, except as specified under “Alternative Standards” and in **section 16-44.009(4)**.

Table 1: Upper Westside Sidewalk Table			
	Sidewalk-Street Furniture and Tree Planting Amenity Zone	Sidewalk-Walk Pedestrian Zone	Applicable Standard
General Standards:	Per Beltline Overlay	Per Beltline Overlay	Sec. 16-36.012 (Sidewalks)
Alternative Standards:			
Conformance with Official City	Per Official City Project	Per Official City Project	Sec. 16-44.009(4)(a)
Existing Buildings, with setbacks from curb of 7 ft. or less:	See Walk Zone	Min. existing width from curb to building	Sec. 16-44.009(4)(b)
Existing Buildings, with setbacks from curb over 7 ft:	Min. 2 ft.	Min. 5 ft.	Sec. 16-44.009(4)(b)
Existing Trees:	Min. 2 ft.	Min. 5 ft.	Sec. 16-44.009(4)(c)
Existing Topography:	Min. 2 ft.	Min. 5 ft.	Sec. 16-44.009(4)(d)
Industrial Operations	Min. 2 ft.	Min. 5 ft.	Sec. 16-44.009(4)(e)
Other Existing Site Features:	See Walk Zone	Min. existing width within right-of-way	Sec. 16-44.009(4)(f)
Additional Exceptions	Prohibited	Prohibited	Sec. 16-44.009(5)

4. Alternative standards. The required sidewalk components and widths may be modified as specified under “Alternative Standards” in Table 1: Upper Westside Sidewalk Table, subject to the following:
- a. Conformance with city projects.
 - i. Applicability. This alternative ~~shall~~ must only apply when an official city project uses an alternative design.
 - ii. Standard. Sidewalks ~~shall~~ must conform to the design found in an official city project, subject to approval of the Commissioner of the Atlanta Department of Transportation, provided the total width allocated to sidewalks, bicycle facilities, and multi-use trails ~~shall~~ must be at least 15 feet.
 - b. Existing buildings.
 - i. Applicability. This alternative ~~shall~~ must only apply when an existing building prevents the **“General Standards”** from being met.

- ii. Standard. The required total sidewalk width ~~shall~~ must be one foot less than the actual building setback from the street curb, measured on a point by point basis, but not less than the minimum widths shown in **Table 1**.
- c. Existing Trees.
 - i. Applicability. This alternative ~~shall~~ must only apply when an existing tree with a diameter at breast height (DBH) of ~~six~~ 6 inches or more prevents the "General Standards" from being met unless the tree is removed.
 - ii. Standard. When the existing tree is maintained, the minimum required sidewalk width may be reduced only to the extent required to avoid tree removal, but not less than the minimum widths shown in **Table 1**.
- d. Existing topography.
 - i. Applicability. This alternative ~~shall~~ must only apply when a sidewalk is required by **section 16-44.009(2)(b) (Expansion) though section 16-44.009(2)(d) (Off-site parking)**, but the existing topography prevents the "General Standards" from being met unless a retaining wall over ~~four~~ 4 feet in height is constructed (measured at the back of the sidewalk).
 - ii. Standard. The minimum required sidewalk width may be reduced only to the extent required to avoid such retaining wall, but not less than the minimum widths shown in **Table 1**.
- e. Industrial operations.
 - i. Applicability. This alternative ~~shall~~ must only apply when a sidewalk is required by **section 16-44.009(2)(b) though section 16-44.009(2)(d)**, but an industrial operation prevents the "General Standards" from being met without eliminating commercial vehicle access and maneuvering space, eliminating commercial vehicle loading, or requiring other changes that would render the property unusable for industrial uses.
 - ii. Standard. The minimum required sidewalk width may be reduced only to the extent required to avoid such impact, but not less than the minimum widths shown in **Table 1**.
- f. Other existing site features.
 - i. Applicability. This alternative ~~shall~~ must only apply when a sidewalk is required by **section 16-44.009(2)(b) though section 16-44.009(2)(d)**, but an existing site feature, such as a bridge abutment, retaining wall, utility device, stream, burial site, or rock outcrop (but excluding a parking, driveways, signs, landscaping, wall, and fence), prevents the "General Standards" from being met without moving such features.
 - ii. Standard. The minimum required sidewalk width may be reduced only to the extent required to avoid moving such features, but not less than the minimum widths shown in **Table 1**.
- 5. Decorative pedestrian lights. Decorative pedestrian lights are required along public streets and shall be spaced as required by the Beltline Overlay.

GENERAL OVERLAYS

6. Transit stops. Developments more than one acre in area and adjacent to existing public transit bus stops which have no shelters shall provide a bus shelter at each stop. The design and location of such stop shall be approved by the director of the office of zoning and development.

H. Relationship of Building to Street

(Sec. 16-44.010)

1. Applicability.
 - a. This section 16-44.010 (Relationship of Building to Street Building Standards) shall must not apply properties zoned I-Mix, NC, MR, MRC, LW, or within the Beltline Overlay due to similar existing requirements in those districts, except as otherwise provided in "b" immediately below.
 - b. Section 16-44.010(2) (Pedestrian Entrance) through section 16-44.010(5) (Residential uses) shall must apply to properties zoned I-Mix, NC, MR, MRC, LW, or within the Beltline Overlay when an existing building changes use or occupancy.
2. Pedestrian entrance entry feature. The primary pedestrian entrance entry feature for pedestrians to access all sidewalk-level ground story uses and business establishments facing a public street or required private street:
 - a. Shall Must be visible from the sidewalk adjacent to such street.
 - b. Shall Must be shall be linked to the required sidewalk with a pedestrian walkway a minimum of five-feet wide. See section 16-44.011(2)(d) for additional requirements for pedestrian walkways where retaining walls exist.
 - c. Shall Must remain unlocked during business hours for nonresidential uses.
3. Active-sidewalk-level-uses Ground story active depth required.
 - a. Buildings. Along public streets or required private streets, and as otherwise provided by this chapter:
 - i. Portions of buildings facing a required sidewalk shall provide a sidewalk-level ground story for the entire width of the building facade, except at ingress and egress points into parking structures or loading areas. The sidewalk-level ground story shall have a finished floor ground story elevation within five 5 vertical feet of the adjacent required sidewalk grade, measured on a point-by-point basis.
 - ii. Portions of building facades required by "i" immediately above shall must only be used for active uses with a minimum active depth of 20 feet for nonresidential uses and a minimum depth of ten 10 feet for residential uses.
 - iii. Active uses required by "ii" immediately above shall must mean any permitted use having interior floor area served by plumbing, heating, and electricity. Actives uses required by "ii" immediately above exclude parking; digital industry switchboards, relay equipment, and associated power generators; residential storage; non-residential storage not associated with an industrial use; and driveways or queuing lanes parallel to the adjacent street.

- iv. When topography otherwise prevents this requirement from being satisfied with a single ~~finished-floor~~ ground story elevation, the ~~finished-floor~~ ground story elevation ~~shall~~ must step so that it remains within ~~five~~ 5 vertical feet of every portion of the adjacent required sidewalk grade.
 - b. Parking structures. See section **16-44.001(1) (Parking Structure Design Standards).**
4. **Fenestration.**
- a. Fenestration standards. Fenestration required by this **Section 16-44.010(4)** shall must:
 - i. Begin at a point not more than 36 inches above the sidewalk grade, to a height no less than ~~ten~~ 10 feet above the sidewalk grade; or
 - ii. Begin at the ~~finished-floor~~ ground story elevation to a height no less than ten feet above the ~~finished-floor~~ ground story elevation when the ~~finished-floor~~ ground story elevation is ~~three~~ 3 or more feet above the sidewalk grade; or
 - iii. Begin at a point not more than sidewalk grade, to a height no less than ~~ten~~ 10 feet above the ~~finished-floor~~ ground story elevation when the ~~finished-floor~~ ground story elevation is below the sidewalk.
 - iv. Except for parking decks, fenestration ~~shall~~ must not utilize painted glass, reflective glass or other similarly treated or opaque windows.
 - v. Glass on pedestrian ~~doors/entrances~~ entry features count towards fenestration requirements, but glass on vehicular ~~entrances~~ entry features/garages doors does not.
 - b. Industrial uses along all streets. ~~Street-fronting~~ Street-facing industrial uses along ~~public-streets shall~~ must meet the following sidewalk level requirements:
 - i. Fenestration ~~shall~~ must be provided for a minimum of 30 percent of the facade length.
 - ii. The facade length without fenestration or an ~~entrance~~ entry feature ~~shall~~ must not exceed 75 feet.
 - c. Other non-residential uses along all streets. ~~Street-fronting~~ Street-facing non-residential uses along public streets or required private streets, except for industrial uses, places of worship, and fire stations, ~~shall~~ must meet the following ground floor requirements:
 - i. Fenestration ~~shall~~ must be provided for a minimum of 65 percent of the facade length.
 - ii. The facade length without fenestration or an ~~entrance~~ entry feature ~~shall~~ must not exceed 20 feet.
 - d. Residential uses along all streets. ~~Street-fronting~~ Street-facing residential uses along public streets or required private streets ~~shall~~ must meet the following ground floor requirements:
 - i. Fenestration ~~shall~~ must be provided for a minimum of 30 percent of the facade length.
 - ii. The facade length without fenestration or an ~~entrance~~ entry feature ~~shall~~ must not exceed 20 feet
- (e) Parking structures. See section **16-44.010(6) (Parking Structure Design Standards).**

GENERAL OVERLAYS

5. Residential uses. Buildings with ground floor residential uses **shall** must meet the following:
 - a. All primary pedestrian **entrances** entry features not adjacent to a required sidewalk **shall** must be linked to the required sidewalk with a pedestrian walkway a minimum of five-feet wide.
 - b. All such buildings with more than four residential units that are adjacent to the required sidewalk **shall must** have individual **entrances** entry features to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access **shall** must be perpendicular to the street and **shall** must be permitted to share said walkway with one adjacent unit. See **section 16-44.011(2)(d)** for additional requirements for pedestrian walkways where retaining walls exist.
6. Parking structure design standards. Along public streets, parking structures:
 - a. **Shall** Must conform to the building active use standards of **section 16-44.010(3)(a)**; and
 - b. **Shall** Must conform to the applicable fenestration standards of **section 16-44.010(4) (Fenestration)**.

I. Fences and Walls**(Sec. 16-44.011.)****1. General**

- a. The following general standards **shall** must not apply properties **zoned I-Mix, NC, MR, MRC, LW, or within the Beltline Overlay** due to similar existing requirements in those districts.
- b. Fences and walls in the front yard, half-depth front yard, or supplemental zone, as applicable to the zoning district, **shall** must only be allowed when they meet the regulations in **"c"** and **"d"** below. Fences and walls in other locations **shall** must conform to the applicable zoning district regulations.
- c. For all **sidewalk-level** ground story residential and outdoor dining uses:
 - i. Fences **shall** must not exceed 42 inches in height.
 - ii. Walls **shall** must not exceed 24 inches in height, except as provided in **section 16-44.011(2)** for retaining walls.
 - iii. Outdoor dining may only be separated from the sidewalk by movable planters, fencing, or similar barriers provided they do not exceed a height of 36 inches, including any plant material they might contain.
- d. For all other non-residential **sidewalk-level** ground story uses, except industrial uses: fencing and walls are prohibited unless used to meet a screening requirement of **section 16-44.007 (Use Regulations)**.

2. Retaining walls.

- a. No individual retaining walls between a building and the closest required sidewalk **shall** must exceed a height of **four** 4 feet.

- b. No more than ~~two~~ 2 retaining walls ~~shall~~ must be permitting between a building and the closest required sidewalk.
 - c. When tiered, as described in "~~b~~" immediately above, the face of each upper retaining wall ~~shall~~ must be separated from the face of the nearest lower retaining wall by at least a minimum horizontal distance equal in length to the height of the upper retaining wall, where the height of the upper retaining wall is measured from the ground ~~level~~ floor after any grading has been carried out.
 - d. When a retaining wall exists and a pedestrian walkway from a building to the sidewalk is required by section 16-44.010(2)(b) or section 16-44.010(5)(b) stairs or ramps ~~shall~~ must be incorporated into the retaining wall to provide said connection.
3. Chain link. No chain link ~~shall~~ must be visible from any public park, plaza, public right-of-way, private street, pedestrian way, required sidewalk, or ~~sidewalk-level~~ ground story outdoor dining area.
 4. Barbed wire, razor wire. Barbed wire and razor wire are prohibited.

J. Access Management and Driveways

(Sec. 16-44.012.)

1. Subdivision. Properties that are subdivided, except those used for single-family detached dwellings or zero lot line, ~~shall~~ must provide the following between newly created lots adjoining the same public street:
 - a. Shared driveways or inter-parcel access; and
 - b. Direct pedestrian access without use of a required sidewalk, unless all proposed buildings on both resulting lots directly abut and have pedestrian access from the same required sidewalk.
2. Access restrictions. Curb cuts and driveways ~~shall~~ must not be permitted on any arterial street, collector street, or Chattahoochee Avenue when access may be provided from a local street adjacent to a contiguous property, with the exception of hotel patron drop-off drives.
3. Driveways.
 - a. Driveway curb cuts ~~shall~~ must be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the Commissioner of the Atlanta Department of Transportation.
 - b. All sidewalk paving materials ~~shall~~ must be continued across any intervening driveway curb cut at the same prevailing grade and cross slope as the adjacent ~~sidewalk~~ pedestrian zone.
 - c. Driveways ~~shall~~ must have a band of textured concrete adjacent to the street which is in-line and equal in width to the ~~sidewalk-street furniture and tree-planting~~ amenity zone and ~~shall~~ must have a textured band of concrete adjacent to the back of that sidewalk and in- line with the front yard, half-depth front yard, or supplemental zone, as applicable to the zoning district, with a minimum width of ~~five~~ 5 feet from the sidewalk, or such standard as developed by the Atlanta Department of Transportation.
 - d. Independent driveways are not required.

GENERAL OVERLAYS

- e. A common or joint driveway is allowed when adjacent lots have direct vehicular access to a street. The arrangement **shall** must include a perpetual easement agreement authorized by all affected property owners. A copy of such agreement is provided to the Office of Zoning and Development.
4. Future connectivity.
 - a. No development **shall** must be designed to prohibit or obstruct the ability for future vehicle, bicycle, and pedestrian access and connectivity to adjacent properties, including using new public or private streets, except where the Director of the Office of Zoning and Development determines that such is impractical due to legal, topographic, or other site- specific constraints.
 - b. This provision **shall** must not be interpreted to prohibit or restrict that which would otherwise be permitted within this district or require inter-parcel rights to be granted to adjacent property owners.
5. Bicycle facility crossings. All driveways that exit a property across a bicycle facility **shall** must incorporate tactile and/or visual devices to alert drivers that they are approaching a bicycle facility. Such devices shall be placed within 15 feet of the closest edge of the bicycle facility but not within the **sidewalk-walk-zone** pedestrian zone.

K. Transportation Management Plan

(Sec. 16-44.013.)

1. Multifamily, office, or hotel developments exceeding 25,000 square feet. The Office of Buildings **shall** will not issue any certificate of occupancy permits for any multi-family residential, office, or hotel development (including the sum of such uses in combination) having more than 25,000 square feet of gross floor area until such time the developer or their specified agent has submitted to the Office of Zoning and Development a Transportation Management Plan (TMP).
2. Non-residential uses exceeding 7,500 square feet. The Office of Buildings **shall** will not issue any certificate of occupancy permits for any individual non—residential use exceeding 7,500 square and subject to **section 16-44.007(12)** until such time the developer or their specified agent has submitted to the Office of Zoning and Development a TMP. Individual uses located in development where a TMP is required by **section 16-44.013(1)** above are not required to develop an additional TMP.
3. Required TMP strategies. This TMP shall contain strategies to reduce single occupancy vehicle trips generated by the project and **shall** must be in accordance with the Transportation Management Plan development guide, a document maintained by the Atlanta Department of Transportation.
4. Certification. Upon the face of the permit plans for improvement of real property subject to the TMP requirement, the applicant **shall** must acknowledge by signature, for itself and successors and assigns on the permit plans, that it will satisfy the requirements of this section and certify which strategies will be used to reduce single occupancy vehicle trips.
5. Summary report. A summary report of ongoing implementation of the TMP shall be submitted annually.

DIVISION 5.3. **AFFORDABLE HOUSING OVERLAYS**

Note: Provisions from this Division are in progress.

Sec. 5.3.1. **Affordable Workforce Housing**

008

A. Scope of Regulations

(Sec. 16-36A.001.)

The provisions of this chapter shall will apply to all residential rental developments of ten or more new residential rental dwelling units in the Beltline Overlay District as defined by Section 16-36.001, et seq.

Whenever the following regulations are at variance with historic district regulations of Part 16, Chapter 20, the more stringent regulations shall will apply whereas not to impact designated historic structures or buildings.

B. Findings and Statement of Intent

(Sec. 16-36A.002.)

Providing a range of affordable housing choices for working persons in the Beltline Overlay District is a difficult but vital objective. Housing shortages for persons of various income levels are detrimental to the public health, safety and welfare, causing detrimental transportation, environmental, business and social consequences. The purpose of this chapter is to increase the availability of housing choices for individuals and families earning at or below eighty percent (80%) of the area median income ("AMI") or at or below sixty percent (60%) of AMI as calculated and published annually by the U.S. Department of Housing and Urban Development ("HUD") for the Atlanta - Sandy Springs - Marietta metropolitan area.

Therefore, policies to promote these objectives will serve to:

1. Implement the goals, policies, and objectives contained in the City's Comprehensive Development Plan;
2. Ensure diverse housing options continue to be available for persons and/or households at or below AMI;
3. Maintain a balanced community by encouraging the finite supply of developable land to provide housing opportunities appropriate to meet various needs and income levels;
4. Ensure the availability of housing with better access to jobs in the city and thereby promoting household economic mobility through increased access to MARTA and other public transit;
5. Improve the opportunity for working people to elevate their economic status;
6. Encourage the construction of affordable workforce housing by offering zoning incentives for the provision of affordable workforce housing as a portion of residential development to address both existing and anticipated future housing needs in the Beltline Overlay District;

009

#008

Posted by **Kirsten** on **09/02/2025** at **1:03pm** [Comment ID: 1609] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Add provisions for housing at 30% AMI in the Affordable Workforce Housing Overlay and the Westside Affordable Workforce Housing Overlay (as with the Westside Park Overlay) to help meet the critical shortage of affordable housing for very low-income households

https://www.wjbf.com/news/georgia-news/affordable-housing-study-in-georgia-outline-s-key-issues/#:~:text=The%20National%20Low%20Income%20Housing,of%20their%20income%20on%20rent.

Reply by **SiteAdmin** on **09/16/2025** at **2:20pm** [Comment ID: 1709] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your suggestion.

#009

Posted by **Kirsten** on **09/02/2025** at **1:23pm** [Comment ID: 1616] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Consider extending the inclusionary zoning overlay to those parts of the city within a ½-mile radius of transit stations which are currently outside the overlay boundaries. This will help promote equitable TOD, which appears to be a stated intent here.

Reply by **SiteAdmin** on **09/16/2025** at **2:11pm** [Comment ID: 1702] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your suggestion.

7. Afford developers of residential development the flexibility to meet the broad objectives of the City's policies to assist in providing a percentage of affordable workforce housing units as a portion of development; and
8. Provide opportunities to have on-site, privately produced, owned and managed, long-term affordable units.

C. Definitions

(Sec. 16-36A.003.)

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

1. **Actively marketed.** Applicant shall coordinate with the City of Atlanta Office of Housing and Community Development to locate and place Workforce Residents in available affordable workforce housing units. If Applicant coordinates in writing and in a commercially reasonable manner with the City of Atlanta Office of Housing and Community Development for a period of 60 days with respect to any affordable workforce housing unit from the completion of such units or the vacation of any such unit by any Workforce Resident, and despite such coordination, such unit has not been leased to Workforce Resident then such units shall be counted towards the affordable workforce housing unit requirement if so certified by the City of Atlanta Office of Housing and Community Development.
2. **Affordable workforce housing unit(s).** A residential rental unit in the Beltline Overlay District that complies with the affordability requirement in section 16-36A.004.
3. **Applicant.** Any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities or affiliated entities and any transferee of all or part of the real property at one location, which after this chapter takes effect develops a total of ten or more new residential rental dwelling units at one location in the Beltline Overlay District.
4. **At one location.** All real property of the Applicant in the Beltline Overlay District if:
 - a. Such properties are contiguous at any point;
 - b. Such properties are separated only by a public or private right-of-way or utility corridor right-of-way, at any point; or
 - c. Such properties are separated only by other real property of the Applicant which is not subject to this chapter at the time of any building permit, site plan, and development or subdivision application by the Applicant.
5. **LURA.** A Land Use Restrictive Agreement between the City and the Applicant that shall encumber property in a manner that will require the development and active marketing of a percentage of units as affordable workforce housing units.
6. **Market rate unit(s).** A residential rental unit that is not an affordable workforce housing unit.
7. **Workforce Resident.** The person or persons occupying an affordable workforce housing unit earning in the aggregate no more than 80 percent of AMI for the Atlanta-Sandy Springs-Marietta area, as published by HUD or no more than 60 percent of AMI depending on the applicable

affordability requirement below. The published income limits will be adjusted by household size. The income limits and rent limits will be adjusted annually according to the HUD published limits.

D. On-site Affordability Requirement (Sec. 16-36A.004.)

1. All improvement of real property in the Beltline Overlay District, regardless of the number of parcels, upon which ten or more new residential rental dwelling units will be constructed at one location, **shall** must comply with the applicable affordability requirement set forth below. The affordability requirement **shall** will apply for the greater of 20 years from the date of the issuance of the certificate of occupancy; or such longer period from the date of the issuance of the certificate of occupancy, as permitted by state law at the time of the issuance of the building permit. The affordable workforce housing units **shall** must be substantially similar in construction and appearance (e.g., square footage, type and brand of appliances, materials used for countertops, flooring, etc.) to the market rate units, and **shall** must not be in isolated areas in the development, but **shall** must be interspersed among market rate units. The number of bedrooms in the Affordable Workforce Housing Units (e.g. 1 bedroom, 2 bedroom, 3 bedroom) **shall** will be proportionate to the number of bedrooms in the market rate units.
2. At least 15 percent of the total residential rental units **shall** must be actively marketed for lease to households having an income, as certified by the prospective tenant(s) at the time of execution of the applicable lease agreement, that does not exceed 80 percent AMI for the family size having the same number of persons as the subject household for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area (as published by HUD as of the date of the tenant's application). The monthly rent amount (not including utilities and mandatory fees) for each affordable workforce housing unit **shall** must be no more than 30 percent of the household's monthly gross income as published periodically by HUD; or
3. At least **ten** 10 percent of the total residential rental units shall be actively marketed for lease to households having an income, as certified by the prospective tenant(s) at the time of execution of the applicable lease agreement, that does not exceed 60 percent of the AMI for the family size having the same number of persons as the subject household for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area (as published by HUD as of the date of the tenant's application). The monthly rent amount (not including utilities and mandatory fees) for each affordable workforce housing unit **shall** must be no more than 30 percent of the household's monthly gross income as published periodically by HUD.
4. Units actively marketed for lease in accordance with the terms of the LURA shall be considered to be in compliance with the requirements of this **Chapter 36A.**

E. Plans to Conform

(Sec. 16-36A.005.)

Upon the face of the permit plans, and as a condition of the special administrative permit and building permit for improvement of real property subject to the affordability requirement, the Applicant **shall** will acknowledge by signature, for itself its successors and assigns on the permit plans, that it will satisfy the requirements of **16-36A.004 or 16-36A.007** and certify which floorplans to be built within the property will be the affordable units and the number of units to be designated affordable within each floorplan type.

#010

Posted by **grace212** on **09/02/2025** at **2:12pm** [Comment ID: 1635] - [Link](#)

Question

Agree: 0, Disagree: 0

Is there an opportunity to include for-sale affordability requirements? Or is this carried over from the previous overlay language?

Reply by **SiteAdmin** on **09/16/2025** at **1:51pm** [Comment ID: 1686] - [Link](#)

Answer

Agree: 0, Disagree: 0

This is the existing standard.

F. Certificate of Occupancy

(Sec. 16-36A.006.)

Unless Applicant satisfies the requirements of 16-36A.007, the following requirements **shall** will apply:

1. Concurrency. Applicant **shall** will use best efforts to develop affordable workforce housing unit(s) concurrently with market rate units; and
2. LURA. No temporary or final certificate of occupancy **shall** will be issued until a LURA in the form provided by the City is recorded in the county real estate records where the property lies and a recorded copy is affixed to the application for certificate of occupancy.

G. In-Lieu Option

(Sec. 16-36A.007.)

In lieu of compliance with the on-site affordability requirement, the Applicant may elect to pay an in-lieu fee to the City to be deposited into the **Beltline Affordable Workforce Housing** In-Lieu Fee Trust Fund prior to issuance of a building permit. In-lieu fees are a public record and are assessed per Beltline Subarea and are calculated yearly to reflect the current market. Rates will be published and available on the City of Atlanta Department of City Planning website no later than June 1 of each year and will be effective July 1 of that same year. The in-lieu fees plus administrative costs are based on the approximate cost of construction of replacement affordable workforce housing units that were not built on-site.

011

H. Density Bonus

(Sec. 16-36A.008.)

1. A development in compliance with the affordability requirement **shall** will be entitled to a 15 percent floor-area ratio increase above the floor-area ratio set by the current zoning for the development ("density bonus"). In the event the Applicant chooses not to use any or all of the density bonus on-site, such density bonus may be severed in the form of development rights, pursuant to the procedures set forth in **section 16-28.023** (Transfer of development rights). In the event construction of all or a portion of the density bonus would exceed the maximum floor area ratio set forth in the City's comprehensive development plan, if any, Applicant **shall** will only be entitled to apply for transfer of development rights for such excess portion.
2. Evidence of a development exercising the density bonus on-site **shall** will be entitled to an increase of the maximum parking requirements of **16-36.020(2)**, if necessary, but only commensurate with the number of spaces required in accordance with the density bonus granted. Evidence of a development exercising the option to increase the density on-site will only be obligated to comply with the minimum open space requirements set by the underlying zoning district for the development.

I. Parking Incentives

(Sec. 16-36A.009.)

1. A development in compliance with the affordability requirement **shall** will be entitled to a reduction in the minimum parking requirement set by Atlanta City Code **Section 16-36.020(1)**.

#011

Posted by **Kirsten** on **09/02/2025** at **1:10pm** [Comment ID: 1612] - [Link](#)

Question

Agree: 0, Disagree: 0

Does the in-lieu option (for all overlays in this section) require that the trust fund help develop new affordable housing in the same geographic area?

Reply by **SiteAdmin** on **09/16/2025** at **2:18pm** [Comment ID: 1706] - [Link](#)

Answer

Agree: 0, Disagree: 0

Unfortunately, I do not know the answer to this. Please reach out to William Tucker (wmdtucker@atlantaga.gov). He may know. Thanks!

2. ⁰¹² Minimum Parking for Residential Uses: There will be no minimum parking requirement for a residential development within the **Beltline Overlay District**. ⁰¹³
3. Minimum Parking for Non-Residential Uses in a Mixed Residential Commercial Development: The minimum parking requirement set by Atlanta City Code **Section 16-36.020(1)**.

J. Application Review

(Sec. 16-36A.010.)

1. Priority Application Review: A development that will meet the on-site affordability requirement **shall** will be entitled to an expedited administrative review of the **Beltline special administrative permit ("SAP")**. The **SAP** will be given priority and be reviewed within 21 days of submitting a completed application and all Beltline Design Review Committee comments must be given to the City of Atlanta Office of Zoning and Development within 14 days.
2. Major Projects Meeting: A development that will meet the on-site affordability requirement **shall** will be given major project status and will be afforded a "Major Projects Meeting" in which representatives from all departments that will review the development for permitting will meet with the applicant to identify potential issues and articulate expectations and requirements for permitting.

K. Monitoring and Enforcement

(Sec. 16-36A.011.)

1. The City of Atlanta's Office of Buildings **shall** will enforce the affordability requirement prior to issuance of the certificate of occupancy. The Office of Housing and Community Development **shall** will enforce the affordability requirement after issuance of the certificate of occupancy. ⁰¹⁴
2. Compliance report. Each development **shall** must comply with reporting requirements set forth in the LURA, as described in **section 16-36A.006**.
3. Non-compliance. No development **shall** will maintain its eligibility for incentives under this chapter unless a valid LURA remains in effect and unless the development continuously meets the affordability requirement during the entire period of the LURA. The City may take any other legal remedies allowed under the LURA including but not limited to seeking an injunction to prevent the leasing of units that would cause the project to exceed the number of market rate units to be leased under the LURA.
4. Enforcement. Violations of the requirements in his **chapter** **shall** will be subject to the penalties outlined in Atlanta City Code **Section 16-30.002**.

L. Reporting

(Sec. 16-36A.012)

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

#012

Posted by **grace212** on **09/02/2025** at **2:13pm** [Comment ID: 1636] - [Link](#)

Agree: 1, Disagree: 0

This is a great addition!

#013

Posted by **nedfalk** on **07/17/2025** at **3:07pm** [Comment ID: 1286] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

The no min off street parking will lower housing costs at the expense of existing residents parking especially in areas where street parking is already used by residents.

New infill development in areas of already congested parking should be accompanied by permit parking for all existing residents. This is what Washington DC does. Off-street parking should also be controlled, not allowing more than 1 space offstreet to gain neighborhood buy-in .. like Berkeley CA. We can't have more cars on the same streets..

Reply by **SiteAdmin** on **07/18/2025** at **10:32am** [Comment ID: 1289] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your feedback.

#014

Posted by **Kirsten** on **09/02/2025** at **1:07pm** [Comment ID: 1610] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

The Compliance Report should also include the number of workforce units occupied (see example from DeKalb County Municipal Code, Sec. 2-926 - Annual report). This will add protections to prevent property managers from keeping these units empty while collecting security deposits from numerous applicants but never renting them out.

Reply by **SiteAdmin** on **09/16/2025** at **2:19pm** [Comment ID: 1708] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your suggestion.

M. Severability

(Sec. 16-36A.013.)

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

Sec. 5.3.2. Westside Affordable Workforce Housing

A. Scope of Regulations (Sec. 16-37.001.)

The scope of the regulations set forth in this chapter are the regulations in the Westside Affordable Workforce Housing Overlay District. These regulations are as follows:

1. The existing zoning map and underlying zoning regulations governing all properties within the Westside Affordable Workforce Housing Overlay District shall must remain in full force and effect. The regulations contained within this chapter shall must be overlaid upon, and shall must be imposed in addition to, said existing zoning regulations. Except where it is otherwise explicitly provided, whenever the following overlay regulations are at variance with said existing underlying zoning regulations, the regulations of this chapter shall must apply.
2. The provisions of this chapter shall must apply to all residential rental developments of ten 10 or more new residential rental dwelling units in the Westside Affordable Workforce Housing Overlay District except those residential rental developments governed by City Code Section 54-1(c) (publicly-subsidized multi-family residential property), in which case said code section shall must govern the provision of affordable housing.
3. Whenever the following regulations are at variance with historic district regulations of Part 16, Chapter 20, the more stringent regulations shall must apply whereas not to impact designated historic structures or buildings.

B. Findings and Statement of Intent (Sec. 16-37.002.)

Providing a range of affordable housing choices in the Westside Affordable Workforce Housing Overlay District is a difficult but vital objective. Housing shortages for persons of various income levels are detrimental to the public health, safety and welfare, causing detrimental transportation, environmental, business and social consequences. The purpose of this chapter is to increase the availability of housing choices for individuals and families earning at or below 60 percent or at or below 80 percent of the area median income ("AMI") as calculated and published annually by the U.S. Department of Housing and Urban Development for the Atlanta - Sandy Springs - Marietta metropolitan area.

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

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

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

C. Definitions (Sec. 16-37.003.)

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

1. **Actively marketed.** Applicant **shall** must coordinate with the City of Atlanta Office of Housing and Community Development or its program designee(s) to locate and place Workforce Residents in available affordable workforce housing units. If Applicant coordinates in writing and in a commercially reasonable manner with the City of Atlanta Office of Housing and Community Development for a period of 60 days with respect to any affordable workforce housing unit from the completion of such units or the vacation of any such unit by any Workforce Resident, and despite such coordination, such unit has not been leased to Workforce Resident then such units **shall** will be counted towards the affordable workforce housing unit requirement if so certified by the City of Atlanta Office of Housing and Community Development.
2. **Affordable workforce housing unit(s).** A residential **015** unit in the Westside Affordable Workforce Housing Overlay District that complies with the affordability requirement in **section 16-37.004.**
3. **Applicant.** Any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities or affiliated entities and any transferee of all or part of the real property at one location, which after this **chapter** takes effect develops a total of **ten (10)** 10 or more new residential rental dwelling units at one location in the **Westside Affordable Workforce Housing Overlay District**.
4. **At one location.** All real property of the Applicant in the **Westside Affordable Workforce Housing Overlay District** if:
 - a. Such properties are contiguous at any point;

#015

Posted by **grace212** on **09/02/2025** at **2:16pm** [Comment ID: 1638] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

This should include for-sale housing as well, if possible!

- b. Such properties are separated only by a ~~public or private~~ right-of-way or utility corridor right-of-way, at any point; or
 - c. Such properties are separated only by other real property of the Applicant which is not subject to this **chapter** at the time of any building permit, site plan, and development or subdivision application by the Applicant.
5. **LURA.** A Land Use Restrictive Agreement between the City and the Applicant that ~~shall~~ must encumber property in a manner that will require the development and active marketing of a percentage of units as affordable workforce housing units.
 6. **Market rate unit(s).** A residential rental unit that is not an affordable workforce housing unit.
 7. **Workforce Resident.** The person or persons occupying an affordable workforce housing unit earning in the aggregate no more than 80 percent of the Area Medium Income ("AMI") for the Atlanta-Sandy Springs-Marietta area, as published by the United States Department of Housing and Urban Development ("HUD") or no more than 60 percent AMI depending on the applicable affordability requirement below. The published income limits will be adjusted by household size. The income limits and rent limits will be adjusted annually according to the HUD published limits.

D. On-Site Affordability Requirement (Sec. 16-37.004.)

1. All improvement of real property in the Westside Affordable Workforce Housing Overlay District, regardless of the number of parcels, upon which ten or more new residential rental dwelling units will be constructed at one location, ~~shall~~ must comply with the applicable affordability requirement set forth below. The affordability requirement ~~shall~~ must apply for the greater of 20 years from the date of the issuance of the certificate of occupancy; or such longer period from the date of the issuance of the certificate of occupancy, as permitted by state law at the time of the issuance of the building permit. The affordable workforce housing units ~~shall~~ must be substantially similar in construction and appearance (e.g., square footage, type and brand of appliances, materials used for countertops, flooring, etc.) to the market rate units, and ~~shall~~ must not be in isolated areas in the development, but ~~shall~~ must be interspersed among market rate units. The number of bedrooms in the Affordable Workforce Housing Units (e.g. 1 bedroom, 2 bedroom, 3 bedroom) ~~shall~~ must be proportionate to the number of bedrooms in the market rate units.
2. At least 15 percent of the total residential rental units ~~shall~~ must be actively marketed for lease to households having an income, as certified by the prospective tenant(s) at the time of execution of the applicable lease agreement, that does not exceed 80 percent AMI for the family size having the same number of persons as the subject household for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area (as published by HUD as of the date of the tenant's application). The monthly rent amount (not including utilities and mandatory fees) for each affordable workforce housing unit ~~shall~~ must be no more than 30 percent of the household's monthly gross income as published periodically by HUD; or
3. At least ~~ten~~ 10 percent of the total residential rental units ~~shall~~ must be actively marketed for lease to households having an income, as certified by the prospective tenant(s) at the time of execution of the applicable lease agreement, that does not exceed 60 percent of the AMI for the family size having the same number of persons as the subject household for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area (as published by HUD as of the date

of the tenant's application). The monthly rent amount (not including utilities and mandatory fees) for each affordable workforce housing unit **shall** must be no more than 30 percent of the household's monthly gross income as published periodically by HUD.

4. Units actively marketed for lease in accordance with the terms of the LURA **shall** must be considered to be in compliance with the requirements of this **Chapter 37**.

E. Plans to Conform (Sec. 16-37.005.)

Upon the face of the permit plans, and as a condition of the special administrative permit and/or building permit for improvement of real property subject to the affordability requirement, the Applicant **shall** must acknowledge by signature, for itself its successors and assigns on the permit plans, that it will satisfy the requirements of **16-37.004 or 16-37.007** and certify which floorplans to be built within the property will be the affordable units and the number of units to be designated affordable within each floorplan type.

F. Certificate of Occupancy (Sec. 16-37.006.)

Unless Applicant satisfies the requirements of **16-37.007**, the following requirements **shall** will apply:

1. **Concurrency.** Applicant **shall** will use best efforts to develop affordable workforce housing unit(s) concurrently with market rate units; and
2. **LURA.** No temporary or final certificate of occupancy **shall** will be issued until a LURA in the form provided by the City is recorded in the county real estate records where the property lies and a recorded copy is affixed to the application for certificate of occupancy.

G. In-Lieu Option (Sec. 16-37.007)

In lieu of compliance with the on-site affordability requirement, the Applicant may elect to pay an in-lieu fee to the City to be deposited into the Westside Affordable Workforce Housing In-Lieu Fee Trust Fund prior to issuance of a building permit. In-lieu fees are a public record and calculated yearly to reflect the current market. Rates will be published and made available on the City of Atlanta Department of City Planning website no later than June 1 of each year and will be effective July 1 of that same year. The in-lieu fees plus administrative costs are based on the approximate cost of construction of replacement affordable workforce housing units not built on-site.

H. Density Bonus (Sec. 16-37.008.)

1. A development in compliance with the affordability requirement **shall** will be entitled to a 15 percent floor-area ratio increase above the floor-area ratio set by the current zoning for the development ("density bonus"). In the event the Applicant chooses not to use any or all of the density bonus on-site, such density bonus may be severed in the form of development rights, pursuant to the procedures set forth in **section 16-28.023 (Transfer of development rights)**. In the event construction of all or a portion of the density bonus would exceed the maximum floor area ratio set forth in the City's Comprehensive Development Plan, **if any**, the Applicant **shall** will only be entitled to apply for transfer of development rights for such excess portion.
2. Evidence of a development exercising the density bonus on-site **shall** will be entitled to an increase of the maximum parking requirements of **16-36.020(2)**, if necessary, but only commensurate with the number of spaces required in accordance with the density bonus

granted. Evidence of a development exercising the option to increase the density on-site will only be obligated to comply with the minimum open space requirements set by the underlying zoning district for the development.

I. Parking Incentives (Sec. 16-37.009.)

A development in compliance with the affordability requirement **shall** will be entitled to a reduction in the minimum parking requirement set by the underlying zoning district for the development.

1. Minimum Parking for Residential Uses: There will be no minimum parking requirement for a residential development within the **Westside Affordable Workforce Housing Overlay District**.
2. Minimum Parking for Non-Residential Uses in a Mixed Residential Commercial Development: The minimum parking requirement set by the underlying zoning for the development will be reduced by 25 percent.

J. Application Review (Sec. 16-37.010.)

1. Priority Application Review: A development that will meet the on-site affordability requirement **shall** will be entitled to an expedited administrative review of the special administrative permit ("SAP"). The SAP will be given priority and be reviewed within 21 days.
2. Major Projects Meeting: A development in compliance with the on-site affordability requirement **shall** will be given major project status and will be afforded a "Major Projects Meeting" in which representatives from all departments that will review the development for permitting will meet with the applicant to identify potential issues and articulate expectations and requirements for permitting.

K. Monitoring and Enforcement (Sec. 16-37.011.)

1. The City of Atlanta's Office of Buildings **shall** will enforce the affordability requirement prior to issuance of the certificate of occupancy. The Office of Housing and Community Development **shall** will enforce the affordability requirement after issuance of the certificate of occupancy.
2. Compliance report. Each development **shall** must comply with reporting requirements set forth in the LURA, as described in **section 16-37.006**.
3. Non-compliance. No development **shall** will maintain its eligibility for incentives under this chapter unless a valid LURA remains in effect and unless the development continuously meets the affordability requirement during the entire period of the LURA. The City may take any other legal remedies allowed under the LURA including but not limited to seeking an injunction to prevent the leasing of units that would cause the project to exceed the number of Market Rate units to be leased under the LURA.
4. Enforcement. Violations of the requirements in this chapter **shall** will be subject to the penalties outlined in Atlanta City **Code Section 16-30.002**.

L. Reporting (Sec. 16-37.012.)

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

M. Severability (Sec. 16-37.013.)

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

Sec. 5.3.3. Westside Park Affordable Workforce Housing (chapter 41)

A. Scope of Regulations (Sec. 16-41.001.)

The scope of the regulations set forth in this chapter are the regulations in the Westside Park Affordable Workforce Housing Overlay District. These regulations are as follows:

1. The existing zoning map and underlying zoning regulations governing all properties within the Westside Park Affordable Workforce Housing Overlay District shall must remain in full force and effect. The regulations contained within this chapter shall will be overlaid upon, and shall will be imposed in addition to, said existing zoning regulations. Except where it is otherwise explicitly provided, whenever the following overlay regulations are at variance with said existing underlying zoning regulations, the regulations of this chapter shall will apply.
2. The provisions of this chapter shall apply to all residential developments of ten 10 or more new residential rental and/or residential for sale dwelling units in the Westside Park Affordable Workforce Housing Overlay District, except those residential rental developments governed by City Code Section 54-1(c) (publicly-subsidized multi-family residential property), in which case said code section shall will govern the provision of affordable housing.
3. Whenever the following regulations are at variance with historic district regulations of Part 16, Chapter 20, the more stringent regulations shall apply whereas not to impact designated historic structures or buildings.

B. Findings and Statement of Intent (Sec. 16-41.002.)

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

as calculated and published annually by the U.S. Department of Housing and Urban Development for the Atlanta - Sandy Springs - Marietta metropolitan area.

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

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

C. Definitions (Sec. 16-41.003.)

As used in this [chapter](#), unless specifically stated otherwise, the following terms **shall** must have the meanings set forth below:

1. **Actively marketed.** Applicant **shall** must market the residential rental units and the residential for sale units, respectively, as follows:
 - a. **Rental units.** Applicant **shall** must coordinate with the City of Atlanta Office of Housing and Community Development or its program designee(s) to locate and place workforce residents in available affordable workforce housing units. If Applicant coordinates in writing and in a commercially reasonable manner with the City of Atlanta Office of Housing and Community Development for a period of 60 days with respect to any affordable workforce housing unit from the completion of such units or the vacation of any such unit by any workforce resident, and despite such coordination, such unit has not been leased to workforce resident then such units **shall** will be counted towards the affordable workforce housing unit requirement if so certified by the City of Atlanta Office of Housing and Community Development.
 - b. **Home ownership units.** Applicant **shall** must exercise its best efforts, in coordination with the City of Atlanta Office of Housing and Community Development, for a period of ~~six~~ 6 months following the issuance of the certificate of occupancy, to market the units at the levels set

forth in **section 16-41.004(b)** to a qualified administrator as defined in this **chapter**, unless no qualified administrator can be identified, in which case the applicant may market to income-qualified buyers at the levels set forth in **section 16-41.004(b)**, and provide documentation for approval by the City of Atlanta Office of Housing and Community Development of the proposed buyer's income eligibility prior to the closing. Upon the expiration date of the six-month period, the developer will have a right to sell any remaining units at a market price provided the developer has provided 1) notice to the City of Atlanta Office of Housing and Community Development of the intent to sell workforce owner housing units at market rate, and 2) documentation to support the failure to sell the workforce owner housing units as evidenced by sales offers declined by the developer and/or buyer's requests to terminate sales contracts at the workforce housing maximum prices, or any other documentation satisfactory to the City of Atlanta Office of Housing and Community Development. In the event the developer obtains the right from the City of Atlanta's Office of Housing and Community Development to sell a unit at a market price pursuant to this section, any obligation to the City of Atlanta created by a land use restrictive agreement with respect that particular unit **shall** will be deemed to be extinguished.

2. **Affordable workforce housing unit(s).** A residential rental unit in the **Westside Park Affordable Workforce Housing Overlay District** that complies with the affordability requirement in **section 16-41.004(a)**, or a residential for sale unit in the **Westside Park Affordable Workforce Housing Overlay District** that complies with the affordability requirement in **section 16-41.004(b)**, as applicable.
3. **Applicant.** Any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities or affiliated entities and any transferee of all or part of the real property at one location, which after this chapter takes effect develops a total of **ten** 10 or more new residential rental dwelling units and/or residential for sale units at one location as part of one planned subdivision in the Westside Park Affordable Workforce Housing Overlay District.
4. **At one location.** All real property of the Applicant in the **Westside Park Affordable Workforce Housing Overlay District** if:
 - a. Such properties are contiguous at any point;
 - b. Such properties are separated only by a **public or private** right-of-way or utility corridor right-of-way, at any point; or
 - c. Such properties are separated only by other real property of the Applicant which is not subject to this **chapter** at the time of any building permit, site plan, and development or subdivision application by the applicant.
5. **LURA.** A land use restrictive agreement between the city and the applicant that shall encumber the property in a manner that will require the development and active marketing of a percentage of residential rental units as affordable workforce housing units.
6. **Land use declaration.** A land use restrictive covenant that **shall** will encumber property in a manner that will require the development and active marketing of a percentage of homeownership units as affordable workforce housing units.
7. **Market rate unit(s).** A residential rental dwelling unit or a homeownership dwelling unit that is not an affordable workforce housing unit.

8. **Qualified administrator.** An organization identified by the City of Atlanta Office of Housing and Community Development demonstrating the necessary capacity to provide long term stewardship of affordable homeownership units by identifying purchasers that meet income requirements, and administering ongoing compliance.
9. **Workforce resident.** The person or persons occupying an affordable workforce housing unit earning in the aggregate no more than 80 percent or 120 percent of the AMI for the Atlanta-Sandy Springs-Marietta area, as published by the United States Department of Housing and Urban Development ("HUD") or no more than 80 percent AMI, 60 percent AMI, or 30 percent AMI depending on the applicable affordability requirement below. The published income limits will be adjusted by household size. The income limits and the rent limits, with respect to market rate units, will be adjusted annually according to the HUD published limits.

D. On-Site Affordability Requirement (Sec. 16-41.004.)

1. Rental units. All improvement of real property in the **Westside Park Affordable Workforce Housing Overlay District**, regardless of the number of **parcels** lots, upon which **ten** 10 or more new residential rental dwelling units will be constructed at one location, **shall** must comply with the applicable affordability requirement set forth below. The affordability requirement **shall** must apply for the greater of 20 years from the date of the issuance of the certificate of occupancy; or such longer period from the date of the issuance of the certificate of occupancy, as permitted by state law at the time of the issuance of the building permit. The affordable workforce housing units **shall** must be substantially similar in construction and appearance (e.g., square footage, type and brand of appliances, materials used for countertops, flooring, etc.) to the market rate units, and **shall** not be in isolated areas in the development, but shall be interspersed among market rate units. The number of bedrooms in the Affordable Workforce Housing Units (e.g. 1 bedroom, 2 bedroom, 3 bedroom) **shall** must be proportionate to the number of bedrooms in the market rate units.
 - a. At least 15 percent of the total residential rental units **shall** must be actively marketed for lease to households having an income, as certified by the prospective tenant(s) at the time of execution of the applicable lease agreement, that does not exceed 80 percent of the AMI limits as published by the City of Atlanta Office of Housing and Community Development on an annual basis. The AMI limits will account for household size based on AMI data for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area (as published by HUD as of the date of the tenant's application). The monthly rent amount (not including utilities and mandatory fees) for each affordable workforce housing unit **shall** must not exceed the limits published by the City of Atlanta Office of Housing and Community Development on an annual basis. The rental limits will be based on AMI data published periodically by HUD to ensure that tenant households at 80 percent of the AMI pay no more than 30 percent of their household's monthly gross income, adjusting for the number of bedrooms in the units; or
 - b. At least ten percent of the total residential rental units **shall** must be actively marketed for lease to households having an income, as certified by the prospective tenant(s) at the time of execution of the applicable lease agreement, that does not exceed 60 percent of the AMI limits as published by the City of Atlanta Office of Housing and Community Development on an annual basis. The AMI limits will account for household size based on AMI data for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area (as published by HUD as of the date of the tenant's application). The monthly rent amount (not including

utilities and mandatory fees) for each affordable workforce housing unit ~~shall~~ must not exceed the limits published by the City of Atlanta Office of Housing and Community Development on an annual basis. The rental limits will be based on AMI data published periodically by HUD to ensure that tenant households at 60 percent of the AMI pay no more than 30 percent of their household's monthly gross income, adjusting for the number of bedrooms in the units.

- c. At least ~~five~~ 5 percent of the total residential rental units ~~shall~~ must be actively marketed for lease to households having an income, as certified by the prospective tenant(s) at the time of execution of the applicable lease agreement, that does not exceed 30 percent of the AMI limits as published by the City of Atlanta Office of Housing and Community Development on an annual basis. The AMI limits will account for household size based on AMI data for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area (as published by HUD as of the date of the tenant's application). The monthly rent amount (not including utilities and mandatory fees) for each affordable workforce housing unit ~~shall~~ must not exceed the limits published by the City of Atlanta Office of Housing and Community Development on an annual basis. The rental limits will be based on AMI data published periodically by HUD to ensure that tenant households at 30 percent of the AMI pay no more than 30 percent of their household's monthly gross income, adjusting for the number of bedrooms in the units.
 - d. Units actively marketed for lease in accordance with the terms of the LURA ~~shall~~ must be considered in compliance with the requirements of this **Chapter 41.**
2. Homeownership units. All improvement of real property in the **Westside Park Affordable Workforce Housing Overlay District**, regardless of the number of ~~parcels~~ lots, upon which ~~ten~~ 10 or more new residential homeownership dwelling units will be constructed at one location, ~~shall~~ must comply with the applicable affordability requirement set forth below. The affordability requirement ~~shall~~ must apply for the greater of 20 years from the date of the issuance of the certificate of occupancy; or such longer period from the date of the issuance of the certificate of occupancy, as permitted by state law at the time of the issuance of the building permit. The affordable workforce housing units ~~shall~~ must be substantially similar in construction and appearance (e.g., square footage, type and brand of appliances, materials used for countertops, flooring, etc.) to the market rate units, and ~~shall~~ must not be in isolated areas in the development, but ~~shall~~ must be interspersed among market rate units. The number of bedrooms in the affordable workforce home ownership units (e.g. one bedroom, two bedroom, three bedroom, four bedroom or greater) ~~shall~~ must be proportionate to the number of bedrooms in the market rate units.
- a. The developer will ensure that at least ~~ten~~ 10 percent of the total dwelling units ~~shall~~ must be made available for sale to qualified administrators as defined in this section, or, in the event no qualified administrator can be identified, to households having an income as certified by the buyer or buyer's lender and verified by the City of Atlanta Office of Housing and Community Development that does not exceed either 80 percent of AMI or 120 percent of AMI, as applicable, adjusted for household size, for the Atlanta-Sandy Springs-Marietta Metropolitan Statistical Area published annually by the United States' Department of Housing and Urban Development ("HUD AMI"). The maximum sales price cannot exceed the Workforce Owner Housing Maximums established by the City of Atlanta Office of Housing and Community Development (based on 80 percent and 120 percent of the HUD AMI, respectively), adjusted by household size. The percentage of units at 80 percent of AMI and the percentage of units at 120 percent of AMI ~~shall~~ must be equal. In the event there is an odd number of required

affordable workforce home ownership units, the developer may choose whether the last unit will be at either 80 percent of AMI or at 120 percent of AMI.

- b. In the event the unit is sold to an income-qualified buyer and not a qualified administrator, the developer will ensure that the affordable workforce home ownership units sold in accordance with this section ~~shall~~ be deed restricted such that only households having an income as certified by the buyer or buyer's lender and verified by the City of Atlanta Office of Housing and Community Development that does not exceed either 80 percent of AMI or 120 percent of AMI, as applicable, adjusted for household size, for the Atlanta-Sandy Springs-Marietta Metropolitan Statistical Area published annually by the United States' Department of Housing and Urban Development ("HUD AMI"), may purchase the unit. The deed restriction ~~shall~~ must also indicate the original AMI designation for the unit and establish that the maximum sales price cannot exceed the updated workforce owner housing maximums for the original AMI designation at the time of the sale as established by the City of Atlanta Office of Housing and Community Development (based on 80 percent and 120 percent of the HUD AMI, respectively), adjusted by household size.

Units actively marketed for sale in accordance with the terms of the Land Use Declaration ~~shall~~ must be considered to be in compliance with the requirements of this **Chapter 41**.

E. Plans to Conform (Sec. 16-41.005.)

Upon the face of the permit plans, and as a condition of the special administrative permit and/or building permit for improvement of real property subject to the affordability requirement, the applicant ~~shall~~ must acknowledge by signature, for itself its successors and assigns on the permit plans, that it will satisfy the requirements of **16.41.004 or 16-41.007** and, unless Applicant acknowledges it will satisfy the requirements of **16.41.007**, will certify which floorplans to be built within the property will be the affordable units and the number of units to be designated affordable within each floorplan type.

F. Certificate of Occupancy (Sec. 16-41.006.)

Unless Applicant satisfies the requirements of **16-41.007**, the following requirements ~~shall~~ will apply:

1. Concurrency. Applicant ~~shall~~ must use best efforts to develop affordable workforce housing unit(s) concurrently with market rate units; and
2. LURA. No temporary or final certificate of occupancy ~~shall~~ will be issued until a LURA or land use declaration, as applicable, in the form provided by the city, is recorded in the county real estate records where the property lies and a recorded copy is affixed to the application for certificate of occupancy.

G. In-Lieu Option (Sec. 16-41.007.)

In lieu of compliance with the on-site affordability requirement, the applicant may elect to pay an in-lieu fee to the city to be deposited into the **Westside Park Affordable Workforce Housing In-Lieu Fee Trust Fund** prior to issuance of a building permit. In-lieu fees are a public record and calculated yearly to reflect the current market. Rates will be published and made available on the City of Atlanta Department of City Planning website no later than June 1 of each year and will be effective July 1 of that same year. The in-lieu fees for affordable workforce housing units are based on the approximate cost of construction of replacement affordable workforce housing units not built on-site. The in-lieu

fees for affordable workforce home ownership units are based on the difference between the average home value for the area and the affordable purchase price for households at 80 percent of AMI for the Atlanta-Sandy Springs-Marietta Metropolitan Statistical Area published annually by the United States' Department of Housing and Urban Development. The in-lieu fee for a rental project ~~shall~~ must be equivalent to the total cost per unit in **Exhibit C** multiplied by 15 percent of the total rental units at the project. The in-lieu fee for a for-sale project ~~shall~~ must be equivalent to the applicable in-lieu fee category in **Exhibit C** multiplied by ~~ten~~ 10 percent of the total for-sale units at the project.

H. Density Bonus (Sec. 16-41.008.)

1. A development in compliance with the affordability requirement ~~shall~~ will be entitled to a 15 percent floor-area ratio increase above the floor-area ratio set by the current zoning for the development ("density bonus"). In the event the Applicant chooses not to use any or all of the density bonus on-site, such density bonus may be severed in the form of development rights, pursuant to the procedures set forth in **section 16-28.023 (Transfer of development rights)**. In the event construction of all or a portion of the density bonus would exceed the maximum floor area ratio set forth in the City's Comprehensive Development Plan, ~~if any~~, the Applicant ~~shall~~ will only be entitled to apply for transfer of development rights for such excess portion.
2. Evidence of a development exercising the density bonus on-site ~~shall~~ will be entitled to an increase of the maximum parking requirements of **subsection 16-36.020(2)**, if necessary, but only commensurate with the number of spaces required in accordance with the density bonus granted. Evidence of a development exercising the option to increase the density on-site will only be obligated to comply with the minimum ~~open~~ outdoor amenity space requirements set by the underlying zoning district for the development.

I. Parking Incentives (Sec. 16-41.009.)

A development in compliance with the affordability requirement ~~shall~~ will be entitled to a reduction in the minimum parking requirement set by the underlying zoning district for the development.

1. Minimum parking for residential uses: There will be no minimum parking requirement for a residential development within the **Westside Park Affordable Workforce Housing Overlay District**.
2. Minimum parking for non-residential uses in a mixed residential commercial development: The minimum parking requirement set by the underlying zoning for the development will be reduced by 25 percent.

J. Application Review (Sec. 16-41.010.)

1. Priority application review: A development that will meet the on-site affordability requirement ~~shall~~ will be entitled to an expedited administrative review of the **special administrative permit ("SAP")**. The **SAP** will be given priority and be reviewed within 21 days.
2. Major projects meeting: A development in compliance with the on-site affordability requirement shall will be given major project status and will be afforded a "major projects meeting" in which representatives from all departments that will review the development for permitting will meet with the applicant to identify potential issues and articulate expectations and requirements for permitting.

K. Monitoring and Enforcement (Sec. 16-41.011.)

The City of Atlanta's Office of Buildings **shall** will enforce the affordability requirement prior to issuance of the certificate of occupancy. The Office of Housing and Community Development **shall** will enforce the affordability requirement after issuance of the certificate of occupancy and oversee compliance of qualified administrators.

1. Compliance report. Each development **shall** will comply with reporting requirements set forth in the LURA or the land use declaration, as applicable, as described in **section 16-41.006**.
2. Non-compliance. No development **shall** will maintain its eligibility for incentives under this **chapter** unless a valid LURA or land use declaration, as applicable, remains in effect and unless the development continuously meets the affordability requirement during the entire period of the LURA or land use declaration, as applicable. The city may take any other legal remedies allowed under the LURA or land use declaration, as applicable, including but not limited to seeking an injunction to prevent the leasing or sale of units that would cause the project to exceed the number of market rate units to be leased under the LURA or sold under the land use declaration, as applicable.
3. Enforcement. Violations of the requirements in this chapter shall be subject to the penalties outlined in **Atlanta City Code Section 16-30.002**.

L. Reporting (Sec. 16-41.012.)

The Office of Housing and Community Development will provide an update on the program every two years that will include the number of affordable units created pursuant to this chapter, the dollar amount of in lieu fees collected, and the dollar amount of in lieu fees expended.

M. Severability (Sec. 16-41.013.)

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

DIVISION 5.4. **ARCHITECTURAL DESIGN OVERLAYS**

New location for architectural and design regulations from various SPIs.

Note: Provisions from this Division are in progress.

Sec. 5.4.1. **Downtown (-D)**

(Specific regulations for SPI 1 - **Subarea 6 (Terminus)** and Subarea 7 (Fairlie-Poplar))

1. The following regulations ~~shall~~ must apply to **Subarea 6 (Terminus)** and Subarea 7 (Fairlie-Poplar) otherwise as specified:
 - a. Application. An application for special administrative permits shall be submitted to the Atlanta Urban Design Commission (AUDC) staff for review and report prior to any final action on such application when any variations from this section are requested. AUDC staff review and report shall include, but not be limited to, the proposed improvement's visual impacts on the existing building and/or surrounding buildings or structures.
 - b. **Building facades.** See section 16-18A.020 Diagram 7.
 - i. Buildings equal or less than seven floors shall have facades divided into three distinct horizontal parts as follows:
 - a) A base, which ~~shall~~ must include the ground story ~~sidewalk-level~~.
 - b) A shaft, which ~~shall~~ must include the second story ~~floor~~ through the bottom one-half of the floor immediately below the top story ~~floor~~.
 - c) A cap, which ~~shall~~ must include a belt course located at the line defining the top one-half of the top story ~~floor~~ or a cornice located on a parapet wall above the top story ~~floor~~.
 - ii. Buildings with eight or more floors shall have facades divided into three distinct horizontal parts as follows:
 - a) A base, which ~~shall~~ must include the ~~sidewalk-level~~ ground story and the second story ~~floor~~, but ~~shall~~ must not extend above the third story ~~floor~~.
 - b) A shaft, which ~~shall~~ must extend from above the base, but ~~shall~~ must not extend into the top ~~floor~~ story of the building.
 - c) A cap, which ~~shall~~ must, at a minimum, include the top story ~~floor~~ and may include up to the top three floors.
 - iii. Within the shaft, windows ~~shall~~ must be subject to the following:
 - a) ~~shall~~ Must be equal in size.
 - b) ~~shall~~ Must be greater in height than width.
 - c) ~~shall~~ Must be arranged in a grid pattern.

ARCHITECTURAL DESIGN OVERLAYS

- iv. The total surface area of the street-facing **fronting** facade treated as windows **shall** must be between 45 percent and 85 percent.
- c. **Balconies.** See section 16-18A.020 Diagram 8.
 - i. Street-facing balconies: In the Subarea 7, **shall** must not extend greater than 18 inches beyond the building facade and **shall** must not be inset greater than 18 inches into the facade.
 - ii. Non-street facing balconies sidewalk **shall** must not have any requirements.
 - iii. The underside of balconies **shall** must not have exposed wood framing.
 - iv. Awnings and canopies:
 - a) **shall** Must be cloth, canvas, metal or glass.
 - b) **shall** Must not be internally lit.
 - c) **shall** Must be directly above a window or storefront and shall reflect the shape of the window or storefront.
- d. **Windows:**
 - i. Street facing windows **shall** must be one of the following types: True divided, simulated divided, or one-over-one. Flat "snap-in" muntins and mullions and those between layers of glass are prohibited.
 - ii. Windows, including display windows, but not transoms, **shall** must be greater in height than in width.
 - iii. When dropped ceilings are located below the head of a window, display window or transom at the ground story **sidewalk-level**: **shall** must be recessed a minimum of 18 inches from the window opening.
 - iv. Street facing windows not located at sidewalk-level shall be subject to the following:
 - a) **shall** Must include sills of masonry, stone, cast stone, or terra cotta.
 - b) **shall** Must include windowpanes recessed a minimum of three inches from the adjacent facade.
- e. **Facade treatment:**
 - i. Street-facing facades: **shall** Must be brick, cast stone, unpolished or unpainted stone or unpainted terra cotta.
 - ii. Street-facing cornices, wall details and decorations: **shall** Must be brick, stone, cast stone, terra cotta, or painted metal except that cornices, wall details and decorations located at a height greater than 45 feet above the required sidewalk may be fiberglass or composite materials. Cornice lines: **shall** Must be predominantly horizontal in character.

- iii. Non-street facing facades: ~~shall~~ Must be brick, cast stone, unpainted stone, unpainted terra cotta, stucco, or concrete masonry units, with the exception of widows and openings in parking structures.

~~7.—Storefront streets. Storefront streets shall meet the following regulations in addition to section 16-18A.012:—~~

~~a.—All sidewalk-level pedestrian doors shall be 70 percent clear glass, which shall not utilize painted glass, reflective glass or other similarly treated or opaque windows.—~~

~~b.—All storefronts shall consist of components of equal length, vertically stacked, and as follows: (See section 16-18A.020 Diagram 7):—~~

~~i.—A non-glass bulkhead or knee wall beginning at grade and extending to a point between 18 inches and 24 inches above the sidewalk.—~~

~~ii.—A glass display window beginning at the top of the bulkhead or knee wall, to a height between ten feet and 11 feet above said sidewalk.—~~

~~iii.—A glass transom located above the glass display window and sidewalk-level door and having a minimum height between 18 inches and 36 inches.—~~

~~8.—Subarea 7 (Fairlie-Poplar) additional requirements. Subarea 7 (Fairlie-Poplar) additional requirements (see section 16-18A.020 Diagram 9: Façades, not including doors, may be recessed from the back of the required sidewalk a maximum depth of 18 inches to allow for articulation.—~~

- 2. Subarea 7 (Fairlie-Poplar) for additional illustrations and recommendations: See the Fairlie-Poplar: The Heart of Atlanta—Design Guidelines which can be obtained from the Atlanta Urban Design Commission (AUDC).

Sec. 5.4.2. Fort McPherson (-FM)

(Sec. 16-18B.016. Standards for historic buildings / sites listed in table 2)

All exterior work that requires an [SAP](#), including alterations, signage, additions, renovations, and partial demolitions, on or located within 50 ft. of a building or site listed in Table 2 to the ordinance creating this district, shall comply with the following requirements:

1. Every reasonable effort ~~shall~~ must be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
2. The distinguishing original qualities or character of a building, structure or site and its environment ~~shall~~ must not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance ~~shall~~ will be recognized and respected.
4. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site ~~shall~~ must be kept where possible.

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5. Deteriorated architectural features **shall** must be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
6. Chemical or physical treatments, if appropriate, **shall** must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
7. Painting of unpainted exterior masonry surfaces **shall** will be prohibited.
8. Contemporary design for alterations and additions to existing properties **shall** must not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
9. Wherever possible, new additions or alterations to buildings, structures or sites **shall** must be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
10. Considerations on proposed moving of structures, in whole or in part, **shall** must include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference **shall** must be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.
11. The height or width of any alteration or addition **shall** must not exceed the height or width of the existing building, and any additions shall be located to the rear of the building.
12. Site work. Any major alterations to the hardscape, landscape or topography **shall** must:
 - a. Maintain the spatial organization of any original open space around the building or on the site;
 - b. Not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure;
 - c. Ensure that any new grades **shall** must meet the existing topography in a smooth transition;
 - d. Retain any existing historic circulation systems, including driveways, walkways and paths; and
 - e. Ensure that any new circulation systems and substantial reconstruction of existing circulation systems is compatible with the existing circulation systems with respect to layout, scale, materials, and topographic siting.
13. Signage. Signs attached to buildings listed in Table 2 to the ordinance creating this district or located within 50 ft. of a building listed in Table 2 to the ordinance creating this district shall must be designed in a manner that is compatible with the design, materials and general character of signage from the time period of historical significance for the structure.

Sec. 5.4.3. English Avenue (-EA)

(Sec. 16-18C.012. Relationship of building to street)

1. Delineation of building floors at the third story above sidewalk level and lower **shall** must be articulated through windows, belt courses, cornice lines or similar architectural detailing.
2. **Roofs.** All detached single family residential buildings **shall** must have a gable, pitched, or hipped roof with a minimum roof pitch of 4/12. Flat roofs for detached single family residential buildings are not permitted. Multi-family and mixed-use buildings with flat roofs **shall** must be designed with a 3-foot minimum height parapet.
- ~~3.—The primary pedestrian entrance for access to all sidewalk level uses and business establishments with public or private street frontage—~~
 - ~~a.—Shall face and be visible from the public street when located adjacent to such street. When located adjacent to a street that functions as an arterial street or a collector street, said entrance shall face and be visible from such street.—~~
- ~~4.—A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six inches in height.—~~
- ~~5.—Fenestration:—~~
 - ~~a.—Street-fronting non-residential uses, with the exception of churches and fire stations, along streets that function as arterial streets and collector streets shall meet the following sidewalk level requirements:—~~
 - ~~i.—The length of the facade without intervening fenestration or entryway shall not exceed 20 feet.—~~
 - ~~ii.—Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.—~~
 - ~~iii.—Fenestration shall be provided for a minimum of 65 percent of the length of all street frontages:—~~
 - ~~1.—Beginning at a point not more than three feet above the sidewalk, or—~~
 - ~~2.—Beginning at the finished floor elevation to a height no less than ten feet above the finished floor elevation when the finished floor elevation is three or more feet above the sidewalk; or—~~
 - ~~3.—Beginning at a point not more than sidewalk level, to a height no less than ten feet above the finished floor elevation, when the finished floor elevation is below the sidewalk.—~~
 - ~~b.—Fenestration shall be provided for the length of the sidewalk level frontage for residential uses on all streets, and for non-residential uses with the exception of churches and fire stations, it shall be 30 percent on all streets other than streets that function as arterial streets and collector streets.—~~
- ~~6.—Buildings with residential uses at the sidewalk level, shall meet the following regulations:—~~
 - ~~a.—All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five feet wide.—~~
 - ~~b.—All such buildings with more than four residential units that are adjacent to the sidewalk shall have individual entrances to such units directly accessible from the sidewalk and shall open directly—~~

~~onto the adjacent sidewalk, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access shall be perpendicular to the street, unless topography prohibits, and shall be permitted to share said walkway with one adjacent unit.~~

~~c. Such buildings shall have windows at sidewalk level or on each street frontage which are substantially similar in size to the sidewalk level front facade windows.~~

3. Siding and foundation:

- a. A building's street facing facade should have a maximum of two different cladding materials, excluding the fenestration material.
- b. Single ~~family~~ unit and two-unit family: All exterior facades ~~shall~~ must be brick, wood, or Hardiplank, (cementitious siding). Hardiplank siding ~~shall~~ must be a maximum of ~~six~~ 6 inches in width.
- c. Multi-unit ~~family~~, Mixed Use, and non-residential:
 - i. All exterior facades adjacent to a public street, public park, or trail ~~shall~~ must be brick, Hardiplank (cementitious siding) stone, cast stone, architectural metal panels, or true stucco.
- d. All exterior facades not adjacent to a public street ~~shall~~ must be brick, stone, cast stone, true stucco, concrete masonry units, split-faced concrete, or split-faced block.
- e. Single-unit ~~family~~ and two-unit ~~family~~: foundations are required in Subareas 1 and 2 and ~~shall~~ must be finished with brick, smooth stucco, or smooth finish concrete at least two ft above grade.

4. ~~Active use provisions along arterial and collector streets. The following additional provisions shall must apply:-~~

- ~~a. Sidewalk-level active uses shall not include parking, non-residential storage areas, driveways, or queuing lanes parallel to the adjacent street.~~
- ~~b. Active uses shall be provided for a minimum depth of 20 feet, as measured from the sidewalk-level building façade.~~

5. Specific regulations for Subareas 1,2,3,4,5, and 6

- a. Facade materials ~~shall~~ must consist of horizontal wood clapboard siding, horizontal hardiplank siding (cementitious siding), brick, or stone.
- b. Foundations:
 - i. The first ~~floor~~ story of the principal structure, including public or private street-facing porches, ~~shall~~ must be on foundations and elevated above the grade between two and four feet, unless existing topography is greater, as measured at the front facade of the structure. Slab on grade is not permitted.
 - ii. Foundations ~~shall~~ must constitute a distinct building design element and ~~shall~~ must contrast with the front facade material. Brick, stone, or three-part hard coat stucco ~~shall~~ must be permitted. Standard, unfinished concrete block and stacked stone is prohibited.

Sec. 5.4.4. Ashview Heights and Atlanta University Center (-AUC)

(Sec. 16-18D.013. Relationship of building to street.)

1. Delineation of building floors at the third story above ~~sidewalk level~~ ground story and lower ~~shall~~ must be articulated through windows, belt courses, cornice lines or similar architectural detailing.
2. Massing and articulation: Building ~~shall~~ must include variety in facade treatment, materials, textures, colors and/or window and door patterns and provide a depth change at a minimum of two feet to provide visual interest for every ten feet of wall area.
3. Roofs: All detached single ~~family~~ unit residential buildings ~~shall~~ must have a gable, pitched, or hipped roof minimum roof pitch of 4:12. Flat roofs for detached single family residential buildings are not permitted. Multi-unit ~~family~~ and mixed-use buildings with flat roofs ~~shall~~ must be designed with a three-foot minimum height parapet.

~~(4) The primary pedestrian entrance for access to all sidewalk level uses and business establishments with public or private street frontage~~

~~a. Shall face and be visible from the public street when located adjacent to such street. When located adjacent to a street that functions as an arterial street or a collector street, said entrance shall face and be visible from such street.~~

~~(5) A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six inches in height.~~

~~(6) Fenestration:~~

~~a. Street-fronting non-residential uses, with the exception of churches and fire stations, along streets that function as arterial streets and collector streets shall meet the following sidewalk level requirements:~~

~~i. The length of the facade without intervening fenestration or entryway shall not exceed 20 feet.~~

~~ii. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.~~

~~iii. Fenestration shall be provided for a minimum of 65 percent of the length of all street frontages:~~

~~1. Beginning at a point not more than three feet above or below the sidewalk, or~~

~~2. Beginning at the finished floor elevation to a height no less than ten feet above the finished floor elevation when the finished floor elevation is three feet or less above the sidewalk; or~~

~~3. Beginning at a point not more than sidewalk level, to a height no less than ten feet above the finished floor elevation, when the finished floor elevation is below the sidewalk.~~

~~b. Thirty percent fenestration shall be provided for the length of the sidewalk level frontage for residential uses on all streets, and for non-residential uses except for churches and fire stations, on all streets other than streets that function as arterial streets and collector streets.~~

4. For single family residential uses any ~~facades that face a public or private~~ street facing building facades ~~shall~~ must consist of fenestration that ~~shall~~ must be no less than 15 percent and no

greater than 40 percent of the total surface wall area. Facades that do not face a public or private street **shall** must consist of fenestration that **shall** must be no less than ten percent of the total surface wall area. Windows may be individual or grouped. No individual window unit **shall** must exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, **shall** must exceed 16 square feet.

- a. Windows **shall** must be double-hung.
- b. Each double-hung window **shall** must be surrounded by wood trim between four and six inches wide and **shall** must include a bottom sill. Windows grouped together **shall** must have center mullions two inches wider than the side trim.
- c. Height of windowsills on the public or private street-facing **fronting** facade **shall** must be no less than two and one-half feet and no more than three and one-half feet above finished floor elevation. Windows on said facade **shall** must have a minimum height of three feet.
- d. All windows **shall** must include windowpanes recessed a minimum of two inches from the adjacent facade, unless the facade is constructed as a glass curtain wall.
- e. Flat “snap-in” muntins and muntins sandwiched between layers of glass are prohibited.

~~(7) Buildings with residential uses at the sidewalk level, or park level shall meet the following regulations:-~~

- ~~a. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five feet wide.-~~
- ~~b. All such buildings with more than four residential units that are adjacent to the sidewalk shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, trail, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access shall be perpendicular to the street, unless topography prohibits, and shall be permitted to share said walkway with one adjacent unit.-~~
- ~~c. Such buildings shall have windows at sidewalk level or park/trail level on each street frontage which are substantially similar in size to the sidewalk level front facade windows.-~~

5. Siding and foundation:

- a. A building’s street facing facade should have a minimum of two different cladding materials, excluding the fenestration material.
- b. Single unit **family** and two-unit **family**: All exterior facades shall be brick, wood, or Hardiplank, (cementitious siding). Hardiplank siding shall be a maximum of six inches in width.
- c. Multi-unit **family**, Mixed Use, and non-residential:
 - i. All exterior facades adjacent to a public street, public park, or trail **shall** must be brick, Hardiplank (cementitious siding) stone, cast stone, architectural metal panels, or true stucco.
- d. All exterior facades not adjacent to a public street **shall** must be brick, stone, cast stone, true stucco, concrete masonry units, split-faced concrete, or split-faced block.

- e. Single-unit **family** and two-unit **family**: foundations shall be finished with brick, smooth stucco, or smooth finish concrete at least two feet above grade.

6. ~~Front porches:~~

~~Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the single-family detached dwellings on the block face.~~

~~Front porches, when required, shall:~~

- i. ~~Be a minimum of 12-feet wide or one-third the width of the front façade, whichever is greater, and a minimum of eight feet deep; and~~
 - ii. ~~Contain roofs, a minimum of six-inch wide porch roof supports, and steps.~~
- ~~c. For parcels with more than one street frontage, the front porch requirements of this section shall only be required to be applied to the building façade located in the front yard of the parcel, and not the half-depth front yard, side yard, or rear yard.~~

~~(10) Garages. Garages with front-facing garage doors shall be recessed and located a minimum distance of ten linear feet behind the front façade of the principal structure. For parcels with more than one street frontage, front-facing garage doors shall be defined as those facing the front yard of the parcel, and not the half-depth front yard, side yard, or rear yard.~~

~~(11) Front doors. Front doors shall face and be visible from the adjacent street.~~

Sec. 5.4.5. **Candler Park (-CP)**

(Sec. 16-18C.012. Relationship of building to street)

1. Delineation of building floors at the third story above ~~sidewalk level~~ the ground story and lower ~~shall~~ must be articulated through windows, belt courses, cornice lines or similar architectural detailing.
2. Roofs: All detached single family residential buildings ~~shall~~ must have a gable, pitched, or hipped roof with a minimum roof pitch of 4:12. Flat roofs for detached single unit **family** residential buildings are not permitted. Multi-unit family and mixed-use buildings with flat roofs shall be designed with a 3-foot minimum height parapet.
- ~~3. The primary pedestrian entrance for access to all sidewalk level uses and business establishments with public or private street frontage~~
 - ~~a. Shall face and be visible from the public street when located adjacent to such street. When located adjacent to a street that functions as an arterial street or a collector street, said entrance shall face and be visible from such street.~~
- ~~4. A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six inches in height.~~
- ~~5. Fenestration:~~
 - ~~a. Street-fronting non-residential uses, with the exception of churches and fire stations, along streets that function as arterial streets and collector streets shall meet the following sidewalk level~~

~~requirements:~~

- ~~i. The length of the facade without intervening fenestration or entryway shall not exceed 20 feet.~~
- ~~ii. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.~~
- ~~iii. Fenestration shall be provided for a minimum of 65 percent of the length of all street frontages:~~
 - ~~1. Beginning at a point not more than three feet above the sidewalk, or~~
 - ~~2. Beginning at the finished floor elevation to a height no less than ten feet above the finished floor elevation when the finished floor elevation is three or more feet above the sidewalk; or~~
 - ~~3. Beginning at a point not more than sidewalk level, to a height no less than ten feet above the finished floor elevation, when the finished floor elevation is below the sidewalk.~~
- ~~b. Fenestration shall be provided for the length of the sidewalk level frontage for residential uses on all streets, and for non-residential uses with the exception of churches and fire stations, it shall be 30 percent on all streets other than streets that function as arterial streets and collector streets.~~
- ~~6. Buildings with residential uses at the sidewalk level, shall meet the following regulations:~~
 - ~~a. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five feet wide.~~
 - ~~b. All such buildings with more than four residential units that are adjacent to the sidewalk shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access shall be perpendicular to the street, unless topography prohibits, and shall be permitted to share said walkway with one adjacent unit.~~
 - ~~c. Such buildings shall have windows at sidewalk level or on each street frontage which are substantially similar in size to the sidewalk level front facade windows.~~

3. Siding and foundation:

- a. A building's street facing facade should have a maximum of two different cladding materials, excluding the fenestration material.
- b. Single unit **family** and two-unit **family**: All exterior facades **shall** must be brick, wood, or Hardiplank, (cementitious siding). Hardiplank siding shall be a maximum of six inches in width.
- c. Multi-unit **family**, Mixed Use, and non-residential:
 - i. All exterior facades adjacent to a public street, public park, or trail shall be brick, Hardiplank (cementitious siding) stone, cast stone, architectural metal panels, or true stucco.
- d. All exterior facades not adjacent to a public street **shall** must be brick, stone, cast stone, true stucco, concrete masonry units, split-faced concrete, or split-faced block.

- e. Single unit **family** and two-unit **family**: foundations are required in **Subareas 1** and **2** and **shall** must be finished with brick, smooth stucco, or smooth finish concrete at least two ft above grade.

~~8. Active use provisions along arterial and collector streets. The following additional provisions shall apply:~~

~~a. Sidewalk-level active uses shall not include parking, non-residential storage areas, driveways, or queuing lanes parallel to the adjacent street.~~

~~b. Active uses shall be provided for a minimum depth of 20 feet, as measured from the sidewalk-level building façade.~~

Sec. 5.4.6. **Buckhead Village (-BV)**

(Sec. 16-18I.027. - Standards of architectural design.)

1. Conformity with the **SPI-9 Graphic Appendix and Standards**. No building permit **shall** will be approved unless the Director finds that the architectural design is substantially consistent with the **SPI-9 Graphic Appendix and Standards**.
2. Exterior building materials: All buildings except single-unit **family** residential buildings **shall** must be faced with brick, masonry, stone, textured concrete masonry, precast concrete, synthetic stone, wood, metal, fiber cement siding, stucco, and glass or similar products only. However, the use of textured concrete masonry, fiber cement siding, stucco or architectural metal is restricted to no more than 30 percent of any building's total exterior wall surface fronting a public street.
3. Additional residential building materials: Wood or fiber cement siding is also permitted on exteriors of residential only buildings limited to no more than 50 percent of the total exterior wall surface on any building larger than 600 square feet of floor area.

CHAPTER 6.

HISTORIC & LANDMARK DISTRICTS

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DIVISION 6.1. **CABBAGETOWN**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent

1. To preserve the environmental and physical appearance of the area, including industrial, commercial and residential structures, created from the late 19th century to the mid-20th century, and existing spatial relationships between buildings and streets; and to ensure that any new development is compatible with existing historic architectural and spatial characteristics that prevail.
2. To preserve the unique historical relationship between commercial and residential uses, that evolved in the late 19th century and early 20th century, and to ensure that ensuing development reflects and maintains this unique relationship.
3. To ensure that additions, alterations, renovations, and new construction observe the characteristics of each subarea of the district and maintain a continuing harmony with the historic character of the entire district.
4. To continue and encourage residential uses in the district.
5. To preserve the existing landscape and topographical features which exhibit or will assist in maintaining significant historic elements of the village.
6. To enhance changes to principal façades and protect the historic appearance of the Cabbagetown mill village development.
7. To encourage compatible economic development and neighborhood revitalization.
8. To prevent the displacement of residents and to encourage affordable housing.
9. To preserve and enhance the important aesthetic appearance of the district.
10. To substantially promote the public health, safety, and welfare.
11. To promote, encourage, and enhance the interaction of residents in the district with applicants seeking review and approval as directed by these regulations.

B. Scope of Regulations

1. Except when otherwise explicitly provided, the provisions of Chapter 20 of this part will apply to this district. Whenever the regulations of Chapter 20A conflict with the provisions of Chapter 20, the regulations of Chapter 20A will apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district will continue to apply. In the event of any conflict between said other regulations and the following regulations (Chapter 20A), the interpretation provision set forth in **Section 16-20.011(c)** of the Code of Ordinances will govern.

C. Boundaries

The boundaries of the Cabbagetown Landmark District will be as shown on the official zoning map adopted herewith entitled the "Cabbagetown Landmark District." The district is divided into five (5) subareas, as shown on said official zoning map, which will be known as:

1. The Mill.
2. Mill housing.
3. Shotgun and Cottage housing.
4. Neighborhood commercial/services.
5. Transitional commercial/industrial area.

D. Organization

The regulations are composed of two parts. The first part includes those general regulations that apply to more than one subarea in the Cabbagetown Landmark District. The second part includes those specific regulations that are unique to each subarea.

E. Certificates of Appropriateness.

Certificates of appropriateness within this district will be required as follows:

1. When required:
 - a. To change the exterior appearance of any portion of a structure within the district;
 - b. To erect a new structure or to make an addition to any structure within the district;
 - c. To demolish or move any contributing structure, in whole or in part, within the district;
 - d. To construct on-site or off-site parking; and
 - e. To erect a new building that replaces a non-contributing building, provided that the applicant, prior to the demolition of said non-contributing building, must have complied with the requirements of Section 16-20.007(c).
2. Type required:
 - a. When a Certificate of Appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate will be those specified in Section 16-20.008 of the Zoning Code. Provided, however, that a partial demolition of a contributing building will require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
 - b. If the proposed alteration for minor facade alterations, fences, walls, accessory structures, decks, paving and satellite dishes meets the requirements of Section 16-20A.006, Section 16-20A.007, Section 16-20A.008, Section 16-20A.009, Section 16-20A.010, and Section 16-20A.011, as applicable, then the Director of the Commission will issue the Type II certificate. If the proposed alteration does not meet said requirements, the Director of the Atlanta urban

design commission (the Commission) will deny the application. Appeals from any such decision of the Director regarding the approval and/or denial of Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of [Chapter 16-20.008\(a\)](#) for Type I Certificates.

F. General Regulations

The following regulations will apply to more than one subarea in the Cabbagetown Landmark District, which includes all five subareas. certificates of appropriateness required above will be obtained from the Commission or the Director, as applicable, in accordance with the following regulations:

1. **Minimum Standards.** These regulations constitute the minimum standards that must be followed and will be applied by the Commission and Director. The Commission will apply the standards in [Section 16-20.009](#) only if the standards set forth elsewhere in this [Chapter 20A](#) do not specifically address the application.
2. **Applications.** Materials necessary for complete review of an application will be submitted with the application as set forth by the Director. In addition, a scaled site plan showing all improvements, photographs of existing conditions and adjoining properties, and elevation drawings of all improvements will be submitted for all Type III Certificate of Appropriateness applications. For new construction of a principal building, the application must also include a scaled drawing showing all front yard setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.
3. **Additional Notification.** The applicant will be given contact information for interested Cabbagetown community organizations and will be directed to provide the organization with a copy of the submitted application and attachments within three days of submission to the Commission.
4. **Cabbagetown Design Guidelines.** The Commission will adopt and maintain guidelines, referred to herein as the Cabbagetown Design Guidelines. These guidelines will: further the intent of these regulations; further define elements of architectural style and applicability; provide important additional detailed information regarding the construction and renovation of historic buildings; and be used as a guide to ensure the compatibility of future development in the Cabbagetown Landmark District.
5. The Compatibility Rule:
 - a. In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing building in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) must match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front façade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."

- b. For the purposes of the compatibility rule, height and width **must** be measured at the front façade.
 - c. In any instance where one contributing **building** of the same architectural style and like use on a block face is higher or wider by more than ten percent than any other contributing **building** of like use on a block face, such structure **must** be eliminated in the application of the compatibility rule.
 - d. Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
6. **Variances.** Variance requests will be heard by the Commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances **must** be the same as those specified in **Chapter 26** of this Part 16.
7. **Financial Hardship Exemptions:**
- a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations to a property owner's principle residence on the ground of economic hardship to the property owner.
 - b. The burden of proving economic hardship by a preponderance of the evidence will be on the applicant.
 - c. The Commission will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - i. The present income of the property owner(s) and those occupying the property;
 - ii. The age of the property owner;
 - iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;
 - iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants and tax abatements;
 - v. The costs associated with adherence to these regulations;
 - vi. The degree of existing architectural significance and integrity of the structure; and
 - vii. The purpose and intent of this chapter.
 - d. The Commission will consider these factors and will grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.
8. **Minimum Lot Requirements.** There **must** be front, rear, and side yard setbacks. The distance of said setbacks **must** be determined by the compatibility rule.

9. **Subdivision of Lots.** The subdivision of any lot within this district will be subject to review and approval by the Commission. No subdivision of lots will be approved by the Director of the Bureau of Planning unless said matter has first been submitted to and approved by the Commission. No subdivision of lots will be approved unless the Commission will make a finding that the resulting lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The Commission will further find that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, may be reasonably situated and constructed upon such lots. The compatibility rule will apply.
10. **Subdivision of Lots Other than Lots for One- and Two-unit Dwellings.** No new lots for multi-unit, commercial, or industrial uses permitted within the Cabbagetown District will be created except upon approval of the Commission. Applications will be made to the Commission, and the Commission will not approve the creation of any new lot unless the Commission will make a finding that the resulting lot or lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The Commission will further find that the resulting lot or lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, may be reasonably situated and constructed upon such lot or lots. The compatibility rule will apply.
11. **Aggregation Consolidation of Lots.** No lots will be aggregated except upon approval of the Commission. Applications will be made to the Commission, and the Commission will not approve any consolidation of lots unless the Commission will make a finding that the resulting lot or lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The Commission will further find that the resulting lot or lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, block, subarea, and the district as a whole, may be reasonably situated and constructed upon such lot or lots. The compatibility rule will apply.
12. **Design Standards and Criteria for New Principal Buildings.** The following regulations will apply to new construction of principal buildings.
 - a. General Criteria:
 - i. All new construction must be one of the house styles of a contributing building that appears on the block face of the street on which the new construction must occur.
 - ii. The general façade organization and proportions will be subject to the compatibility rule. All of the following building elements must be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a) Roofs, chimneys, and roofing materials;
 - b) Siding;
 - c) Eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d) Corner boards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e) Doors and door transoms;
 - f) Windows and window transoms;

- g) Porches, including supports, columns, balustrades, steps, and roofs; and
 - h) Foundation walls, foundation piers, and water tables.
 - i) All the elements listed above must be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
- iii. Streetscapes, front yards, porches, and front doors facing and parallel to the street must be provided.
- b. Facades:
- i. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding must exhibit a horizontal, clapboard profile. Siding must have no less than a four-inch reveal and no more than a six-inch reveal.
 - ii. The height of the ground story above street level must meet the compatibility rule. The foundation must be a minimum of 14 inches and a maximum of four feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
 - iii. Windows must be predominantly vertical in proportion, must not be constructed in combination of more than two units, and must be double-hung wood sash with true divided lights. Window organization and transparency patterns must meet the compatibility rule.
 - iv. Exterior doors visible from any public right-of-way must be solid wood panel or single-pane fixed glass and must be composed of no more than 50 percent glass.
 - v. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, must be shown on the submitted plans, and must be subject to the compatibility rule.
- c. Roofs:
- i. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction must meet the compatibility rule.
 - ii. Skylight and solar panels are not permitted on the front façade of any structure. "Bubble type" skylights are not permitted anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights and/or solar panels, where permitted, must minimize their ability to be seen from public rights-of-way and is subject to approval by the Commission.
 - iii. When chimneys are included, chimneys must be faced in brick, originate at grade and are subject to approval by the Commission.
 - iv. Boxed gable returns are not permitted.
 - v. Roofing material must be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right-of-way may use any roof covering that conforms to standard architectural specifications.

- d. **Dormers.** When permitted, dormers will be subject to design review by the Commission and must meet the following requirements:
 - i. Must be gable or shed design as appropriate to the architectural style of the building and must maintain the siding, roof materials, and trim consistent with the main portion of the building.
 - ii. Must not engage the ridgeline of the main roof structure.
 - iii. The front edge of the dormer will not interrupt the primary fascia or soffit line.
 - iv. Must not occupy less than 15 percent nor more than 35 percent of the total surface area of the roof pitch on which it is constructed.
- e. Porches:
 - i. Front porches must contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
 - ii. Decorative metal, resin, fiberglass and plastic columns are not permitted.
 - iii. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
 - iv. Front porch steps must be made of wood, brick, or concrete. Metal steps are not permitted.
- f. Site Development, Streetscapes and Curbs:
 - i. The streetscapes must be the same width as the streetscapes on abutting properties. If no streetscapes exists on abutting properties, the new streetscapes must match streetscapes widths on the block. If no streetscapes exists on the block, the new streetscapes must be six feet wide.
 - ii. Streetscapes must be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
 - iii. Curbing must be granite; poured concrete must not be used.
 - iv. A paved walkway from the front public-sidewalk streetscapes to the front entry of the principal building must be provided.

13. **Design Standards for Alterations and Additions to Contributing Buildings.** Alterations and additions to contributing buildings will be subject to design review by the Commission and must be consistent with and reinforce the historic architectural character of the existing building, must comply with the appropriate regulations for new construction set forth in Section 16-20A.006(13), and must comply with the following requirements:

- a. All repair work must be match the original materials regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade.

- b. All replacement materials or building elements **must** match the original materials or building elements regarding design, size, dimension, scale, materials, location on the building, orientation, pitch, reveal and amount of projection from the façade.
 - c. Alterations **must** not introduce materials or building elements that do not reinforce the architectural character of the building and **must** not destroy historic materials that characterize the property.
 - d. The height or width of any alteration or addition **must** not exceed the height or width of the existing building.
 - e. Any alterations or additions **must** be compatible with the massing, scale and architectural features of the property.
14. **Alterations and Additions to Non-contributing Buildings.** Alterations and additions to non-contributing **buildings must** comply with one of the following:
- a. Alterations and additions **must** be consistent with the architectural style of the existing building and the height or width of any alteration or addition **must** not exceed the height or width of the existing building, or:
 - b. Alterations and additions **must** be representative of a single architectural style chosen from those represented by contributing **buildings** on the block face where the existing non-contributing **buildings** is located, **must** comply, as applicable, with Design Standards and Criteria for New Principal Buildings, **Section 16-20A.006(13)**, and the height or width of any alteration or addition **must** not exceed the height or width of the existing building.
15. **Accessory Structures and Uses.** Accessory structures and uses that are customarily incidental and subordinate to permitted principal structures **and uses** are allowed. These include the following, subject to limitations and requirements set forth herein or elsewhere in this part:
- a. Carriage houses, tool and garden sheds, greenhouses, private garages and similar structures **must** be unattached, located to the rear of the principal building within the buildable area of the lot, and **must** not project beyond the front of the principal building. In addition, they **must** be located in the least visible location within permissible areas. The Commission may require screening with appropriate plant or fence materials if said structure is visible from the public right-of-way;
 - b. Satellite dishes, devices for the generation of energy, such as solar panels, **must** be attached to a building and **must** not be visible from any public right-of-way;
 - c. Home occupations; and
 - d. Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.
16. Grading and Landscaping:
- a. Grading **must** not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure.
 - b. New grades **must** meet existing topography in a smooth transition.

- c. Approval of an application for a Certificate of Appropriateness may be conditioned on the implementation of a landscape plan to mitigate the environmental and visual impacts of construction on adjoining properties. The Commission may require that plant materials in a landscape plan reflect the character of the Cabbagetown Landmark District.

17. Fences, Walls, and Retaining Walls:

- a. Fencing, walls, and retaining walls are subject to design review by the Commission.
- b. Fences must not exceed four feet in the front or the half-depth yards.
- c. Fences and walls must not exceed six feet in the side or rear yards.
- d. Fences must be constructed of wood or chain link. Barbed wire and razor wire are prohibited.
- e. **Retaining Walls.** Retaining walls located adjacent to a public right-of-way must have a maximum height of two feet from streetscape grade and must be faced with either stone, brick, or smooth stucco, whichever predominates on that block face. Stacked stone is not permitted. The combined height of a fence and retaining wall adjacent to a streetscape must not be greater than four feet from streetscape grade. The combined height of a fence and retaining wall in a side or rear yard must not exceed six feet. See Section 16-29.001(25).

18. On-site and Off-site Parking:

- a. All new construction, change of use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multi-unit must include on-site parking.
- b. The number of required parking spaces is set out in each subarea.
- c. Variances may be allowed from this requirement subject to the standard procedures and requirements for a variance found in these regulations.
- d. On-site parking must not be located or authorized between the principal building and the street.
- e. On-site parking may be located in a rear or side yard.
- f. The driveway of a lot used for residential purposes must extend at least 20 feet behind the front façade of the house.
- g. Carports or garages that serve a single dwelling unit must be permitted if detached from and located to the rear of the main structure. If the structure is located on a corner lot, the front yard setback for that side street must apply to the construction of a carport or garage.
- h. The design of carports and garages will be reviewed and approved by the Commission.
- i. On-site or off-site parking must include landscape buffers strips placed along streetscapes and public rights-of-way. Landscape buffers strips must be: a minimum of three feet in width, planted with a mixture of evergreen groundcover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches; and planted with canopy street trees that are a minimum of 3.5 inch caliper measured 36 inches above ground and a

#001

Posted by **404forever** on **08/04/2025** at **10:30pm** [Comment ID: 1367] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

we should not be requiring on-site parking in one of the most walkable areas of atlanta.

Reply by **SiteAdmin** on **08/05/2025** at **3:39pm** [Comment ID: 1369] - [Link](#)

Answer

Agree: 0, Disagree: 0

We have not completed the removal of the parking regulation text from the historic district text yet. The map here will regulate parking:
<https://tsw.maps.arcgis.com/apps/instant/sidebar/index.html?appid=385145c6106940489103dc994d77cb39>

minimum of 12 feet in height at time of planting placed no further than 25 feet on center. All landscape buffers s strips must be maintained in a sightly manner.

- j. Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are permitted paving materials for driveways and surface parking. Asphalt is not permitted.
- k. Use of shared driveways and/or alleys is encouraged.
- l. The Commission will have the authority to vary **Section 28.006(10)** relative to the requirement for an independent driveway connected to a public street.

G. The Mill (Subarea 1)

In addition to the general regulations required in **Section 16-20A.006**, the following regulations will apply to any new development or the conversion of any existing structures to permitted uses within the Mill Subarea. The regulations are intended to preserve the environmental character and physical appearance of the Mill Subarea and encourage reuse of the existing structures for mixed use where feasible and to assure that any other use that may be permitted for preservation purposes is compatible with the historic character of the district as a whole.

1. **Permitted Principal Uses and Structures.** A building or premises must be used only for the following principal purposes; and any new development, or conversion of existing structure to uses permitted within the Mill Subarea, will require the granting of a Certificate of Appropriateness by the Commission prior to the issuance of a building permit.
 - a. Banks, savings and loan associations, and similar financial institutions.
 - b. Business service establishments, including those providing duplicating, printing, maintenance, communications, addressing, mailing, bookkeeping, or guard services.
 - c. Clubs, lodges, and union halls.
 - d. Eating and drinking establishments, including catering establishments, delicatessens, bakeries. Drive-in and drive-thru restaurants are not permitted.
 - e. Offices, clinics, laboratories, studios.
 - f. Professional and personal service establishments.
 - g. Recreational establishments.
 - h. Single-unit, two-unit, and multi-unit residential uses. Residential use of Mill structures will require a Certificate of Appropriateness, which will be granted upon determination that such use is compatible with the overall utilization of the Mill and maintains the integrity of the Mill as a support for the surrounding community.
 - i. No wholesaling or jobbing must be conducted from within this subarea. No use or manner of operation must be permitted that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the character of this subarea and its relation to adjoining residential subareas.

- j. Urban gardens.
 - k. Market gardens.
 - l. Short-term rentals, subject to the regulations in Atlanta City Code **Section 20-1001**.
2. **Building Standards:**
- a. All alterations **must** follow the Secretary of Interior's Standards for rehabilitation and **must** match the original as closely as possible.
 - b. New construction **must** be of red brick exterior in keeping with the scale and character of 19th-century mill construction.
 - c. The height of any new construction **must** be limited to the highest point of the existing complex, excluding chimneys.

H. Mill Housing (Subarea 2)

In addition to the general regulations required in **Section 16-20A.006**, the following regulations will apply to any new development in Subarea 2. These regulations are intended to preserve the typical 19th-century mill housing character of this subarea and to encourage the continued use of the existing structures for compatible multi-unit use.

1. **Permitted Principal Uses and Structures.** A building or premises **must** be used only for the following principal purposes:
 - a. Single-unit, two-unit, and multi-unit dwellings of the mill housing quadruplex type now existing in the subarea or as **must** be constructed in the future to be compatible with existing structures as is provided for in this subarea of the Cabbagetown Landmark District regulations.
 - b. Parks, playgrounds, and community structures owned and operated by a government agency or Cabbagetown-based non-profit community organization.
 - c. Short-term rentals, subject to the regulations in Atlanta City Code **Section 20-1001**.
2. **Special Permits.** The following uses are permissible only by special permit of the kind indicated, subject to limitations and requirements set forth herein or elsewhere in this part:
 - a. **Special Administrative Permits.** Zero-lot-line subdivision of lots upon which mill housing exists on the effective date of this amendment pursuant to **Section 16-28.011(6)(c)**.
 - b. **Special Administrative Permits.** Urban gardens as a principal use on an undeveloped lot will require a special administrative permit to be granted by the Director of the Commission with the applicable provisions of Chapter 25 of this part.
3. **Maximum Building Height and Width.** The height or width of any alteration or addition **must** not exceed the height or width of the existing building or roofline.
4. **Façades:**
 - a. Exterior doors **must** be solid panel wood.
 - b. All siding **must** be wood clapboard and **must** have a reveal of four inches.

CABBAGETOWN

5. Roofs:
 - a. New roofing **must** be asphalt shingles or modified bitumen membrane.
 - b. Chimneys **must** be included in new construction of principal buildings.
 - c. Dormers are not permitted in this subarea.
6. Porches:
 - a. Front porches are required.
 - b. Front porch steps **must** be repaired or replaced to match the original wood steps. Steps in other locations may be of wood, brick, or cast in place concrete. Metal steps are not permitted.
7. **Fences and Walls.** No walls **will** be permitted in this subarea.
8. **Minimum Parking Requirements.** One parking space per dwelling unit **will** be required for all new construction or changes in use.

I. Shotgun and Cottage Housing (Subarea 3)

In addition to the general regulations required in **Section 16-20A.006**, the following regulations will apply to any new development or the conversion of any existing structures to permitted uses within the Shotgun and Cottage Housing Subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

1. **Shotgun Housing.** Shotgun housing is a style typified by simple structures whose width is no more than that of one room extending from the front to rear of the structure or, in the case of a double shotgun, two rooms wide. This housing Type is usually closely spaced and is found most often along Savannah Street and Berean Avenue within this subarea.
2. **Cottage Housing.** Cottage housing is a mixed housing style that includes central aisle houses, L-plan cottages, Victorian cottages, worker's cottages, one and a half story duplexes, bungalows, and other residential structures, modest in scale, that are characterized by common setbacks, repetitive porch and façade features, and consistent structure massing.
3. **Permitted Principal Uses and Structures.** A building or premises **must** be used only for the following principal purposes:
 - a. Single-unit detached dwellings.
 - b. Two-unit dwellings existing at the time of the adoption of these regulations. Two-unit dwellings, originally built as duplexes, will be permitted even if the use has lapsed for more than a year.

- c. Parks, playgrounds, and community buildings owned and operated by a government agency or Cabbagetown-based non-profit community organization.
 - d. Short-term rentals, subject to the regulations in Atlanta City Code [Section 20-1001](#).
4. **Permitted Accessory Uses and Structures.** In addition to the uses and structures listed in [Section 16-20A.006\(16\)](#), the following are allowed, subject to limitations and requirements set forth herein or elsewhere in this part:
- a. In-ground swimming pools and similar active recreation facilities subject to the following limitations. Such active recreation facilities in any yard, required or other, adjacent to a street will require a special exception from the Commission, which special exception will be granted only upon finding that:
 - i. The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic, and the applicant will contact the adjoining neighbors about the special exception and provide written letters to the Commission from the adjoining neighbors regarding the propriety of the special exception.
 - ii. The area for such activity could not reasonably be located elsewhere on the lot.
 - iii. The Commission may condition any special exception for such facilities based on concerns regarding visibility from public right-of-way, fencing, screening, or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to [mitigate](#) any potential negative impacts of the proposed facility on adjoining property owners.
5. **Special Permits.** The following uses are permissible only by special permit of the kind indicated, subject to limitations and requirements set forth herein and in [Section 16-25.002\(3\)](#).
- a. **Special Use Permits.** Childcare centers, kindergartens, and special schools provided that they do not exceed a maximum floor area of 5,000 square feet. As a condition of the permit one parking space be provided for each 600 square feet of floor area and the site [must](#) provide safe and convenient facilities for loading and unloading children which will be approved by the [Director](#), [Bureau of Traffic](#) and [Transportation](#).
 - b. **Special Administrative Permits.** The following uses will require a special administrative permit to be granted by the Director of the Commission with the applicable provisions of Chapter 25 of this part.
 - i. Urban gardens as a principal use on an undeveloped lot.
6. **Minimum Lot [Size Requirements](#).** In addition to the setback requirements in [Section 16-20A.006\(9\)](#), in no case [will](#) any portion of a building be closer to a public [streetscape](#) than any portion of any contributing [building](#) of like use on the block face.
7. **Maximum Building Height and Width.** The compatibility rule will apply.
8. **Floor Area Ratio.** The floor area ratio [must](#) not exceed 0.50.
9. Roofs:

- a. Roofing materials must be asphalt shingles or batten seamed metal.
- b. Metal shingles are permitted if they are appropriate to the house style.

10. Dormers:

- a. Dormers are not permitted on shotgun houses.
- b. Dormers must not be permitted on the front façade of cottage housing unless original to the structure.
- c. A single dormer may be permitted on one secondary elevation of cottage housing if it is placed to minimize its visibility from the public rights-of-way.

11. **Reserved.**

12. Porches:

- a. Decks must be permitted on the side or rear of the house if not visible from the street.
- b. Rear decks must be no wider than the house.
- c. Side and rear porches must be permitted if appropriate to the house style.

13. Fences and Walls:

- a. Walls are not permitted in a front yard, or a side yard adjacent to a public right-of-way.
- b. Variances for the height of fences or walls may be granted by the Commission.
- c. Walls must be constructed of wood.

14. Driveways and Surface Parking **areas Lots**:

- a. One parking space per dwelling unit will be required for all new construction or changes in use.
- b. Driveways must not exceed ten feet in width and must have a curb cut no more than ten feet, exclusive of flair.
- c. At least one-third of any driveway or surface parking lot must be pervious.
- d. Poured concrete paving for driveways must consist of two ribbons for tire tracks separated by a planting strip.
- e. Alternate paving materials may be approved upon review by the Commission if such materials are pervious and do not detract from the historic character of the landmark district.

J. Neighborhood Commercial/Services (Subarea 4)

In addition to the general regulations required in **Section 16-20A.006**, the following regulations will apply to any new development or the conversion of any existing structures to permitted uses within the neighborhood commercial/services subarea. These regulations are intended to preserve the neighborhood commercial/services subarea and to encourage the continued use of the existing structures for commercial and service use in combination with residential uses and in support of the

residential community within the Cabbagetown Landmark District. These regulations further intend to ensure that any conversion in use, which may be permitted for preservation purposes in existing structures, is compatible with the overall character of the district as a whole.

1. **Permitted Principal Uses and Structures.** A building or premises must be used only for the following principal purposes:
 - a. **Multi-unit Dwelling Units.** Multi-unit dwellings are permissible if a minimum of 25 percent of the total heated floor area of each structure is constructed and used for non-residential uses as allowed in **Section 16-20A-010(1), (2), or (3)**.
 - b. Any of the following uses provided that they do not exceed 2,000 square feet of floor area:
 - i. Bakeries and catering establishments.
 - ii. Laundry and dry cleaning establishments where customers operate equipment.
 - iii. Tailoring, custom dressmaking, millinery, and similar establishments.
 - iv. Restaurants, bars, coffee shops, delicatessens, and taverns.
 - v. Specialty shops such as antique stores, gift shops, boutiques, art and craft stores, and apothecary shops.
 - vi. Barber shops, beauty shops, manicure shops, and similar personal service establishments.
 - c. Any of the following uses provided that they do not exceed 5,000 square feet of floor area:
 - i. Clubs and lodges.
 - ii. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.
 - iii. Offices, studios, clinics (including veterinary if animals are kept within soundproof structures), laboratories, and similar use.
 - iv. Professional or service establishments.

Drive-thru and drive-in services, windows, and facilities are prohibited. Hiring halls are prohibited. Blood donor stations are prohibited. No wholesaling or jobbing will be conducted from within the Cabbagetown Landmark District. No use or manner of operation will be permitted that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the character of this subarea and its relationship to adjoining residential subareas.

 - v. Urban gardens.
 - vi. Market gardens.
 - vii. Short-term rentals, subject to the regulations in Atlanta City Code **Section 20-1001**.

2. **Permitted Accessory Uses and Structures.** The uses and structures that are customarily incidental and subordinate to permitted uses and structures are authorized, subject to the following restrictions:
 - a. Except as otherwise herein provided, no merchandise will be stored other than that to be sold at retail on the premises and such merchandise **must** occupy no more than 25 percent of the total floor area on the premises.
 - b. No storage will be provided in any portion of a structure adjacent to any public **streetscape**, public park or plaza.
 - c. No off-premises storage of merchandise will be permitted in this subarea either as a principal or accessory use.
3. **Special Permits.** The following uses are permissible only by special permit of the kind indicated, subject to limitations and requirements set forth herein and in **Section 16-25.002(3)**.
 - a. Special Use Permits:
 - i. Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies of 14 days or more duration.
 - ii. Childcare centers, kindergartens, and special schools provided that they do not exceed a maximum floor area of 5,000 square feet.
 - iii. Retail establishments provided that they do not exceed a maximum floor area of 5,000 square feet, and in the case of small discount variety stores, not to be located within 5,280 feet of another small discount variety store.
 - b. Special Administrative Permits:
 - i. Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies of less than 14 days duration.
 - c. Special Exceptions:
 - i. Churches, temples, synagogues, mosques and other religious worship facilities where the lot is less than one acre.
 - ii. Structures and uses required for operation of a public utility except uses involving storage, train yards, warehousing, switching, or maintenance shops as a primary purpose.
 - iii. Reduction in minimum **on-site** parking requirements.
4. **Minimum Lot Requirements.** In addition to the **building** setback requirements in **Section 16-20A.006(9)**, in the case of new construction between two contributing buildings, the side yard setbacks **must** be at least three feet from the lot line.
5. Maximum Building Height and Width, and **Transitions and Screening**:
 - a. The compatibility rule will apply, but in no case **must** the height of a building or structure exceed 28 feet.

- b. Additionally, no portion of any building will protrude through a transitional height plane beginning 24 feet above the buildable area boundary, as determined by the application of the compatibility rule, which is nearest to the common residential subarea boundary and extending inward over Subarea 4 at an angle of 45 degrees.
6. Transitions and Screening:
 - a. **Side Yards.** Adjacent to residential use without an intervening street, ten feet is required, that must not be used for parking, paving or loading or servicing. For a side yard adjacent to a side street, half the required front must be provided.
 - b. **Rear Yard.** There must be a rear yard of ten feet when adjacent to a residential use district that must not be used for parking, paving or loading or servicing.
 - c. **Screening.** Where a lot in this subarea abuts a residential use on the rear lot line without an intervening street, landscaping, opaque fencing or screening not less than six feet in height must be provided and maintained in sightly condition (see Section 16-28.008).
 7. **Lot Coverage.** The lot coverage must not exceed 80%.
 8. Storefront Transparency:
 - a. All street-facing ground story development, with the exception of religious institutions and fire stations, must provide transparency for a minimum of 75 percent of the length of the frontage, beginning at a point not more than three feet above the public streetscape, for a height no less than ten feet above the streetscape.
 - b. Transparency for commercial uses must allow views into the interior or display windows and must not have painted glass, reflective glass, or other similarly treated transparency.
 - c. Variances in transparency requirements may be approved by the Commission.
 - d. Ground story development without transparency must not exceed a maximum length of ten feet of facade.
 9. Relationship of building to street Lot Standards:
 - a. The primary pedestrian entry feature to all uses and business establishments with ground story street frontage must:
 - i. Face and be visible from the street;
 - ii. Be directly accessible, visible, and adjacent to the streetscape, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street;
 - iii. Remain unlocked during normal business hours for nonresidential uses; and
 - iv. Face and be visible to an arterial street when located adjacent to such arterial streets.
 - b. Buildings must provide continuous street-facing ground story commercial, office, or residential uses.
 - c. A street address number must be located above the principal building entry feature, must be clearly visible from the streetscape, and must be a minimum of six inches in height.

10. Storefront Lighting and Security Features:

- a. Security, decorative, and other lighting adjacent to residential uses must minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree lighting. The Commission may also require other elements to reduce light spillage.
- b. Any security, decorative, or other lighting luminaries must be located a minimum height of eight feet above the streetscape, driveway, or pedestrian area.

11. Loading Areas, Loading Dock Entrances, and Structure Mechanical and Accessory Features:

- a. Commercial dumpsters and loading areas may not be located within 30 feet of an adjoining residential subarea boundary, and must be screened with opaque fences or walls six feet in height.
- b. Residential dumpsters and loading areas must be encircled with walls six feet in height. Walls must be smooth finish stucco or same material as the principal building.
- c. Loading dock entrances for nonresidential uses must be screened so that loading docks and related activity are not visible from any public right-of-way.
- d. Building mechanical and accessory features must be located to the side and rear of the principal building and must be in the least visible location from the public right-of-way. Screening with appropriate plant and/or fence materials must be required if the equipment is visible from the public right-of-way.
- e. When located on rooftops, building mechanical and accessory features must be incorporated in the design of the building and screened with materials similar to the building.
- f. Building mechanical and accessory features must not be permitted between the principal building and any public street.

12. **Roofs.** Roofing materials must be asphalt shingles or batten seamed metal.

13. **Dormers.** Dormers must not be permitted unless original to the structure.

14. **Porches.** Front porches are permitted.

15. Fences and Walls:

- a. Chain link or similar elements must not be visible from any public plaza, outdoor dining area, or public right-of-way. Chain link fencing, where permitted, must be clad in either black or dark green coating. Canopies and associated service areas must not be located between a building and the street.
- b. No fences are permitted between the principal building and the streetscape.
- c. Walls must be wood, smooth finish stucco or brick.
- d. No walls, except retaining walls, must be located between a building and the streetscape, with the exception of walls that screen commercial dumpsters and loading areas, which must have a maximum height of six feet.

- e. The Commission may by variance permit retaining walls that are greater than two feet in height between the building façade line and the street.

16. Curb Cuts, Driveways, and Surface Parking Lots:

- a. At least one-third of any driveway or surface parking lot must be pervious.
- b. Alternate paving materials may be approved upon review by the Commission if such materials are pervious and do not detract from the historic character of the landmark district.
- c. All streetscape-paving and curbing materials must be continued across any intervening driveway.
- d. Driveway and curb cut widths must be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances.
- e. Required driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the Commission.
- f. No circular drives must be located between any buildings and any public street.
- g. Except as authorized above in this subsection, parking lots or driveways are not permitted between the streetscape and a building, and must be perpendicular to any adjacent street, except for a driveway to reach the side or rear yard or an on-site parking facility. Driveways for childcare centers, kindergartens, and special schools may be located between the streetscape and the building if approved by the Commission.
- h. No more than one curb cut is permitted for each development. Developments with more than one street frontage may have two curb cuts. Two curb cuts on properties with street frontage greater than 300 feet may be approved by the Commission.
- i. No drop-off lanes are permitted along public streets.

17. **Lighting, Security, and Maintenance Requirements for Surface Parking Lots.** All surface parking lots must have the following minimum requirements:

- a. Lighting must be provided throughout all parking facilities to equal a minimum of one-fifth foot-candle of light. A foot-candle of light is a uniformly distributed flux of one lumen on a surface of one square foot in area. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it will be the responsibility of the parking facility to independently provide these required levels of lighting.
- b. Parking lots adjacent to residential areas must minimize light spillage onto residential properties by providing cutoff luminaires that have a maximum 90-degree lighting and must in all other ways be in compliance with **Illuminating Engineering Society of North America Recommended Practice #33 - Lighting for Exterior Environments**.
- a. 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 must not be operated when any damage impairs the drivability of the parking lot.

19. **Minimum Landscaping for Parking Lot and Barrier Tequirements.** Each of the provisions of the Code of Ordinances, Chapter 158 Vegetation, Article II Tree Protection, and Section 30 Parking Lot Requirements will apply to all lots of ten spaces or more in this subarea. In addition to these regulations, the following requirements will apply:
- a. All landscaped areas must be planted with evergreen ground cover or shrubs with a maximum mature height of 30 inches.
 - b. Landscape buffer strips as described in Section 16-20A.006(19)(i) will be required.
 - c. Variances in surface parking lot landscaping and barrier requirements may be approved by the Commission per the criteria set out in Section 158-30(14).
20. **Minimum On-site Parking Requirements.** The following parking requirements will apply to all permitted uses, including those approved by special permits. (See also Sections 16-28.013 and Sections 16-28.014.) Design of parking facilities will be subject to review by the Commission.
- a. Banks and similar institutions: One space for each 200 square feet of floor area.
 - b. Childcare centers: One space for each 600 square feet of floor area; in addition to providing required on-site parking, such centers must provide safe and convenient facilities for loading and unloading children, as approved by the Director of the bureau of traffic and transportation.
 - c. Clothing and tailor shops: One space for each 200 square feet of floor area.
 - d. Clubs and lodges: One space for each 100 square feet of floor area.
 - e. Commercial recreation uses, including bowling alleys, amusement arcades, game rooms, and the like: One space for each 100 square feet of floor area.
 - f. Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area.
 - g. Laundry and dry cleaning establishments where equipment is operated by customers: One space for each 200 square feet of floor area.
 - h. Retail establishments, including catering, delicatessen and bakeries, but not other uses as provided below: One space for each 200 square feet of floor area.
 - i. Accessory uses: One space for each 300 square feet of floor area devoted to an otherwise permissible accessory use.
 - j. For all other nonresidential uses: One space for each 300 square feet of floor area.
21. On-site Parking Variances:
- a. Reductions in parking requirements may be approved by the Commission if a written shared parking arrangement that meets, the following criteria is secured:
 - i. The arrangement must avoid conflicting parking demands and provide for safe pedestrian mobility and access.

- ii. All shared parking spaces must be clearly marked and signed as reserved during specified hours.
- b. An applicant must submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - i. A to-scale map indicating location of proposed parking spaces.
 - ii. Indicate hours of business operation.
 - iii. Written consent of property owners agreeing to the shared parking arrangements;
 - iv. Copies of any parking leases. Renewed leases must be provided to the Commission as they are signed. Lapse of a required lease agreement will terminate the permit.

K. Transitional Commercial (Subarea 5)

In addition to the general regulations required in Section 16-20A.006, the following regulations will apply to any new development or the conversion of any existing structures to permitted uses within the subarea. These regulations are intended to mitigate any nocuous effects that the abutting commercial uses may have on adjoining residential uses within the remainder of the Cabbagetown Landmark District. These regulations further intend to maintain compatibility between the existing and future uses of the area and the overall character of the district as a whole.

1. **Permitted Principal Uses and Structures.** A building or premises must be used only for the following principal purposes:
 - a. A building or premises must be used for the principal uses specified within Section 16-16.003 of this part, with the exception of Paragraph ~~{1}~~ allowing adult establishment and Paragraph ~~{17}~~ allowing signs, general advertising.
 - b. **Multi-unit Dwelling Units.** Multi-unit dwellings are permissible if a minimum of 25 percent of the total heated floor area of each building is constructed and used for non-residential uses as allowed in Section 16-20A.011(1), (2) or (3).
 - c. Any of the following uses provided they do not exceed 4,000 square feet of floor area:
 - i. Bakeries and catering establishments.
 - ii. Laundry and dry cleaning establishments where customers operate equipment.
 - iii. Tailoring, custom dressmaking, millinery and similar establishments.
 - iv. Restaurants, bars, coffee shops, delicatessens, and taverns.
 - v. Specialty shops such as antique stores, gift shops, boutiques, art and craft stores, and apothecary shops.
 - vi. Barber shops, beauty shops, manicure shops, and similar personal service establishments.
 - d. Any of the following uses provided that they do not exceed 10,000 square feet of floor area:
 - i. Clubs and lodges.
 - ii. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.

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- iii. Offices, studios, clinics (including veterinary if animals are kept within soundproof buildings), laboratories, and similar use.
- iv. Professional or service establishments.

Drive-thru and drive-in services, windows, and facilities are prohibited. Hiring halls are prohibited. Service stations are prohibited. Secured-storage facilities are prohibited. Car washes are prohibited. Funeral Homes are prohibited. Body shops and Sales lots for automobiles are prohibited. Blood donor stations are prohibited. No wholesaling or jobbing will be conducted from within the Cabbagetown Landmark District. No use or manner of operation will be permitted that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the character of this subarea and its relationship to adjoining residential subareas.

- e. Urban gardens.
- f. Market gardens.
- g. Short-term rentals, subject to the regulations in Atlanta City Code **Section 20-1001**.

2. **Permitted Accessory Uses and Structures.** The uses and structures that are customarily incidental and subordinate to permitted uses and structures are authorized, subject to the following restrictions:

- a. Except as otherwise herein provided, no merchandise will be stored other than that to be sold at retail on the premises and such merchandise **must** occupy no more than 25 percent of the total floor area on the premises.
- b. No storage will be provided in any portion of a structure adjacent to any **public sidewalk streetscape**, public park or plaza.
- c. No off-premises storage of merchandise will be permitted in this **subarea** either as a principal or accessory use.

3. **Special Permits.** The following uses are permissible only by special permit of the kind indicated, subject to limitations and requirements set forth herein and in **Section 16-25.002(3)**.

- a. Special Use Permits:
 - i. Poolrooms, billiard parlors, amusement arcades.
 - ii. Terminals, freight, rail, bus or truck, when erected or operated by other than a governmental agency.
 - iii. Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies of 14 days or more duration.
 - iv. Childcare centers, kindergartens, and special schools provided that they do not exceed 10,000 square feet of floor area.
 - v. Retail establishments provided that they do not exceed 10,000 square feet of floor area.

- vi. Grocery stores provided that they do not exceed 10,000 square feet of floor area.
- vii. Small discount variety stores, provided they do not exceed 10,000 square feet and provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.
- b. Special Administrative Permits:
 - i. Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies of less than 14 days duration.
- c. Special Exceptions:
 - i. Churches, temples, synagogues, mosques and other religious worship facilities where the lot is less than one acre.
 - ii. Structures and uses required for operation of a public utility except uses involving storage, train yards, warehousing, switching, or maintenance shops as a primary purpose.
 - iii. On-site parking within 500 feet of primary use.
- 4. **Residential.** For alterations to any residential structure in Subarea 5, the General Regulations and the specific regulations for Subarea 3 will apply.
- 5. Site Limitations:
 - a. **Minimum Building Façade Heights.** Buildings must have a minimum façade height of 18 feet along each façade visible from any public right-of-way.
 - b. **Maximum Building Heights.** Buildings that are between 0 and 50 feet of a Subarea 3 boundary must have a maximum height of 28 feet. Buildings that are within 51 and 150 feet of a Subarea 3 boundary must have a maximum height of 35 feet. Buildings that are more than 150 feet from Subarea 3 boundary must have a maximum height of 52 feet. Mezzanines and lofts will be considered a story.
 - c. New development containing an entire block face greater than 600 feet in length must be traversed by new streets that create block faces no larger than 400 feet. Such streets must function as public streets, must connect two other public streets, and must meet all other requirements of this chapter.
 - d. Transitions and Screening Requirements:
 - i. **Transitional Height Planes.** Where this district adjoins Subarea 3 without an intervening street, heights within this district must be limited as follows: No portion of any structure must protrude through a transitional height plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the nonresidential district at an angle of 45 degrees.
 - ii. **Transitions.** Where commercial or industrial uses in this subarea abut residential uses, 100 feet of the lot devoted to such commercial or industrial use and nearest to the residential use, must not be used for any drive-in facility, sales lot for automobiles, or general advertising signs.

- a) Side Yards. Adjacent to residential use without an intervening street, 20 feet is required, that must not be used for parking, paving or loading or servicing. For a side yard adjacent to a side street, half the required front set-back must be provided.
 - b) Rear Yard. There must be a rear yard of 20 feet when adjacent to a residential use district that must not be used for parking, paving or loading or servicing.
- iii. Screening:
- a) Screening. Where a lot in this subarea abuts a residential use on the rear lot line without an intervening street, landscaping, opaque fencing or screening not less than six feet in height must be provided and maintained in sightly condition (see Section 16-28.008).
6. **Lot Coverage.** The lot coverage must not exceed 80 percent.
7. Relationship of Buildings to Street:
- a. The delineation of building floors stories at the second story above the ground story must be executed through windows, belt course, cornice lines, or similar architectural detailing.
 - b. The primary pedestrian entry features to all uses and business establishments with the street-facing ground story must:
 - i. Face and be visible from the street.
 - ii. Face and be visible to an arterial street when located adjacent to such arterial streets.
 - iii. Be directly accessible, visible, and adjacent to the streetscape, street setback, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.
 - iv. Remain unlocked during normal business hours for nonresidential uses.
 - c. Buildings must provide continuous street-facing ground story commercial, office, or residential uses.
8. Building Façade Lines:
- i. **On Arterial Streets.** Must be no less than 20 feet and no more than 30 feet from the street curb, with the exception of the provision for public parks and plazas and the provision of on-street parking.
 - ii. **On All Other Streets.** Must be no less than 15 feet and no more than 30 feet from the street curb, with the exception of the provision for public parks and plazas.
- a. A street address number must be located above the principal building entrance, must be clearly visible from the streetscape, and must be a minimum of six inches in height.
9. **Storefront Transparency.** All street-facing ground story development, with the exception of churches and fire stations, must provide transparency for a minimum of 75 percent of the length of the frontage, beginning at a point not more than three feet above the streetscape, for a height no less than ten feet above the streetscape. Transparency for commercial uses must allow views into the interior or display windows and must not have painted glass, reflective glass, or other similarly treated transparency.

- a. Variances in transparency requirements may be approved by the AUDC.
- b. Ground story development without transparency must not exceed a maximum length of ten feet of façade.

10. Storefront Lighting and Security Features:

- a. Security, decorative, parking deck, and other lighting adjacent to residential uses must minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree lighting. The AUDC may also require other elements to reduce light spillage.
- b. Any security, decorative, parking deck, or other lighting luminaries must be located a minimum height of eight feet above the streetscape, driveway, or pedestrian area.

11. Loading Areas, Loading Dock Entrances, and Building Mechanical and Accessory Features:

- a. Commercial dumpsters and loading areas may not be located within 30 feet of an adjoining residential subarea boundary, and must be screened with opaque fences or walls six feet in height.
- b. Residential dumpsters and loading areas must be encircled with opaque fences or walls six feet in height. Walls may be smooth finish stucco or same material as the building.
- c. Loading dock entrances for nonresidential uses must be screened so that loading docks and related activity are not visible from any public right-of-way.
- d. Building mechanical and accessory features must be located to the side and rear of the principal building and must be in the least visible location from the public right-of-way. Screening with appropriate plant and/or fence materials must be required if the equipment is visible from the public right-of-way.
- e. When located on rooftops, building mechanical and accessory features must be incorporated in the design of the building and screened with materials similar to the building.
- f. Building mechanical and accessory features must not be permitted between the principal building and any public street.

12. Fences and Walls:

- a. Chain link fencing or similar elements must not be visible from any public plaza, outdoor dining area, or public right-of-way. Chain link, where permitted, must be clad in either black or dark green coating. Canopies and associated service areas must not be located between a building and the street.
- b. Fences and walls that are not located between the principal building and the streetscape must have a maximum height of six feet.
- c. No fences are permitted between the principal building and the streetscape.
- d. No walls, except retaining walls, must be located between a building and the streetscape.
- e. Walls must be faced with stone, brick, or smooth stucco.

- f. The AUDC may by variance permit retaining walls that are greater than two feet in height between the building façade line and the street.

13. Streetscapes:

- a. Streetscapes along Tye, Powell, Estoria, Pearl and Gaskill Streets must be regulated as set out in Subarea 3.
- b. Streetscapes must be located along all public streets. For new development, no streetscapes will be less than 15 feet in width, unless otherwise indicated in this section. Streetscape must consist of a minimum of two zones: an "~~street furniture and tree-planting zone~~ amenity zone," which must be located adjacent to the curb, and a "pedestrian zone." The following regulations will apply to all streetscapes adjacent to Memorial Drive within Subarea 5 of the Cabbagetown Landmark District:
 - i. **The ~~street furniture and tree-planting zone~~ Amenity Zone Must Have a Minimum Width of Five Feet.** The amenity zone must be located adjacent to the curb and must be continuous. In addition to the planting of trees as required in this section, this zone is also intended for the placement of street furniture as approved by the AUDC including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public kiosks, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility as approved by the City.
 - ii. The pedestrian zone must be a minimum width of ten feet, must be hardscape and located adjacent to the amenity zone, and must be unobstructed by any permanent or nonpermanent element for a minimum width of ten feet and a minimum height of eight feet.
 - iii. **Street Tree-planting Requirements.** Street trees are required and must be planted in the ground a maximum of 25 feet on center within the amenity zone and spaced equal distance between street lights. All newly planted trees must be a minimum of 3.5 inches in caliper measured 36 inches above ground, must be a minimum of 12 feet in height, must have a minimum mature height of 40 feet, and must be limbed up to a minimum height of seven feet. Trees must also have a minimum planting area of 25 square feet. Where streetscapes meet the minimum requirements for this section, planting areas must be permitted to be planted with evergreen ground cover such as mondo, liriope spicata, or ivy. All plantings, planting replacement, and planting removal must be approved by the City Arborist. Variances in street tree requirements may be granted by the AUDC subject to constraints such as overhead or underground utilities.
 - iv. No awning or canopy must encroach more than a maximum of five feet over the streetscape.
 - v. Nothing will be erected, placed, planted, or allowed to grow in such a manner as to materially impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade pursuant to **Section 16.28.008**, Visibility at Intersections.
 - vi. Pedestrian street lights must be placed a maximum distance of 40 feet on center, spaced equal distance between required trees along all streets within either the amenity zone or the street setback.

- vii. Streetscapes in this subarea within 20 feet of Subarea 3 must taper when necessary to provide a smooth transition to the existing streetscape in an adjacent subarea. In the event that the abutting subarea has no existing streetscape, the streetscape must taper to the width required by that subareas regulations, a width of six feet (measured from the street curb), or as approved by the AUDC.
- viii. Every effort must be made to place utilities underground or to the rear of structures to allow for the unobstructed use of the streetscapes.
- ix. Trash receptacles, where installed, must be the Victor Stanley Model S-42 or similar looking standard trash receptacle and must be placed within the amenity zone.

14. Street Setbacks:

- a. Any area between the street-facing building façade line and the required streetscape is a street setback. Street setbacks:
 - i. Must be permitted between the required streetscape and the building façade.
 - ii. Must be required along arterial streets at a minimum width of five feet, unless on-street parking is provided where there currently is none.
 - iii. Must not exceed a maximum width of 15 feet.
 - iv. Must be hardscaped.
- b. The following elements may be located within the street setback so long as any proposed element is approved by the AUDC:
 - i. Accessory outdoor dining that may be separated from the streetscape only with planters, shrubs, or fencing which must have a maximum height of 36 inches.
 - ii. Balconies, streetscapes, porches, ramps for accessibility, and stoops.
 - iii. Terraces must have a maximum finished-floor ground story elevation height of 24 inches above the streetscape elevation and must be surrounded by permanent safety fencing with a maximum height of 42 inches. See Subsection 16-29.001(25)b.
 - iv. Landscaping and water features.
 - v. Lighting.

15. Curb Cuts and Parking Structures:

- a. All streetscape-paving and curbing materials must be continued across any intervening driveway.
- b. Driveways must have a five-foot-wide band of textured concrete adjacent to the street and in-line with the street amenity zone.
- c. Driveway and curb cut widths must be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances.

- d. Required driveways may be located outside the lot boundaries provided they directly connect to a public street, subject to approval by the AUDC.
- e. No circular drives **must** be located between any buildings and any public street.
- f. Except as authorized above in this subsection parking **lots** or driveways are not permitted between the **streetscape** and a building, and **must** be perpendicular to any adjacent street, except for a driveway to reach the side or rear yard or an on-site parking facility. Driveways for childcare centers, kindergartens and special schools may be located between the **streetscape** and the building if approved by the AUDC.
- g. One-third of all surface parking **lots must** be constructed of pervious materials.
- h. No more than one curb cut is permitted for each development. Developments with more than one street frontage, may have two curb cuts. Two curb cuts on properties with street frontage greater than 300 feet may be approved by the AUDC.
- i. Garages and carports that serve a single or two-unit residential structure **must** be to the rear of the principal building. Garages that serve a multi-unit structure may be attached to the principal building, but **entry features** to garages **must** not be on the front façade or the half-depth façade of the principal building.
- j. Parking deck façades **must** conceal automobiles from visibility and **must** have the appearance of a horizontal storied building.
- k. Parking decks **must** provide either continuous street frontage with **ground story** commercial, office, or residential uses, or a minimum five-foot landscaped **buffer** strips between the structure and the **pedestrian zone**, except at ingress and egress points into the structure. The landscaped **buffer** strips **must** be planted with street trees spaced a maximum distance of 20 feet on center, which **must** also meet the tree requirements set out in **Section 16-20A.011(16)**. The landscaped **buffer** strips **must** also be planted with evergreen ground cover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches. All plantings, planting replacement, and planting removal **must** be approved by the City Arborist. All landscaping **must** be kept in a sightly manner.
- l. Notwithstanding the provisions of **Section 16-28.006(10)**, a common or joint driveway may be approved by the AUDC when adjacent lots have direct vehicular access to a street.
- m. All developments **must** have walkways with a minimum width of four feet provided along the edge of all **ground story** parking and drive areas and **must** be linked to the **pedestrian zone**.
- n. No drop-off lanes are permitted along public streets.

16. Lighting, Security, and Maintenance Requirements for Parking Structures and Surface Parking Lots. All surface parking lots and structures **must** have the following minimum requirements:

- a. Lighting **must** be provided throughout all parking facilities to equal a minimum of one-fifth foot-candle of light. A foot-candle of light is a uniformly distributed flux of one lumen on a surface of one square foot in area. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it **will** be the responsibility of the parking facility to independently provide these required levels of illumination.

- b. Parking lots adjacent to residential areas must minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree illumination and must in all other ways be in compliance with Illuminated Engineering Society of North American Recommended Practice #33 - Lighting for Exterior Environments.
 - c. Parking deck lighting must be a maximum of seven feet high and must not be visible from any public right-of-way.
 - 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 must not be operated when any damage impairs the drivability of the parking lot.
17. **Minimum Landscaping for Parking Lots and Barrier Requirements.** Each of the provisions of the Code of Ordinances, Chapter 158 Vegetation, Article II Tree Protection, and Section 30 Parking lot requirements will apply to all lots of ten spaces or more in this subarea. In addition to these regulations, the following requirements will apply:
- a. All landscaped areas will be planted with evergreen groundcover or shrubs with a maximum mature height of 30 inches.
 - b. Landscape buffer strips as described in Section 16-20A.006(19)(i) will be required.
 - c. Variances in surface parking lot landscaping and barrier requirements may be approved by the Commission per the criteria set out in Section 158-30(14).
18. **Minimum On-site Parking Requirements.** The following parking requirements will apply to all permitted uses, including those approved by special permits:
- a. On-site parking for those uses set out in Section 16-16.003 must be as provided for in Section 16-16.009.
 - b. **Banks and Similar Institutions.** One space for each 200 square feet of floor area.
 - c. **Childcare Centers.** One space for each 600 square feet of floor area; in addition to providing required on-site parking, such centers must provide safe and convenient facilities for loading and unloading children, as approved by the Director of the Bureau of Traffic and Transportation.
 - d. **Clothing and Tailor Shops.** One space for each 200 square feet of floor area.
 - e. **Clubs and Lodges.** One space for each 100 square feet of floor area.
 - f. Commercial recreation uses, including bowling alleys, amusement arcades, game rooms, and the like: One space for each 100 square feet of floor area.
 - g. **Eating and Drinking Establishments.** One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area. Outdoor dining area less than or equal to 25 percent of the enclosed floor area will have no parking requirement.
 - h. **Laundry and Dry Cleaning Establishments Where Customers Operate Equipment.** One space for each 200 square feet of floor area.

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- i. Retail establishments, including catering, delicatessen and bakeries, but not other uses as provided below: One space for each 200 square feet of floor area.
- j. **Accessory Uses.** One space for each 300 square feet of floor area devoted to an otherwise permissible accessory use.
- k. **For All Other Nonresidential Uses.** One space for each 300 square feet of floor area.

19. **On-site** Parking Variances:

- a. Reductions in parking requirements may be approved by the AUDC subject to a shared parking arrangement under the following criteria:
 - i. The arrangement **must** avoid conflicting parking demands and provide for safe pedestrian **mobility** and access; and
 - ii. All shared parking spaces **must** be clearly marked and signed as reserved during specified hours.
- b. An applicant **must** submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - i. A to-scale map indicating location of proposed parking spaces;
 - ii. Indicate hours of business operation;
 - iii. Written consent of property owners agreeing to the shared parking arrangements; and
 - iv. Copies of any parking leases. Renewed leases **must** be provided to the AUDC. Lapse of a required lease agreement will terminate the permit.

20. **Electric Vehicle Charging Stations.** A building, commercial establishment, or other property, which provides automobile parking facilities **must** provide parking facilities in the ratio of at least one station for every 50 automobile parking spaces. No more than five such stations will be required for a parking facility

DIVISION 6.2. DRUID HILLS

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent

The intent of establishing the regulations for the Druid Hills Landmark District is as follows:

1. To recognize ~~the masterpiece of design that is~~ the 1893 plan for Druid Hills created for Joel Hurt's "ideal residential suburb" by Frederick Law Olmsted, the father of American landscape architecture. A plan subsequently formalized by his sons, the Olmsted Brothers, and completed by the Druid Hills Corporation.
2. To preserve the environmental character and physical appearance of the area, including parkways, houses and buildings created during the 1895 to 1941 period of development; existing general landscaping features; and existing spatial relationships between the buildings and streets and to ensure that any new development is compatible with the present architectural and spatial attributes that prevail.
3. To preserve the residential character of the area except when nonresidential uses may be required to preserve houses and buildings built during the historically significant period of development and to ensure that redevelopment reflects and reinforces the exceptional features established in the original planning.
4. To ensure that new construction observes the general setback and height restrictions of the original development and is in harmony with the historic character of the district.
5. To ascribe special recognition to the manner in which the several churches contribute so substantially to the beauty of the district.

B. Division into Subareas

The Druid Hills Landmark District is divided into three subareas for regulatory purposes. The three subareas are as follows:

1. The Ponce de Leon Corridor.
2. Fairview Road.
3. Springdale Road/Oakdale Road/Lullwater Road/Lullwater Parkway.
4. Emory University.

C. General regulations.

The following general regulations will apply to the entire district which includes the following subareas: (1) the Ponce de Leon Corridor; (2) Fairview Road; (3) Springdale Road/Oakdale Road/Lullwater Road/Lullwater Parkway and (4) Emory University. Any proposed development, new construction, addition, alteration, or demolition will require a Certificate of Appropriateness as noted below and must conform to the following regulations:

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1. **General Standards.** In the Druid Hills Landmark District, the Commission will apply the following general standards only if the standards set forth elsewhere in this Chapter 20B do not specifically address the application:
 - a. A property must be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - b. The historic character of a property must be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property must be avoided.
 - c. Each property must be recognized as a physical record of its time, place, and use. Changes must not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
 - d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.
 - e. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, must be preserved.
 - f. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, texture, and, where possible, materials.
 - g. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials must not be used.
 - h. Archaeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.
 - i. New additions, exterior alterations, or related new construction, must not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and must be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - j. New additions and adjacent or related new construction must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. **Certificates of Appropriateness:**
 - a. Except as otherwise provided herein, the procedures for determining the correct type of Certificate of Appropriateness will be those specified in Section 16-20.008 of the Zoning Ordinance.
 - b. Notwithstanding any other provision herein, no Certificate of Appropriateness will be required unless, at a minimum, the work would otherwise require a building permit.
 - c. No Certificate of Appropriateness will be required for the removal of dead, dying, or hazardous tree as defined in the City of Atlanta Tree Ordinance or a tree with a diameter breast height of less than six inches.

- d. Type I certificates of appropriateness will be reviewed and decided by the Director of the Commission and are required for the following:
 - i. In-kind repair or replacement of roofing material, and in-kind repair of driveways, walkways, other similar paving, windows, and exterior doors.
- e. The following Type II certificates of appropriateness will be reviewed and decided by the Director of the Commission and will be required for new paving not visible from the public right-of-way, fences, walls, and retaining walls.

If a Type II Certificate of Appropriateness is required and the proposed alteration meets the requirements of this chapter, as applicable, and other criteria applicable to Type II certificates, the Director of the Commission will issue the Type II certificate within 14 days of receipt of the completed application. If a Type II Certificate of Appropriateness is required and the proposed alteration does not meet the requirements of this chapter, as applicable, the Director of the Commission will deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the Director regarding the approval and/or denial of Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of Chapter Section 16-20.008(a) for Type I certificates.

- f. The following Type II certificates of appropriateness will be reviewed and decided by the Commission and will be required for the following:
 - i. Any alteration to any façade of any principal structure or accessory structure and all site work, except as noted in Section 16-20B.003(2)(b), (c), (d), and (e) above.
 - ii. Clearance or removal of any tree with a diameter breast height of six inches or greater, except as noted in Subsection (2)(c) above, and shrub massings or hedges over three feet high.
 - iii. Any major alteration in the landscape or topography which is visible from the public right-of-way.
- g. Type III certificates of appropriateness will be reviewed and decided by the Commission and will be required for:
 - i. All new principal structures.
 - ii. All additions to existing principal structures and accessory buildings, including decks.
 - iii. All new accessory structures.
 - iv. Subdivision, aggregation, consolidation or replatting of lots.
 - v. The conversion of any existing building to a nonresidential permitted principal use or use permitted by special use permit.
- h. Type IV certificates of appropriateness will be reviewed and decided by the Commission and will be required for the demolition or moving of any contributing principal structure or contributing accessory building. A partial demolition of a contributing principal structure or contributing accessory building will require a Type IV Certificate of Appropriateness only when

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said partial demolition will result in the loss of significant architectural features that destroys the structure's or buildings historic interpretability or importance.

3. Minimum On-site Parking Requirements:

- a. On-site parking spaces will not be permitted in any front yard or within 50 feet of the public right-of-way in any half-depth front yard, except for yards adjacent to Moreland Avenue, where a 60-foot limit will apply. For the purpose of this regulation, the front yard will be that area between the public right-of-way and the forward line of the principal structure.
- b. No on-site parking will be located within 20 feet of any lot line.
- c. Number of on-site parking spaces required:
 - i. For single-unit, two-unit, and multiple-unit dwellings: Two spaces for each dwelling unit.
 - ii. For other permitted uses: As indicated in **Section 16-10.009**.

4. **Minimum Landscape Requirements.** The overall quality of the landscaped area visible from public right-of-ways should be preserved as an integral part of the historic character of the District. Any major alteration to the landscape or topography visible from the public right-of-way in the District must maintain the general landscaping scale and character reflected in the original development of Druid Hills in order to preserve the historic landscape character of the District. Any major alteration to the landscape or topography visible from the public right-of-way must:

- a. Follow the standards set forth in **Section 16-20B.003(1)**;
- b. Be consistent and compatible with the overall landscape plan and design on the property and block;
- c. Maintain the spatial organization of an open space in front of the house, asymmetrical plantings on the sides of the principal structure and a rear tree canopy;
- d. Not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure;
- e. Ensure that any new grades will meet the existing topography in a smooth transition;
- f. Retain any existing historic circulation mobility systems, including driveways, walkways and paths;
- g. Ensure that any new circulation mobility systems and substantial reconstruction of existing circulation mobility systems is consistent and compatible with the existing circulation mobility systems on the property and block with respect to layout, scale, materials, and topographic siting;
- h. Ensure that any on-site parking be constructed of a material which will assure a surface resistant to erosion, have adequate access to a public street and have adequate circulation mobility space; and
- i. Comply with the provisions of the City of Atlanta Tree Ordinance with the following exceptions:

- i. When the removal of trees is permitted by the Commission, each tree removed must be replaced with a tree of an appropriate species having a minimum caliper of two-and-one-half inches; and
 - ii. Taking into account the site density and tree spacing regulations of the City of Atlanta Tree Ordinance, any replacement trees and placement of said trees must comply with (a)–(g) above.
 - iii. Compliance with (i) above must not eliminate any additional recompense or tree replacement that otherwise may be required by the City of Atlanta Tree Ordinance.
- 5. **Minimum Drainage Standards.** Structures must be located so as to preserve the natural terrain of the district. Proper drainageways must be provided to prevent increased water runoff and erosion, siltation of streams or flooding of property as required by the department transportation.
 - a. No structure will be permitted within any 100-year floodplain.
 - b. No single-unit structure will be constructed on natural slopes greater than 25 percent.
 - c. No structure other than single-unit will be permitted on slopes greater than 15 percent.
- 6. **Minimum Architectural Standards.** Any new construction, additions, renovations or alterations in the District must maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district and must follow the standards set forth by [Section 16-20B.003\(1\)](#).
- 7. **Fences, Walls and Retaining Walls.** Subject to the provisions of [Section 16-28.008\(5\)](#) and the following limitations:
 - a. Fences and walls are not permitted in the front yard, yards adjacent to public streets, or between any principal structure and a public street.
 - b. Fences and walls not exceeding six feet in height may be erected in the side or rear yard.
 - c. Fences and walls must be constructed of vertical iron pickets, brick, stucco, vertical wood pickets, or coated chain link.
 - d. The front facing portion of fences must be no less than 40% open.
 - e. Retaining walls are allowed if existing on the block face. Such retaining walls must be no taller than the existing retaining walls on the block face or the minimum height required to retain the adjacent grades. All retaining walls must be faced with brick, stone or stucco.
- 8. **Subdivisions, Aggregations, Consolidations and Replats.** The platting pattern of the Druid Hills Landmark District is an integral, defining, and essential part of the historic character of the District. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to [Section 15-08.002\(a\)\(2\)](#) and [Section 15-08.005\(d\)\(6\)](#), no subdivision, aggregation, consolidation or replat will be approved unless the Commission finds:
 - a. The proposed subdivision, aggregation, consolidation or replat conforms to the platting pattern in the Druid Hills Landmark District with regard to lot size, dimensions, orientation, and configurations as it existed in 1982, as documented in maps attached to the 1982

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designation of the Druid Hills Landmark District, and maps attached to the 2001 Druid Hills Landmark District expansion; and

- b. The resulting lot(s) are so laid out that any existing structures meet the District regulations and that any new structures can be situated and constructed upon such lots to meet the District regulations.
9. Contributing/Non-contributing Property List:
- a. All contributing buildings, structures or sites within the District will be shown on the List adopted herewith entitled "Druid Hills Landmark District—Street Address Range and C/NC Property Determination List" (List). Said List will identify each building, structure or site within the District that meets the definition of "Contributing Building, Structure or Site" set forth in **Section 16-20.002**.
 - b. The Director will periodically review said List to correct errors or omissions to said List, or to reflect any changed conditions relevant to the contributing status of buildings, structures or sites within the district, consistent with the requirements of **Chapter 20B** and **Chapter 20** of **Part 16**, and must maintain public records of said List and all such errors, omissions or updates. An action by the Director to correct such errors or omissions, or to make updates, **must** be initiated by execution of a signed and dated form promulgated by the Director specifying the action initiated, the reason(s) for such action, and the identification of all property subject to said action. Said form **must** be mailed by first class mail to the owner or owners of the affected property within five calendar days of the initiation of the action by the Director.
 - c. An action by the Director to correct errors or omissions, or to update, the List as authorized in **Subsection 16-20B.003(9)(a)** above will result in the immediate prohibition of any new or amended applications of any kind affecting such property, including but not limited to demolition requests, building permits or land disturbance permits, and including acceptance of any such application or request by any City of Atlanta department, agency, official, employee or agent. Said prohibitions will become automatically effective without further action of any kind immediately upon the date and time that the Director takes an action authorized in **Subsection 16-20B.003(9)(b)** above. The purpose and intent of this provision is to maintain the status quo regarding any such affected property until the Director's action is reviewed and affirmed or reversed by the Commission in the manner specified in **Subsection 16-20B.003(9)(d)** below. The period of this mandatory interim protection will be 90 days or until a final decision reviewing such action is made by the Commission, whichever first occurs, commencing on the date and time of the Director's decision. This interim control period allows and is based upon approximately 30 days for the initial scheduling of the public hearing following the Director's action and approximately 60 days for completion of the public hearing and a final decision by the Commission.
 - d. All actions by the Director to correct errors or omissions, or to update, said List **will** be reviewed and approved by the Commission using the notice and procedures required for Type III certificates of appropriateness with the following modifications:
 - i. Hearings on such review and approval by the Commission **must** be scheduled by the Director within 30 days of the Director's action on such correction(s) or update(s) and **must** be decided by the Commission within a reasonable time; and

- ii. The Commission will affirm the action(s) of the Director upon an expressed finding by the Commission that the Director's action(s) correctly applied the definitions and requirements for determining the contributing status of the properties in question in Chapter 20B and Chapter 20 of Part 16.

In exercising its review, the Commission may reverse or affirm the action(s) of the Director, wholly or partly. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code Section 16-20.010.

D. Ponce de Leon Corridor Regulations

In addition to the general regulations required in Section 16-20B.003, the following regulations will apply to any new development or the conversion of any existing structures to permitted uses within the Ponce de Leon Corridor.

These regulations are intended to preserve the environmental character and the physical appearance of the corridor in order to encourage the continued use of the existing structures for residential use where feasible, and to assure that any nonresidential use which may be permitted for preservation purposes in existing structures is compatible with the historic character of the district as a whole.

1. Permitted Principal Uses and Structures:

- a. Single-unit dwelling and two-unit dwelling.
- b. Multifamily dwellings as follows.
 - i. The conversion of existing structures containing at least 1,600 square feet of total floor area and conformance with the following criteria:
 - a) Each dwelling unit contained within the existing structure must be at least 750 square feet of floor area.
 - b) Such conversion may be made on a lot with yards or other open space of lesser dimensions than required herein for any new construction, but such conversion must not increase the degree of nonconformity existing.
 - ii. The construction of new structures on either vacant parcels or as additional structures where the existing structure is proposed to remain, such additional construction must conform to the lot and building standards as so specified above and all other regulations of the District.
- c. Public and private schools through the secondary level.
- d. Parks, and playgrounds and community buildings owned and operated by a government agency,
- e. The following nonresidential uses upon a finding by the Commission that such use of the existing structure is not incompatible with or detrimental to the residential character of the district. The conversion of any existing building for any permitted nonresidential use, where located adjacent to a residential use, may be conditioned upon the requirement of a suitable buffer by the Commission.

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- i. Religious facilities
 - ii. Libraries, museums and private, educational institutions.
 - iii. Private clubs on lots of ten acres or greater.
 - f. Short-term rentals, subject to the regulations in Atlanta City Code **Section 20-1001**.
2. **Permitted Accessory Uses and Structures.** Uses and structures are permitted which are customarily incidental and subordinate to permitted uses and structures. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter:
- a. Greenhouses, garden sheds, private garages and similar structures.
 - b. Guest houses, servant quarters, or lodging facilities for caretakers or watchmen.
 - c. Swimming pools, tennis courts and similar facilities.
 - d. Home occupation, subject to limitations set forth in **Section 16-29.001(17)**.
 - e. Structures necessary to support active construction projects on the same property.
 - f. Except in the case of home occupation, no accessory use will be of a commercial nature.
 - g. Such structures **must** be located to the rear of the principal structure and not within any required side or rear yards.
3. **Special Use Permits.** The following nonresidential uses may be granted a special use permit by the City Council only upon a finding of the City Council that: (a) such nonresidential use of the existing structure is not incompatible with or detrimental to the residential character of the district; and (b) that the structure, as it exists or as it is permitted to be modified under this chapter and the district regulations, can no longer feasibly be used as a residence; provided, however, the burden of proving that the structure can no longer feasibly be used as a residence will be upon the applicant. The Council considerations as to the feasibility of residential use will include, but not be limited to, the original purchase price of the property, the year it was purchased, the asking price for the property, the length of time the property has been on the residential market, the efforts which have been made by the applicant to sell the property for residential use, the number of persons expressing an interest in purchasing the property, any repairs that may be necessary to the structure, and recent sales of similar properties in the vicinity.
- a. Offices with no more than one person for each 300 square feet of floor area within an existing or altered structure.
4. **Area Regulations; Subdivision of Lots.** The minimum size lot resulting from subdivision **must** be not less than 20,000 square feet except for zero-lot-line subdivisions.
- a. **Minimum Lot Width.** Each lot must have a minimum width of 135 feet as measured along its frontage.
 - b. Lot **Size area**:
 - i. **Single-Unit Dwellings.** Each lot **must** contain a lot area of not less than 20,000 square feet.

- ii. **Two-Unit Dwellings.** Each lot must contain a lot area of not less than 25,000 square feet.
 - iii. **Multifamily Dwelling.** Each lot must contain a minimum lot area of not less than 3,600 square feet per dwelling unit.
5. Lot Coverage:
- a. **For Single-Unit and Two-Unit Dwellings.** No more than 35 percent of the lot may be covered by structures, parking and driveways.
 - b. **For Multifamily Uses.** Must be computed as for R-G, Chapter 8, Table 1, Land Use Intensity Ratios.
 - c. **For all Other Permitted Uses.** No more than 45 percent of the lot may be covered by structures, parking and driveways.
6. Minimum Setback yard and development Requirements:
- a. Building Setbacks:
 - i. South side of Ponce de Leon beginning at the east side of Moreland Avenue to the Springdale intersection, except for gateway property at the east corner of Ponce de Leon and Moreland, which must maintain its existing setbacks:

Front yard:	80 feet
Side yards:	
Single-unit:	20 feet.
Two-unit:	25 feet.
Multifamily:	30 feet.
Other use:	30 feet.
At public street:	
At Moreland:	60 feet.
At Springdale:	50 feet.
Rear yard:	35 feet.

- ii. South side of Ponce de Leon beginning at west side of Springdale intersection to the Oakdale intersection:

Front yard:	83 feet
Side yards:	
Single-unit:	20 feet.
Two-unit:	25 feet.
Multifamily:	30 feet.
Other use:	30 feet.
At public street:	50 feet.
Rear yard:	35 feet.

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- iii. South side of Ponce de Leon beginning west side of Oakdale intersection to the Fairview intersection:

Front yard:	79 feet
Side yards:	
Single-unit:	20 feet.
Two-unit:	25 feet.
Multifamily:	30 feet.
Other use:	30 feet.
At public street:	50 feet.
Rear yard:	35 feet.

- iv. South side of Ponce de Leon, Fairview Road NE to Atlanta city limits:

Front yard:	168 feet
Side yards:	
Single-unit:	20 feet.
Two-unit:	25 feet.
Multifamily:	30 feet.
Other use:	50 feet.
At public street:	50 feet.
Rear yard:	35 feet.

- v. North side of Ponce de Leon; Briarcliff Road, NE, to Springdale intersection except for gateway property at northeast corner of Briarcliff which must maintain its existing setbacks:

Front yard:	132 feet
Side yards:	30 feet plus five feet for each additional story above two. At public street intersections, side yard setback must be 50 feet.
Rear yard:	35 feet.

- vi. North side of Ponce de Leon; Springdale Road, to Oakdale:

Front yard:	119 feet
Side yards:	30 feet plus five feet for each additional story above two. At public street intersections, side yard setback must be 50 feet.
Rear yard:	35 feet.

- vii. North side of Ponce de Leon; Oakdale Road, NE, to Lullwater intersection:

Front yard:	149 feet
Side yards:	30 feet plus five feet for each additional story above two. At public street intersections, side yard setback must be 50 feet.
Rear yard:	35 feet.

viii. North side of Ponce de Leon; Lullwater Road NE to Atlanta city limits:

Front yard:	129 feet
Side yards:	30 feet plus five feet for each additional story above two. At public street intersections, side yard setback must be 50 feet.
Rear yard:	35 feet.

- b. **Open Space and Space between Buildings.** Same as R-G, see Chapters 8 and 28.
- c. **Maximum Building Height.** No building will exceed 45 feet in height.
- d. **On-site** parking may be located within ten feet of side and rear yard lines upon approval of the Commission. Such approval will be conditioned upon adequate buffering and screening. No parking in required yards will be allowed where such yards adjoin public rights-of-way.

E. Fairview Road Regulations

The following regulations will apply to any proposed development on any property located on Fairview Road:

1. **Permitted Principal Uses and Structures:**
 - a. Single-unit dwellings.
 - b. Parks, playgrounds and community buildings owned and operated by a governmental agency.
 - c. Short-term rentals, subject to the regulations in **Atlanta City Code section 20-1001**.
2. **Permitted Accessory Uses and Structures.** Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter:
 - a. Greenhouse, fallout shelter, garden shed, private garage, storage room.
 - b. Guest house, servants quarters, dwelling or lodging facilities for caretaker or watchman.
 - c. Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.
 - d. Home occupations.
3. Minimum Lot **Size** Requirements:

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- a. **Lot Width.** Each lot must have a minimum lot width of 100 feet as measured along its frontage.
- b. **Lot Area.** Each lot must contain a minimum lot area of 18,000 square feet.
- 4. **Lot Coverage.** Lot coverage for all structures, parking and driveways must not exceed 35 percent of the lot area.
- 5. Minimum Setback yard Requirements:
 - a. Building Setbacks:

- i. North side, Moreland Avenue to Springdale Road, NE:

Front yard:	65 feet
Side yards:	20 feet.
Rear yard:	50 feet.

- ii. North side, Springdale Road to Oakdale Road, NE:

Front yard:	90 feet
Side yards:	25 feet.
Rear yard:	100 feet.

- iii. North side, Oakdale Road to the east end of Fairview Road, NE:

Front yard:	73 feet
Side yards:	25 feet.
Rear yard:	40 feet.

- iv. South side, Moreland Avenue to the eastern side lot line of 1281 Fairview Road, NE:

Front yard:	59 feet
Side yards:	20 feet.
Rear yard:	35 feet.

- v. South side, eastern side lot line of 1281 Fairview Road, NE:

Front yard:	59 feet
Side yards:	20 feet.
Rear yard:	100 feet.

- vi. South side, Oakdale road to east end of Fairview Road, NE:

Front yard:	50 feet
Side yards:	25 feet.
Rear yard:	100 feet.

6. **Maximum Building Height.** No building will exceed a height of 35 feet.

F. Springdale Road/Oakdale Road/Lullwater Road/Lullwater Parkway

The following regulations will apply to any proposed development on any property located on Springdale Road, Oakdale Road, Lullwater Road or Lullwater Parkway:

1. **Permitted Principal Uses and Structures:**
 - a. Single-unit dwellings.
 - b. Parks, playgrounds and community buildings owned and operated by a governmental agency.
 - c. Short-term rentals, subject to the regulations in Atlanta City Code **Section 20-1001**.
2. **Permitted Accessory Uses and Structures.** Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter:
 - a. Greenhouse, fallout shelter, garden shed, private garage, storage room.
 - b. Guest house, servants quarters, dwelling or lodging facilities for caretaker or watchman.
 - c. Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.
 - d. Home occupations.
3. Minimum Lot **Size** Requirements:
 - a. **Lot Width.** Each lot must have a minimum lot width of 100 feet as measured along its frontage.
 - b. **Lot Area.** Each lot **must** contain a minimum lot area of 38,000 square feet.
4. **Lot Coverage.** Lot coverage for all structures, parking and driveways **must** not exceed 35 percent of the lot area.
5. Minimum **Setback** Requirements:
 - a. **Building** Setbacks:
 - i. West side of Springdale Road, Ponce de Leon Avenue to city limit:

Front yard:	120 feet.
Side yards:	25 feet.
Rear yard:	50 feet.

- ii. East side of Springdale Road, Ponce de Leon Avenue to city limit:

Front yard:	100 feet.
Side yards:	25 feet.
Rear yard:	100 feet.

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- iii. West side of Oakdale Road, Ponce de Leon Avenue to city limit:

Front yard:	110 feet.
Side yards:	20 feet.
Rear yard:	100 feet.

- iv. East side of Oakdale Road, Ponce de Leon Avenue to city limit:

Front yard:	110 feet.
Side yards:	20 feet.
Rear yard:	100 feet.

- v. West side of Lullwater Road, Ponce de Leon Avenue to city limit:

Front yard:	125 feet
Side yards:	25 feet.
Rear yard:	100 feet.

- vi. East side of Lullwater Road, Ponce de Leon Avenue to city limit:

Front yard:	75 feet.
Side yards:	20 feet.
Rear yard:	50 feet.

- vii. East side of Lullwater Parkway, to city limit:

Front yard:	140 feet.
Side yards:	25 feet.
Rear yard:	100 feet.

- viii. East side of Lullwater Parkway, to city limit:

Lullwater Conservation Garden

6. **Maximum Building Height.** No building will exceed a height of 35 feet.

G. Status of Permits Issued or Application Filed Prior to the Adoption of These Landmark District Regulations

When an application, including plans, has been filed or when a building permit has been issued, prior to the effective date of this chapter, or an amendment, nothing contained will require any changes in the plans, construction, size or designated use of a building, structure or part thereof if construction under such plans or permit is begun within 180 days of the effective date of this chapter. Where there are changes required under this chapter or an amendment thereto, failure to begin construction within 180 days, or discontinuance of construction for 180 days, must have the effect of voiding the permit. In such case, a new permit will be required, which will be governed by regulations currently in effect.

H. Emory University

The following regulations will apply to any proposed development on any property located in the Emory University Subarea:

1. **Permitted Principal Uses and Structures:**
 - a. Parks, playgrounds, active and passive recreation facilities, and associated buildings owned and operated by a governmental agency or private university.
 - b. Single-unit residence consistent with the R-4 zoning district standards.
 - c. Short-term rentals, subject to the regulations in Atlanta City Code section 20-1001.
2. **Permitted Accessory Uses and Structures.** Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures.
3. **Minimum Lot Size Requirements: ~~to put in a table?~~**
 - a. Lot width: 70 feet.
 - b. Lot area: 9,000 square feet.
4. **Lot Coverage.** Lot coverage for all structures, parking and driveways must not exceed 35 percent of the lot area.
5. **Minimum Setback Requirements:**
 - a. Distance to public street frontage: 35 feet.
 - b. Side yards: 7 feet.
 - c. Rear yard: 15 feet.
6. **Maximum Building Height.** No building will exceed a height of 35 feet.

DIVISION 6.3. **MARTIN LUTHER KING JR.**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent

1. To ensure that redevelopment and rehabilitation of the Landmark District will contribute to and enhance the particular significance of the area in which one of Atlanta's most renowned citizens, Martin Luther King, Jr., was born and grew to international prominence;
2. To ensure that those individual buildings of particular significance to the life and legacy of Martin Luther King, Jr. will be preserved and enhanced within the landmark district;
3. To preserve the environmental character and physical appearance of the area, including residential, commercial and institutional structures that were built during the late 19th Century and that were present during the life of Martin Luther King, Jr.;
4. To preserve the existing spatial relationships where significant and to ensure that any new development within the landmark district is compatible with the historic architectural and spatial attributes that prevail;
5. To encourage the preservation of the Martin Luther King, Jr. Landmark District in such a way as to reflect and reinforce the historic neighborhood character and the unique historical relationship between the surrounding residential uses and the commercial uses, and the unique historical relationship between the commercial uses and the rest of the city;
6. To provide for review of changes to street and lot patterns so as to achieve substantial consistency with the historic character of the landmark district while encouraging compatible new development;
7. To ensure that new development is complementary to and compatible with the existing historic structures in the landmark district;
8. To encourage compatible economic development, neighborhood revitalization, and promote the health, safety, and welfare of the landmark district's residents;
9. To promote pedestrian safety by ensuring and revitalizing pedestrian-oriented buildings which create a sense of activity and liveliness along their ground story façades;
10. To facilitate safe, pleasant and convenient ground story pedestrian mobility that minimizes impediments by vehicles;
11. To prevent the displacement of residents and to encourage affordable and equitable housing; and
12. To encourage the use of the Atlanta Streetcar, MARTA and other public transit facilities.

B. Scope of Regulations

The scope of the regulations for the Martin Luther King, Jr. Landmark District is as follows:

1. Except where it is otherwise explicitly provided, the provisions of Chapter 20 of this part will apply to this district. Whenever the regulations of Chapter 20C conflict with the provisions of Chapter 20, the regulations of Chapter 20C will apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within the Martin Luther King, Jr. Landmark District will continue to apply. In the event of any conflict between said other regulations and the following regulations of Chapter 20C, the interpretation provision set forth in Section 16-20.011(c) of the Code of Ordinances will govern.

C. Boundaries

The boundaries of the Martin Luther King, Jr. Landmark District will be as shown on the official zoning map adopted herewith entitled "Martin Luther King, Jr. Landmark District". The district is divided into five subareas, delineated on said map, as follows:

1. Auburn Avenue Residential District, Subarea 1.
2. Residential District, Subarea 2.
3. Institutional District, Subarea 3.
4. Auburn and Edgewood Avenues Commercial District, Subarea 4.
5. Transitional Zone, Subarea 5.

D. General Regulations

The following general regulations will apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. **General Criteria.** The Commission will apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
 - a. A property must be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property must be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property must be avoided.
 - c. Each property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, must not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved.

MARTIN LUTHER KING JR.

- f. Deteriorated historic features **must** be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature **must** match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features **must** be substantiated by documentary, physical, or pictorial evidence.
- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials **must** not be used. The surface cleaning of structures, if appropriate, **must** be undertaken using the gentlest means possible.
- h. Significant archeological resources affected by a project **must** be protected and preserved. If such resources must be disturbed, mitigation measures **must** be undertaken.
- i. New additions, exterior alterations, or related new construction **must** not destroy historic materials that characterize the property. The new work **must** be differentiated from the old and **must** be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- j. New additions and adjacent or related new construction **must** be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2. The Compatibility Rule:

- a. **Block Definitions.** The following words and terms, when used in this chapter, must have the meanings ascribed to them in this section:
 - i. **Block.** An area of land located within a continuous perimeter of public streets. An individual block **must** begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, **must** be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
 - ii. **Block Face.** One side of a block, located between two consecutive street intersections.
- b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, **must** match that which predominates:
 - i. On contributing buildings of like use along the same block face in Subareas 1 and 2.
 - ii. On contributing buildings on the same block in Subareas 3 and 4.
- c. Where quantifiable, such as building height or floor height, the element must be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
- d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

- e. Building height **must** be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
 - f. For new construction of single-unit or two-unit dwellings, the final average finished grade of the lot **must** be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard **lot line** adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
 - g. Whenever individual block faces in **Subareas** 1 and 2 or individual blocks in **Subareas** 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face **must** be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage **must** be utilized.
 - h. Urban Gardens:
 - i. Market gardens are limited to parcels which are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.
3. Certificates of Appropriateness:
- a. General Provisions:
 - i. The procedures for determining the correct type of Certificate of Appropriateness will be those specified in **Section 16-20.008**, except as otherwise provided herein.
 - ii. No Certificate of Appropriateness will be required unless, at a minimum, the work would otherwise require a building permit.
 - iii. No Certificate of Appropriateness will be required to repaint any structure or portion thereof, or, to make ordinary repairs and maintenance using in-kind materials.
 - iv. No certificates of appropriateness will be required for demolition or moving of non-contributing structures.
 - b. **Type II Certificates of Appropriateness.** Type II certificates reviewed by the **D**irector. The following will require a Type II Certificate of Appropriateness, and **will** be reviewed by the **D**irector of the **C**ommission:
 - i. Fences, walls and retaining walls;
 - ii. Decks, skylights, solar panels, mechanical equipment and where authorized, antennas and related equipment;
 - iii. New accessory structures and alterations to existing accessory structures;
 - iv. Shutters and awnings;
 - v. Security doors and window grates;
 - vi. Replacement of elements that otherwise meet the regulations including but not limited to siding, windows, porch railings, porch columns, porch flooring, and exterior doors; and

- vii. Paving intended for pedestrians including streetscapes, walkways, paths and porches.

If such Type II certificates of appropriateness meet the requirements of this chapter and other criteria applicable to Type II certificates the Director will issue the Type II certificate within 14 days of receipt of the completed application. If such Type II certificates of appropriateness do not meet the requirements of this chapter and such other criteria, the Director will deny the application, with notice to the applicant, within 14 days of receipt of the completed application. Appeals from the decision of the Director either approving or denying such Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I certificates.

- c. **Type II Certificates Reviewed by the Commission.** All required Type II certificates of appropriateness not listed above will be reviewed by the Commission. In addition, the following will be reviewed by the Commission as a Type II Certificate of Appropriateness:
 - i. Alterations to any façade of any principal structure; and
 - ii. All site work, except as noted in Section 16-20C.004(3)(b)(i)(7).
- d. **Type III Certificates of Appropriateness.** The following Type III certificates of appropriateness will be reviewed by the Commission and will be required for:
 - i. All new principal structures;
 - ii. Additions;
 - iii. Height or building footprint revisions to previously approved plans that are yet to be constructed;
 - iv. Lot consolidations, subdivisions and replatting; and
 - v. Variances, special exceptions and administrative appeals.
- e. **Type IV Certificates of Appropriateness:**
 - i. Type IV certificates of appropriateness will be reviewed by the Commission and will be required for the demolition or moving of any contributing structure.
 - ii. A partial demolition of a contributing structure will require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic or cultural interpretability or importance.

4. Contributing Buildings List:

- a. All contributing buildings, structures or sites within the district will be shown on the list adopted herewith entitled "Martin Luther King, Jr. Landmark district contributing buildings list." Said contributing buildings list will identify each building, structure or site within Subareas 1, 2, 3, 4 and 5 of the district that meets the definition of "contributing building, structure or site" set forth in Section 16-20.002.

#002

Posted by **nedfalk** on **07/17/2025** at **2:28pm** [Comment ID: 1283] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

The whole process of the urban design commission is onerous and delays the process of renovating historic structures. This is evident in the fact that even with the massive increase in value of the OFW.

about 15 housing units are still delapidated and unoccupied.

All certificates of appropriateness should be only sent thru the office of design with notification to neighbors then if the owner does not like the result then they can appeal to the commission.

2) The changing of the words "shall" to Must make it sound like even more scrutiny is being applied .. This is crazy

3) The main focus of the Landmark /historic district should be on the street facing front facade of the building.. they should not get involved in the back of the building .. Removing windows from the side of the building for example is something that should not trigger rejection by the commission, even if "historic wood is being removed, and replaced by new wood or the whole window is replaced by matching siding.

This is why I believe will/have/may people burn down or neglect the building so much that a new not historic structure can be built in it's place.

Anyone living in a historic district does not know of all these rules until they start to deal with a renovation..

These rules should be emailed/mailed to all people living in each district and asked for comments.

Reply by **SiteAdmin** on **07/18/2025** at **10:21am** [Comment ID: 1288] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your feedback.

No changes to the Historic and Landmark Districts or processes are being made as part of this process, but we will share your comments with of Office of Design, Historic Preservation Studio.

For questions about historic standards, you can email historicpreservation@atlantga.gov.

- b. The Director will periodically review said contributing buildings list to correct errors or omissions to said list, or to reflect any changed conditions relevant to the contributing status of buildings, structures or sites within the district, consistent with the requirements of **Chapter 20C** and **Chapter 20** of **Part 16**, and must maintain public records of said list and all such errors, omissions or updates. An action by the Director to correct such errors or omissions, or to make updates, will be initiated by execution of a signed and dated form promulgated by the Director specifying the action initiated, the reason(s) for such action, and the identification of all property subject to said action. Said form will be mailed by first class mail to the owner or owners of the effected property within five calendar days of the initiation of the action by the Director.
- c. An action by the Director to correct errors or omissions, or to update, the contributing buildings list as authorized in **Subsection 16-20C.004(4)(b)** above will result in the immediate prohibition of any new or amended applications of any kind effecting such property, including but not limited to demolition requests, building permits or land disturbance permits, and including acceptance of any such application or request by any City of Atlanta bureau, agency, official, employee or agent. Said prohibitions will become automatically effective without further action of any kind immediately upon the date and time that the Director takes an action authorized in **Subsection 16-20C.004(4)(b)** above. The purpose and intent of this provision is to maintain the status quo regarding any such effected property until the Director's action is reviewed and affirmed or reversed by the Commission in the manner specified in **Subsection 16-20C.004(4)(d)** below. The period of this mandatory interim protection will be 90 days or until a final decision reviewing such action is made by the Commission, whichever first occurs, commencing on the date and time of the Director's decision. This interim control period allows and is based upon approximately 30 days for the initial scheduling of the public hearing following the Director's action and approximately 60 days for completion of the public hearing and a final decision by the Commission.
- d. All actions by the Director to correct errors or omissions, or to update, said list will be reviewed and approved by the Commission using the notice and procedures required for Type III certificates of appropriateness with the following modifications:
 - i. Hearings on such review and approval by the Commission will be scheduled by the Director within 30 days of the Director's action on such correction(s) or update(s) and will be decided by the Commission within a reasonable time; and
 - ii. The Commission will affirm the action(s) of the Director upon an expressed finding by the Commission that the Director's action(s) correctly applied the definitions and requirements for determining the contributing status of the properties in question in **Chapter 20C** and **Chapter 20** of **Part 16**.

In exercising its review, the Commission may reverse or affirm the action(s) of the Director, wholly or partly. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code **Section 16-20.010**.

5. **Transitional Zone.** Subarea 5.

- a. The existing zoning map and regulations governing all properties within the Transitional Zone (Subarea 5) of the district will remain in full force and effect. The regulations set forth herein

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and in Code Section 16-28A.010 (Signs) that pertain to the Transitional Zone (Subarea 5) will be overlaid upon, and will be imposed in addition to, said existing zoning regulations.

- b. Applications for rezonings, special use permits and special exceptions within the Transitional Zone (Subarea 5) will be reviewed and commented upon by the Commission. Applications for building permits, special administrative permits, variances, subdivisions, replats or lot consolidations within the Transitional Zone (Subarea 5) will be reviewed and commented upon by the Director.
- c. These regulations are intended to control through a review and comment procedure the potential for adverse impact resulting from development and redevelopment in the periphery of Subareas 1, 2, 3 and 4 of the district.

6. Financial Hardship Exemptions:

- a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.
- b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purposes.
- c. If the Commission finds that the requirement of **Subsection (6)(b)** herein is satisfied, they may grant an exemption, in whole or in part, only in accordance with each of the following factors, standards and criteria:
 - i. The burden of proof that the regulations and guidelines pose such a hardship will be on the property owner.
 - ii. The Commission will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - a) The present and future income of the property owner(s) and those occupying the property;
 - b) The availability, at present or in the future, or other sources of income or revenue, including loans, grants, and tax abatements;
 - c) The costs associated with adherence to the district regulations in comparison to the costs associated with achieving the same proposal without the district regulations;
 - d) The degree of existing architectural importance and integrity of the structure; and
 - e) The purpose and intent of this chapter.
 - iii. The Commission will balance these factors as applied to the applicant for said exemption and will grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations. Appeals from a final decision

by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code **Section 16-20.010**.

7. **Lot Consolidations, Subdivisions and Replatting.** No subdivision, consolidation or replatting of parcels or lots will be approved unless the applicant establishes:
 - a. That the proposed subdivision, consolidation or replat is substantially consistent with the historic character of the district and meets all lot requirements set forth in **Chapter 20C**; and
 - b. That the proposed subdivision, consolidation or replat will facilitate development that furthers the historic qualities and regulations of the district. In addition, within Subareas 1 and 2, all subdivisions, consolidations or replats of parcels or lots **must** conform to the historic platting pattern in these subareas with regard to lot size, dimensions, and configurations.
8. **Variances, Special Exceptions and Administrative Appeals.**
 - a. Variance applications and applications for special exceptions and administrative appeals from these regulations will be heard by the Commission. The Commission must have the authority to grant or deny variances from the provisions of this chapter pursuant to the procedures, standards, and criteria specified in **Section 16-26.001** through **Section 16-26.006**. The Commission must have the authority to grant or deny applications for special exceptions from the provisions of this chapter pursuant to the procedures, standards and criteria specified in **Section 16-25.001** through **Section 16.25.005**. The Commission must have the authority to grant or deny applications for administrative appeal pursuant to the standards in **Section 16-30.010 (a) through (d)**.
 - b. Appeals from final decisions of the Commission regarding variances, special exceptions and administrative appeals will be as provided for in **Section 16-20.010**.
9. **Prohibited Variances.** Notwithstanding any provision in this chapter or part to the contrary, no variance from this chapter's maximum building height requirements will be permitted or authorized by the Commission, commission staff or any other board, official or entity.
10. **Time Period of Historical Significance.** Where referenced in this chapter, the time period of historical significance for the district will be the lifetime of Martin Luther King, Jr. (1929–1968).
11. **Special Permits.** The following uses will require a special permit of the Type Indicated to be granted by the Director of the Commission with the applicable provisions of **Chapter 25** of this part.
 - a. Special Administrative permits:
 - i. Urban gardens as a principal use on an undeveloped lot.

E. Permitted Principal Uses and Structures

1. **Permitted Principal Uses and Structures.** The following permitted uses and restrictions apply to all **Subareas** within this District, except **Subarea 5**:
 - a. The permitted principal uses and special permit uses set forth in Table 1: Martin Luther King Jr. Landmark District Table of Uses will be permitted only as listed within each **Subarea** within said table of uses and only in the manner so listed.

#003

Posted by **nedfalk** on **07/17/2025** at **2:50pm** [Comment ID: 1285] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Subarea 5 on irwin is directly across and adjacent to tiny historic homes. A rezoning changed the land use and now without any rules I think anything can go there. Subarea 5 on irwin needs to be changed to sub area 2

Reply by **SiteAdmin** on **07/18/2025** at **10:57am** [Comment ID: 1290] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your feedback.

No changes to the Historic and Landmark Districts or processes are being made as part of this process, but we will share your comments with of Office of Design, Historic Preservation Studio.

For questions about historic standards, you can email historicpreservation@atlantga.gov.

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- b. **Permitted Principal Uses.** A building or premises must be used only for the principal uses indicated with a "P" in Table 1: Martin Luther King Jr. Landmark District Table of Uses, subject to further restrictions where noted.
- c. Special Permits:
 - i. Uses permissible only by special permit are subject to limitations and requirements set forth herein or elsewhere in this part, and are also subject to the applicable procedures and requirements set forth in Section 16-25.001, et seq. Special use permits will be required as indicated with "SUP" and will be heard and decided by the City Council. Special exception permits will be required as indicated with "SEP" in Table 1: Martin Luther King Jr. Landmark District Table of Uses and will be heard and decided by the Commission. Special administrative permits will be required as indicated with "SAP" in Table 1: Martin Luther King Jr. Landmark District Table of Uses and will be reviewed by the Director of the Commission pursuant to the applicable provisions of Chapter 25 of this part.
 - ii. The Commission may condition any special exception on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, vehicular traffic congestion and such other matters as are reasonably required to mitigate any potential negative impacts of the proposed facility on adjoining property owners. The Commission may also recommend that such conditions be imposed for special use permits.
- d. **Nonconforming Uses.** This section addresses permitted principal uses and structures within each subarea. Lawful nonconforming uses and structures must be regulated pursuant to Chapter 24 of Part 16. Any alteration or addition to nonconforming uses or structures will require an appropriate Certificate of Appropriateness by the Commission.
- e. Prohibited Uses:
 - i. All uses marked with an "X" in Table 1: Martin Luther King Jr. Landmark District Table of Uses will be prohibited in the subarea(s) identified unless otherwise authorized in Subsection 16-20C.005(2) or (3) below. All uses not listed in Table 1: Martin Luther King Jr. Landmark District Table of Uses will be prohibited in all subareas unless otherwise authorized in Subsection 16-20C.005(2) or (3) below.
 - ii. No use or manner of operation will be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television communication, or is otherwise incompatible with the character of the district and its relation to adjoining districts.
 - iii. Use of heavy drop hammers, punch presses or other machinery, or processing methods creating an excessive noise or vibration is prohibited in this district, subject to the provisions in Chapter 74, Article IV, noise control.

**TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT
TABLE OF USES**

Use Category Specific Use	Sub Area 1: Auburn Ave. Res.	Sub Area 2: Residential	Sub Area 3: Institutional	Sub Area 4: Auburn/ Edgewood Commercial
Residential and Dwelling Uses				
Assisted living facilities	X	X	Sup	Sup
Dormitories, fraternity houses and sorority houses, officially affiliated with an accredited college, university or private school and only for the time period that such affiliation is in effect, such that loss of affiliation will result in the loss of permission for the use	X	X	X	P
Multi-unit dwellings	X	X	P	P
Personal care homes	P	P	P	P
Short-term rentals, subject to the regulations in Atlanta City Code Section 20-1001 .	P	P	P	P
Single-unit dwellings	P	P	P	P
Supportive housing	X	X	P	P
Two-unit dwellings	P	P	P	P
Non-Residential Uses				
Auditoriums, museums, libraries, galleries and similar cultural facilities	X	P*	P	P
Bakeries and catering establishments	X	P*	X	P
Banks, savings and loan associations, and similar financial institutions	X	X	X	P
Barber shops and beauty shops	X	P*	X	P
Bed and breakfast inns	X	P#	P	P
Business or commercial schools	X	X	X	P
Business service establishments, including those providing duplicating, printing, maintenance, communications, addressing, mailing, bookkeeping, or guard services	X	X	X	P
Child care centers, kindergartens and special schools	X	X	X	P
Churches, synagogues, temples, mosques, other places of worship	X	P^	P	P
Clubs and lodges	X	X	P	P
Commercial recreational establishments, including theaters, convention halls, places of assembly and similar uses, with primary activities conducted within fully enclosed buildings	X	X	P	P
Digital industry switchboards, relay equipment, and associated power generators as principal uses	X	X	X	X

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Drive-in and drive-through facilities	X	X	X	X
Eating and drinking establishments	X	P*	X	P
Farmers markets	X	X	P	P
Grocery stores	X	P^	X	P
Hospitals	X	X	X	P
Hotels and motels	X	X	P	P
Laundry and dry cleaning, collection stations or plants, limited to no more than 5,000 square feet of floor area; laundry and dry cleaning where equipment is operated by customers	X	X	X	P
Manufacturing, repairing not including automobiles or heavy machinery, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines and appliances and the like, where character of operations, emissions and byproducts do not create adverse effects beyond the boundaries of the property	X	P*	X	P
Market gardens	X	X	P	P
Mortuaries and funeral homes	X	X	X	SEP
Offices and studios	X	P*	P	P
Clinics (including veterinary), laboratories, studios and similar uses, but not blood donor stations	X	X	X	P
Park-for-hire parking surface lots	X	X	SUP@	SUP@
Park-for-hire parking structures	X	X	P	P
Poolrooms, billiard parlors	X	X	X	SEP
Printing and blueprinting shops	X	X	X	P
Professional or personal service establishments but not hiring halls	X	P*	X	P
Public schools or private schools having similar academic curricula and special schools for exceptional children	X	X	P	X
Rehabilitation centers, nursing homes	X	X	SUP	SUP
Repair establishments for home appliances, bicycles, lawn mowers	X	X	X	P
Retail establishments, including delicatessens	X	P*	X	P
Roof antennas	X	X	P%	P%
Service stations	X	X	X	P
Shelter	X	X	SUP	SUP
Small discount variety stores, provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.	X	P*	X	P
Structures and uses required for operation of MARTA or of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shop as the primary purpose	X	X	P	X

Tailoring, custom dressmaking, millinery and similar establishments limited to not more than 5,000 square feet in area	X	P*	X	P
Temporary commercial activities	X	X	X	P
Trade schools, colleges, universities	X	X	X	P
Urban gardens	SAP	SAP	P	P

KEY: P = Permitted principle use, Sup = Special Use Permit, SEP = Special exception permits, X = Prohibited uses.

Notes: # Bed and breakfast uses in Subarea 2 must comply with the use restrictions of 16-20C.005(2)(b).

@ Park-for-hire surface parking lots must comply with the use restrictions of 16-20C.005(3)(c).

% Roof antennas and similar uses must comply with the use restrictions of 16-20C.005(3)(d).

* Limited to location set forth in 16-20C. 005(2)(c) and further limited to a maximum size of 2,000 square feet for each individual use.

^ Limited to location set forth in 16-20C. 005(2)(c) and further limited to a maximum size of 4,000 square feet for each individual use.

& On an undeveloped lots.

3. The following additional permitted principal use and structures provisions will apply to Subareas 1 and 2:
 - a. **Previously-Existing Uses.** Prohibited uses will be permissible when granted a Certificate of Appropriateness by the Commission upon its finding that such use can be shown by archived evidence or sworn affidavit(s) to either previously or currently exist on the proposed site and that such use will be of an intensity and type that is no greater than that which previously or currently existed and otherwise meets the district regulations.
 - b. **Bed and Breakfast Inns.** Bed and breakfast inns as defined in Section 16-29.001 will be authorized provided they meet the following modifications when located in Subarea 2:
 - i. The bed and breakfast use must be located within a contributing building within Subarea 2 of this Landmark District.
 - ii. Up to three rooms must be available for guest stays.
 - iii. The maximum length of stay must not exceed ten consecutive days.
 - iv. No independent kitchen facilities will be authorized.
 - v. No more than three such uses will be authorized within the entire Subarea 2.
 - vi. All bed and breakfast uses will require a Type Iii Certificate of Appropriateness from the Commission. The Commission will allow such use only after determining that each of the above criteria have been met, that all other applicable requirements of this district and Subarea 2 have been met, and that satisfactory provisions and arrangements have been made by the applicant for each of the following criteria, as applicable to each application:

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- a) Ingress and egress to the property and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
 - b) On-site parking and loading areas where required, with particular attention to the items in 1 above.
 - c) Refuse and service areas.
 - d) Appropriate buffering or screening to alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, signs or traffic congestion.
 - e) Hours and manner of operations.
 - f) Length of time regarding the duration of such certificate, if any, including any requirement that the Certificate of Appropriateness cease upon a change in ownership of the bed and breakfast.
- c. **Irwin Street and Boulevard Non-Residential Uses.** The identified non-residential uses listed in Table 1: Martin Luther King Jr. Landmark District Table of Uses within Subarea 2 will be authorized only when located within the Subarea 2 Limited Commercial Area as demarcated on Map Attachment "B" and provided they meet each of the following restrictions:
- i. Individual non-residential uses are limited to one such use per building, except that two or more non-residential uses may be located in a single building when the total floor area of the non-residential uses is 50 percent or less of all uses in the building.
 - ii. Individual non-residential uses will be further limited as follows:
 - a) Barber shops and beauty shops must be limited to a total number of two such establishments within the entire Subarea 2. Manicure shops are prohibited as part of such uses.
 - b) Bars, private clubs, and nightclubs (as defined by Chapter 10. Alcoholic Beverages) will be prohibited.
 - c) Pawn shops and tattoo and body piercing establishments will be prohibited.
 - d) New construction within which such uses are located must maintain the residential character and scale of the subarea as determined by the Commission.
- d. Urban Gardens.
- e. Market gardens are limited to parcels which are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.
4. The following additional permitted principal use and structures provisions will apply to Subareas 3 and 4:
- a. Except as otherwise herein provided, no merchandise will be stored other than that to be sold at retail on the premises; and no storage for such merchandise will occupy more than 40 percent of the floor area on the premises. No off-premises storage of such merchandise will be permitted in the district as either a principal or accessory use.

- b. **Veterinary Offices.** Veterinary office and clinics must keep animals in sound-proofed buildings, laboratories, and studios (authorized in Subarea 4 only).
- c. **Park-for-Hire Surface Parking Lots.** All park-for-hire surface parking lots will require a special use permit that meets all of the following requirements:
 - i. All requirements of Section 16-20C.009(1);
 - ii. All requirements of Section 16-25.001 et seq.;
 - iii. All special use permits granted for such use will expire three years after the issuance of said permit. No property interests of any kind related to such use will extend beyond said three-year permit period. All infrastructure related to the park for hire use, such as pay structures, attendant stands, pavement and parking striping, lot signs and so forth, must be removed by the former SUP holder or owner within 30 days of the expiration of said SUP.
 - iv. Properties that have been granted a special use permit for park-for-hire surface parking lots will be prohibited from obtaining additional subsequent special use permits for such use following the expiration of the initial permit.
 - v. Applicants must submit an area parking analysis to document the need for such use. The area parking analysis must demonstrate that the current inventory of publicly-accessible parking supply located within 2,000 linear feet of the proposed parking lot is insufficient for the active commercial uses located within the same area.
- d. All antennas, broadcast towers, line of sight communication devices, cell towers, other towers, antennas, and related equipment and structures, are prohibited in Subareas 3 and 4 except as follows:
 - i. "Roof antennas" as defined and regulated in code Section 16-25.002(3)(i)(iii) are authorized as noted in Subareas 3 and 4, provided a Type II Certificate of Appropriateness is granted and, as part of said certificate, the applicant demonstrates compliance with the criteria set forth in Section 16-25.002(3)(i)(iv)(c) demonstrating that such roof antenna is necessary to provide adequate communication coverage under the requirements of the applicant's federal license.
 - ii. In establishing necessity, the applicant must provide a radio frequency analysis or other engineering study demonstrating why the roof antenna is necessary. Economic considerations may not be used to establish necessity.
 - iii. This provision must not be interpreted to prohibit or interfere with requirements for collocations or modifications to existing antenna mandated by state law.
 - iv. When the equipment regulated in this subsection is no longer in use, it must be removed and all affected areas of the building must be returned to its original condition.
- e. **Active Depth Uses.** Active depth uses are further regulated in this district for the purposes of creating vibrant and pedestrian-oriented streetscapes and streets. Active depth uses, where provided, must be serviced by plumbing, heating, and electricity and are limited to the residential uses and non-residential uses designated in Table 1: Martin Luther King Jr.

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Landmark District Table of Uses, except that the following non-residential uses **must** not be considered as active **depth** uses:

- i. Drive-in and drive-through facilities.
- ii. Parking and driveways.
- iii. Accessory non-residential storage areas.

5. **Accessory Uses and Structures:**

6. The following accessory uses and structures provisions will apply to **Subareas** 1 through 4:

- i. Accessory uses and structures will be permitted in this district and will include those customarily accessory and clearly incidental to permitted principal uses and structures, including accessory parking to serve authorized uses within the district and including devices for the generation of energy such as solar panels, and similar devices.
- ii. Active recreation facilities in any yard, required or other, adjacent to a street will require a special exception from the **C**ommission, which special exception will be granted only upon finding that:
 - a) The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic;
 - b) The area for such activity could not reasonably be located elsewhere on the lot; and
 - c) The **C**ommission may further condition any special exception for such facilities based on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to **mitigate** any potential negative impacts of the proposed facility on adjoining property owners.

7. The following additional accessory uses and structures provisions will apply to **Subareas** 1 and 2:

- i. Accessory buildings and uses will be permitted as specified in **Section 16-07.004** for single-unit, two-unit and authorized multiple-unit property, subject to limitations and requirements set forth in this chapter or elsewhere in this part.
- ii. Requirements for accessory buildings:
 - a) Accessory buildings **must** be constructed concurrent with or after construction of principal buildings.
 - b) Carports or garages serving a single-unit or two-unit dwelling unit **must** be detached from and located to the rear of the principal structure.
 - c) The height of accessory buildings **must** be a maximum of 20 feet, as measured from existing grade at such building's location.
 - d) Accessory buildings **must** not cover more than 25 percent of the area of the rear yard.

- e) Accessory buildings must not contain a total floor area greater than 30 percent of the principal structure.
 - f) The minimum rear yard setback for accessory structures must be five feet.
 - g) The minimum side yard setback for accessory structures must be five feet.
 - h) The compatibility rule will apply regarding all other elements not specified in Subsections 3(b)(iii)(3) through (7).
- a. Satellite dishes, devices for the generation of energy such as solar panels, and similar devices must be located only upon the rear-facing roof pitches of buildings. "Bubble-type" skylights are prohibited.
 - b. Urban gardens will be permitted as an accessory use. Market gardens will be permitted as an accessory use only on parcels which are used as churches, synagogues, temples, mosques and other religious worship facilities and schools.
 - c. The following additional accessory uses and structures provisions will apply to Subareas 3 and 4. Satellite dishes, devices for the generation of energy such as solar panels, and similar devices must be located only upon the rooftop of buildings that have flat roof surfaces.
8. **Special Permits.** The following uses will require a special permit of the Type Indicated to be granted by the Director of the Commission with the applicable provisions of Chapter 25 of this part.
- a. Special Administrative Permits:
 - i. Urban gardens as a principal use on an undeveloped lot.

F. Lot Standards and Building Heights

- 1. The following lot standards and building heights provisions will apply to Subareas 1 and 2:
 - a. Lot Standards:
 - i. The compatibility rule will apply for the purposes of determining permitted lot coverage.
 - ii. The lot provisions of Section 16-20C.004(7) will apply to lot consolidations, subdivisions and replatting, except that:
 - a) For those lots fronting along the northern side of Auburn Avenue and the southern side of Old Wheat Street, the minimum lot area must be 5,300 square feet.
 - b) For those lots fronting along the south side of Auburn Avenue, the minimum lot area must be 10,000 square feet.
 - b. Building Heights:
 - i. Within the portion of this Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the maximum height of any alteration, addition, or new construction must be 32 feet.

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- ii. Within the portion of this Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the maximum height of any alteration, addition, or new construction **must** be 32 feet.
 - iii. For all other areas, the height of any alteration, addition, or new construction will be established through the compatibility rule.
 - iv. Notwithstanding the **building** height requirements of this district, previously existing structures in existence before 1967 but no longer in existence may be reconstructed to their original footprints and height where the applicant shows by archived evidence or sworn affidavit(s), and the **C**ommission finds, that such structural dimensions previously existed on the proposed site.
- c. Urban Gardens.
 - d. Market Gardens.
2. The following lot **standards** and building heights provisions will apply to Subareas 3 and 4:
- a. Building Heights:
 - i. Maximum building heights will be permitted up to a maximum of one and one-half times the height permitted utilizing the compatibility rule, provided that:
 - a) For property located east of Interstate 75/85, no building will be permitted to exceed a maximum height of 55 feet.
 - b) For property located west of Interstate 75/85, no building will be permitted to exceed a maximum height of 68 feet.
 - ii. The building heights permitted in this subsection are intended to be the maximums authorized but are subject to further compatibility restrictions under other provisions of this district relative to building form, scale, massing and materials.
 - iii. Notwithstanding the height requirements of these subareas, previously existing structures in existence before 1967 but no longer in existence may be reconstructed to their original footprints and height where the applicant shows by archived evidence or sworn affidavit(s), and the **C**ommission finds, that such structural dimensions previously existed on the proposed site.

G. Streetscapes, yards and open space.

1. The following **streetscapes**, yards and open spaces provisions will apply to Subareas 1 through 4:
- a. **Sidewalks Streetscapes:**
 - i. **Streetscape must** be located along all public streets and **must** consist of two zones: an **amenity zone** and **pedestrian zone**.
 - ii. The **amenity zone must** be located immediately adjacent to the curb with a consistent cross-slope not to exceed two percent. Width **must** be measured from back (building side) of curb to the **pedestrian zone**. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire

hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, must be of a type specified by the Director in accordance with uniform design standards for placement of such objects in the public right-of-way.

- iii. The pedestrian zone must be located immediately contiguous to the amenity zone and must be a continuous hardscape, with a consistent cross-slope not exceeding two percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, must be placed above ground in the pedestrian zone for a minimum height of eight feet.
 - iv. New streetscapes and their corresponding zones must be the same width as the streetscapes on abutting properties. If no streetscapes exists on abutting properties, the new streetscape must match streetscape widths on the block. If no streetscape exists on the block, the new amenity zone must be a minimum of two feet wide and the new pedestrian zone must be a minimum of five feet wide.
 - v. Street trees must be planted a maximum of 30 feet on-center within the amenity zone and must be spaced equal distance between street lights.
 - vi. Any existing decorative hardscape treatment of streetscapes, including amenity zone or pedestrian zone areas, must be retained as part of any new development or replaced with materials that match in size, shape and color.
 - vii. Decorative pedestrian lights, where installed, must be placed a maximum of 60 feet on center and spaced equidistant between required trees. Where installed, said lights must be located within the amenity zone. Said lights must be as approved by the Director. New developments must match the light and tree spacing on blocks where existing Atlanta Type lights are installed.
 - viii. Changes or additions of planters, trash containers, street lighting, and similar elements, will require a Certificate of Appropriateness by the Commission.
 - ix. Upon redevelopment of a parcel reasonable efforts must be made to place utilities underground or to the rear of structures to allow for unobstructed use of streetscapes.
- b. **Yards.** Notwithstanding the building setback requirements of these subareas, previously existing contributing structures may be reconstructed to their original footprints and setbacks upon a submittal of finding that such structural dimensions have been shown by archived evidence or sworn affidavit(s) to have previously existed on the proposed site, and as subsequently approved by the Commission.
- c. **Required Open Space:**
- i. Required open space will be required only for multi-unit uses. All other uses must have no required open space requirements.
 - ii. Required usable open space will be provided equal to five percent of the total floor area dedicated to multi-unit use.

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- iii. Required usable open space will be satisfied only through the use of the following elements: yards, streetscapes, plazas, parks, landscaped areas, porches, balconies, or rooftops decks or gardens.
 - d. Urban Gardens.
 - e. Market Gardens.
2. The following additional yards provisions will apply to Subareas 1 and 2:
- a. Subarea 1:
 - i. The compatibility rule for front yards will apply.
 - ii. For side yard and rear yard building setbacks, a minimum of seven feet will be required.
 - iii. Parcels on the south side of Old Wheat Street between Hogue Street and Bradley Street will be permitted to treat the Old Wheat Street frontage as the rear yard. Said parcels will be required to locate their front yard fronting Auburn Avenue.
 - b. Subarea 2:
 - i. Except as provided below, all front, side and rear yard building setbacks will be established through utilization of the compatibility rule. All new construction must maintain a minimum of ten feet for rear yard building setbacks where the compatibility rule would permit a smaller rear yard building setback, except as otherwise provided for accessory structures.
 - ii. Within the portion of Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the following lot standards will apply:

Front yard:	7 feet.
Side yards:	3 feet.
Rear yard:	25 feet.

- iii. Within the portion of Subarea 2 lying along the southern side of Irwin Street and the eastern side of boulevard, the following lot standards will apply:

Front yard:	12 feet.
Side yards:	3 feet.
Rear yard:	6 feet.

3. The following additional yards provisions will apply to Subareas 3 and 4:
- a. **Front, Rear and Side Yards.** All front, rear and side yards for this subarea will be established through the compatibility rule, except that zero-lot-line side yards will be permitted as a minimum side yard allowance regardless of the compatibility rule application.

H. Design standards.

1. The following Design Standards provisions will apply to Subareas 1 through 4:

- a. Building Compatibility:
 - i. All elements of new construction **must** be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
 - ii. The compatibility rule will apply to a principal structure's general façade organization, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details including but not limited to brackets, decorative trim, corner boards, bottom boards, fascia boards, columns, steps and attic vents.
 - iii. Fiberglass roofs will be prohibited.
- b. Transparency:
 - i. The compatibility rule will apply to the following aspects of **transparency**:
 - a) The style and material of the individual window or door.
 - b) The size and shape of individual window and door openings.
 - c) The overall pattern of **transparency** as it relates to the building facade.
 - d) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
 - ii. Painted glass and reflective glass, or other similarly treated **transparency**, are not permitted.
 - iii. Except as otherwise provided in **Section 16-20C.008(2)**, if muntins and/or mullions are used, such muntins and/or mullions **must** be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
- c. Landscaping:
 - i. A landscape plan may be required by the **C**ommission to mitigate the environmental and visual impacts of construction on adjoining properties. The **C**ommission may require that plant materials in a landscape plan reflect the character of the district.
 - ii. **Tree Preservation and Replacement.** The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code **Section 158-26** et seq., will apply to this district.
- d. Loading areas, loading dock entrances, and building mechanical and accessory features for all non-residential uses:
 - i. All dumpsters **must** be concealed with walls six feet in height and constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco and **must** not be visible from any public street.
 - ii. Loading docks and loading areas **must** not be permitted on the primary façade of a principal building.
 - iii. Building mechanical and accessory features **must** not be permitted between the principal building and any public street.

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- iv. Building mechanical and accessory features **must** be located to the rear of the principal building and **must** be in the location least visible from the public street. Screening with appropriate materials will be required if the equipment is visible from any public street.
 - v. When located on rooftops, building mechanical and accessory features visible from the public street **must** be incorporated in the design of the building and screened with materials compatible with the principal façade material of the building.
 - e. Urban Gardens.
 - f. Market Gardens.
2. The following design standards provisions will apply to Subareas 1 through 2:
- a. Windows and Doors:
 - i. Simulated divided light windows or plain sash windows will be authorized as replacement materials when replacement is warranted, and materials for new construction within these subareas.
 - ii. Windows **must** be predominantly vertical in proportion, **must** not be constructed in combination of more than two units, and **must** be double-hung.
 - iii. Front doors facing and parallel to the street will be provided.
 - iv. Front doors **must** be solid wood panel or single-pane fixed glass and **must** be composed of no more than 50 percent glass.
 - b. Front Yard Porches:
 - i. Front yard porches will be provided.
 - ii. Front yard porches **must** contain balustrades, columns, floor dimensions, height, roof pitch and overhangs as regulated by the compatibility rule.
 - iii. Decorative metal, resin, fiberglass and plastic columns are prohibited.
 - iv. Front yard porches are permitted to be enclosed with recessed screen wire when the primary characteristics of the porch are maintained.
 - v. Front yard porch steps **must** be wood, brick or concrete. Metal steps are prohibited.
 - vi. A paved walkway from the front yard porch to the adjacent public **streetscape** will be required.
 - c. Siding and Foundations:
 - i. Due to the close proximity of structures and other characteristics unique to this Landmark District smooth face cementitious siding will be authorized as replacement materials when replacement is warranted, and materials for new construction within these subareas.
 - ii. Siding **must** exhibit a horizontal, clapboard profile. Siding must have no less than a four-inch reveal and no more than a six-inch reveal.

- iii. Foundations must be permitted to utilize brick, stone, smooth stucco, and smooth finish concrete as foundation-facing materials.
 - iv. When provided, chimneys must be faced in brick and must originate at grade.
 - d. Fences, Walls, and Retaining Walls:
 - i. Fences will be permitted within front yards at a maximum height of four feet. Barbed wire, razor wire and uncoated chain link or similar elements are prohibited.
 - ii. Fences and walls will be permitted in side yards and rear yards only to a total combined height of six feet.
 - iii. Walls are prohibited within front yards except that retaining walls are permitted within front yards only when such retaining walls already exist on a block face based upon the compatibility rule. The allowable setback, height and materials of such fences and walls will be based upon the compatibility rule. Lots with retaining walls must utilize the top of the retaining wall for determining the finished grade level of the lot as established in Section 16-20C.004(2)(d).
3. The following design standards provisions will apply to Subareas 3 through 4:
- a. Facades:
 - i. Building materials for the façades of principal structures will be determined by the compatibility rule. Concrete block and other masonry materials may be used on façades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not permitted on any façade.
 - ii. Covering of the original façade will not be permitted.
 - iii. Painting of unpainted building materials and masonry is prohibited.
 - iv. All cleaning of stone, terra cotta, and brick must be done with low-pressure water and mild detergents.
 - v. All repairs to original mortar must be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints must be duplicated in width and in joint profile.
 - vi. Cornice lines must cap all building facades and must consist of sheet metal, brick, cast concrete or terra cotta materials.
 - b. Active Depth Uses (See Section 16-20C.005(3)(e)):
 - i. Active depth uses must be provided within buildings and parking structures for the entire length of said building façade except ingress and egress points into parking structures or loading areas.
 - ii. Active depth uses must be provided for a minimum depth of 20 feet, as measured from the sidewalk-level ground story building façade.
 - c. Fences and Walls:

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- i. All fences and walls will require a Certificate of Appropriateness by the Director of the Commission. Barbed wire, razor wire and chain link or similar elements are prohibited.
 - ii. Fences and walls are not permitted in front yards or where otherwise visible to public view as determined by the Director of the Commission.
 - iii. Fences and walls will be permitted only to a total combined height of six feet.
- d. Transparency:
- i. A minimum of 60 percent of the length of the building façade must contain transparency.
 - ii. Ground story development without transparency must not exceed a maximum length of 10 feet of facade.
 - iii. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.
- e. Lighting and Security Features:
- i. Security, decorative, and other lighting must minimize light spillage by providing cutoff luminaries that have a maximum 90-degree lighting. The Commission may also require other elements to reduce light spillage.
 - ii. Any security, decorative, or other lighting luminaries must be located a minimum height of eight feet above the streetscape, driveway, or pedestrian area.
 - iii. External storefront security grilles, gates and security doors must be fully retractable during business hours. Such devices must provide visibility into the interior of protected space when in use, and must be prohibited from being opaque.
 - iv. Any external security grills, gates and security doors must be compatibly integrated into and concealed by the overall architecture and architectural patterns and elements of the façade on which they are located.
- f. Awnings and Canopies:
- i. Original awnings and canopies must be retained.
 - ii. Replacement awnings or canopies are permitted only when original awnings or canopies cannot be rehabilitated.
 - iii. Awnings and canopies must have a minimum clearance of eight feet above the ground story, and must not encroach more than five feet over the streetscape.
 - iv. Installation of new canopies upon contributing structures must be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the structure.
 - v. Installation of new canopies upon non-contributing structures must be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the district.

- vi. New awning frames attached to storefronts, doors or windows must replicate the shape of the covered area and fit within that area.
- vii. New awnings must be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.
- viii. Multiple awnings on a single building must be similar in shape and configuration.
- ix. Only that portion of the awning used for signage must be illuminated.
- g. **Service Stations.** Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes must not be located between a building and the closest adjacent streetscape.

I. On-site Parking, Parking Structures, Driveways, ~~driveways~~ and Curb Cuts.

1. The following on-site parking regulations will apply to Subareas 1 through 4:

- a. **Parking Requirements.** On-site parking and bicycle parking requirements will be as specified in the Martin Luther King, Jr. Landmark District Parking Table and subject to the following:

Table 2: Martin Luther King Jr. Landmark District Parking Table	Single-unit dwellings, Two-unit dwellings	All other Residential and Dwelling Uses	Non-Residential Uses
Minimum Parking: Bicycles	See Section 16-28.014(6) Bicycle parking requirements	See Section 16-28.014(6) Bicycle parking requirements	See Section 16-28.014(6) Bicycle parking requirements
Minimum Parking: Automobiles	None	None	None
Maximum Parking: Bicycles	See Section 16-28.014(6) Bicycle parking requirements	See Section 16-28.014(6) Bicycle parking requirements	See Section 16-28.014(6) Bicycle parking requirements
Maximum Parking: Automobiles	Two spaces for every one residential unit	2.5 spaces for every one residential unit	2.5 spaces for every 1,000 square feet of floor area

- b. Surface parking:
 - i. When utilized, on-site surface parking will not be permitted to be located between a building and an adjacent street without an intervening building.
 - ii. When authorized, park-for-hire surface parking lots will be prohibited from being located within 65 feet of any public street frontage.
- c. Transitions and screening for non-residential and multi-unit uses:
 - i. All surface parking regardless of the number of parking spaces provided, must comply with all of the requirements of Chapter 158, Article II, Section 158-30.
 - ii. Screen wall extensions will be permitted when surface parking is directly adjacent to a streetscape and additionally must:
 - a) Be located predominantly parallel and congruent with the adjacent building façade ;

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- b) Be a minimum height of ten feet and a maximum height of 12 feet;
 - c) Be a minimum of 50 percent permeable or articulated to avoid blank walls; and
 - d) Utilize the adjacent building for purposes of determining allowable materials and architectural features.
- d. Notwithstanding anything to the contrary in the Atlanta Zoning Ordinance, urban gardens and market gardens are permitted primary uses and accessory uses within the Transitional Zone ([Subarea 6](#)).
- 2. The following regulations will apply to parking structures within the district:
 - a. In addition to the parking deck regulations of [Section 16-28.028](#), parking structure façades must have the appearance of a horizontal storied building and **must** utilize the compatibility rule for the contributing structures of any use on the block for the purposes of determining building materials, building massing, architectural features, building heights and setbacks.
 - b. Parking structures **must** meet the active use requirements as regulated in [Section 16-20C.005\(3\)\(e\)](#).
- 3. The following regulations will apply to driveways and curb cuts within the district:
 - a. Use of shared driveways and/or alleys is permitted. Driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the [Commission](#).
 - b. Circular drives and drop-off lanes **must** not be located between any principal building and any public street. The [Commission](#) will additionally have the authority to vary [Section 28.006\(10\)](#) relative to the requirement for an independent driveway connected to a public street.
 - c. Curb cuts and driveways are not permitted on Edgewood Avenue, Auburn Avenue, Boulevard and Piedmont Road when reasonable access may be provided from a side or rear street or from an alley.
 - d. One curb cut is permitted for each development. Developments with more than one public street frontage or more than 300 feet of public street frontage may have two curb cuts.
 - e. Curb cuts **must** be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the [Commissioner](#) of the [Department of Transportation](#).
 - f. [Streetscape](#) paving materials **must** be continued across intervening driveways for all non-residential and multi-unit uses.

DIVISION 6.4. **WASHINGTON PARK**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of intent.

The intent of establishing Washington Park Landmark District zoning regulations will be the following:

1. To recognize the importance of Washington Park in the development of one of Atlanta's earliest black suburban communities, and to recognize and preserve the park as a recreation center important to the development of renowned Atlanta citizens and athletes such as Althea Gibson.
2. To ensure that future development plans are sensitive to and seek to preserve the historic character of Washington Park, the landscape, the park buildings, and the spatial relationships that create the aesthetic environment enjoyed by past and present residents of the area.

B. General regulations.

All proposals for renovation or addition to existing buildings or new construction in this Landmark District will require a Certificate of Appropriateness issued by the Atlanta Urban Design Commission (AUDC) and must conform to the following regulations:

1. Regulations will be minimum standards which must be followed and will be applied by the AUDC (Section 16-20.008).
2. Upon a determination by the AUDC that an application for renovation or new construction is at broad variance with the intent of these regulations, the AUDC will institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment. Notification will include any government or nonprofit community institution that has legitimate interest in the historic integrity of this Landmark District.
3. Landscaping criteria:
 - a. A Certificate of Appropriateness will be required for any alteration to existing streetscape, removal of all trees with a caliper of four (4) inches or greater, or the removal of all shrub massings or hedges over three (3) feet in height.
 - b. Major site renovation or major alteration or existing planting will be subject to design review by AUDC.
 - c. All trees with a caliper of four (4) inches or greater as measured ~~four (4)~~ 4 feet above the ground, outside of the building side, which are cleared for any reason must be replaced with trees having a minimum caliper of one and one-half (1½) inches.
4. It will be mandatory procedure for all parks and recreation personnel charged with maintenance and upkeep of Washington Park to be made aware of the intent and specific content of these regulations. A copy of these regulations must be maintained on the site with the supervisory staff responsible for maintenance of Washington Park.

City personnel anticipating any activity to change the physical appearance or functional character of the landscape, walks, walls and fences, planting or buildings of Washington Park must initiate such activity only upon approval of the AUDC as specified in this part.

DIVISION 6.5. **OAKLAND CEMETERY**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of intent.

The intent of establishing Oakland Cemetery Landmark District zoning regulations will be the following:

1. To preserve Atlanta's oldest municipal cemetery and its unique landscape, handcrafted statuary, and general architectural excellence.
2. To recognize and preserve Oakland Cemetery as a repository of Atlanta's history which includes her Civil War dead, slaves, paupers, and great citizens who include Margaret Mitchell, Bobby Jones and others.
3. To ensure that future development and maintenance considerations are sensitive to and compatible with the unique character of this irreplaceable portion of Atlanta's heritage.
4. To preserve Oakland Cemetery as a parklike oasis for passive recreation in this 19th century sculpture garden.

B. General regulations.

The following regulations will apply to the entire Landmark District. All rehabilitation, restoration or new construction will require a Certificate of Appropriateness from the Atlanta Urban Design Commission (AUDC). All proposed development **must** conform to the following regulations:

1. Regulations will be minimum standards which must be followed and will be applied by the AUDC (Section 16-20.008).
2. The AUDC will further adopt and maintain guidelines that will extend the intent of these regulations, further define elements of architectural landscape design and ensure the compatibility of future development and restoration within this Landmark District.
3. The power to hear, grant or deny variances from these regulations will rest with the AUDC.
4. **Procedure for Variance.** Upon a determination of the AUDC that an application for renovation or new construction is in conflict with the intent of these regulations and/or the guidelines, the AUDC will institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (Section 16-26.001). Notification will include any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.
5. **Secretary's Guidelines.** In addition to specific standards listed herein, the Secretary of the Interior's Standards for Historic Preservation Projects Part 1 will be a part of these regulations and will be applied by the AUDC.
6. Landscaping Criteria:

- a. A Certificate of Appropriateness will be required for any alteration to existing walks, walls or drives and the removal of trees or shrubs other than "volunteers" which endanger the movements, mausoleums, walls, paths and steps, or hamper pedestrian and vehicular mobility.
 - b. Repairs to walks, walls and drives must be done with matching materials, style and technique. The final result must be of a quality equal to the original work and contiguous with adjacent masonry.
 - c. Construction materials within the cemetery must be limited to granite, marble, limestone, sandstone, molded concrete and brick.
 - d. The use of gravel, marble chips and granite dust on grave surfaces is prohibited.
 - e. A Certificate of Appropriateness will be required for any alteration to the existing tree or shrub planting within Oakland Cemetery.
 - f. The park-like character of Oakland Cemetery must be maintained by the planting of high branching native hardwood trees, sufficiently spaced apart to maintain a light shade which is conducive to the growth of grass. Tree and shrub species selected for new planting must be consistent with existing species within Oakland Cemetery. Evergreen species must be planted selectively to create contrast and interest. Hybrid and exotic trees and shrub species must be prohibited.
7. Buildings, Mausoleums and Monuments:
- a. Existing buildings in Oakland Cemetery consists of a watchhouse, the tower building, maintenance barns and public toilets. A Certificate of Appropriateness will be required for the demolition or repair of any existing building.
 - b. Repair of existing buildings must be done with matching materials, style and technique. The final result must be of a quality equal to the original work and contiguous with adjacent masonry.
 - c. No additional buildings will be allowed.
 - d. All buildings in the Landmark District must be subject to the provisions for demolition or removal of existing structures as specified in Section 16-20.007(3) of this part.
 - e. The Preservation Briefs #1 prepared by the Technical Preservation Services Division of the Office of Archeology and Historic Preservation and Recreation Service will be adhered to for the cleaning of all buildings and monuments and mausoleums.
8. It will be mandatory for all parks and recreation personnel charged with the maintenance and upkeep of Oakland Cemetery to be made aware of the intent and specific content of these regulations. A copy of these regulations must be maintained on the site with the supervisory staff responsible for the maintenance of Oakland Cemetery.

City personnel anticipating any activity to change the physical appearance or functional character of the landscape, drives, walks, walls, monuments, mausoleums, planting or buildings of Oakland Cemetery will initiate such activity only upon approval of the AUDC as specified in this part.

DIVISION 6.6. **BALTIMORE BLOCK**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent

The intent of this chapter in establishing the regulations for the Baltimore Block Landmark District is as follows:

1. To preserve and enhance the architectural and historic character of the residential row houses on the north side of Baltimore Place.
2. To preserve and enhance the environmental quality of Baltimore Block and the spatial relationships between the buildings and street.
3. To maintain continuing harmony between new development in the district and the character of Baltimore Block.

B. Boundaries

The boundaries of the Baltimore Block Landmark District are as shown on the attached map marked Exhibit "A".

C. General Regulations

The following regulations will apply to the entire Baltimore Block Landmark District. Any proposed development must require a Certificate of Appropriateness from the Urban Design Commission and must conform to the following regulations:

1. **Minimum Standards.** Regulations must be minimum standards which must be followed and will be applied by the Urban Design Commission (AUDC). The power to hear, grant or deny variances from these regulations will rest with the AUDC. Upon a determination by the AUDC that an application for renovation or new construction is at broad variance with the intent of these regulations and/or guidelines, the AUDC will institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (**Section 16-16.001**). Notification must include any governmental or nonprofit institutions that have legitimate interest in the historic integrity of this historic district.
2. **The Compatibility Rule.** The intent of the regulations is to ensure that alterations to existing structures and new construction are compatible with the design, scale and general character of the existing buildings in the district. All design elements contained in **Section 16-20E.006** are subject to the compatibility rule and to the issuance of a Certificate of Appropriateness by the AUDC.
3. **AUDC Guidelines.** The Atlanta Urban Design Commission will adopt and maintain guidelines that will extend the intent of these regulations, further define elements of architectural style and applicability and will further ensure the compatibility of future development in the Baltimore Block Historic District.
4. **Secretary's Guidelines.** In addition to specific standards listed herein, the General and Specific Standards for Historic Preservation Projects, as put forth by the U.S. Secretary of the Interior for

all properties listed on the National Register, must be a part of the regulations for the Baltimore Block Landmark District.

5. **Demolition or Removal of Existing Buildings.** All buildings in the district will be subject to the provisions for demolition or removal of existing structures as defined in **Section 16-20.007** of this part.

D. Permitted Principal and Accessory Uses

In addition to the general regulations required in **Section 16-20E.003**, the following regulations will apply to any new development, rehabilitation or conversion of existing structures to permitted uses within the Baltimore Block Landmark District.

1. **Permitted Principal Uses.** A building or premises must be used only for the following principal purposes:
 - a. Single-unit, two-unit and multi-unit dwellings.
 - b. Offices, studios and galleries.
 - c. Eating and drinking establishments.
 - d. Hotels.
 - e. Supportive housing.
 - f. Urban gardens.
 - g. Market gardens.
 - h. Short-term rentals, subject to the regulations in Atlanta City Code section 20-1001.
2. **Permitted Accessory Uses and Structures.** All accessory uses and structures are subject to approval of the AUDC and must be located to the rear of the principal structure.

E. Lot Standards

1. **Minimum Setback Requirements.** The existing building setback line must be maintained.
2. **Maximum Height.** The existing building height must be maintained.
3. Parking Location Requirements:
 - a. On-site parking is permitted only in rear yards and must be subject to design review and approval by the Atlanta Urban Design Commission.

F. Building Standards

1. Roofs and Cornice:
 - a. New roofs must match original roof in cornice line, cornice decoration and materials.
 - b. Existing chimneys must not be removed. Repairs to any new chimney must conform as closely as possible to the original brick in color, size, texture and pattern.

2. Facades:

- a. Covering of the existing façade must not be permitted.
- b. Façade repairs or replacement must match original materials. All existing trim must be repaired or replaced, if necessary, by matching original in material, color and dimensions.
- c. Replacement of windows and exterior doors, when required due to deterioration, must match the original openings and conform to the original windows in material and style.
- d. All exterior window and door trim and other trim pieces must match original in material and dimensions.
- e. Windows may not be permanently boarded or blocked.
- f. No window air conditioning units or other obstructions to the original façade must be permitted.
- g. No exterior awnings or shutters may be added.
- h. Painting of the brick is prohibited.
- i. All brick cleaning must be done with low-pressure water and mild detergents.
- j. Trim paint color must be approved by the AUDC.

3. Entry Features:

- a. Exterior doors which are repaired or replaced must match the original.
- b. The entry feature must be retained in its original form.

4. Front Steps and Landings:

- a. Front steps and landing platforms must be constructed or repaired with the same floor dimensions, height and materials of the same color and size.
- b. Existing ironwork and other decorations must remain or be replaced to match original material, color, dimensions and style.

5. **Walls and Courtyards.** Walled rear gardens are a characteristic of Baltimore Block. The retention and reconstruction of garden walls is encouraged. Construction of new walls or the renovation of existing walls must require design review and a Certificate of Appropriateness by the AUDC.

G. Special Permits

The following uses will require a special permit of the Type Indicated to be granted by the AUDC in accordance with the applicable provisions of Chapter 25 of this part.

1. Special Use Permits:

- a. Shelter.

DIVISION 6.7. **WEST END**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent (Sec. 16-20G.001.)

The intent of the regulations for the West End Historic District is as follows:

1. To preserve the integrity of the neighborhood, which includes residential and educational buildings, constructed during the late 19th century and early 20th century;
2. To preserve the environment, character and physical appearance of the area;
3. To ensure harmony and compatibility of visual qualities and spatial relationships throughout the district;
4. To encourage and ensure development compatible with the existing character of the district;
5. To ensure that new development which utilizes contemporary design and materials is compatible with and sensitive to the character of the district;
6. To preserve and encourage the residential character of the district;
7. To encourage containment of existing commercial areas and discourage encroachment of the commercial areas into the residential areas;
8. To ensure that existing design characteristics in the residential area, serve as a base line description against which plans for rehabilitation and new construction will be judged for harmony, compatibility and appropriateness;
9. To preserve the residential character of all streets and thoroughfares in the district;
10. To encourage economic development, neighborhood revitalization, and prevention of displacement of residents; and
11. To preserve and enhance the important aesthetic appearance of the district so as to substantially promote the public health, safety and welfare.

B. Scope of Regulations (Sec. 16-20G.002.)

1. The existing zoning map and regulations governing all properties within the West End Historic District ~~shall~~ will remain in full force and effect. The following zoning regulations ~~shall~~ will be overlaid upon, and ~~shall~~ will be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations (Chapter 20G) ~~shall~~ will apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district shall continue to apply; and any variance between said other regulations and these overlay district regulations (Chapter 20G) shall be governed by the interpretation provision set forth in section 16-20.011(c) of the Code of Ordinances.
2. Except when otherwise explicitly provided, the provisions of Chapter 20 of this part ~~shall~~ will apply to this district.

C. Boundaries (Sec. 16-20G.003.)

The boundaries for the West End Historic District constitute an overlay Historic District (HD) zoning district, which district shall be reflected in the official zoning maps of the City of Atlanta for convenience in referencing, the district is denoted into two subareas, Subarea I, lying to the north of Ralph David Abernathy, Jr. Boulevard, and Subarea II, lying to the south of said street. All of the regulations contained in this chapter ~~shall~~ will apply to both subareas.

D. Organization (Sec. 16-20G.004.)

The overlay zoning regulations for the West End Historic District are composed of two parts. The first part consists of general regulations. The second part consists of specific regulations. Both parts ~~shall~~ must apply to all property located within this district.

E. General Regulations (Sec. 16-20G.005.)

The following general regulations ~~shall~~ will apply to the West End Historic District.

1. **Certificates of Appropriateness.** Certificates of appropriateness within this district ~~shall~~ must be required as follows:
 - a. When required:
 - i. To change the exterior appearance of any portion of a structure within the district, when said change can be seen from the ~~public~~ right-of-way;
 - ii. To erect a new structure or to make an addition to any structure within the district, when said addition can be seen from ~~public~~ right-of-way; and
 - iii. To demolish or move any contributing structure, in whole or in part, within the district.
 - b. Type required:
 - i. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in **section 16-20.008** of the Code of Ordinances.
 - ii. Notwithstanding any other provision herein, no certificate of appropriateness ~~shall~~ will be required unless, at a minimum, the work would otherwise require a building permit.
 - iii. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. This exemption in no way obviates the requirements for certificates of appropriateness set forth in this section.
 - iv. The following Type II Certificates of Appropriateness shall be reviewed by the director of the commission and shall be required for any of the following:
 - a) fences, walls, retaining walls;
 - b) decks, skylights, solar panels, mechanical and communication equipment if visible from a public street;
 - c) new accessory structures and alterations to existing accessory structures;

- d) shutters, awnings if visible from a public street;
 - e) replacement of non-original, non-historic or missing elements that otherwise meet the regulations, including but not limited to siding, windows, porch railings, porch columns, porch flooring, exterior doors if visible from a public street, and
 - f) paving.
- v. If a Type II Certificate of Appropriateness is required and the proposed alteration meets the requirements of this chapter, as applicable, and other criteria applicable to Type II certificates, the ~~director of the commission~~ Planning Director ~~shall~~ will issue the Type II Certificate within 14 days of receipt of the completed application. If a Type II Certificate of Appropriateness is required and the proposed alteration does not meet the requirements of this ~~chapter~~ section, as applicable, the ~~director of the commission~~ Planning Director ~~shall~~ will deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the Director regarding the approval and/or denial of Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of chapter 16-20.008(a) for Type I Certificates.
- vi. The following Type II Certificates of Appropriateness ~~shall~~ must be review by the ~~commission~~ Planning Director and ~~shall~~ will be required for any of the following to the extent they are visible from a public street:
- a) Alterations to any facade of any principal ~~structure~~ building; and
 - b) All site work, except as noted in Section 16-20G.005(b)(4).
- vii. The following Type III Certificates of Appropriateness ~~shall~~ will be reviewed by the ~~commission~~ Planning Director and ~~shall~~ will be required for:
- a) All new principal ~~structures~~ buildings.
 - b) Additions that are visible from a public street or park.
 - c) Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint.
 - d) Subdivisions and aggregations.
 - e) Variances.
- viii. Type IV certificates of appropriateness ~~shall~~ will be reviewed by the ~~commission~~ Planning Director and ~~shall~~ will be required for the demolition or moving of any contributing principal ~~structure~~ building. A partial demolition of a contributing ~~structure~~ building ~~shall~~ will require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.
2. **The Compatibility Rule.** The compatibility rule is a method of ensuring that alterations to existing structures and the design of proposed new construction are sensitive to and sympathetic toward existing elements of design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face. To

permit flexibility, many regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) ~~shall~~ must match that which predominates on the contributing buildings of the same block face, or where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), ~~shall~~ must be no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

3. **Variances.** The Urban Design Commission ~~shall~~ will have the power to hear, grant and deny variances from the provisions of this chapter (20G) when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 46, which provisions are hereby incorporated herein.
4. **Financial Hardship Exemptions:**
 - a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Urban Design Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.
 - b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purposes.
 - c. If the Urban Design Commission finds that the requirement of subsection (ii) herein is satisfied, they may grant an exemption, in whole or in part, only in accordance with the following factors, standards and criteria:
 - i. The burden of proof that the regulations and guidelines pose such a hardship ~~shall~~ will be on the property owner.
 - ii. The Urban Design Commission ~~shall~~ will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - a) The present and future income of the property owner(s) and those occupying the property;
 - b) The availability, at present or in the future, or other sources of income of revenue, including loans, grants, and tax abatements;
 - c) The costs associated with adherence to the district regulations;
 - d) The degree of existing architectural importance and integrity of the structure; and
 - e) The purpose and intent of this chapter.
 - d. The Urban Design Commission ~~shall~~ will balance these factors as applied to the applicant for said exemption and ~~shall~~ will grant said exemption, in whole or in part, as appropriate

to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.

5. **Lot size.** In addition to the requirements of the subdivision and zoning ordinances, the compatibility rule specified in this **chapter 20G** ~~shall~~ will apply to all subdivisions and aggregations of lots with regard to lot size, dimensions and configurations.

F. Specific Regulations (Sec. 16-20G.006.)

In addition to the general regulations set forth in **section 16-20G.005**, and any other applicable regulations, the following regulations ~~shall~~ will apply to all rehabilitations, new construction, alterations, and other changes:

1. **Generally.** The following building elements and architectural features shall be considered when applying **section 16-20.009** of this chapter to the West End Historic District: doors, windows, foundations, ~~finished floor~~ ground story elevations, roofs, roof features, gutters, downspouts, cornices, siding, porches, steps, terraces, dormers, shutters, awnings, gateways, archways, louvres, walls, fences, and gates.
2. Building Facades:
 - a. All new construction ~~shall~~ must conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main building facade ~~shall face the principal street~~ must be street-facing whenever possible.
 - b. At a minimum, the front of all new construction, including any portion thereof, ~~shall~~ must be placed at the distance from the street determined by the compatibility rule. This requirement ~~shall~~ must also apply ~~to those sides of corner lots which also face a street~~ street-facing building facades of corner lots.
 - c. All building materials, which upon completion are visible from the ~~public~~ right-of-way, are subject to the compatibility rule.
 - d. Siding repair or replacement ~~shall~~ must match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.
 - e. Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
 - f. Height of the ~~first floor of the front façade~~ ground story street facing building facade above grade ~~shall~~ must be subject to the compatibility rule. Notwithstanding the compatibility rule, the ~~first floor ground story~~ of the principal structure ~~shall~~ must be on foundations and ~~shall~~ must be elevated above grade at the front street facing building facade a minimum of two entrance risers each of which ~~shall~~ must be not less than ~~seven~~ 7 inches in height. Slab-on-grade construction is not permitted.
 - g. No structure ~~shall~~ must exceed that height established by the compatibility rule.
3. Windows and Doors:

WEST END

- a. Architecturally significant windows and doors, including details, trimwork, and framing, ~~shall~~ must be retained.
 - b. Original window and door openings ~~shall~~ must not be blocked or enclosed, in whole or in part.
 - c. Replacement windows and doors ~~shall~~ will be permitted only when originals cannot be rehabilitated. Replacement windows and doors ~~shall~~ must match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is permitted.
 - d. If muntins and/or mullions are used, such muntins and/or mullions ~~shall~~ must be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - e. The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.
 - f. Dropped ceilings, when located below the head of a window, ~~shall~~ must be sufficiently recessed from the window opening to maintain the original exterior appearance.
 - g. New doors and windows, when permitted, ~~shall~~ must be compatible in scale, size, proportion, placement, and style to existing windows and doors.
 - h. The ratio of openings to solid for all new construction (for example, windows to wall) ~~shall~~ must be established by the compatibility rule.
 - i. The scale, size, proportion, and location of all openings in new construction ~~shall~~ must be established by the compatibility rule.
 - j. New windows or doors added to existing structures ~~shall~~ must be located ~~facades that don't face a public street~~ non-street-facing building facades.
 - k. New or replacement doors ~~shall~~ must be made of wood and ~~shall~~ must contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion placement, and style to original doors within that block face.
4. Storm Doors, Storm Windows, Shutters and Awnings:
- a. Shutters ~~shall~~ must not be added to the building if they were not a part of the original building.
 - b. Shutters ~~shall~~ must be operable or appear operable, and shall fit the size of the window.
 - c. Replacement shutters ~~shall~~ must match the original shutters in design, materials and configuration.
 - d. Storm doors, screen doors or storm windows ~~shall~~ must be of compatible design and ~~shall~~ must not cover, obscure or dominate significant architectural details.
 - e. Fabric and metal awnings are permitted. All other types of canopies and awnings are prohibited.
5. Foundations:

- a. Foundation materials, including infill materials, shall must replicate the original materials in size, shape, color, texture and mortar, and shall must be installed using construction techniques similar to the original.
 - b. New foundations shall must be of masonry or concrete construction. Other foundation materials are permitted provided they are appropriate to the building on which they are located and in scale, materials and style with adjacent and surrounding buildings.
 - c. Slab on grade is not permitted.
 - d. Lattice, painted concrete block, brick or stucco shall must be used as infill between foundation masonry piers when infill is otherwise required.
6. Chimneys:
- a. Chimneys shall must match original materials, mortar, color and pattern whenever possible.
 - b. New chimneys shall must be faced with brick or stucco.
 - c. Siding on chimneys is prohibited.
 - d. When any portion of a chimney is visible from a public street as a facade element, the chimney shall must originate at finished grade.
7. Roofs:
- a. Replacement roofing materials shall must be of the same size, texture and material as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
 - b. Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.
 - c. The use of synthetic roofing materials is permitted if not visibly distinguishable from the original as viewed from the public street.
 - d. The shape and pitch of roofs for new construction shall will be subject to the compatibility rule.
 - e. Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are permitted on roofs of buildings provided they are not visible from any public right-of-way.
8. **Decks.** Decks shall must be constructed to the rear of the structure and shall must not extend beyond the sides of the structure. Decks on the corner lots shall must be screened with fencing or vegetation to reduce visibility from the public street.
9. Porches:
- a. Architecturally significant porches, including their component features, steps and stoops shall must be retained.
 - b. Replacement porches, steps and stoops shall must match the original in size, style and materials. All front porch steps shall must have closed risers and ends.

WEST END

- c. Porches may be enclosed with screen wire or glass provided that the main characteristics of a front porch are maintained.
 - d. New or replacement porches ~~shall~~ **must** contain balustrades, columns and other features consistent with the architectural style of the house or other original porches in that block. The height of the top rail shall be no more than 33 inches above the finish porch floor, except as required by the City's Building Code.
10. **Accessory Structures.** Accessory structures, such as carriage houses, smoke houses, greenhouses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, air conditioners and heating units, ~~shall~~ **must** be located to the side or rear of the main structure within the buildable area of the lot and ~~shall~~ **must** not project beyond the front of the main structures. In addition, said structures shall be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials is required if said structure is visible from the ~~public~~ right-of-way.
11. **Landscaping.** The Tree Ordinance of the City of Atlanta ~~shall~~ **must** apply to the West End Historic District.
12. **Paved Surfaces:**
- a. The original layout, patterns and paving materials of sidewalks, driveways, alleyways, curbs and streets ~~shall~~ **must** be retained. The design and material of new replacement paving materials ~~shall~~ **must** be subject to the compatibility rule.
 - b. The design and material of new paved surfaces areas, other than those specified in subsection (a) above, including driveways, walkways, and patios, or portions thereof, ~~shall~~ **must** be subject to the compatibility rule.
 - c. New driveways ~~shall~~ **must** not exceed a width of ~~ten~~ **10** feet not including the flare at the street.
13. ~~Off-Street~~ **On-Site** Parking Requirements:
- a. ~~Off-street~~ **On-site** parking ~~shall~~ **must** not be permitted in the front yard or half-depth front yard.
 - b. Carports and garages ~~shall~~ **must** be behind the rear of the main structure. If the main structure is located on a corner lot, the ~~front-yard~~ **primary street** setback for that side street ~~shall~~ **will** apply to the construction of a carport or garage.
 - c. The use of alleys for access to such parking is permitted. No variance is required for driveways accessed from an alley.
14. **Fences:**
- a. Fences shall be fabricated of brick, iron, wood or metal pickets. Fence lines ~~shall~~ **must** follow or run parallel to a ~~property lot~~ line in the front and half-depth front yards. Fences ~~shall~~ **must** not obscure the ~~front facade of the building~~ **street-facing building facade**.
 - b. Fences located in the front or half-depth front yard ~~shall~~ **must** not exceed ~~four~~ **4** feet in height. Front yard fences may exceed ~~four~~ **4** feet in height provided the height is no more than the height of the adjacent, contiguous fencing on immediately adjacent properties.

- c. Fences ~~shall~~ must not exceed ~~six~~ 6 feet in height when located in the side or rear yards.
- d. Chain link fabric is not permitted in a front yard or half depth front yard.
- e. Fences may be constructed on top of a retaining wall. The combined height of the retaining wall and fence ~~shall~~ must not exceed ~~six~~ 6 feet when located in a front or half-depth front yard.
- f. Walls are only permitted in the rear and side yards only when such yards are not adjacent to a ~~public~~ street and when such walls are located behind the rear facade of the principal structure. When such walls are permitted, they ~~shall~~ must be six 6 feet or less in height.

15. Retaining Walls:

- a. The height of existing retaining walls located adjacent to a ~~public~~ right-of-way ~~shall~~ must be maintained. New or replacement retaining walls ~~shall~~ must be constructed of or faced with concrete stucco, natural stone or brick.
- b. The height and materials of retaining walls located in the side or rear yards ~~shall~~ must not be restricted. Concrete block may be used, provided a veneer of stone, brick, or concrete stucco is applied.

16. Ornaments:

- a. Architecturally significant ornaments, such as corner boards, cornices, brackets, downspouts, railings, columns, steps, doors and window moldings, shall be retained.
- b. Replacement ornaments ~~shall~~ must be permitted only when originals cannot be rehabilitated.
- c. Installation of new ornaments, where none previously existed, ~~shall~~ must be permitted only when it is in accordance with the architectural style of the original structure.

17. Public Sidewalks and Planting Strips:

- a. Existing public sidewalks, planting strips, and associated topography ~~shall~~ must be retained.
- b. The public sidewalk ~~shall~~ must be the same width as the sidewalk on abutting properties.
- c. The compatibility rule ~~shall~~ must apply to public sidewalk paving materials.
- d. Where a public sidewalk to be replaced is adjacent to poured concrete, original concrete hexagonal pavers or poured concrete with stamped hexagonal motif, the new sidewalk ~~shall~~ must be poured concrete bordered with brick laid flat.

DIVISION 6.8. **HOTEL ROW**

A. **Statement of intent.**

The intent of the regulations for the Hotel Row Landmark District is as follows:-

1. To preserve the integrity of the district, which consists of a single block of six commercial buildings containing rare examples of Atlanta's turn-of-the-century commercial architecture and which block contains six commercial buildings which are typical American late-19th- and early-20th-century commercial style structures;-
2. To preserve the environment, character and physical appearance of the district;-
3. To ensure harmony and compatibility of visual qualities and spatial relationships throughout the district;-
4. To ensure new construction is compatible with and sensitive to the existing character of the district;-
5. To ensure that original design characteristics of the commercial structures serve as a base line description against which all future plans for rehabilitation and new construction will be judged for harmony, compatibility and appropriateness;-
6. To encourage economic revitalization; and-
7. To preserve and enhance the important aesthetic appearance of the district so as to substantially promote the public health, safety and welfare of the citizens of the City of Atlanta.-

B. **Scope of Regulations**

The existing zoning map and regulations governing all properties with the Hotel Row Landmark District shall remain in full force and effect. The following zoning regulations shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations (Chapter 20H) shall apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district shall continue to apply, and any variance between said other regulations and these overlay district regulations (Chapter 20H) shall be governed by the interpretation provision set forth in Section 16-20.011(c) of the Code of Ordinances.-

Except when otherwise explicitly provided, the provisions of Chapter 20 of the Code of Ordinances shall apply to this district.-

C. **Boundaries**

The boundaries for the Hotel Row Landmark District constitute an overlay Landmark District (LD) zoning district, which district shall be reflected in the official zoning maps of the City of Atlanta. All of the regulations contained in this chapter shall apply to the entire district.-

D. **Organization**

The overlay zoning regulations for the Hotel Row Landmark District are composed of two parts. The first part consists of general regulations. The second part consists of specific regulations. Both parts

shall apply to all property located within the district.

E. General Regulations

The following general regulations shall apply to the Hotel Row Landmark District:

1. Certificates of appropriateness shall be required as is generally provided in Chapter 20 of part of the Code of Ordinances, provided that a partial demolition shall require of Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
2. **Variances.** The Urban Design Commission shall have the power to hear, grant and deny variances from the provisions of this Chapter (20H) when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in Chapter 26 of Part 16 of the Code of Ordinances, which provisions are hereby incorporated herein.
3. Notwithstanding any other existing zoning regulation(s), the following uses and structures, whether principal, accessory, permitted, or transitional, shall be prohibited in this district:
 - a. Broadcasting towers, line-of-sight relay devices for telephonic, radio or television communication, antennas, roof antennas and lattice antennas, provided that antennas, roof antennas, and similar apparatus intended and erected solely for the purpose of receiving television or radio communication for use by tenant(s) of any structure within this district are permitted;
 - b. Surface parking and parking structures;
 - c. Sales and leasing agencies for new and used passenger and commercial automobiles, and vehicles;
 - d. Service stations;
 - e. Helicopter landing facilities or pickup or delivery stations; and
 - f. Residential uses within the front half of the floor area of the ground floor.
 - g. Package stores.

F. Specific Regulations

In addition to the general regulations set forth in Section 16-20H.005, and any other applicable regulations, the following regulations shall apply to all rehabilitations, new construction, alterations, and other changes:

1. **Generally.** The following building elements and architectural features shall be considered when applying Section 16-20.009 of the Code of Ordinances to the Hotel Row Landmark District: doors, windows, display windows, transoms, bulkheads, roofs, roof features, gutters, downspouts, cornices, and building materials.
2. **Non-display windows and doors.**

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- a. ~~Original windows and doors, including details, trimwork, and framing, shall be retained.~~
 - b. ~~Original window and door openings shall not be blocked or enclosed, in whole or in part.~~
 - c. ~~Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape, size, scale, proportion, placement, details and trimwork with no more than one-inch width or height difference from the original size.~~
 - d. ~~Flat "snap-in" muntins and muntins sandwiched between layers of glass are prohibited.~~
 - e. ~~Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.~~
 - f. ~~New doors and windows, when permitted, shall match the style, materials, shape, size, scale, proportion, placement, details, and trimwork of other original windows and doors on the same structure.~~
3. **Display windows, transoms, and bulkheads:**
- a. ~~Original display windows, transoms and bulkheads, including details, trimwork and framing, shall be retained.~~
 - b. ~~Original display window and transom openings shall not be blocked or enclosed, in whole or in part.~~
 - c. ~~Replacement display windows, transoms and bulkheads shall be permitted only when originals cannot be rehabilitated. Replacement display windows, transoms and bulkheads shall match the original in style, materials, shape, size, scale, proportion, placement, details and trimwork with not more than one-inch width or height difference from the original size.~~
 - d. ~~Flat "snap-in" muntins and muntins sandwiched between layers of glass are prohibited.~~
 - e. ~~Dropped ceilings, when located below the top of the transom or display windows, shall be sufficiently recessed from the window opening to maintain the original appearance.~~
 - f. ~~New display windows, transoms and bulkheads, when permitted, shall match the style, materials, shape, size, scale, proportion, placement, details, and trimwork of other original display windows, transoms and bulkheads on the same structure.~~
4. **Façades:**
- a. ~~Covering of the original façade shall not be permitted.~~
 - b. ~~Façade repairs or replacement shall match original material in size, shape, texture, color and mortar and shall be installed using construction techniques that are substantially similar to the original construction techniques. All existing trim shall be repaired or replaced, if necessary, by matching original in material, color and dimensions.~~
 - c. ~~Painting of unpainted brick, stone and terra cotta is prohibited.~~
 - d. ~~All cleaning of brick, terra cotta, and stone shall be done with low-pressure water and mild detergents.~~

- e. ~~All repairs to original mortar shall duplicate existing mortar material in strength, composition, color and texture. Original mortar joints shall be duplicated in width and in joint profile.~~
- 5. **Cornices.** ~~New cornices shall match the original in cornice line, width, decoration and materials. Fiberglass shall be permitted as a substitute material to replace, in whole or part, an original cornice when the original cornice can not be rehabilitated.~~
- 6. **Ornaments:**
 - a. ~~As used herein, ornaments are details, which may include or be added to cornices, brackets, downspouts, columns, doors, window moldings, and other similar elements of a building, for the purpose of embellishment.~~
 - b. ~~Original ornaments shall be retained.~~
 - c. ~~Replacement ornaments shall be permitted only when originals cannot be rehabilitated. Replacement ornaments shall match the original in style, materials, shape, size, scale, color and placement.~~
 - d. ~~Installation of new ornaments, where none previously existed, shall be permitted only when they adhere to the characteristics of the architectural style of the original structure.~~
- 7. **Exterior paving materials:**
 - a. ~~Hexagonal sidewalk pavers shall be retained.~~
 - b. ~~Hexagonal sidewalk pavers shall be used for any sidewalk repairs in the Hotel Row Landmark District.~~
 - c. ~~Decorative tile work in the recessed entrances and edges of storefronts and the alleyway shall be retained whenever possible.~~
 - d. ~~Replacement tile work shall be permitted only when originals cannot be rehabilitated and shall match the original in size, shape, pattern and materials.~~
- 8. **Repealed.**
- 9. **Security gates or grilles:**
 - a. ~~Security gates or grilles shall be installed in a manner which does not irreparably damage the storefront of the building.~~
 - b. ~~Security gates or grilles, whether in the open or closed position, shall not substantially obscure the storefront of the building.~~
 - c. ~~Security gates or grilles shall fit within the storefront window or door opening. Security gates or grilles shall be unobtrusive and fully retractable during business hours.~~
 - d. ~~Housing for security gates or grilles shall be placed under a sign band, awning or canopy whenever possible. When such placement is not possible, housing for security gates or grilles shall be painted to match the building façade.~~
- 10. **Awnings:**

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- a. ~~Awning frames attached to storefronts, doors or windows shall replicate the shape of the covered area and fit within that area.~~
- b. ~~Awnings shall be attached to the storefront in that area above the display and transom windows and below the cornice and signboard area, or mounted in that area between the storefront display window and the transom window.~~
- c. ~~Awning material shall be fire-retardant canvas duck or textured mat finish vinyl or acrylic.~~
- d. ~~Multiple awnings on a single building shall be closely matching in color and style.~~
- e. ~~Only that portion of the awning used for signage shall be illuminated.~~

11. Canopies:

- a. ~~Original canopies shall be retained.~~
- b. ~~Replacement canopies are permitted only when original canopies cannot be rehabilitated.~~
- c. ~~Installation of new canopies, where none previously existed, shall be permitted only when they adhere to the characteristics of the architectural style of the original structure.~~

12. Special features:

- a. ~~The eight-foot covered alley between the building located at 211—215 Mitchell Street and the building at 217—221 Mitchell Street, and which connects these two (2) buildings, shall be retained.~~
- b. ~~Replacement materials for the alley shall be permitted only when originals cannot be rehabilitated and shall match the original in size, material, design, pattern, color and texture whenever possible.~~

13. Lot Standards Development controls:

- a. ~~**Minimum setback requirements.** The building setback line existing on the date of enactment of this chapter shall be maintained.~~
- b. ~~**Maximum building height.** The building heights existing on the date of enactment of this chapter shall be maintained.~~
- c. ~~**Pedestrian mobility circulation requirement.** Compliance with the pedestrian space plan is not required in the Hotel Row Landmark District.~~

DIVISION 6.9. **HOTEL ROW**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of intent.

The intent of the regulations for the Hotel Row Landmark District is as follows:

1. To preserve the integrity of the district, which consists of a single block of six commercial buildings containing rare examples of Atlanta's turn-of-the-century commercial architecture and which block contains six commercial buildings which are typical American late-19th- and early-20th-century commercial style structures;
2. To preserve the environment, character and physical appearance of the district;
3. To ensure harmony and compatibility of visual qualities and spatial relationships throughout the district;
4. To ensure new construction is compatible with and sensitive to the existing character of the district;
5. To ensure that original design characteristics of the commercial structures serve as a base line description against which all future plans for rehabilitation and new construction will be judged for harmony, compatibility and appropriateness;
6. To encourage economic revitalization; and
7. To preserve and enhance the important aesthetic appearance of the district so as to substantially promote the public health, safety and welfare of the citizens of the City of Atlanta.

B. Scope of Regulations

The existing zoning map and regulations governing all properties with the Hotel Row Landmark District will remain in full force and effect. The following zoning regulations will be overlaid upon, and will be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations (Chapter 20H) will apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district will continue to apply, and any variance between said other regulations and these overlay district regulations (Chapter 20H) will be governed by the interpretation provision set forth in Section 16-20.011(c) of the Code of Ordinances.

Except when otherwise explicitly provided, the provisions of Chapter 20 of the Code of Ordinances will apply to this district.

C. Boundaries

The boundaries for the Hotel Row Landmark District constitute an overlay Landmark District (LD) zoning district, which district will be reflected in the official zoning maps of the City of Atlanta. All of the regulations contained in this chapter will apply to the entire district.

D. Organization

The overlay zoning regulations for the Hotel Row Landmark District are composed of two parts. The first part consists of general regulations. The second part consists of specific regulations. Both parts will apply to all property located within the district.

E. General Regulations

The following general regulations will apply to the Hotel Row Landmark District:

1. Certificates of appropriateness will be required as is generally provided in Chapter 20 of part of the Code of Ordinances, provided that a partial demolition will require of Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
2. **Variances.** The Urban Design Commission must have the power to hear, grant and deny variances from the provisions of this Chapter (20H) when, due to special conditions, a literal enforcement of its provisions in a particular case will regulations in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances will be the same as those specified in Chapter 26 of Part 16 of the Code of Ordinances, which provisions are hereby incorporated herein.
3. Notwithstanding any other existing zoning regulation(s), the following uses and structures, whether principal, accessory, permitted, or transitional, will be prohibited in this district:
 - a. Broadcasting towers, line-of-sight relay devices for telephonic, radio or television communication, antennas, roof antennas and lattice antennas, provided that antennas, roof antennas, and similar apparatus intended and erected solely for the purpose of receiving television or radio communication for use by tenant(s) of any structure within this district are permitted;
 - b. Surface parking and parking structures;
 - c. Sales and leasing agencies for new and used passenger and commercial automobiles, and vehicles;
 - d. Service stations;
 - e. Helicopter landing facilities or pickup or delivery stations; and
 - f. Residential uses within the front half of the floor area of the ground story.
 - g. Package stores.

F. Specific Regulations

In addition to the general regulations set forth in Section 16-20H.005, and any other applicable regulations, the following regulations will apply to all rehabilitations, new construction, alterations, and other changes.

1. **Generally.** The following building elements and architectural features will be considered when applying Section 16-20.009 of the Code of Ordinances to the Hotel Row Landmark District:

doors, windows, display windows, transoms, bulkheads, roofs, roof features, gutters, downspouts, cornices, and building materials.

2. Non-display Windows and Doors:

- a. Original windows and doors, including details, trimwork, and framing, **must** be retained.
- b. Original window and door openings **must** not be blocked or enclosed, in whole or in part.
- c. Replacement windows and doors **must** be permitted only when originals cannot be rehabilitated. Replacement windows and doors **must** match the original in style, materials, shape, size, scale, proportion, placement, details and trimwork with no more than one-inch width or height difference from the original size.
- d. Flat “snap-in” muntins and muntins sandwiched between layers of glass are prohibited.
- e. Dropped ceilings, when located below the head of a window, **must** be sufficiently recessed from the window opening to maintain the original exterior appearance.
- f. New doors and windows, when permitted, **must** match the style, materials, shape, size, scale, proportion, placement, details, and trimwork of other original windows and doors on the same structure.

3. Display Windows, Transoms, and Bulkheads:

- a. Original display windows, transoms and bulkheads, including details, trimwork and framing, **must** be retained.
- b. Original display window and transom openings **must** not be blocked or enclosed, in whole or in part.
- c. Replacement display windows, transoms and bulkheads **must** be permitted only when originals cannot be rehabilitated. Replacement display windows, transoms and bulkheads **must** match the original in style, materials, shape, size, scale, proportion, placement, details and trimwork with not more than one-inch width or height difference from the original size.
- d. Flat “snap-in” muntins and muntins sandwiched between layers of glass are prohibited.
- e. Dropped ceilings, when located below the top of the transom or display windows, **must** be sufficiently recessed from the window opening to maintain the original appearance.
- f. New display windows, transoms and bulkheads, when permitted, **must** match the style, materials, shape, size, scale, proportion, placement, details, and trimwork of other original display windows, transoms and bulkheads on the same structure.

4. Façades:

- a. Covering of the original façade **must** not be permitted.
- b. Façade repairs or replacement **must** match original material in size, shape, texture, color and mortar and **must** be installed using construction techniques that are substantially similar to the original construction techniques. All existing trim **must** be repaired or replaced, if necessary, by matching original in material, color and dimensions.

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- c. Painting of unpainted brick, stone and terra cotta is prohibited.
 - d. All cleaning of brick, terra cotta, and stone **must** be done with low-pressure water and mild detergents.
 - e. All repairs to original mortar **must** duplicate existing mortar material in strength, composition, color and texture. Original mortar joints **must** be duplicated in width and in joint profile.
5. **Cornices.** New cornices **must** match the original in cornice line, width, decoration and materials. Fiberglass **must** be permitted as a substitute material to replace, in whole or part, an original cornice when the original cornice can not be rehabilitated.
6. Ornaments:
- a. As used herein, ornaments are details, which may include or be added to cornices, brackets, downspouts, columns, doors, window moldings, and other similar elements of a building, for the purpose of embellishment.
 - b. Original ornaments **must** be retained.
 - c. Replacement ornaments **must** be permitted only when originals cannot be rehabilitated. Replacement ornaments **must** match the original in style, materials, shape, size, scale, color and placement.
 - d. Installation of new ornaments, where none previously existed, **must** be permitted only when they adhere to the characteristics of the architectural style of the original structure.
7. Exterior Paving Materials:
- a. Hexagonal **streetscape** pavers **must** be retained.
 - b. Hexagonal **streetscape** pavers **must** be used for any **streetscape** repairs in the Hotel Row Landmark District.
 - c. Decorative tile work in the recessed **entry features** and edges of storefronts and the alleyway **must** be retained whenever possible.
 - d. Replacement tile work **must** be permitted only when originals cannot be rehabilitated and **must** match the original in size, shape, pattern and materials.
8. **Repealed.**
9. Security Gates or Grilles:
- a. Security gates or grilles **must** be installed in a manner which does not irreparably damage the storefront of the building.
 - b. Security gates or grilles, whether in the open or closed position, **must** not substantially obscure the storefront of the building.
 - c. Security gates or grilles **must** fit within the storefront window or door opening. Security gates or grilles **must** be unobtrusive and fully retractable during business hours.

- d. Housing for security gates or grilles **must** be placed under a sign band, awning or canopy whenever possible. When such placement is not possible, housing for security gates or grilles **must** be painted to match the building façade.

10. Awnings:

- a. Awning frames attached to storefronts, doors or windows **must** replicate the shape of the covered area and fit within that area.
- b. Awnings **must** be attached to the storefront in that area above the display and transom windows and below the cornice and signboard area, or mounted in that area between the storefront display window and the transom window.
- c. Awning material **must** be fire-retardant canvas duck or textured mat finish vinyl or acrylic.
- d. Multiple awnings on a single building **must** be closely matching in color and style.
- e. Only that portion of the awning used for signage **must** be illuminated.

11. Canopies:

- a. Original canopies **must** be retained.
- b. Replacement canopies are permitted only when original canopies cannot be rehabilitated.
- c. Installation of new canopies, where none previously existed, **must** be permitted only when they adhere to the characteristics of the architectural style of the original structure.

12. Special Features:

- a. The eight-foot covered alley between the building located at 211—215 Mitchell Street and the building at 217—221 Mitchell Street, and which connects these two (2) buildings, **must** be retained.
- b. Replacement materials for the alley **must** be permitted only when originals cannot be rehabilitated and **must** match the original in size, material, design, pattern, color and texture whenever possible.

13. **Lot Standards:**

- a. **Minimum Setback Requirements.** The building setback line existing on the date of enactment of this chapter **must** be maintained.
- b. **Maximum Building Height.** The building heights existing on the date of enactment of this chapter **must** be maintained.
- c. **Pedestrian Mobility Requirement.** Compliance with the pedestrian space plan is not required in the Hotel Row Landmark District.

DIVISION 6.10. **ADAIR PARK**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent (Sec. 16-201.001)

The intent of the regulations for the Adair Park Historic District is as follows:

1. To enhance and integrate land use regulations, tailored to the historic character of this district, with existing land use regulations;
2. To continue the single- and two-family residential uses in the district;
3. To preserve and protect the historic attributes of the built environment of the district;
4. To preserve existing landscape features that exhibit or will assist in maintaining significant historic elements;
5. To maintain the spatial relationships that now exist between buildings, and between buildings and streets;
6. To require that additions and modifications to existing structures reinforce the historic architecture, qualities, and features of the district;
7. To ensure that new development is consistent with the historic character of the district;
8. To encourage economic development, neighborhood revitalization and prevention of displacement of residents; and
9. To preserve and enhance the important aesthetic appearance of the district so as to substantially promote the public health, safety and welfare.

B. Scope of Regulations (Sec. 16-201.00)

1. The existing zoning map and regulations governing all properties within the Adair Park Historic District ~~shall~~ will remain in full force and effect. The following zoning regulations (chapter 20I) ~~shall~~ will be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following regulations conflict with said existing zoning regulations, the following regulations (chapter 20I) ~~shall~~ will apply.
2. Except when otherwise explicitly provided, the provisions of chapter 20 of this part ~~shall~~ will apply to this district. Whenever the regulations of chapter 20I conflict with the provisions of chapter 20, the regulations of chapter 20I ~~shall~~ will apply.
3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district ~~shall~~ will continue to apply. In the event of any conflict between said other regulations and the following regulations (chapter 20I) the interpretation provision set forth in section 16-20.011(c) of the Code of Ordinances ~~shall~~ must govern.

C. Boundaries (Sec. 16-201.003)

The boundaries of the Adair Park Historic District ~~shall~~ must be as shown on the official zoning map

adopted herewith entitled the “Adair Park Historic District.” The district is divided into three subareas, as shown on said official zoning map, which ~~shall~~ will be known as:

1. The Residential Subarea;
2. The Transitional Commercial Subarea; and
3. The Transitional Industrial Subarea.

D. Organization (Sec. 16-20I.004)

The overlay zoning regulations for the Adair Park Historic District are composed of **four sections**:

1. **Section .005**: General regulations and design review procedures that apply to all properties located within the District.
2. **Section .006**: Specific regulations for properties in the Residential Subarea I.
3. **Section .007**: Specific regulations for properties in the Transitional Commercial Subarea II.
4. **Section .008**: Specific regulations for properties in the Transitional Industrial Subarea III.

E. General Regulations and Design Review Procedures (Sec. 16-20I.005)

The following regulations shall apply to all properties within the Adair Park Historic District.

1. General criteria:
 - a. Except as otherwise provided herein, the procedures for determining the correct type of certificate of appropriateness ~~shall~~ will be those specified in **section 16-20.008 of** the Zoning Code.
 - b. The ~~commission~~ **Planning Director** ~~shall~~ will use the following regulations only if the specific subarea regulations do not address the application:
 - i. A property ~~shall~~ will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ii. The historic character of a property ~~shall~~ must be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property ~~shall~~ must be avoided.
 - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes ~~shall~~ must not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
 - iv. Changes to a property that have acquired historic significance in their own right ~~shall~~ must be retained and preserved.
 - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, ~~shall~~ must be preserved.
 - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature ~~shall~~ must match the old in design, texture, and, where possible, materials.

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- vii. Chemical or physical treatments, if appropriate, ~~shall~~ must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials ~~shall~~ must not be used. Painting of unpainted masonry is prohibited.
 - viii. Archaeological resources ~~shall~~ must be protected and preserved in place. If such resources must be disturbed, mitigation measures ~~shall~~ must be undertaken.
 - ix. New additions, exterior alterations, or related new construction, ~~shall~~ must not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and ~~shall~~ must be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction ~~shall~~ must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. **The compatibility rule.** The compatibility rule is a method of ensuring that alterations to existing structures and the design of proposed new construction are sensitive to and sympathetic toward existing elements of design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same block face, or where quantifiable (i.e., buildings height and width as measured at ~~front~~ street-facing building facade, ~~floor~~ story height, lot dimensions, etc.), ~~shall~~ must be no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
3. **Certificates of appropriateness.** City of Atlanta applications used to review design, development and construction activities on properties or districts designated as Historic and Landmark by the City of Atlanta.
- a. Notwithstanding any other provision herein, no certificate of appropriateness ~~shall~~ will be required unless, at a minimum, the work would otherwise require a building permit.
 - b. Type I certificates of appropriateness for ordinary repairs and maintenance ~~shall~~ will not be required in this district. Painting or repainting of any structure or portion thereof does not require a certificate of appropriateness, but must comply with section 16-20I.005(7).
 - c. Type II certificates of appropriateness ~~shall~~ will be reviewed by the ~~director of the~~ Urban Design Commission and ~~shall~~ must be required for:
 - i. All alterations to existing structures where visible from a public street or park, unless such alterations or additions are specifically exempted from certificates of appropriateness in the subarea regulations.
 - ii. Fences, walls, accessory structures, decks, rear porches, and paving.
 - iii. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of section 16-20I.006, section 16-20I.007, or section 16-20I.008, as

- applicable, the ~~director of the Urban Design Commission~~ shall will issue Type II certificate within 14 days of the application.
- iv. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of section 16-20I.006, section 16-20I.007, or section 16-20I.008, as applicable, the ~~director of the Urban Design Commission~~ shall will deny the application with notice to the applicant within 14 days of the application.
 - v. Appeals from any such decision of the director regarding the approval and/or denial of Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I certificates.
- d. Type III certificates of appropriateness shall will be reviewed by the Urban Design Commission and shall will be required for:
- i. All new principal structures.
 - ii. Additions that are visible from a public street or park, unless such additions are specifically exempted from a certificate of appropriateness in the subarea regulations.
 - iii. Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint.
 - iv. Subdivisions and consolidations as required per section 16-20I.005(6).
 - v. Variances and special exceptions.
- e. Type IV certificates of appropriateness shall will be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall will require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.
4. **Variances, special exceptions, and appeals.** Variance applications, applications for special exceptions, and appeals from these regulations shall will be heard by the Urban Design Commission. The Urban Design Commission shall will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall will be the same as those specified in chapter 26 of this Part 16. The Urban Design Commission shall will have the authority to grant or deny applications for special exceptions pursuant to the standards in chapter 25. The Urban Design Commission shall will have the authority to grant or deny applications for appeal pursuant to the standards in section 16-30.010 and the appeal provisions for said decision, set forth in section 16-30.010(e), shall will also apply to the Urban Design Commission's decision.
5. Financial hardship exemptions:
- a. These regulations set forth a minimum standard of architectural compatibility. However, in order to balance this concern with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Urban Design Commission may allow reasonable exemptions from these

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regulations on the ground of economic hardship to the property owner. The burden of proof that the regulations and guidelines pose such a hardship ~~shall~~ will be on the property owner.

- b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purpose.
 - c. If the Urban Design Commission finds that this requirement of **subsection 16-201.005(5)b.** herein is satisfied, they ~~shall~~ will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - i. The present and future income of the property owner(s) and those occupying the property;
 - ii. The availability, at present or in the future of other sources of income of revenue, including loans, grants, and tax abatements;
 - iii. The cost associated with adherence to the subarea regulations;
 - iv. The degree of existing architectural importance and integrity of the structure; and
 - v. The purpose and intent of this chapter.
 - d. The Urban Design Commission shall balance these factors as applied to the applicant for said exemption and ~~shall~~ will grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.
6. **Subdivisions or consolidations.** In Subarea 1, the platting pattern of the Adair Park Historic District is an integral part of the historic character of the district. No subdivision or consolidation ~~shall~~ will be approved unless it can be shown that the proposed subdivision or consolidation is substantially consistent with the historic character of the district. In addition to the requirements of the subdivision and zoning ordinances all subdivisions or consolidations of lots ~~shall~~ will conform to the historic platting pattern in the Adair Park Historic District with regard to lot size, dimensions, and configurations. The compatibility rule ~~shall~~ will apply, and no subdivision or consolidation ~~shall~~ will be approved unless and until the Urban Design Commission has made a finding that it is consistent with this provision or with the platting pattern of the neighborhood.

F. Specific Regulations—Residential Subarea I (Sec. 16-201.006.)

In addition to the general regulations set forth in **section 16-201.005**, and any other applicable regulations, the following regulations ~~shall~~ will apply to all properties located within Residential Subarea I:

1. ~~Development controls~~ Lot Standards:
 - a. Setbacks:
 - i. ~~Front Yards~~ Primary street setbacks: Front yard setbacks of new principal structures ~~shall~~ must either: i) conform to the setback of the previously existing contributing building of like use; or ii) ~~shall~~ must be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.

- ii. Side **Yards setbacks**: Side **setbacks yards** of new principal structures or additions **shall must** either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side **yard** setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than **seven 7** feet.
 - iii. Rear **Yard setbacks**: Rear **yard** setbacks of new principal structures or additions **shall must** be a distance no less than **fifteen 15** feet. On **double-frontage through** lots, the secondary frontage **shall must** be treated as the rear **yard** setback.
 - b. **Height**. the height of new principal structures **shall must** conform to the compatibility rule. Additions to existing structures **shall must** not be subject to the compatibility rule but **shall must** be no higher than the main ridgeline of the existing structure.
2. Architectural standards:
- a. Building facades:
 - i. All building materials which upon completion are visible from the **public** right-of-way, **shall must** be compatible with those which predominate in the subarea.
 - ii. Siding repair or replacement **shall must** match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.
 - iii. Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
 - b. Windows and doors:
 - i. Architecturally significant windows and doors including details, trim, and framing **shall must** be retained. Original window and door openings **shall must** not be blocked or enclosed in whole or in part.
 - ii. Replacement windows and doors **shall must** be permitted only when originals cannot be rehabilitated.
 - iii. Replacement windows and windows on new construction **shall must** be a wood or wood fiber composite product. Vinyl, PVC, aluminum, or clad windows are not permitted.
 - iv. The use of simulated divided light windows is permitted provided that the muntins are integral to the sash and permanently affixed to the exterior face of the glass.
 - v. Dropped ceilings, when located below the head of a window, **shall must** be sufficiently recessed from the window opening to maintain the original exterior appearance.
 - vi. New doors and windows, when permitted, **shall must** be placed on the side and rear of the structure and be compatible in scale, size, proportion, placement, and style to existing windows and doors.
 - vii. The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.

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- viii. New or replacement doors ~~shall~~ must be made of wood and may contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion, placement, and style.
 - ix. The ratio of openings to solid for all new construction (for example, windows to wall) ~~shall~~ must be established by the compatibility rule.
 - x. The scale, size, and proportion of all openings in new construction ~~shall~~ must be established by the compatibility rule.
- c. Foundations:
- i. Foundation materials, including infill materials, ~~shall~~ must replicate the original materials in size, shape, color, texture and mortar, and ~~shall~~ must be installed using construction techniques similar to the original.
 - ii. Foundations on new construction ~~shall~~ must be of masonry or concrete construction. Other foundation materials are permitted provided they are appropriate to the building on which they are located and in scale, materials, and style with adjacent and surrounding buildings.
 - iii. Slab on grade is not permitted.
- d. Storm doors, storm windows, shutters and awnings:
- i. Shutters ~~shall~~ must be operable or appear operable and shall fit the size of the window.
 - ii. Replacement shutters ~~shall~~ must match the original shutters in design, materials and configuration.
 - iii. Storm doors, screen doors or storm windows ~~shall~~ must be of compatible design and ~~shall~~ must not cover, obscure or dominate significant architectural details.
 - iv. Fabric and metal awnings are permitted. All other types of canopies and awnings are prohibited.
- e. Chimneys:
- i. Original and architecturally significant chimneys ~~shall~~ must be retained.
 - ii. Chimney repairs ~~shall~~ must match original materials, mortar, color and pattern whenever possible.
 - iii. New chimneys ~~shall~~ must be constructed of masonry faced with brick or stucco.
 - iv. Siding on chimneys is prohibited.
 - v. When any portion of a chimney is visible from a public street as a facade element, the chimney ~~shall~~ must originate at grade.
- f. Roofs:
- i. Replacement roofing materials ~~shall~~ must be of the same size, texture and materials as the existing materials.

- ii. On flat roofs, cold rolled and membrane roofing is allowed.
 - iii. The shape and pitch of roofs for new construction ~~shall~~ must be subject to the compatibility rule.
 - iv. Skylights and communication equipment, when otherwise allowed by these or other regulations are permitted on roofs of buildings provided they cannot be seen from the ~~public~~ right-of-way.
 - v. Solar panels are permitted provided they are placed in the least visible location possible for adequate power production.
 - vi. Dormers ~~shall~~ must not be permitted on the ~~front~~ street-facing building facade unless they are original to the structure.
- g. Porches:
- i. Architecturally significant porches, steps and stoops ~~shall~~ must be retained.
 - ii. Replacement porches, steps, and stoops ~~shall~~ must match the original in size, style, and materials.
 - iii. Porches may be enclosed with screen wire if the main characteristics of a front porch are maintained.
 - iv. Porch railing ~~shall~~ must be constructed using a two-part butt joint method. Side nailed and deck style railing ~~shall~~ must be prohibited.
 - v. Porches ~~shall~~ must be required on new construction. New porches ~~shall~~ must contain balustrades, columns, and other features consistent with the architectural style of the house or other original porches on the block face. The height of any top rail ~~shall~~ must be set no higher than the bottom sill of the front facade windows. Additional height required to meet building code ~~shall~~ must be achieved by a simple plane extension.
- h. Fences:
- i. Fence lines ~~shall~~ must follow or run parallel to the property lines in front and half-depth front yards. Fences shall not obscure the ~~front facade of the~~ street-facing front building.
 - ii. Fences located in the front or half-depth front yard ~~shall~~ must not exceed ~~four~~ 4 feet in height and shall be brick, iron, wood, or metal vertical pickets. Front yard fences may exceed ~~four~~ 4 feet in height provided the height is no more than the height of the adjacent, contiguous fencing on immediately adjacent properties.
 - iii. Fences located in the side and rear yards ~~shall~~ must not exceed ~~six~~ feet in height.
 - iv. Chain link fencing is not permitted in a front yard or half-depth front yard.
 - v. Fences may be constructed on top of a retaining wall. The combined height of the retaining wall and fence ~~shall~~ must not exceed ~~six~~ 6 feet when located in a front yard or half-depth front yard.

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- vi. Walls are only permitted in the rear and side yards only when such yards are not adjacent to a public street and when such walls are located behind the rear facade of the principle structure. When such walls are permitted, they shall be ~~six~~ 6 feet or less in height.
- i. Retaining walls:
 - i. Retaining walls in the front yard shall be constructed of masonry, stone, or concrete block faced with a parge coat of stucco.
- j. Ornaments:
 - i. Architecturally significant ornaments, such as corner boards, cornice, brackets, downspouts, railings, columns, steps, doors and windows moldings, ~~shall~~ must be retained.
 - ii. Replacement ornaments ~~shall~~ must be permitted only when originals cannot be rehabilitated.
 - iii. Installation of new ornaments, where none previously existed, ~~shall~~ must be permitted only when it is in accordance with the architectural style of the original structure.
 - iv. For new construction, ornaments shall be consistent with the architectural style of the home and compatible with the historic homes on the block.
- k. **Decks.** Decks ~~shall~~ must be located to the rear of the principle structure.
- 3. Accessory structures:
 - a. Placement:
 - i. All new accessory structures ~~shall~~ must contain a side ~~yard~~ setback of no less than 3' and a rear ~~yard~~ setback of no less than 5'.
 - ii. On corner lots, accessory structures ~~shall~~ must be placed towards the interior side and rear ~~yard~~ setback.
 - iii. On ~~double frontage through~~ lots, excluding corner lots, accessory structures ~~shall~~ must be placed towards one of the interior lot lines. The secondary frontage ~~shall~~ must be treated as a rear yard, except that the accessory structure ~~shall~~ must be set back 15 feet from the lot line.
 - b. The height of accessory structures ~~shall~~ must not exceed the height of the main ridgeline of the principal structure as measured from grade at the street-facing front facade to the main ridgeline or 20 feet, whichever is less.
 - c. The floor area of accessory structures ~~shall~~ must be no more than 40 percent of the principal structure's floor area.
 - d. **Accessory dwelling unit (ADUs).** Where an accessory building is used as a detached single-family dwelling (also known as an ADU), the following limits ~~shall~~ must apply:
 - i. The ADU ~~shall~~ must not exceed 750 sf.

- ii. For the purposes of **Section 16-201.006(3)(c)** above, which limits the total allowable area of the accessory building to 40 percent of the principal building, the square footage of the accessory dwelling unit **shall must** not be included when calculating the total area of the accessory building.
 - iii. When an accessory structure is used as an accessory dwelling unit, it **shall must** be placed to the rear of the principal structure, within the buildable area of the lot.
- 4. Paved surfaces:
 - a. The original layout, patterns and paving materials of sidewalks, curbs and streets **shall must** be retained. The design and material of new replacement paving materials **shall must** match the original or be subject to the compatibility rule.
 - b. The design and materials of new paved surfaces other than those specified in **subsection (a)** above, including driveways, walkways, and patios **shall must** be subject to the compatibility rule.
 - c. New driveways **shall must** not exceed a width of ~~ten~~ **10** feet not including the flare at the street.
- 5. ~~Off-street~~ **On-site** parking requirements.
 - a. ~~Off-street~~ **On-site** parking **shall must** not be permitted in the front yard.
 - b. Carports and garages **shall must** be behind the rear of the main structure. If the main structure is located on a corner lot, the front ~~yard~~ setback for that side of the street **shall must** apply to the construction of a carport or garage.
 - c. The use of alleys for access to such parking is permitted. No variance is required for driveways accessed from an alley.
- 6. Signs:
 - a. Identification signs for home occupations **shall must** not exceed two square feet in area.
 - b. Identification signs for institutional and commercial uses **shall must** not exceed 30 square feet in area.
- 7. Alternative building materials:
 - a. Alternative building materials to those listed above may be used if sufficient evidence is provided to establish that the proposed alternative material is identical in form, function, and appearance to historically compatible materials.
 - b. Alternative building materials that violate specific material prohibitions listed elsewhere in **section 16-201.006** **shall must** not qualify for consideration.

G. Specific Regulations—Transitional Commercial Subarea II (Sec. 16-201.007.)

- 1. The following regulations **shall must** apply to all properties located within the Transitional Commercial Subarea II. These regulations are intended to mitigate any nocuous effects that the commercial subarea may have on adjoining residential uses within the Adair Park Historic District.

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These regulations further intend to maintain compatibility between the existing and future uses of the subarea and the overall residential character of the district as a whole.

- a. ~~Development controls~~ Lot standards:
 - i. **Setbacks.** The compatibility rule ~~shall~~ must apply to front, side and rear ~~yard~~ setbacks.
 - ii. **Bulk limitations.** Floor area ratio ~~shall~~ must not exceed an amount equal to one times the net lot area.
 - b. **Maximum height.** The compatibility rule ~~shall~~ must apply to the height of all structures, additions and alterations.
 - c. **Screening.** In addition to the screening required for any lot in this subarea which abuts a residential use on the rear lot line, without an intervening street, there must also be a five-foot-wide buffer planted with tree and/or shrub materials.
2. In addition to the above regulations, all contributing structures in the Transitional Commercial Subarea II ~~shall~~ must comply with the following regulations.
- a. **Certificates of appropriateness.** Certificates of appropriateness within this subarea ~~shall~~ must be required as follows:
 - i. When required:
 - a) To change the exterior appearance of any portion of a contributing structure or property within the subarea, when said change can be seen from the ~~public~~ right-of-way;
 - b) To make an addition to any contributing structure or property within the subarea, when said addition can be seen from the ~~public~~ right-of-way; and
 - c) To demolish or move any contributing structure, in whole or in part, within the subarea.
 - b. **Architectural standards.** All contributing structures ~~shall~~ must comply with the architectural standards as set out in section 16-201.006.

H. Specific Regulations—Transitional Industrial Subarea III (Sec. 16-201.008.)

The following regulations ~~shall~~ must apply to all properties located within the Transitional Industrial Subarea III. These regulations are intended to mitigate any nocuous effects that the industrial subarea may have on adjoining residential uses within the Adair Park Historic District. These regulations further intend to maintain compatibility between the existing and future uses of the subarea and the overall residential character of the district as a whole.

1. **Certificates of appropriateness.** Certificates of appropriateness are not required in the Transitional Industrial Subarea III, but all new construction and development ~~shall~~ must conform to the following regulations.
2. ~~Development controls~~ Lot standards:

- a. **Setbacks.** The compatibility rule shall apply only to front ~~yard~~ setbacks. A variance of up to ~~five~~ 5 percent ~~shall~~ will be permitted. Other setbacks ~~shall~~ will be as regulated by the applicable industrial district regulations.
 - b. **Bulk limitations.** Floor area ratio ~~shall~~ must not exceed an amount equal to one times the net lot area.
3. **Maximum height.** No new structures, additions or alterations ~~shall~~ must exceed ~~two~~ 2 stories in height.
 4. **Screening.** In addition to the screening required for any lot in this subarea which abuts a residential use on the rear lot line, without an intervening street, there must also be a five-foot-wide buffer planted with tree and/or shrub materials.

DIVISION 6.11. **WHITTIER MILL**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent (Sec. 16-20J.001.)

The intent of the regulations for the Whittier Mill Historic District is as follows:

1. To enhance and integrate land use regulations, tailored to the historic character of this district, with existing land use regulations;
2. To continue and encourage residential uses in the district;
3. To preserve and protect the historic attributes of the built environment of the district, particularly, those houses, buildings and structures constructed prior to 1930; the existing street patterns; and limited access/egress which contributes to the village;
4. To preserve existing landscape and topographical features of the district that exhibit or will assist in maintaining significant historic elements of the village;
5. To maintain the spatial relationships that now exist between buildings, and between buildings and streets;
6. To ensure that additions and modifications to existing structures reinforce the historic qualities and features of the district;
7. To ensure that new development is consistent with the historic character of the district;
8. To balance the need to regulate exterior changes to the structures in the district with the unique layout, landscaping and topography of the district that results in a high percentage of visibility from the public right-of-ways so as to exercise greater regulatory control over principal facades than other facades;
9. To encourage economic development, neighborhood revitalization and prevention of displacement of residents; and
10. To preserve and enhance the important aesthetic appearance of the district so as to substantially promote the public health, safety and welfare.

B. Scope of Regulations (Sec. 16-20J.002.)

1. The existing zoning map and regulations governing all properties within the Whittier Mill Historic District ~~shall~~ will remain in full force and effect. The following zoning regulations ~~shall~~ will be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations (chapter 20J) ~~shall~~ will apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district ~~shall~~ will continue to apply; and any variance between said other regulations and these overlay district regulations (chapter 20J) ~~shall~~ will be governed by the interpretation provision set forth in section 16-20.011(c) of the Code of Ordinances.

2. Except when otherwise explicitly provided, the provisions of **chapter 20** of this part ~~shall~~ will apply to this district.

C. Boundaries (Sec. 16-20J.003.)

The boundaries of the Whittier Mill Historic District shall be as shown on the official zoning map adopted herewith entitled the "Whittier Mill Historic District." The district is divided into ~~two (2)~~ 2 subareas, as shown on said official zoning map, which ~~shall~~ will be known as:

1. The Residential Subarea; and
2. The Transitional Subarea.

D. Organization (Sec. 16-20J.004.)

The overlay zoning regulations for the Whittier Mill Historic District are composed of ~~two (2)~~ 2 parts. The first part consists of general regulations which apply to all property located within this district. The second part consists of specific regulations that apply to each of the subareas.

E. General Regulations (Sec. 16-20J.005.)

The following regulations ~~shall~~ will apply to all properties within the Whittier Mill Historic District:

1. **The Compatibility Rule.** The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, ~~shall~~ must substantially match that which predominates on that block. When elements are quantifiable, such as building height or ~~floor story~~ heights, they ~~shall~~ must equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in regulations by reference to "compatibility rule."
2. **Variances.** The Urban Design Commission ~~shall~~ will have the power to hear, grant and deny variances from the provisions of this **chapter** when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in **chapter 26 of this Part 16**, which provisions are hereby incorporated herein.

F. Specific Regulations—Residential Subarea I (Sec. 16-20J.006.)

In addition to the general regulations set forth in **section 16-20J.005**, and any other applicable regulations, the following regulations ~~shall~~ will apply to all properties located within Residential Subarea I:

1. **Certificates of Appropriateness.** Certificates of appropriateness within this subarea ~~shall~~ will be required as follows:
 - a. When required:

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- i. To change the exterior appearance of the following elements of a structure within the subarea, when said changes can be seen from the ~~public~~ right-of-way: foundations, siding, chimneys and roofs;
 - ii. To change the exterior appearance of the following elements of the ~~street-facing~~ front facade of a structure: windows, doors, architectural details and porches. For the purpose of this ~~chapter~~, ~~street-facing~~ front facade means the elevation of the building which faces the front yard as defined in Code of Ordinances ~~section 16-28.007(3) and (4)~~.
 - iii. To erect a new structure; and
 - iv. To demolish or move any contributing structure, in whole or in part, within the subarea.
- b. Type required:
- i. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).
 - ii. Except with regard to Type I certificates, the procedures for determining the appropriate type of certificate required under ~~subsection 16-20J.006(1)a~~ above ~~shall will~~ be those specified in ~~section 16-20.008~~ of the zoning code, provided, however, that a partial demolition ~~shall will~~ require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance of the ~~street-facing~~ front facade.

2. Financial Hardship Exemptions:

- a. These regulations set forth a minimum standard of architectural compatibility within the subarea. However, in order to balance this concern with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Urban Design Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner. The burden of proof that the regulations and guidelines pose such a hardship ~~shall will~~ be on the property owner.
- b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purpose.
- c. If the Urban Design Commission finds that this requirement of ~~subsection (b)~~ herein is satisfied, they ~~shall will~~ consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - i. The present and future income of the property owner(s) and those occupying the property;
 - ii. The availability, at present or in the future of other sources of income or revenue, including loans, grants, and tax abatements;
 - iii. The cost associated with adherence to the subarea regulations;

- iv. The degree of existing architectural importance and integrity of the structure; and
 - v. The purpose and intent of this **chapter**.
- d. The Urban Design Commission shall balance these factors as applied to the applicant for said exemption and **shall will** grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.
3. **Lot Size, Dimensions and Configurations.** In addition to the requirements of the subdivision and zoning ordinances, the compatibility rule specified in this **chapter 20J** **shall will** apply to all subdivisions and aggregations of lots with regard to lot size, dimensions and configurations.
4. Duplexes. Notwithstanding any contrary provisions in **Part 16** of the Code of Ordinances, new construction of a new two-family or duplex dwelling **shall will** be permitted within this district only as a single building.
5. Grading:
- a. Grading **shall must** not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the structural integrity of a structure.
 - b. New grades **shall must** meet existing topography in a smooth transition.
 - c. Architectural Standards:
 - i. Building facades:
 - a) All new construction **shall must** conform to the existing building orientation by having porches and front doors facing the front yard.
 - b) At a minimum, the front of all new construction, including any portion thereof, **shall must** be placed at the distance from the street determined by the compatibility rule.
 - c) There shall be ~~two-(2)~~ **2** side yards, ~~one-(1)~~ **1** on each side of the principal building, each having a width of not less than the width of the side yards for the block as established by the compatibility rule.
 - d) There **shall must** be a rear yard of not less than 10 feet.
 - e) All building materials which upon completion are visible from the ~~public~~ right-of-way, **shall must** be compatible with those which predominate in the subarea.
 - f) Siding repair or replacement **shall must** match the original materials in scale and direction. Wood clapboard, if original, is preferred; however, aluminum, masonite, vinyl or other horizontal siding is permitted if window trim, cornerboards, and fascia/ bargeboards are left in place or replaced with new material to match the original.
 - g) No new construction of additions **shall must** exceed the height of the existing structure on the site or, for new construction, that of the tallest structure of like use on the block.
 - ii. Windows and doors:

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- a) Architecturally significant windows and doors, including details, trimwork, and framing, ~~shall~~ must be retained.
 - b) Replacement windows and doors ~~shall~~ must be permitted only when originals cannot be rehabilitated. Replacement windows and doors ~~shall~~ must match the original in design, materials, shape and size with no more than a one-inch width or height difference from the original size.
 - c) New doors and windows, when permitted, ~~shall~~ must be compatible in scale, size, proportion, placement, and design to existing windows and doors.
 - d) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule, with a permitted differential of ~~ten (10)~~ 10 percent.
 - e) Windows in the street-facing front facade of new construction ~~shall~~ must be predominantly vertical in proportion and must not be constructed in combination of more than ~~two (2)~~ 2 windows.
 - f) Replacement exterior doors ~~shall~~ must match the original openings and conform to the original door in material and design.
 - g) New exterior doors ~~shall~~ must be wood panel or fixed glass panel in wood frame. In the alternative, metal doors may be used if their design matches that of an original door.
- iii. Foundations:
- a) Foundations ~~shall~~ must be of brick, painted concrete block or stuccoed.
 - b) Foundations ~~shall~~ must be of masonry pier or continuous wall construction closed with solid or screen infill wall.
 - c) Lattice, painted concrete block, brick or stucco ~~shall~~ must be used as infill between foundation masonry piers when infill is otherwise required.
 - d) Slab on grade is not permitted.
- iv. Storm doors and storm windows. Storm doors, screen doors or storm windows ~~shall~~ must be of compatible design and ~~shall~~ must not cover, obscure or dominate significant architectural details.
- v. Chimneys:
- a) Chimneys ~~shall~~ must be retained whenever possible.
 - b) If extending or repairing a chimney, the original materials, mortar, color and pattern ~~shall~~ must be matched whenever possible.
 - c) The construction of new chimneys ~~shall~~ must not be permitted on the street-facing front facade.
 - d) New chimneys ~~shall~~ must be faced with brick or stucco.

e) Siding on chimneys is prohibited.

vi. Roofs:

- a) Replacement roofs ~~shall~~ must match the original roof in material, pitch and shape as well as ridge, overhang and soffit construction.
- b) Cold-rolled roofing is permitted only on flat roofs.
- c) Corrugated metal and corrugated fiberglass roofs are not permitted.
- d) The shape and pitch of roofs for new construction ~~shall~~ must be subject to the compatibility rule.
- e) Dormers ~~shall~~ must not be permitted on the roof over the front facade of any structure.
- f) Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are not permitted on the roof over the front facade of any structure.

vii. Porches:

- a) Architecturally significant front porches, steps and stoops ~~shall~~ must be retained, whenever possible.
- b) Replacement front porches, steps and stoops ~~shall~~ must match the original in size, design and materials.
- c) Front porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.
- d) Front porches ~~shall~~ must be required for the development of new homes and the compatibility rule ~~shall~~ must apply or columns shall be six-inch by six-inch posts; the top and bottom rails of the balustrade shall be constructed of two-inch by four-inch lumber or the equivalent; the top rail ~~shall~~ must not be higher than 36 inches above the porch floor; the bottom rail of the balustrade ~~shall~~ must be ~~three (3) to four (4)~~ 3 to 4 inches above the porch floor; and the individual balusters ~~shall~~ must be constructed of two-inch by two-inch lumber and ~~shall~~ must not be more than ~~four (4)~~ 4 inches apart.
- e) Front porches ~~shall~~ must contain balustrades, columns and other characteristics including floor dimension, height, roof pitch and overhang consistent with historic features for porches in that block, although standard lumber is permitted.
- f) New decks ~~shall~~ must be permitted to the rear of the house.

viii. Accessory structures. Accessory structures, such as carriage houses, smoke houses, tool sheds, greenhouses, tenant and alley houses, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, air conditioners and heating units, ~~shall~~ must be located to the side or rear of the main structure within the buildable area of the lot and ~~shall~~ must not project beyond the front of the main structure. In addition, said structures ~~shall~~ must

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be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials is required if said structure is visible from the **public** right-of-way.

ix. Walls and fences:

- a) Front yard closure walls are not permitted.
- b) Fences in the front yard of any structure **shall must** be of wood picket type construction.
- c) Retaining walls which are located in the front yard **shall must** have a finished masonry surface constructed of materials compatible with the exterior finish of the principal dwelling. Retaining walls **shall must** be integrated into the landscape.

x. Architectural details:

- a) Exterior architectural details, such as brackets, decorative trim, corner boards, windows moldings, railings, columns, steps and doors, which contribute to the character of the buildings and appear on the **street-facing** front facade, **shall must** be retained, restored or replaced to match the original in dimension and design.

6. Paved Surfaces:

- a. The original layout, patterns and paving materials of sidewalks, curbs and streets **shall must** be retained.
- b. Where no sidewalks existed historically, no new sidewalks **shall must** be installed.

7. **Off-Street On-site** Parking Requirements:

- a. **Off-Street On-site** parking **shall must** not be permitted in the front yard.
- b. Carports and garages **shall must** be behind the rear of the main structure. If the main structure is located on a corner lot, the front **yard** setback for that side of the street **shall must** apply to the construction of a carport or garage.

G. Specific regulations—Transitional Subarea II (Sec. 16-20J.007.)

The following regulations **shall must** apply to all properties located within the Transitional Industrial Subarea II. These regulations are intended to mitigate any noxious effects that the industrial subarea may have on adjoining residential uses within the Whittier Mill Historic District. These regulations further intend to maintain compatibility between the existing and future uses of the subarea and the overall residential character of the district as a whole.

- 1. **Certificates of appropriateness.** Certificates of appropriateness are not required in the Transitional Industrial Subarea II, but all new construction and development **shall must** conform to the following regulations.
- 2. **Development controls Lot standards:**
 - a. **Setbacks.** The setback from the southern boundary of the subarea **shall must** be 50 feet. This setback **shall must** be undisturbed and no development of any kind, including surface parking,

~~shall~~ must be permitted. Other setbacks ~~shall~~ must be as regulated by the applicable industrial district regulations.

- b. **Screening.** For any lot in this subarea which abuts a residential use, without an intervening street, there must also be a wall no less than ~~six~~ 6 feet in height and a 5-foot wide buffer planted with tree and/or shrub materials.

DIVISION 6.12. **GRANT PARK**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent (Sec. 16-20K.001.)

The intent of the regulations for the Grant Park Historic District is as follows:

1. To promote the educational, cultural, economic and general welfare of the city by preserving the district's architectural integrity, streetscape patterns, and cultural heritage.
2. To preserve the district's historic pattern and distribution of building types that are characterized primarily by single-family residences, institutions, and neighborhood commercial buildings, many of which were constructed during the late 19th century and early 20th century.
3. To ensure harmony and compatibility of visual qualities and spatial relationships that exist between buildings, and between buildings and the street, throughout the district.
4. To preserve the residential character of all streets and thoroughfares in the district.
5. To preserve the historic street and lot pattern, and design that are significant elements of the district.
6. To encourage and ensure development that is complementary to and compatible with the existing historic structures in the district.
7. To encourage the use of existing alleys, reinforcing the streetscape patterns and general physical character of the district.
8. To encourage economic development and a variety of housing opportunities; foster neighborhood revitalization, and discourage displacement of residents.

B. Scope of Regulations (Sec. 16-20K.002.)

1. The existing zoning map and regulations governing all properties within the Grant Park Historic District shall remain in full force and effect. The following zoning regulations (Chapter 20K) ~~shall~~ must be overlaid upon, and ~~shall~~ must be imposed in addition to, said existing zoning regulations. Whenever the following regulations conflict with said existing zoning regulations, the following regulations (Chapter 20K) ~~shall~~ must apply.
2. Except when otherwise explicitly provided, the provisions of chapter 20 of this part ~~shall~~ must apply to this district. Whenever the regulations of Chapter 20K conflict with the provisions of Chapter 20, the regulations of Chapter 20K ~~shall~~ must apply.
3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district ~~shall~~ must continue to apply. In the event of any conflict between said other regulations and the following regulations (Chapter 20K) the interpretation provision set forth in section 16-20.011(c) of the Code of Ordinances ~~shall~~ must govern.

C. Boundaries (Sec. 16-20K.003.)

The boundaries for the Grant Park Historic District constitute an overlay Historic District (HD) zoning district, which district ~~shall~~ **must** be as shown on the official zoning map adopted herewith entitled the "Grant Park Historic District." The district is divided into ~~three (3)~~ **3** subareas, as shown on said official zoning map, which ~~shall~~ **must** be known as:

1. Residential Subarea I;
2. Commercial Subarea II; and
3. Transitional Industrial Subarea III

D. Organization (Sec. 16-20K.004.)

The overlay zoning regulations for the Grant Park Historic District are composed of ~~two~~ **2** parts. The first part consists of general regulations, which apply to all properties located within this district. The second part consists of specific regulations that apply to the identified subareas.

E. Definitions (Sec. 16-20K.005.)

For the purposes of interpreting this **Chapter 20K**, the following definitions ~~shall~~ **will** apply:

1. Balcony means a finished platform that projects from the wall of a building and is enclosed by a finished railing or parapet, generally cantilevered or supported by brackets.
2. Deck means a roofless platform adjoining a house, generally made of unfinished wood and supported by posts.
3. District means the Grant Park Historic District, as shown on the official zoning map adopted herewith entitled the "Grant Park Historic District."
4. ~~Fenestration~~ **Transparency** means the arrangement, proportion, and design of windows and doors in a building.
5. New construction means construction of new principal structures.
6. Principal structure means the main habitable structure on a property, exclusive of detached accessory structures.
7. Public street means publicly dedicated streets or roads and specifically excludes alleys in the District.
8. Upper level terrace means non-roofed space within the foot print of the structure and accessible from a habitable portion of an upper floor of the structure.

F. General Regulations Sec. 16-20K.006.

The following general regulations shall apply to all properties located within the Grant Park Historic District.

1. General Criteria:

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- a. Notwithstanding any other provision herein, no Certificate of Appropriateness ~~shall~~ must be required unless, at a minimum, the work would otherwise require a building permit.
 - b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate ~~shall~~ must be those specified in **section 16-20.008** of the zoning code.
 - c. In Residential Subarea I, the Urban Design Commission ~~shall~~ will apply the standards referenced in **16.20.009** only if the standards set forth in this **Chapter 20K** do not specifically address the application.
2. Certificates of Appropriateness:
- a. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.
 - b. Type II Certificates of Appropriateness ~~shall~~ will be required for: Minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of **section 16-20K.007**, then the **Director** of the **Urban Design** Commission ~~shall~~ will issue the Type II Certificate. If the proposed alteration does not meet the requirements of **section 16-20K.007**, the Director of the Urban Design Commission ~~shall~~ will deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of **Chapter 16-20.008(a)** for Type I Certificates.
 - c. Type III Certificates of Appropriateness ~~shall~~ must be required for:
 - i. All new principal structures;
 - ii. All major alterations and additions to existing structure, with respect to any facade that faces a public street.
 - d. Type IV Certificates of Appropriateness ~~shall~~ must be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
3. **Variances.** Variance requests ~~shall~~ will be heard by the Urban Design Commission which will have the authority to grant or deny variances from the provisions of this **chapter** when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances ~~shall~~ must be the same as those specified in **chapter 26 of this Part 16.**
4. Financial Hardship Exemptions:
- a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the Urban Design Commission may allow reasonable exemptions from these regulations to a

property owner's principle residence on the ground of economic hardship to the property owner.

- b. The burden of proving economic hardship by a preponderance of the evidence ~~shall~~ will be on the applicant.
 - c. The Urban Design Commission ~~shall~~ will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - i. The present income of the property owner(s) and those occupying the property;
 - ii. The age of the property owner;
 - iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;
 - iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;
 - v. The costs associated with adherence to these regulations;
 - vi. The degree of existing architectural significance and integrity of the structure; and
 - vii. The purpose and intent of this chapter.
 - d. The Urban Design Commission ~~shall~~ will consider these factors and ~~shall~~ will grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.
5. **Subdivisions.** In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots ~~shall~~ must conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.
 6. **Tree Preservation and Replacement.** The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, ~~shall~~ must apply to this district.
 7. **Paved surfaces.** The original layout, patterns and paving materials of sidewalks, curbs and streets ~~shall~~ must be retained.

G. Specific Regulations: Residential Subarea I (Sec. 16-20K.007)

1. ~~Development Controls~~ Lot Standards:
 - a. **Front Yards Primary Street Setback.** ~~Front yard Primary street~~ setbacks ~~shall~~ must either:
 - i) conform to the setback of the previously existing contributing building of like use; or ii) ~~shall~~ must be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - b. **Side Yards Setbacks.** Side ~~yards setbacks~~ shall must either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side ~~yard~~ setbacks previously

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established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.

- c. **Rear ~~Setback~~ Yard.** Rear ~~yard~~ setback ~~shall~~ must be seven feet.
- d. ~~Off-street~~ On-site parking and driveway requirements:
 - i. ~~Off-street~~ On-site parking ~~shall~~ must not be permitted in the front yard or half-depth front yard.
 - ii. The Urban Design Commission ~~shall~~ will have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - iii. If constructed, independent driveways within the front yard or half-depth front yard ~~shall~~ must be a maximum of ~~ten~~ 10 feet wide and ~~shall~~ must have a maximum curb cut of ~~ten~~ 10 feet, exclusive of the flare.

2. Architectural Standards:

- 3. **Statement of Intent.** The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

- a. Design Standards and Criteria for New Principal Structures:
 - i. Identified design elements of size, scale, massing and materials of new construction ~~shall~~ must be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c).
 - ii. A paved walkway from the front sidewalk to the front entry feature of the principal structure ~~shall~~ must be provided.
 - iii. Front porches on the principal structure ~~shall~~ must be required and ~~shall~~ must be a minimum of one-third the width of the front facade and a minimum of ~~seven~~ 7 feet in depth. Side porches ~~shall~~ must be a minimum of ~~four~~ 4 feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.

- iv. All front facades and front porches of the principal structure ~~shall~~ must face and be parallel to the lot frontage. Wrap around front porches are permitted.
- v. Roof form above the front facade of the principal structure ~~shall~~ must be gabled and/or hipped. Roof pitch ~~shall~~ must be a minimum of ~~6-in-12~~ 6:12. Roof pitch above porches ~~shall~~ must not be restricted.
- vi. The height of the principal structure ~~shall~~ must not exceed 35 feet. (See section 16-28.022 for excluded portions of structures.)
- vii. The first ~~floor~~ story of the principal structure ~~shall~~ must be on foundations and elevated above the grade a minimum of ~~two~~ 2 entrance step risers each of which ~~shall~~ must be no less than ~~six~~ 6 inches in height. All front steps ~~shall~~ must have closed risers and closed ends. Access ramps shall be permitted.
- viii. Garages entrances are prohibited on the front facade. Single car-width garage entrances are permitted on the half depth front yard facade of the structure. Double car-width garage entrances are permitted at the rear of the structure.
- ix. Decks, Balconies and Upper Level Terraces:
 - a) Decks ~~shall~~ must be permitted only when located to the rear of the principal structure.
 - b) Decks ~~shall~~ must be permitted at any level.
 - c) Balconies and upper level terraces ~~shall~~ must be permitted.
- x. Any portion of a chimney that is located on any facade that faces a public street ~~shall~~ must originate at grade.
- xi. Any facades that face a public street ~~shall~~ must consist of fenestration transparency that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) ~~shall~~ must be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit ~~shall~~ must exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, ~~shall~~ must exceed 16 square feet.
- xii. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass ~~shall~~ must be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.
- xiii. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, and mechanical equipment ~~shall~~ must be located to the side and/or rear of the principal structure within the buildable area of the lot and ~~shall~~ must not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
- xiv. Fences and walls, adjacent to a public street upon completion, ~~shall~~ must be subject to the provisions of section 16-28.005(5) and the following limitations:

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- a) Fences not exceeding four feet in height may be erected in a front yard. Other than retaining walls, walls ~~shall~~ must not be erected in a front yard or a half-depth front yard.
 - b) Fences and walls not exceeding ~~six~~ 6 feet in height may be erected in the side or rear yards.
 - c) In a half-depth front yard, when a fence exceeds ~~four~~ 4 feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence ~~shall~~ must be set back ~~three~~ 3 feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard ~~shall~~ must be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d) The finish side or front side of one-sided fences ~~shall~~ must face the public street.
- xv. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
- a) Paving materials for walks and drives: Black asphalt is prohibited.
 - b) Visible foundation materials: Foundations ~~shall~~ must constitute a distinct building design element and ~~shall~~ must contrast with the front facade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) ~~shall~~ must be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c) Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone ~~shall~~ must be permitted. Stacked stone is prohibited.
 - d) Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels ~~shall~~ must be permitted.
 - e) Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) ~~shall~~ must be permitted. Siding is prohibited.
 - f) Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood ~~shall~~ must be permitted in the front yard and half depth front yard.
- b. Design Standards and Criteria for Alterations and Additions to Non-contributing Structures. Alterations to non-contributing structures, for which a Certificate of Appropriateness ~~shall~~ must be required, ~~shall~~ must be consistent with and reinforce the architectural character of the existing structure or ~~shall~~ must comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.
- c. Design Criteria for Alterations and Additions to Contributing Structures. Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:

- i. Alterations and additions ~~shall~~ must be consistent with and reinforce the historic architectural character of the entire existing contributing structure and ~~shall~~ must comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
 - ii. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.
- d. Site development, sidewalks and curbs:
- i. The sidewalk ~~shall~~ must be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties the new sidewalk ~~shall~~ must match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk ~~shall~~ must be ~~six~~ 6 feet wide.
 - ii. Repairs or replacement of existing brick sidewalks ~~shall~~ must be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
 - iii. Repairs or replacement of concrete sidewalks adjacent to existing brick sidewalks on the same linear block, or in blocks where brick sidewalks are installed, ~~shall~~ must be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
 - iv. Sidewalks crossing driveways ~~shall~~ must be brick on a concrete base and laid in a pattern to match the existing sidewalk on abutting properties or elsewhere in the district. Driveway aprons ~~shall~~ must not interfere with the visual field of the pedestrian path.
 - v. Curbing ~~shall~~ must be granite; poured concrete ~~shall~~ must not be used. Curbing ~~shall~~ must be at least six inches in height from street level.
 - vi. Historic materials such as brick, granite, and cobblestones shall be reused where possible.
 - vii. All American with Disabilities Act (ADA) Detectable Warning Devices installed in this district ~~shall~~ must be a red brick color.

H. Specific Regulations: Commercial Subarea II (Sec. 16-20K.008.)

In addition to the general regulations set forth in section 16-20K.006, the following regulations ~~shall~~ will apply to all properties located within Commercial Subarea II.

1. The intent of the regulations for the Commercial Subarea II is as follows:
 - a. To mitigate any negative effects that existing and proposed commercial properties may have on adjoining residential properties in the district.
 - b. To ensure harmony between existing and future uses of the properties in this subarea and the overall residential character of the district.

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- c. To discourage displacement of residents, to allow for a variety of housing opportunities that are compatible with and complementary to the architectural character of the neighborhood and to ensure the health, safety and welfare of the residents of the neighborhood.
- 2. **Single and Two-Family Residential Uses.** For single and two family residential uses the regulations set forth in **section 16-20K.007** shall apply.
- 3. **Multi-family Residential Uses.** For multi-family uses the following controls and requirements ~~shall~~ will apply:
 - a. ~~Development Controls~~ Lot Standards:
 - i. **Setbacks.** The ~~front-yard primary street setback~~ ~~shall~~ must not be less than ~~five~~ 5 feet nor greater than 15 feet. Other setbacks ~~shall~~ must be regulated by the applicable commercial district regulations.
 - ii. **Bulk Limitations.** Floor area ratio ~~shall~~ must not exceed an amount equal to 2.52 times net lot area.
 - b. Height:
 - i. Maximum building heights. Buildings which are within 150 feet of a single-family or a two-family residential district boundary ~~shall~~ must have a maximum height of 35 feet. Buildings that are between 150 feet and 300 feet from a single-family or a two-family residential district boundary ~~shall~~ must have a maximum height of 52 feet.
 - ii. Transitional height planes. Where this use adjoins a district in R-1 through RG classification without an intervening street, height within the subarea ~~shall~~ must be limited as follows: No portion of any structure ~~shall~~ must protrude through a ~~height limiting transitional height~~ plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending in ward over the commercial subarea at an angle of 45 degrees.
 - c. **Off-street On-site parking requirements.** ~~Off-street On-site~~ parking ~~shall~~ must not be permitted between the principal structure and any public street.
 - d. **Architectural Standards.** The standards outlined in **section 16-20.009** ~~shall~~ must apply as applicable.
- 4. **Commercial Uses.** For commercial uses the following controls and requirements ~~shall~~ must apply as applicable:
 - a. ~~Development Controls~~ Lot Standards:
 - i. Setbacks. The ~~front-yard primary street~~ setback ~~shall~~ must not be less than ~~five~~ 5 feet nor greater than 15 feet. Other setbacks ~~shall~~ must be regulated by the applicable commercial district regulations.
 - ii. Bulk Limitations. Floor area ratio ~~shall~~ must not exceed an amount equal to one times net lot area.
 - b. Height:

- i. Maximum building heights. Buildings which are within 150 feet of a single-family or a two-family residential district boundary ~~shall~~ **must** have a maximum height of 35 feet. Buildings that are between 150 feet and 300 feet from a single-family or a two-family residential district boundary ~~shall~~ **must** have a maximum height of 52 feet.
- ii. Transitional height planes. Where this use adjoins a district in R-1 through RG classification without an intervening street, height within the subarea ~~shall~~ **must** be limited as follows: No portion of any structure ~~shall~~ **must** protrude through a ~~height-limiting transitional height~~ plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the commercial subarea at an angle of 45 degrees.
- c. **Off-street On-site parking requirements.** Off-street On-site parking ~~shall~~ **must** not be permitted between the principal structure and any public street.
- d. **Architectural Standards.** The standards outlined in **section 16-20.009** ~~shall~~ **will** apply as applicable.

I. Specific regulations: Transitional Industrial Subarea III (Sec. 16-20K.009.)

In addition to the general regulations set forth in **section 16-20K.006**, subsections (3), (4), and (6), the following regulations ~~shall~~ **must** apply to all properties located within Transitional Industrial Subarea III.

1. The intent of the regulations for Transitional Industrial Subarea III is as follows:
 - a. To mitigate any negative effects that existing and proposed transitional industrial properties may have on adjoining residential properties in the district.
 - b. To ensure harmony between existing and future uses of the properties in this subarea and the overall residential character of the district.
 - c. To ensure the health, safety and welfare of the residents of the neighborhood and to discourage displacement of residents and to allow for a variety of housing opportunities that are compatible with and complementary to the architectural character of the neighborhood.
2. **Industrial Uses.** For industrial uses, the following controls and requirements ~~shall~~ **must** apply:
 - a. **Certificates of Appropriateness.** Certificates of Appropriateness are not required, but all applications for building permits, zoning amendments, **special use permits**, special exceptions and variances within this subarea ~~shall~~ **must** be submitted to the commission for review and comment prior to any final action on such application.
 - b. Height:
 - i. Maximum building heights. Buildings which are within 150 feet of a single-family or a two-family residential district boundary ~~shall~~ **must** have a maximum height of 35 feet. Buildings that are between 150 feet and 300 feet from a single-family or a two-family residential district boundary ~~shall~~ **must** have a maximum height of 52 feet.
 - ii. Transitional height planes. Where this use adjoins a district in R-1 through RG classification without an intervening street, height within the subarea ~~shall~~ **must** be limited as follows:

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No portion of any structure ~~shall~~ must protrude through a ~~height limiting transitional height~~ plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the industrial subarea at an angle of 45 degrees.

- c. **Screening.** Within the 20 foot transitional setback required by section 16-16.006(3)(a) and (b), there ~~shall~~ must be at least a five-foot wide buffer planted with tree and/or shrub materials approved by the City Arborist and maintained in a sightly condition.
- d. **Fencing.** Any opaque fencing erected in compliance with the requirements of subsection 16-16.006(c), ~~shall~~ must be erected so that the planted buffering required above ~~shall~~ must be visible from the adjacent properties or a public street.
- e. **Other Uses.** For uses other than industrial uses, the controls and requirements set forth in Section 16-20K.008 ~~shall~~ must apply, with the exception of Section 16-20K.008(3)(a)(2). Multi-family residential uses ~~shall~~ must be limited in the Transitional Industrial Subarea III to a floor area ratio of 1.2 times net lot area.

J. Further Provisions (Sec. 16-20K.010.)

Any time the provision 16-20.011(b) of the Land Development Code is enforced in this district, the director of the commission ~~shall~~ must notify the Grant Park Neighborhood Association within ~~ten~~ 10 days and a 30-day period for comment be allowed for the association.

DIVISION 6.13. **INMAN PARK**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent (Sec. 16-20L.001.)

The intent of the regulations for the Inman Park Historic District is as follows:

1. To preserve the historic physical pattern of the district, including curvilinear streets and parks, the spatial relationships between buildings, and the spatial relationship between buildings and the street;
2. To preserve the architectural history of the district including residential, institutional, commercial, and industrial buildings that were constructed from the 1860's to 1945, including the largest concentration of High Victorian residences in the city;
3. To preserve the diversity of housing types that exists within the district and preserve the historic platting pattern of the residential areas as it existed in 1945;
4. To ensure that new development is compatible with present architectural and spatial characteristics that are characteristic of the district;
5. To ensure that new construction is consistent with the character of the subarea of the district within which it is to be built and that such new construction blends harmoniously with the historic character of the entire district;
6. To preserve the residential character of the district and to ensure that new construction reflects and reinforces the exceptional design features that were established in the original plan for Inman Park;
7. To ensure that new construction observes the general setbacks and height restrictions of the original development and is in harmony with the historic character of the district;
8. To recognize the importance of parks, open space, and institutional buildings in the development of one of Atlanta's earliest garden suburbs;
9. To ensure that new development that uses contemporary design and materials is compatible with and sensitive to the historic character of the Inman Park Historic District;
10. To encourage containment of existing commercial areas and discourage encroachment of the commercial areas into the historic residential area;
11. To ensure that the original design characteristics of commercial and industrial buildings serve as the basis on which plans for new construction, additions and rehabilitation of commercial and industrial buildings will be judged by the urban design commission for harmony, compatibility and appropriateness to the Inman Park Historic District; and
12. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

B. Scope of Regulations (Sec. 16-20L.002.)

The scope of these regulations for the Inman Park Historic District is as follows:

1. The existing zoning map and all regulations governing all properties within the Inman Park Historic District ~~shall~~ will remain in full force and effect. The regulations contained within this **chapter 20L** ~~shall~~ will be overlaid upon, and ~~shall~~ must be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations of **chapter 20L** ~~shall~~ will apply.
2. Except where it is otherwise explicitly provided, the provisions of **chapter 20** of this part ~~shall~~ will apply to this district. Whenever the regulations of **chapter 20L** conflict with the provisions of **chapter 20**, the regulations of **chapter 20L** ~~shall~~ will apply.
3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Inman Park Historic District ~~shall~~ will continue to apply. In the event of any conflict between said other regulations and the following regulations of this chapter 20L, the interpretation provision set forth in **section 16-20.011** of the Code of Ordinances ~~shall~~ will govern.

C. Boundaries (Sec. 16-20L.003.)

The boundaries of the Inman Park Historic District constitute an overlay Historic District (HD) zoning district, which district ~~shall~~ will be as shown on the official zoning map adopted herewith entitled "Inman Park Historic District." The district is divided into three subareas as follows:

1. Inman Park Core District, Subarea 1.
2. DeKalb Avenue Corridor Transitional District, Subarea 2.
3. Railroad Corridor Commercial and Industrial Transitional District, Subarea 3.

D. Organization (Sec. 16-20L.004.)

The overlay zoning regulations for the Inman Park Historic District consist of two parts. The first part consists of general regulations that apply to all properties located within this district. The second part consists of specific regulations that apply to the identified subareas.

E. General Regulations (Sec. 16-20L.005.)

The following general regulations ~~shall~~ must apply to all properties located within the Inman Park Historic District.

1. General criteria:
 - a. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in **section 16-20.008** of the Zoning Code.
 - b. In the Inman Park Historic District, the commission ~~shall~~ must apply the standards referenced below only if the standards set forth elsewhere in this **chapter 20L** do not specifically address the application including multi-family residential, institutional, commercial, industrial and mixed use structures in Subarea 1:

- i. A property shall must be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ii. The historic character of a property shall must be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - iii. Each property shall must be recognized as a physical record of its time, place, and use. Changes shall must not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
 - iv. Changes to a property that have acquired historic significance in their own right shall must be retained and preserved.
 - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall must be preserved.
 - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall must match the old in design, texture, and, where possible, materials.
 - vii. Chemical or physical treatments, if appropriate, shall must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall must not be used.
 - viii. Archaeological resources shall must be protected and preserved in place. If such resources must be disturbed, mitigation measures shall must be undertaken.
 - ix. New additions, exterior alterations, or related new construction, shall must not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall must be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction shall must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- c. **New construction in Subarea 2 and in Subarea 3.** Contemporary design for new construction and for additions to existing properties shall must not be discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy section 16-20L.007 or section 16-20L.008, as applicable.
- d. Compatibility rule:
- i. The intent of the mayor and council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face; and further,

to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945.

- ii. To further that intent and simultaneously permit flexibility in design, the regulations provide a compatibility rule which is as follows:
 - a) Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question ~~shall~~ must be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and ~~shall~~ must be internally consistent with the historic design of the structure and ~~shall~~ must be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and ~~shall~~ must be internally consistent with the historic design of the structure.
 - b) Where not quantifiable (roof form, architectural trim, etc.) it ~~shall~~ must be compatible with that which predominates in contributing structures on that block face and ~~shall~~ must be internally consistent with the historic design of the structure.
 - e. **Initial plan review for proposed improvements in Subareas 2 and 3.** Prior to submission of any development plans involving new construction including any addition to any existing building that otherwise requires review by the commission, such plans ~~shall~~ must first be submitted to and reviewed by the ~~bureau of planning~~ Department of City Planning for conformance with the zoning requirements of Subarea 2 or 3 as applies. The ~~director of the bureau of planning shall~~ Planning Director must review said plans and ~~shall~~ must transmit to the Director of the Urban Design Commission in writing within 30 days of receipt of such plans a written statement as to whether or not in the Planning Director's opinion, such plans are in conformance with the zoning requirements imposed within Subarea 2 or within Subarea 3, as is applicable.
 - f. Building height ~~shall~~ must be measured on the ~~front elevation ground story~~ elevation from the average ~~point of~~ grade on the ~~front ground story~~ elevation to the highest point of the roof or facade, whichever is higher.
2. Certificates of appropriateness:
- a. Notwithstanding any other provision herein, no certificate of appropriateness ~~shall~~ must be required unless, at a minimum, the work would otherwise require a building permit.
 - b. Type I certificates of appropriateness for ordinary repairs and maintenance ~~shall~~ must not be required in this district. Painting or repainting of any structure or portion thereof does not require a certificate of appropriateness.
 - c. Type II certificates of appropriateness shall be reviewed by the director of the Urban Design Commission and ~~shall~~ must be required for:
 - i. All alterations to existing structures where visible from a public street or park, unless such alterations or additions are specifically exempted from certificates of appropriateness in the subarea regulations.
 - ii. Fences, walls, accessory structures, decks, rear porches, and paving.

- iii. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of **section 16-20L.006, section 16-20L.007, or section 16-20L.008**, as applicable, the ~~director of the~~ **Executive Director** Urban Design Commission ~~shall~~ **must** issue Type II certificate within 14 days of the application.
 - iv. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of **section 16-20L.006, section 16-20L.007, or section 16-20L.008**, as applicable, the ~~director of the~~ commission ~~shall~~ **must** deny the application with notice to the applicant within 14 days of the application.
 - v. Appeals from any such decision of the **Executive** Director of the Urban Design Commission regarding the approval and/or denial of Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of **Chapter 16-20.008(a)** for Type I certificates.
- d. Type III certificates of appropriateness ~~shall~~ **must** be reviewed by the Urban Design Commission and ~~shall~~ **must** be required for:
- i. All new principal structures.
 - ii. Additions that are visible from a public street or park, unless such additions are specifically exempted from a certificate of appropriateness in the subarea regulations.
 - iii. Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint.
 - iv. Subdivisions, consolidations, and replats as required per **section 16-20L.005(5)**.
 - v. Variances and special exceptions.
- e. Type IV certificates of appropriateness ~~shall~~ **must** be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.
3. **Variances, special exceptions, and appeals.** Variance applications, applications for special exceptions, and appeals from these regulations ~~shall~~ **must** be heard by the Urban Design Commission. The Urban Design Commission ~~shall~~ **must** have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances ~~shall~~ **must** be the same as those specified in **chapter 26 of this Part 16**. The commission ~~shall~~ **must** have the authority to grant or deny applications for special exceptions pursuant to the standards in **chapter 25**. The commission ~~shall~~ **must** have the authority to grant or deny applications for appeal pursuant to the standards in **section 16-30.010** and the appeal provisions for said decision, set forth in **section 16-30.010(e)**, ~~shall~~ **must** also apply to the Urban Design Commission's decision.
4. Financial hardship exemptions:
- a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic

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development, neighborhood revitalization, and prevention of displacement of residents, the commission may allow reasonable exemptions from these regulations for Type II certificates of appropriateness for repair only to a property owner's principal residence on the ground of economic hardship to the property owner.

- b. The burden of proving economic hardship by a preponderance of the evidence ~~shall~~ will be on the applicant.
 - c. The Urban Design Commission ~~shall~~ will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - i. The present income of the property owner(s) and those occupying the property;
 - ii. The age of the property owner;
 - iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;
 - iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;
 - v. The costs associated with adherence to these regulations;
 - vi. The degree of existing architectural significance and integrity of the structure; and
 - vii. The purpose and intent of this chapter.
 - d. The Urban Design Commission ~~shall~~ must consider these factors. If it finds that the applicant's economic hardship outweighs the need for strict adherence to these regulations it ~~shall~~ will grant an exemption, in whole or in part, as appropriate.
5. Subdivisions or consolidations:
- a. In Subarea 1, the platting pattern of the Inman Park Historic District is an integral part of the historic character of the district. No subdivision or consolidation ~~shall~~ must be approved unless it can be shown that the proposed subdivision or consolidation is substantially consistent with the historic character of the district. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions or consolidations of lots ~~shall~~ must conform to the historic platting pattern in the Inman Park Historic District with regard to lot size, dimensions, and configurations. The compatibility rule ~~shall~~ will apply, and no subdivision or consolidation shall be approved unless and until the Urban Design Commission has made a finding that it is consistent with this provision or with the platting pattern of the neighborhood, as it existed in 1945.
 - b. In Subarea II and III, no replat to create additional lots or consolidation ~~shall~~ must be approved unless and until the Urban Design Commission has made a finding that the proposed replat or consolidation will result in lots that would allow for future development that would meet the district and subarea regulations without the need for variance or special exception. The Urban Design Commission may make such a finding independent of or concurrently with the review of proposed new construction, alterations, or additions on those same lots.

6. **Tree preservation and replacement.** The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, ~~shall~~ must apply to this district.
7. Any time the provision 16-20.011 (b) of this part is enforced in this district, the ~~Executive~~ Director of the Urban Design Commission ~~shall~~ must notify the Inman Park Neighborhood Association within ~~ten~~ 10 days and a 30-day period for comment be allowed for the association. Further, the Executive Director ~~shall~~ must regularly send to the Inman Park Neighborhood Association the agenda for each regular meeting and for any special meeting of the commission in which there is any agenda item for property located within the Inman Park Historic District.

F. Specific Regulations for Inman Park Core District, Subarea 1 (Sec. 16-20L.006.)

In the Inman Park Core District, Subarea 1, the Urban Design Commission ~~shall~~ will apply the standards referenced in section 16-20L.005(1)(b) only if the standards set forth below in this chapter 20L do not specifically address the application:

1. Design standards and other criteria for construction of and for additions to one- and two-family residential structures.
 - a. No individual house design ~~shall~~ must be substantially repeated on the same side of a street block.
 - b. An unpaved planting strip adjacent and parallel to the public street ~~shall~~ must be provided. The compatibility rule ~~shall~~ must apply to the dimensions and location of planting strips.
 - c. A sidewalk between the planting strip and the required front yard and parallel to the public street ~~shall~~ must be provided. The compatibility rule ~~shall~~ must apply to sidewalks. The sidewalk ~~shall~~ must be the same width as the sidewalk on abutting properties or it ~~shall~~ must be the width required by law, whichever is greater. If no sidewalk exists in the block, the new sidewalk ~~shall~~ must not be less than six-feet wide. If no sidewalk paving material predominates in the block, the sidewalk ~~shall~~ must be constructed of the historically accurate material for that block, either hexagonal pavers, concrete inlaid with hexagonal imprint, or 004k.
 - d. A paved walkway from the front sidewalk to the front entry feature of the principal structure ~~shall~~ must be provided.
 - e. All front facades, front porches, front steps, and front doors of the principal structure ~~shall~~ must face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the compatibility rule ~~shall~~ must apply.
 - f. The compatibility rule ~~shall~~ must apply to the form and pitch of the primary roof of the principal structure.
 - g. The compatibility rule ~~shall~~ must apply to the height, scale, and massing of the principal structure, except as noted below. In no case ~~shall~~ must the height of a structure exceed 35 feet. (See section 16-28.022 for excluded portions of structure.)
 - i. The height of additions ~~shall~~ must not be subject to the compatibility rule, but ~~shall~~ must be no higher than the existing structure.

#004

Posted by **ksa2013** on **08/19/2025** at **12:11pm** [Comment ID: 1478] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

There is an effort in Inman Park to make sidewalks more walkable. The hexagonal pavers and concrete inlaid hexagons have led to uneven sidewalks that are not accessible or safe for elderly and those with disabilities, and create problems for little kids, runners, people pushing strollers...you name it. Many in the neighborhood are advocating for smooth concrete sidewalks that enhance walkability! Please change this to include smooth concrete sidewalks, which we do have along some blocks / parts of the neighborhood already.

- ii. Notwithstanding the compatibility rule, any new roof ridge line ~~shall~~ must be no higher than the highest roof ridge line of the existing structure.
- h. Height of the ~~first-floor ground story~~ of the ~~street-facing~~ front facade above grade ~~shall~~ must be subject to the compatibility rule. The ~~first-floor ground story~~ of the principal structure ~~shall~~ must be on foundations and ~~shall~~ must be elevated above grade at the ~~street-facing~~ front facade a minimum of ~~two~~ 2 entrance risers each of which ~~shall~~ must be not less than ~~seven~~ 7 inches in height. Slab-on-grade construction is not permitted.
- i. Front porches on principal structures ~~shall~~ must be required. The compatibility rule ~~shall~~ must apply to the design and size of said front porches, provided that such porches ~~shall~~ must be a minimum of 12 feet wide or one-half of the width of the ~~street-facing~~ front facade, whichever is greater, and a minimum of eight feet deep. Front porches ~~shall~~ must contain roofs, balustrades, columns, steps, and other features compatible with porches in the existing block. Front porches may extend up to ten feet into the required front yard. All front porch steps ~~shall~~ must have closed risers and ends.
- j. Decks are permitted only when located to the rear of the principal structure. Such decks ~~shall~~ must be no wider than the width of the house and ~~shall~~ must not project beyond the side facade of the existing house.
- k. The use of chimneys with new principal structures is encouraged. When any portion of a chimney is visible from a public street or park as a façade element, the chimney shall originate at grade.
- l. Fences and walls, excluding permitted retaining walls, visible from a public street or park upon completion, subject to the provisions of section 16-28.008(5) and the following limitations, may occupy required yards:
 - i. Fences not exceeding ~~four~~ 4 feet in height may be erected in the front yard or half-depth front yard. Walls, excluding permitted retaining walls, are not permitted in the front yard or in other yards adjacent to public streets,
 - ii. Fences and walls not exceeding ~~six~~ 6 feet in height may be erected in side or rear yards.
 - iii. Fences located in the required front yard adjacent to a street ~~shall~~ must be constructed of brick, stone, metal vertical pickets or wood pickets. Chain link fencing is not permitted in front yards or in other yards adjacent to public streets.
- m. The compatibility rule ~~shall~~ must apply to the height of portions of retaining walls located in a required front yard or in a required yard adjacent to a public street that are visible from a public street or park. Such retaining walls ~~shall~~ must be faced with stone, brick, or smooth stucco. The compatibility rule notwithstanding, no single section of such retaining wall ~~shall~~ must exceed ~~four~~ 4 feet in height.
- n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
 - i. The style of the individual window.
 - a) Windows in the front facade ~~shall~~ must be predominantly vertical in proportion.

- b) If muntins and/or mullions are used, such muntins and/or mullions **shall must** be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - c) Window and door casings widths and depths are subject to the compatibility rule.
 - ii. The size and shape of individual window openings.
 - iii. The overall pattern of fenestration as it relates to the building facade.
 - o. Mechanical equipment **shall must** be located to the side and rear of the principal structure and where possible in the location least visible from a public street or park. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street or park.
 - p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system ("EIFS"), and true stucco systems are permissible building materials for the facade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
 - q. The compatibility rule **shall must** apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
 - i. The dimensions of the exposed face of lap siding and wood shingles.
 - ii. The type of brick and pattern of brickwork.
 - iii. The type of stone and pattern of stonework.
 - iv. The material and texture of stucco.
 - v. The size and type of doors.
 - a) Exterior doors **shall must** be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
 - vii. Paving materials for walks and drives.
 - a) Asphalt is not permitted.
 - viii. Visible foundation materials.
 - a) Foundations shall constitute a distinct building design element and shall contrast with the primary facade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.
 - ix. Visible portions of chimneys.
 - a) Chimneys **shall must** be faced with masonry. Siding on chimneys is not permitted.
 - x. Skylights are permitted where not visible from a public street or park wherever possible. Protruding bubble skylights are prohibited.
2. Setback requirements:

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- a. **New construction.** The following setback requirements and maximum floor area ratio ~~shall~~ must apply to all permitted uses of new construction: Front, side, and rear setbacks ~~shall~~ must be subject to the compatibility rule.
 - b. **New additions to existing structures.** The following setback requirements and maximum floor area ratio ~~shall~~ must apply to all permitted uses of new additions to existing structures: Rear setbacks shall be subject to the compatibility rule. The compatibility rule ~~shall~~ must not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition ~~shall~~ must not be less than the respective setback, at its closest point, of the existing structure.
3. **Off-street parking and driveways.** In addition to the provisions of section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements ~~shall~~ must apply to all permitted uses:
- a. Off-street parking ~~shall~~ must not be permitted between the principal structure and any public street.
 - b. Parking ~~shall~~ must not be permitted on walkways that are located between the street and the facade of the principal structure.
 - c. The use of alleys for access to such parking is both permitted and encouraged. No variance is required for driveways coming off of an alley provided however that such driveways ~~shall~~ must not extend past any facade which faces a public street.
 - d. Driveways ~~shall~~ must not exceed a width of ten feet not including the flare at the street. Two-way driveways, where required for an allowed commercial or multi-family use, ~~shall~~ must not exceed 24 feet not including the flare at the street.
4. Principal uses and structures:
- a. Properties that have an underlying zoning designation of R-5 ~~shall~~ must be used only for the following principal purposes subject to the following provisions:
 - i. Single-family detached dwelling.
 - ii. Two-family dwelling, subject to the limitations and requirements set forth herein.
 - iii. In no case ~~shall~~ must there be more than one principal building and one principal use on a lot.
 - iv. A lot ~~shall~~ must not be used for more than two dwelling units.
 - v. Floor area ratio ~~shall~~ must not exceed 0.50.
 - b. Properties that have an underlying zoning designation of RG-1 ~~shall~~ must be used as is otherwise permitted pursuant to the provisions of chapter 8 of this part and ~~shall~~ must comply with all applicable provisions of this chapter 20L.
 - c. Properties that have an underlying zoning designation of RG-2 ~~shall~~ must be used as is otherwise permitted pursuant to the provisions of chapter 8 of this part and ~~shall~~ must comply with all applicable provisions of this chapter 20L.

- d. Properties that have an underlying zoning designation of **RG-3 (Residential General, Sector 3)** district ~~shall~~ must be used as is otherwise permitted pursuant to the provisions of **chapter 8** of this part and ~~shall~~ must comply with all applicable provisions of this **chapter 20L**.
- e. Properties that have an underlying zoning designation of **RG-3-C (Residential General, Sector 3-Conditional)** district ~~shall~~ must be used as is otherwise permitted pursuant to the provisions of **chapter 8** of this part and to the conditions imposed by the city council and mayor and ~~shall~~ must comply with all applicable provisions of this **chapter 20L**.
- f. Properties that have an underlying zoning designation of **NC-1 (Neighborhood Commercial-1)** district ~~shall~~ must be used as is otherwise permitted pursuant to the provisions of **chapter 32** of this part and ~~shall~~ must comply with all applicable provisions of this **chapter 20L**.
- g. Properties that have an underlying zoning designation of **R-LC (Residential—Limited Commercial)** district ~~shall~~ must be used as is otherwise permitted pursuant to the provisions of **chapter 9** of this part and ~~shall~~ must comply with all applicable provisions of this **chapter 20L**.
- h. Properties that have an underlying zoning designation of **R-LC-C (Residential—Limited Commercial-Conditional)** district ~~shall~~ must be used as is otherwise permitted pursuant to the provisions of **chapter 9** of this part and to the conditions imposed by the city council and mayor and with all applicable provisions of this **chapter 20L**.
- i. Properties that have an underlying zoning designation of **C-1 (Commercial)** district ~~shall~~ must be used as is otherwise permitted pursuant to the provisions of **chapter 11** of this part and ~~shall~~ must comply with all applicable provisions of this chapter 20L.
- j. Properties that have an underlying zoning designation of **C-2 (Commercial Service)** district ~~shall~~ must be used as is otherwise permitted pursuant to the provisions of **chapter 12** of this part and ~~shall~~ must comply with all applicable provisions of this chapter 20L.
- k. Properties that have an underlying zoning designation of **C-2-C (Commercial Service—Conditional)** district ~~shall~~ must be used as is otherwise permitted pursuant to the provisions of **chapter 12** of this part and to the conditions imposed by the city council and mayor and ~~shall~~ must comply with all applicable provisions of this **chapter 20L**.
- l. Properties that have an underlying zoning designation of **I-1 (Light Industrial)** district ~~shall~~ must be used as is otherwise permitted pursuant to the provisions of **chapter 16** of this part and ~~shall~~ must comply with all applicable provisions of this **chapter 20L**.
- m. Properties that have an underlying zoning designation of **SPI-5 (Inman Park Special Public Interest)** district ~~shall~~ must be used as is otherwise permitted pursuant to the provisions of **chapter 18E** of this part and ~~shall~~ must comply with all applicable provisions of this **chapter 20L**.
- n. Properties that have an underlying zoning designation of **PD-MU (Planned Development-Mixed Use)** district ~~shall~~ must be used as is otherwise permitted pursuant to the provisions of **chapter 19B** of this part and to the conditions imposed by the city council and mayor and ~~shall~~ must comply with all applicable provisions of this **chapter 20L**.

5. **Limits on two-family development.** In order to preserve the character of single-family pattern of development and to preserve the historic pattern of development in which accessory buildings are visually subordinate to principal residential buildings, the following regulations ~~shall~~ will apply:
 - a. Principal buildings that are designed as two-family dwellings ~~shall~~ must conform to the historic pattern in which the two dwelling units are attached and are either side by side or one unit is located above the ground ~~floor~~ story unit. The compatibility rule ~~shall~~ must apply to the configuration of the duplex structure.
 - b. Where an accessory building is used as a detached single-family dwelling, the following limits ~~shall~~ must apply:
 - i. The accessory dwelling unit ~~shall~~ must not exceed 1,200 square feet or 40 percent of the area of the principal building, whichever is less.
 - ii. For the purposes of subsection 6.g.v below, which limits the total allowable area of the accessory building to 30 percent of the principal building, the square footage of the accessory dwelling unit ~~shall~~ must not be included when calculating the total area of the accessory building.
6. **Permitted accessory uses and structures.** These regulations permit uses and structures that are customarily incidental and subordinate to permitted principal uses and structures. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:
 - a. **Greenhouses, garden sheds, private garages, and similar structures.** When a private garage is part of a principal structure, the garage door may not be located on the street-facing front facade of the principal structure, nor the side facade if visible from a public street or park.
 - b. Swimming pools, tennis courts, and similar active recreation facilities subject to the following limitations:
 - i. Such active recreation facilities in any yard, required or other, adjacent to a street ~~shall~~ must require a special exception from the urban design commission, which special exception ~~shall~~ must be granted only upon finding that:
 - a) The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic, and
 - b) The area for such activity could not reasonably be located elsewhere on the lot.
 - ii. The Urban Design Commission may condition any special exception for such facilities based on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.
 - c. Home occupations, subject to limitation set forth in section 16-29.001(17).
 - d. Structures necessary for active construction projects.

- e. Devices for the generation of energy, such as solar panels, wind generators and similar devices, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, but not located in or to the front of the principal structure.
- f. The following regulations ~~shall~~ must apply to all permitted accessory uses and structures:
 - i. Except in the case of home occupation, no accessory use ~~shall~~ must be of a commercial nature.
 - ii. No accessory structure ~~shall~~ must be constructed until construction of the principal structure has actually begun, and no accessory structure ~~shall~~ must be used or occupied until the principal structure is completed and in use.
 - iii. Accessory structures ~~shall~~ must not cover more than 25 percent of the rear yard.
 - iv. Accessory structures ~~shall~~ must be placed behind the principal structure; side and rear setbacks ~~shall~~ must not be less than ~~three~~ 3 feet.
 - v. Accessory structures ~~shall~~ must not exceed 25 feet in height or the height of the principal structure, whichever is less, and ~~shall~~ must not contain a total floor area greater than 30 percent of the floor area of the principal structure.

G. Specific Regulations for Subarea 2, DeKalb Avenue Corridor Transitional District (Sec. 16-20L.007.)

The DeKalb Avenue Corridor Transitional District, Subarea 2, consists of properties that are zoned ~~C-1~~, ~~C-2~~, ~~C-2-C~~, ~~I-1~~, and other zoning classifications. The following regulations shall apply to all properties located within this Subarea 2.

1. The intent of the regulations for the DeKalb Avenue Corridor Transitional District, Subarea 2, is as follows:
 - a. To mitigate any negative effects that existing and proposed commercial properties may have on adjoining residential properties in the Inman Park Historic District.
 - b. To ensure harmony between existing and future uses of the properties in this subarea and the overall residential character of the district.
 - c. To discourage displacement of residents, to allow for a variety of housing opportunities compatible with and complementary to the architectural character of the neighborhood, and to ensure the health, safety, and welfare of the neighborhood residents.
2. **Single and two-family residential uses.** For single and two-family residential uses the regulations set forth in ~~section 16-20L.006~~ shall apply.
3. **Multi-family residential uses.** For multi-family uses the following controls and requirements ~~shall~~ must apply:
 - a. ~~Development controls~~ Lot Standards:
 - i. Setbacks: The ~~street-facing~~ front ~~yard~~ setback ~~shall~~ must not be less than ~~five~~ 5 feet nor greater than 15 feet. Other setbacks ~~shall~~ must be regulated by the applicable commercial district regulations.

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- ii. Bulk limitations: Floor area ratio ~~shall~~ must not exceed an amount equal to 0.696 times (69.6 percent) net lot area.
 - b. Height:
 - i. Maximum building heights. Buildings located within ~~one hundred fifty~~ 150 feet of a single-family or a two-family residential district boundary ~~shall~~ must have a maximum height of 35 feet. Buildings located between 150 feet and 300 feet from a single-family or a two-family residential district boundary ~~shall~~ must have a maximum height of 52 feet.
 - ii. Transitional height planes. Where this use adjoins a district in R-1 through RG, PD-H, or any other exclusively residential zoning classification without an intervening street, height within the subarea ~~shall~~ must be limited as follows: No portion of any structure ~~shall~~ must protrude through a height-limiting transitional height plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the commercial subarea at an angle of 45 degrees.
 - c. **Off-street On-site parking requirements.** ~~Off-street On-site~~ parking ~~shall~~ must not be permitted between the principal structure and any public street.
 - d. **Architectural standards.** The standards contained in section 16-20L.005(1)(b) and section 16-20L.005(1)(c) shall apply.
4. **Nonresidential uses.** For nonresidential uses the following controls and requirements ~~shall~~ must apply:
- a. ~~Development controls~~ Lot standards:
 - i. Setbacks. The street-facing front ~~yard~~ setback ~~shall~~ must not be less than ~~five~~ 5 feet nor greater than 15 feet. Other setbacks ~~shall~~ must be regulated by the applicable commercial district regulations.
 - ii. Bulk limitations. Floor area ratio ~~shall~~ must not exceed an amount equal to one times 100 percent net lot area.
 - b. Height:
 - i. Maximum building heights. Buildings located within 150 feet of a single-family or a two-family residential district boundary ~~shall~~ must have a maximum height of 35 feet. Buildings located between 150 feet and 300 feet from a single-family or a two-family residential district boundary ~~shall~~ must have a maximum height of 52 feet.
 - ii. Transitional height planes. Where this use adjoins a district in R-1 through RG, PD-H, or any other exclusively residential zoning classification without an intervening street, height within the subarea ~~shall~~ must be limited as follows: No portion of any structure ~~shall~~ must protrude through a height-limiting transitional height plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the commercial subarea at an angle of 45 degrees.
 - c. **Off-street On-site parking requirements.** ~~Off-street On-site~~ parking ~~shall~~ must not be permitted between the principal structure and any public street.

- d. **Architectural standards.** The standards contained in section 16-20L.005(1)(b) and section 16-20L.005(1)(c) shall apply.
- 5. **Zoning variances granted prior to enactment of this chapter.** Any owner of property who obtained, on or after January 1, 1982, and prior to the effective date of this chapter, a variance from the city board of zoning adjustment to construct all or a portion of a project within the boundaries of this district, shall be entitled to construct said project in accordance with the plans presented in said application, the provisions of section 16-20L.007 notwithstanding.

H. Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3 (Sec. 16-20L.008.)

The following regulations ~~shall~~ will apply to all properties located within Railroad Corridor Commercial and Industrial District, Subarea 3:

1. **Statement of intent.** The intent of the regulations for the Railroad Commercial and Industrial Corridor, Subarea 3, is as follows:
 - a. Create a diversified urban environment where people can live, work, and play.
 - b. Assure that uses and building forms are compatible with the scale and character of Subarea 1.
 - c. Create new commercial nodes in areas so indicated in the comprehensive development plan that are pedestrian-oriented and provide uses that primarily serve adjacent neighborhoods.
 - d. Promote a balance of retail, service, office, dining, and residential uses that serve the subarea and adjacent neighborhoods.
 - e. Prohibit the development of larger scale highway-oriented retail, service, office, and dining uses intended to serve larger areas of the city than a single neighborhood or a small group of neighborhoods.
 - f. Encourage a grid of connected streets to improve access and reduce congestion.
 - g. Facilitate safe, attractive, and convenient pedestrian circulation and minimize conflicts between pedestrians and vehicles.
 - h. Encourage pedestrian flow through the design of buildings with ~~sidewalk-level ground story~~ uses opening directly onto sidewalks adjacent to public streets.
 - i. Improve pedestrian access within the subarea and to and from the surrounding neighborhoods.
 - j. Establish building facade lines and sidewalk requirements and reserve the space between buildings and the street for pedestrian functions.
 - k. Provide sufficient, safe and accessible ~~open-space~~ outdoor amenity space for active and passive enjoyment by residents and workers.
 - l. Encourage the rehabilitation or development of industrial areas to include proportionately significant residential uses.

- m. Minimize the use of adjacent neighborhood streets for commercial area parking by establishing adequate parking requirements and encouraging shared parking arrangements.
2. Open-space Outdoor Amenity Space:
- a. **For residential uses.** If residential use is 20 percent or more of the floor area of the development of a lot, the residential component of the development shall must provide the amount of open-space outdoor amenity space required by Table 1, subsection 16-08.007(3). No open-space outdoor amenity space requirement shall will apply to residential use in a development if less than 20 percent of the floor area of the development is residential use.
 - b. **For nonresidential uses.** For developments of less than 40,000 square feet of nonresidential development, no open space or public space is required per this section (although the sidewalk requirements in subsection 16-20L.008(6) shall will be applicable). For developments of at least 40,000 square feet of nonresidential development and no more than 75,000 square feet of nonresidential development, a minimum of five percent of the lot shall must be reserved for public space. For developments of at least 75,000 square feet of nonresidential development and no more than 125,000 square feet of nonresidential development, a minimum of ten percent of the lot shall be reserved for public space. For developments exceeding 125,000 square feet of nonresidential development, a minimum of 20 percent of the lot shall must be reserved for public space. Public space shall must have the meaning set forth in section 16-28.012.
 - c. **For mixed uses.** The sum of minimum open-space outdoor amenity space requirements specified for nonresidential and residential above shall must be met; provided, however, that no open-space outdoor amenity space or public space requirements shall must apply to either the residential or the nonresidential component of a development if such component comprises less than 20 percent of the floor area developed on the lot.
 - d. **New streets.** May be counted towards total open space, usable open space, or public space requirements provided the following criteria are met:
 - i. Connects two other public streets.
 - ii. All other sidewalk requirements are met.
 - iii. Has a maximum width of 40 feet, measured from back of curb to back of curb, including two on-street parallel parking lanes, two travel lanes, and sidewalk extensions at intersections and granite curbs.
 - iv. When adjacent to a park, new streets shall must meet all of the above requirements along each park edge.
3. **New on-street parking.** Parallel parking may be counted towards total open space, usable open space, or public space requirements provided the following criteria are met:
- a. No on-street parking currently exists in the public right-of-way.
 - b. The new on-street parking is located where there is no existing street lane.
 - c. The on-street parking occupies an entire block face or a minimum distance of 100 feet.
 - d. Sidewalk extensions are provided at street intersections.

- e. All other sidewalk requirements are met.
4. **Relocation of minimum open-space outdoor amenity space requirements.** A maximum of 50 percent of a development's required total open space, usable open space, or public space may be relocated to an off-site parcel lot within one-fourth mile of the principal site, provided that the following criteria are met:
 - a. The receiving parcel lot is identified in the City of Atlanta Comprehensive Development Plan as being a designated recipient parcel lot.
 - b. The receiving parcel lot contains the required amount of open-space outdoor amenity space and said open-space outdoor amenity space in the receiving parcel lot is located adjacent to and visible from a public street and is accessible to the public during normal city park hours.
 - c. All of the open-space outdoor amenity space in the receiving parcel lot meets the definition of "usable open space" except that no portion of any public right-of-way shall be included.
 - d. The open-space outdoor amenity space in the receiving parcel lot provides active or passive recreational amenities.
 - e. The applicant submits a plan, acceptable to the commission, that provides for the permanent protection of and maintenance of the open-space outdoor amenity space.
 5. **Properties adjacent to the railroad. Shall Must** have a minimum of a 20 feet continuous buffer adjacent to the railroad corridor. Said buffer may not be required to exceed 20 percent of the total property area and shall must be completely landscaped except for trails, paved walkways, benches and other such recreational features as approved by the ~~director of the bureau of planning~~ Planning Director. A development may count this buffer area as part of the required open space or public space for the lot, even if such buffer area is dedicated to the city or other governmental entity for recreation use or such buffer area is conveyed to a conservation group. To the extent a development is required to provide a buffer in excess of 100 feet in length, such excess buffer shall must entitle the development to the floor area bonus provided in section 16-20L.008(14)c.i. of these regulations.
 6. **Sidewalk regulations.** Sidewalks and street trees and all related improvements shall must be provided as is described in this subsection 6. Sidewalks may be counted toward total open space, usable open space, or public space requirements provided the following requirements are met.
 - a. Public sidewalks shall must be located along all public streets and shall must have minimum width of 12 feet.
 - b. Sidewalks consist of two zones:
 - i. ~~An street furniture and tree-planting amenity~~ amenity zone;
 - ii. A ~~clear-zone~~ pedestrian walk zone.
 - c. The ~~street furniture and tree-planting amenity~~ amenity zone shall must have a minimum width of five 005 feet. Said zone shall must be located immediately adjacent to the curb and shall must be continuous. Trees are required, and this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper

#005

Posted by **ksa2013** on **08/19/2025** at **12:57pm** [Comment ID: 1479] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Many sidewalks in Inman Park aren't even 5 feet wide so this 5-foot amenity section doesn't make sense.

Reply by **SiteAdmin** on **08/19/2025** at **2:50pm** [Comment ID: 1482] - [Link](#)

Answer

Agree: 0, Disagree: 0

This existing standard only applies to the commercial and mixed-use areas along the Beltline, where new development has been required to install wider sidewalks. It does not apply in the neighborhood core.

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vending boxes, bus shelters, bicycle racks, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.

- d. Street trees are required and ~~shall~~ must be planted in the ground a maximum of 40 feet on center within the ~~street furniture and tree-planting amenity~~ zone and spaced an equal distance between street lights. All newly planted trees ~~shall~~ must be a minimum of four inches in caliper measured 36 inches above ground, ~~shall~~ must be a minimum of 12 feet in height, ~~shall~~ must have a minimum mature height of 40 feet, and ~~shall~~ must be limbed up to a minimum height of ~~seven~~ 7 feet. Trees ~~shall~~ must have a minimum planting area of 25 square feet. All plantings, planting replacement, and planting removal must be approved by the City Arborist. The area between required plantings ~~shall~~ must be planted with evergreen ground cover such as mondo grass or liriope spicata.
- e. Tree grates are not required where all sidewalk width requirements are met. Where tree grates are installed, they ~~shall~~ must be a minimum of ~~four~~ 4 feet by eight feet, ~~shall~~ must be a type specified by the ~~director-of-planning~~ Planning Director in accordance with uniform design standards utilized by the ~~director-of-planning~~ Planning Director for placement of such objects in the ~~public~~ right-of-way, and ~~shall~~ must be placed within the ~~street furniture and tree-planting amenity~~ zone.
- f. Nothing may be erected, placed, planted, or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade.
- g. No awning or canopy may encroach more than ~~five~~ 5 feet over the required sidewalk.
- h. Where property within this district abuts an ~~R, RG, or PD-H~~ district without an intervening street, the sidewalk area within 20 feet of such districts shall taper as necessary to provide a smooth transition to the existing ~~R, RG, or PD-H~~ districts sidewalk. In the event that the abutting R, RG, or PD-H district has no existing sidewalk, the sidewalk ~~shall~~ must taper to a width of ~~six~~ 6 feet.
- i. Decorative pedestrian lights, where installed, ~~shall~~ must be placed a maximum of 40 feet on center and spaced equal distance between required trees along all streets. Where installed, said lights ~~shall~~ must be located within either the ~~street furniture and tree-planting amenity~~ zone or the ~~supplemental zone~~. All said lights ~~shall~~ must be ~~Atlanta Type "C"~~ as approved by the ~~planning-bureau~~ Department of City Planning.
- j. Every commercially reasonable effort ~~shall~~ must be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
- k. Trash receptacles, where installed, shall be a type specified by the ~~director-of-planning~~ Planning Director in accordance with uniform design standards utilized by the ~~director-of-planning~~ Planning Director for placement of such objects in the ~~public~~ right-of-way and shall be placed within the ~~street furniture and tree-planting amenity~~ zone.
- l. The ~~clear pedestrian walk~~ zone ~~shall~~ must be a minimum width of ~~seven~~ 7 feet along all streets. Said zone ~~shall~~ must be located adjacent to the ~~street furniture and tree-planting amenity~~ zone and ~~shall~~ must be continuous. Said zone ~~shall~~ must be hardscape and ~~shall~~ must be unobstructed for a minimum width of ~~seven~~ 7 feet and a minimum height of ~~eight~~ 8 feet by any permanent or nonpermanent element.

7. Block sizes:

- a. New development proposing to contain an entire block face greater than 600 feet in length shall must be traversed by streets which create block faces no more than 400 feet in length. Such streets shall must function as public streets and shall must connect two other public streets.

8. Building heights:

- a. **Minimum building facade heights.** Buildings shall must have a minimum facade height of 18 feet along each facade visible from any public street or park.
- b. **Maximum building heights.** Structures within 150 feet of the boundary of any **R-1 through R-5 residential districts** shall must not exceed a maximum height of 35 feet, except, however, that mixed-use structures shall must be a maximum height of 28 feet-40 feet with the specific height to be determined by the Urban Design Commission, considering the height of surrounding structures or buildings provided that such approval, if granted, shall must not have substantive detriment to the public good nor impair the purposes and intent of this chapter.
- c. The Urban Design Commission may approve, by variance, an addition to the above range of heights, to accommodate unusual topographic conditions, so that the Urban Design Commission approved height is above the grade of the street on which said building faces. Structures that are located 150 feet or more from the boundary of any **R1—R5** residential district shall must not exceed a maximum height of 52 feet. The Urban Design Commission may approve, by variance, a building height not exceeding 76 feet where the building is located 150 feet or more from the boundary of any **R-1 through R-5** residential district and where there are unusual topographic conditions and where the height of any such building does not exceed 52 feet above the grade of the street on which said building faces.

9. Building setbacks.

- a. Side or rear **yard**:
 - i. For residential uses: A minimum 20 feet side and rear **yard** setback is required.
 - ii. For nonresidential uses: No requirement.
- b. **Front-yard Primary street setback**. For residential uses, a minimum ten-foot front yard, measured from the front **property lot** line, is required. For nonresidential uses, no **front-yard primary street setback** is required.

10. Parking, curb cuts, and parking structures:

- a. Sidewalk paving materials shall must be continued across intervening driveways.
- b. Driveways shall must have a band of textured concrete adjacent to the street in line with and equal in width to the **street-furniture amenity** zone and shall must have a textured band of concrete adjacent to the sidewalk in line with the supplemental zone and a minimum width of **five 5** feet from the sidewalk. No more than one curb cut is permitted for each frontage of a lot, provided that lots with more than 300 feet of frontage on any single street may have two curb cuts on such street in addition to one curb cut for each other street frontage.

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- c. One-way driveways and curb cuts are limited to a maximum width of 12 feet and two-way driveways and curb cuts are limited to a maximum width of 24 feet.
 - d. No circular drives may be located between any building and any public street.
 - e. Curb cuts and driveways are not permitted on any arterial street when access may be provided from a side or rear street or from an alley.
 - f. Parking areas or driveways are not permitted between the sidewalk and a building, except as follows: Driveways to reach the side yard or rear yard of a lot are permitted; driveways to reach an on-site parking facility are permitted, and, for lots with ~~three~~ 3 or more frontages, parking spaces and/or loading areas may be located between a building and the street on one side of the building.
 - g. Entrances to garages that serve residential units ~~shall~~ must be located in a side or rear yard that is not visible from a public street or park.
 - h. All contiguous ground-floor residential units ~~shall~~ must share one common drive, located in rear yards or side yards without street frontage, to serve garages and parking areas.
 - i. In addition to section 16-28.028, parking deck facades ~~shall~~ must have the appearance of a horizontal storied building.
 - j. Parking decks along the street frontage shall have:
 - i. Ground ~~floor~~ story storefronts; or
 - ii. Ground ~~floor~~ story residential uses.
 - k. A common or joint driveway may be authorized by the ~~director of the bureau of planning~~ Planning Director when adjacent lots have direct vehicular access to a street. A driveway from a private street that functions as a public street may be authorized by the director of the bureau of planning when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such recorded agreement is provided to the ~~bureau~~ Department of City Planning.
 - l. All developments ~~shall~~ must have sidewalks a minimum width of ~~four~~ 4 feet connecting ground level parking to the public sidewalks and to all building ~~entrances~~ entry features.
 - m. No drop-off lanes are permitted along public streets.
11. Lighting, security, and maintenance requirements for parking structures and surface parking lots:
- a. Lighting ~~shall~~ must be provided throughout all parking facilities at a minimum of one-half foot candle of light.
 - b. Parking facilities ~~shall~~ must be maintained in a clean, safe, and sanitary condition. Parking spaces and driving lanes ~~shall~~ must be clearly defined and maintained.
12. **Minimum landscaping requirements for surface parking lots.** All parking lots containing ~~five~~ 5 or more parking spaces ~~shall~~ must comply with all of the requirements of section 16-14.012.
13. **Permitted uses.** The regulations of C-2, I-1, and I-2 notwithstanding, within the Railroad Commercial and Industrial Corridor, Subarea 3, a building or premises ~~shall~~ must be used only for

the following principal purposes, except that only properties that: (1) are zoned I-1 or I-2 or (2) that are used as legal nonconforming uses on the date of enactment of this chapter, may be used for subsection 13.i. below:

- a. Bakeries and catering establishments not exceeding 5,000 square feet of floor area.
- b. Banks and similar financial institutions not exceeding 8,000 square feet of floor area and having a footprint no greater than 4,000 square feet.
- c. Barber shops, beauty shops, and similar personal service establishments not exceeding 4,000 square feet.
- d. Child care centers, kindergartens, and special schools not exceeding 8,000 square feet.
- e. Commercial greenhouses not exceeding 12,000 square feet.
- f. Commercial recreation establishments including theaters and similar uses, all within fully enclosed buildings, and not exceeding 8,000 square feet of floor area.
- g. Eating and drinking establishments not exceeding 12,000 square feet of floor area.
- h. Laundry and dry cleaning collection stations not exceeding 2,000 square feet and laundry and dry cleaning establishments where equipment is operated by customers, not exceeding 2,000 square feet of floor area.
- i. Manufacturing, wholesaling, repairing, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machine, and appliances, where floor area does not exceed 15,000 square feet and subject to noise limitation standards set forth in paragraph 19 below.
- j. One- and two-family dwellings, subject to the requirements of section 16-20L.006 for new construction.
- k. Multi-family dwellings, not to exceed residential general, sector 3.
- l. Museums, art galleries, and studios, and similar cultural facilities.
- m. Nursing homes and convalescent centers.
- n. Offices and clinics, including veterinary clinics, laboratories, studios, and similar uses. Veterinary clinics shall be located within soundproof buildings when located within 300 feet of any residential use.
- o. Printing establishments not exceeding 13,000 square feet of floor area.
- p. Professional services establishments not exceeding 12,000 square feet of floor area.
- q. Repair garages.
- r. Retail establishments not exceeding 12,000 square feet of floor area.
- s. Service and repair establishments not exceeding 8,000 square feet of floor area.

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- t. Structures and uses required for operation of MARTA or a public utility but not including uses involving storage, parking, train yards, warehousing, switching, or maintenance shops as the primary use.
- u. Supermarkets not exceeding 20,000 square feet of floor area.
- v. Tailoring and similar establishments not exceeding 2,000 square feet of floor area.
- w. Small discount variety stores, provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.

14. **Development controls** Lot standards:

- a. **Bulk limitations.** For purposes of this **chapter**, and notwithstanding the provisions of Code **section 16-29.001(24)**, mixed-use development is defined as any development which contains as principle uses both residential and nonresidential uses on the same development site, and in which both of such uses are at least 20 percent of the total floor area, excluding accessory uses.
- b. Maximum permitted floor area ratios without bonuses:
 - i. For nonresidential uses, floor area **shall must** not exceed an amount equal to 1.0 times net lot area.
 - ii. For residential uses, floor area **shall must** not exceed an amount equal to 0.696 times gross lot area.
 - iii. For mixed use, floor area ratio **shall must** not exceed 1.196 times net lot area, but not greater than the maximum ratios permitted for each and not greater than a total of 1.196 (See **section 16-29.001(24)**).
- c. **Maximum permitted floor area with bonuses.** Under no circumstances **shall must** the floor area of any development with bonuses exceed an amount equal to 1.49 times net lot area. Floor area bonuses are as follows:
 - i. **Open-space outdoor amenity space and streets bonus.** Subject to the maximum permitted floor area of 1.49 times net lot area set forth above, a development **shall must** be entitled to a floor area bonus such that for every one square foot by which the total of **open-space outdoor amenity space and/or public space** provided on a lot (including new streets that satisfy the standards of subsection **16-20L.008(2)**) exceeds the requirements of subsections **16-20L.008(2)(a)** [residential open space], **16-20L.008(2)(b)** [nonresidential public space] and **16-20L.008(2)(c)** [mixed use public space], as applicable, up to two additional square feet of floor area is permitted on such lot. Such bonus **shall must** apply regardless of whether such excess **open space and/or public space** is provided pursuant to any other requirements of this chapter (e.g., railroad buffer, new streets, and/or sidewalks).
 - ii. **Affordable housing bonus.** Residential uses **shall must** be permitted a floor area bonus of 0.500 times gross lot area, provided that 30 percent or more affordable sales housing units or rental housing units are provided for that portion of residential units resulting from the bonus.

- iii. **Ground-story floor commercial office or retail bonus.** Developments which provide ~~street-fronting, sidewalk-level~~ street-facing, ground story retail office or retail establishments or eating and drinking establishments which together comprise a minimum of 20 percent of the building foot print and meet all of the requirements of subsection 16-18X.012(7) ~~shall~~ must entitle the development a floor area bonus equal to the square footage of such establishments, which bonus may be used for residential or nonresidential development subject to the maximum floor area ratio with bonuses of 1.49.
 - iv. **Civic bonus.** Developments providing community centers made available to the general public during the same time period of each day that community centers or recreation centers operated by the City of Atlanta are open, ~~shall~~ must be permitted a floor area bonus equal to the total floor area of the community center provided.
 - v. Affordable new sales housing units or rental housing units requirements:
 - a) Affordable housing ~~shall~~ must have the meaning set forth in chapter 19, section 19-1006 of the Code of Ordinances of the City of Atlanta.
 - d. Affordable housing requirements ~~shall~~ must be in place for a minimum of 20 years.
 - e. No housing unit associated with a development project for which bonus FAR calculations were applied ~~shall~~ will be issued an occupancy permit until such time as documentation is provided to the ~~bureau~~ Office of Buildings establishing that the affordable housing requirements have been met and have been instituted as part of the warranty deed as an allowable exception to title for each affordable unit that is a part of said development project.
15. ~~Off-street~~ On-site parking requirements:
- a. ~~Off-street On-site~~ parking ~~shall~~ must not be located between the principal structure and the street except that one parking area between the street and one side of a building ~~shall~~ must be allowed for lots with three or more frontages. ~~Off-street On-site~~ parking ~~shall~~ must be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking during non-normal business hours.
 - b. **Electric vehicle charging stations.** All automobile parking facilities ~~shall~~ must include electric vehicle charging stations in a ratio of at least one station for every 100 automobile parking spaces. No development is required to exceed a maximum of 12 electric vehicle-charging stations.
 - c. **For residential uses.** As required by subsection 16-08.010(4).
 - d. All other uses ~~shall~~ must provide parking as is required by the underlying zoning classification.
 - e. **Variations in parking requirements.** The director of the ~~bureau-of-planning~~ Department of City Planning may reduce parking requirements, provided the character or use of the building is such as to make unnecessary the full provisions of parking facilities, or where such regulations would impose an unreasonable hardship on the use of the lot; or provided there is a shared parking arrangement. Said shared parking arrangement ~~shall~~ must avoid conflicting parking demands and provide for safe pedestrian circulation and access. Additionally, all

shared parking spaces ~~shall~~ **must** be clearly marked and signed as reserved during specified hours. An applicant ~~shall~~ **must** submit the following:

- i. A to-scale map indicating location of all proposed parking spaces;
 - ii. Hours of business operation(s);
 - iii. Written consent of all property owners agreeing to the shared parking arrangement;
 - iv. Copies of parking leases.
- f. Notwithstanding any provision of the City of Atlanta Code of Ordinances to the contrary, park-for-hire surface parking lots and park-for-hire parking decks are permitted only as an accessory use. Said accessory spaces in park-for-hire decks may be authorized to be used only as part of a shared parking arrangement after normal business hours.
- g. Minimum bicycle parking requirements.
- h. All nonresidential developments that provide automobile parking facilities ~~shall~~ **must** provide bicycle/moped parking facilities at a ratio of at least one bicycle/moped parking space per 20 automobile parking spaces. Multi-family developments ~~shall~~ **must** provide said facilities at a ratio of a minimum one bicycle/moped parking space per ~~five~~ **5** multi-family units. No development, except a one or two-family development, may have fewer than three bicycle/moped parking spaces nor be required to exceed a maximum of 50 spaces. Bicycle/moped spaces ~~shall~~ **must** be located within the street furniture zone a maximum distance of 100 feet of the building entrance, or located at least as close as the closest automobile space, except for handicapped parking spaces. Each space ~~shall~~ **must** include a metal anchor sufficient to secure the bicycle/moped frame when used in conjunction with a user-supplied lock.
16. Other general requirements for uses permitted within Subarea 3:
- a. Repair garages ~~shall~~ **must** not have entrances to service bays and/or vehicle storage areas that are open to and visible from a public street or park.
 - b. One and two-family residences ~~shall~~ **must** comply with the requirements of **section 16-20L.006**.
 - c. The standards contained in subsection **16-20L.005(1)(b)** and subsection **16-20L.005(1)(c)** ~~shall~~ **must** apply.
 - d. Noise limitation standards. The Atlanta Noise Ordinance, Atlanta **Code section 74-129** et seq., as it may be amended from time to time, ~~shall~~ **must** apply to this district.
 - e. **Zoning variances granted prior to enactment of this chapter.** Any owner of property who obtained, on or after January 1, 1982, and prior to the effective date of this chapter, a variance from the City Board of Zoning Adjustment to construct all or a portion of a project within the boundaries of this district, ~~shall~~ **must** be entitled to construct said project in accordance with the plans presented in said application, the provisions of **section 16-20L.008** notwithstanding.
 - f. Any building existing at the time of enactment of this chapter that is subsequently destroyed either in whole or in part by fire, other act of nature, or by other casualty that is not the fault of the owner, ~~shall~~ **must** be permitted to be rebuilt as it previously existed except, and without any requirement for a certificate of appropriateness, provided that the owner in the

process of rebuilding remedies any nonconforming characteristics of the structure that were nonconforming due to the underlying zoning classification (e.g. C-2 or I-1, and provided that any such rebuilding commences no later than 24 months from the date on which said fire, act of nature, or other casualty occurred.

- g. Minor alterations may be made to structures and improvements existing at the time of enactment of this chapter and additions may be made to structures existing at the time of enactment of this chapter in the amount of 30 percent of the floor area of such existing structure or 5,000 square feet, whichever is greater, all without the need of obtaining a certificate of appropriateness from the Urban Design Commission, so long as such alterations and additions meet the requirements of the underlying zoning classification (e.g., C-2 or I-2).

DIVISION 6.14. **OAKLAND CITY**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent (Sec. 16-20M.001.)

The intent of the regulations for the Oakland City Historic District is as follows:

1. To promote the educational, cultural, economic and general welfare of the city by preserving the district's architectural integrity, streetscape patterns, and cultural heritage.
2. To preserve the district's historic pattern and distribution of building types that are characterized primarily by single-family residences, institutions, and neighborhood commercial buildings, many of which were constructed during the early to mid-20th century.
3. To ensure harmony and compatibility of visual qualities and spatial relationships that exist between buildings, and between buildings and the street, throughout the district.
4. To preserve the residential character of all the streets and thoroughfares in the district.
5. To preserve the historic street and lot patterns that are significant elements of the district.
6. To ensure development that is complementary to and compatible with the existing historic structures in the district.
7. To encourage the use of existing alleys, reinforcing the streetscape patterns and general physical character of the district.
8. To encourage economic development and a variety of housing opportunities; foster neighborhood revitalization, and discourage displacement of residents.

B. Scope of Regulations (Sec. 16-20M.002)

1. The existing zoning map and regulations governing all properties within the Oakland City Historic District ~~shall~~ will remain in full force and effect. The following zoning regulations (Chapter 20M) shall be overlaid upon, and ~~shall~~ will be imposed in addition to, said existing zoning regulations. Whenever the following regulations conflict with said existing zoning regulations, the following regulations (Chapter 20M) ~~shall~~ will apply.
2. Except when otherwise explicitly provided, the provisions of Chapter 20 of this part ~~shall~~ will apply to this district. Whenever the regulations of Chapter 20M conflict with the provisions of Chapter 20, the regulations of Chapter 20M shall apply.
3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district ~~shall~~ will continue to apply. In the event of any conflict between said other regulations and the following regulations (Chapter 20M) the interpretation provision set forth in section 16-20.011(c) of the Code of Ordinances shall govern.

C. Boundaries (Sec. 16-20M.003.)

The boundaries for the Oakland City Historic District constitute an Overlay Historic District (HD) zoning district, which district ~~shall~~ will be as shown on the official zoning map adopted herewith

entitled the "Oakland City Historic District."

D. Definitions (Sec. 16-20M.004.)

For the purposes of interpreting this Chapter 20M, the following definitions ~~shall~~ will apply:

1. "Deck" means a roofless platform adjoining a house, generally made of unfinished wood and supported by posts.
2. "District" means the Oakland City Historic District, as shown on the official zoning map adopted herewith entitled the "Oakland City Historic District."
3. "~~Fenestration~~" "Transparency" means the arrangement, proportion, and design of windows and doors in a building.
4. "Principal structure" means the main habitable structure on a property, exclusive of detached accessory structures.
5. "Public street" means publicly dedicated streets or roads and specifically excludes alleys in the district.

E. Compatibility Rule (Sec. 16-20M.005.)

The intent of the mayor and council in establishing the regulations of the Oakland City Historic District is to ensure that all work requiring a certificate of appropriateness is compatible with the historic design, scale, and general character of the entire district and of the contributing structures in the immediately adjacent environment of a particular block face. To further that intent and simultaneously permit flexibility in design, the regulations provide a compatibility rule which is as follows: Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question ~~shall~~ must be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and ~~shall~~ must be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and ~~shall~~ must be internally consistent with the historic design of the structure. Where not quantifiable (roof form, architectural trim, etc.), the element or building characteristic in question ~~shall~~ must be compatible with that which predominates in such like contributing structures on that block face and ~~shall~~ must be internally consistent with the historic design of the structure.

F. General Criteria (Sec. 16-20M.006.)

1. Notwithstanding any other provision herein, no certificate of appropriateness ~~shall~~ will be required unless, at a minimum, the work would otherwise require a building permit.
2. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate ~~shall~~ will be those specified in section 16-20.008 of the Zoning Code.
3. The Urban Design Commission ~~shall~~ will apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20M do not specifically address the application.

G. Certificates of Appropriateness (Sec. 16-20M.007.)

1. Type I certificates of appropriateness for ordinary repairs and maintenance ~~shall~~ will not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a certificate of appropriateness.
2. Type II certificates of appropriateness ~~shall~~ will be required for: minor alterations to any principal structure when the alterations are visible from a public street; and the construction of fences, walls, accessory structures, decks, and paving. If the proposed alteration meets the requirements of **section 16-20M.007**, then the Executive Director of the Urban Design Commission ~~shall~~ will issue the Type II certificate of appropriateness within 14 days of application for such certificate. If the proposed alteration does not meet the requirements of **section 16-20M.012 and .013**, the Executive Director of the Urban Design Commission ~~shall~~ will deny the application. Appeals from said decision of the Executive Director regarding the issuance and/or denial of Type II certificates of appropriateness may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of **Chapter 16-20.008(a)** for Type I certificates of appropriateness.
3. Type III certificates of appropriateness ~~shall~~ will be required for:
 - a. Construction of all new principal structures;
 - b. All major alterations and additions to an existing structure, when the alterations or additions are visible from a public street.
4. Type IV certificates of appropriateness ~~shall~~ will be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure ~~shall~~ will require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features, which destroys the structure's historic interpretability or importance.

H. Variances (Sec. 16-20M.008.)

Variance requests ~~shall~~ must be heard by the Urban Design Commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances ~~shall~~ must be the same as those specified in **chapter 26 of this Part 16.**

I. Financial Hardship Exemptions (Sec. 16-20M.009.)

1. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the Urban Design Commission may allow reasonable exemptions from these regulations to a property owner's principle residence on the grounds of economic hardship to the property owner.
2. The burden of proving economic hardship by a preponderance of the evidence ~~shall~~ must be on the applicant.

3. The Urban Design Commission ~~shall~~ must consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - a. The present income of the property owner(s) and those occupying the property;
 - b. The age of the property owner;
 - c. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;
 - d. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;
 - e. The costs associated with adherence to these regulations;
 - f. The degree of existing architectural significance and integrity of the structure; and
 - g. The purpose and intent of this chapter.
4. The Urban Design Commission ~~shall~~ must consider these factors and ~~shall~~ must grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.

J. Subdivisions (Sec. 16-20M.010.)

In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots ~~shall~~ must conform to the historic platting pattern in the district established during the period of significance from 1867 to 1955 with regard to lot size, dimensions, and configurations.

K. Tree Preservation and Replacement (Sec. 16-20M.011)

The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, ~~shall~~ must apply to this district.

L. Development Controls Lot Standards (Sec. 16-20M.012.)

1. ~~Front yards~~ Primary street setbacks: ~~Front yard~~ Primary street setbacks ~~shall~~ must either: i) conform to the setback of the previously existing contributing building of like use; or ii) comply with the compatibility rule.
2. Side setbacks yards: Side ~~yards shall~~ setbacks must either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side ~~yard~~ setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven 7 feet.
3. Rear setback yard: Rear ~~yard~~ setback shall be seven 7 feet.
4. ~~Off-street~~ On-site parking and driveway requirements:
 - a. ~~Off-street~~ On-site parking ~~shall~~ must not be permitted in the front yard or half-depth front yard.

- b. The Urban Design Commission ~~shall~~ **must** have the authority to vary **section 28.006(10)** relative to the requirement for an independent driveway connected to a public street.
- c. If constructed, independent driveways within the front yard or half-depth front yard ~~shall~~ **must** be a maximum of ~~ten~~ **10** feet wide and ~~shall~~ **must** have a maximum curb cut of ~~ten~~ **10** feet, exclusive of the flare.
- d. The compatibility rule ~~shall~~ **must** apply to the construction of side-by-side driveways and, if permitted, the design thereof.
- e. Floor area ratio ~~shall~~ **must** not exceed 0.50.

M. Architectural Standards (Sec. 16-20M.013.)

- 1. **Statement of intent.** The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.
- 2. The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only:
 - a. American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Minimal Traditional Cottages.
- 3. **Design Building** standards and criteria for new principal structures:
 - a. No individual house design ~~shall~~ **must** substantially repeat a design of a new principal structure on the block face that was approved by the Urban Design Commission since the adoption of this district.
 - b. An unpaved planting strip adjacent and parallel to the public street ~~shall~~ **must** be provided. The compatibility rule ~~shall~~ **must** apply to the dimensions and design of planting strips.
 - c. A sidewalk between the **planting strip** and the required front yard and parallel to the public street ~~shall~~ **must** be provided. The sidewalk ~~shall~~ **must** be the same width as the sidewalk on abutting properties or it ~~shall~~ **must** be the width otherwise required by city ordinance, whichever is greater. If no sidewalk exists in the block, the new sidewalk ~~shall~~ **must** not be less than six-feet wide. The compatibility rule ~~shall~~ **must** apply to sidewalks paving materials. If no sidewalk paving material predominates in the block, the sidewalk ~~shall~~ **must** be constructed of the historically accurate material for that block, either hexagonal pavers, concrete inlaid with hexagonal imprint, or brick.
 - d. A paved walkway from the front sidewalk to the front entry **feature** of the principal structure ~~shall~~ **must** be provided.

- e. All front facades, front porches, and front doors of the principal structure ~~shall~~ must face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the compatibility rule ~~shall~~ must apply.
- f. The compatibility rule ~~shall~~ must apply to the form and pitch of the primary roof of the primary structure.
- g. The compatibility rule ~~shall~~ must apply to the height, scale, and massing of the principal structure. In no case ~~shall~~ must the height of a structure exceed 35 feet.
- h. The maximum height of the ~~first floor~~ ground story of the front facade above grade ~~shall~~ must be subject to the compatibility rule. At a minimum, the ~~first floor~~ ground story of the principal structure ~~shall~~ must be on foundations and ~~shall~~ must be elevated above grade at the front facade a minimum of two entrance risers each of which ~~shall~~ must not be less than seven inches in height. Slab-on-grade construction is not permitted.
- i. The compatibility rule ~~shall~~ must apply to the design and size of front porches, and the placement and orientation of front steps. Front porches ~~shall~~ must contain roofs, balustrades, columns, steps, and other features as determined by the compatibility rule. Front porches may extend up to ten feet into the required front yard. All front porch steps ~~shall~~ must have closed risers and ends.
- j. Decks are permitted only when located to the rear of the principal structure and such decks ~~shall~~ must be no wider than the width of the principal structure.
- k. The use of chimneys with new principal structures is encouraged. When any portion of a chimney is visible from a public street as a facade element, the chimney ~~shall~~ must originate at grade.
- l. Fences and walls, excluding retaining walls, visible from a public street upon completion, subject to provisions of section 16-28.008(5) and the following limitations, may occupy required yards:
 - i. Fences not exceeding four feet in height may be erected in the front yard or half-depth front yard. Walls, excluding retaining walls, are not permitted in the front yard or half-depth front yard.
 - ii. Fences and walls, excluding retaining walls, not exceeding six feet in height may be erected in side or rear yards.
- m. The compatibility rule ~~shall~~ must apply to the design of all fences located in a front yard or half-depth front yard. Fences located in the front yard or half-depth front yard ~~shall~~ must be constructed of brick, stone, ornamental iron, or wood. Chain link fencing is not permitted in front yards or half-depth front yard.
- n. The compatibility rule ~~shall~~ must apply to the design and height of portions of retaining walls located in a front yard or half-depth front yard that are visible from a public street. Such retaining walls ~~shall~~ must be faced with stone, brick, or smooth stucco. The compatibility rule notwithstanding, at no point of such retaining wall ~~shall~~ must exceed four feet in height.

- o. Fenestration Transparency, if visible from a public street upon completion, shall must meet the following requirements:
 - i. Windows in the front street-facing facade shall must be predominantly vertical in proportion.
 - ii. If muntins or mullions are used, such muntins or mullions shall must be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
- p. Window and door casing widths and depths:
 - i. Replacement windows units shall must maintain the size and shape of the original window opening.
 - ii. The compatibility rule shall must apply to the following aspects of fenestration:
 - a) The size and shape of individual window openings.
 - b) The overall pattern of fenestration as it relates to the building facade.
 - c) The style of the individual window.
- q. Mechanical and communication equipment shall must be located to the side or rear of the principal structure and in the location least visible from a public street. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street.
- r. Subject to the compatibility rule, wood or smooth-finish cementitious lap siding, wood shingles, brick, stone, and true stucco are permissible building materials for the facades of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
- s. In addition to all other applicable regulations, the compatibility rule shall must apply to the following building materials and design elements, if visible from a public street upon completion:
 - i. The dimensions of the exposed face of lap siding and wood shingles.
 - ii. The type of brick and pattern of brickwork.
 - iii. The type of stone and pattern of stonework.
 - iv. The material and texture of stucco.
 - v. The size and type of exterior doors. Notwithstanding the compatibility rule, exterior doors shall must be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
 - vii. Gables and gable returns.
 - viii. Dormers
 - ix. Paving materials for walks and drives.

- x. **Above-grade foundation materials.** Notwithstanding the compatibility rule, foundations **shall must** constitute a distinct building design element and **shall must** contrast with the **primary street-facing** facade's exterior material and exposed concrete or concrete masonry unit (CMU) foundation walls are prohibited as a finished surface.
- xi. **Exterior portions of chimneys.** Notwithstanding the compatibility rule, chimneys **shall must** be faced with masonry and siding on chimneys is not permitted.
- xii. **The location and design of skylights.** Notwithstanding the compatibility rule, when practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass **shall must** be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.

N. Limits on Two-Family Development (Sec. 16-20M.014.)

In order to preserve the character of the predominant single-family and two-family pattern of development in the district, for new principal buildings that are designed as two-family dwellings, the following design elements **shall must** be subject to the compatibility rule:

1. Number, location, and orientation of the front entry **feature** into each dwelling unit;
2. Number, location, and orientation of the front porch and front porch steps; and
3. Number, location, and orientation of walkways from the principal structure to the **pedestrian zone public sidewalk**.

O. Permitted Accessory Uses and Structures (Sec. 16-20M.015.)

These regulations permit uses and structures that are customarily incidental and subordinate to permitted principal uses and structures. These uses and structures include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part.

1. Greenhouses, garden sheds, private garages, and similar structures. When a private garage is part of a principal structure, the garage door may not be located on the **front street-facing** facade of the principal structure, or the side facade if visible from a public street.
2. Home occupations, subject to limitation set forth in **section 16-29-001(17)**.
3. Structures necessary for active construction projects.
4. Devices for the generation of energy, such as solar panels, wind generators electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, and similar devices, but not located in front of the principal structure.
5. The following regulations **shall must** apply to all permitted accessory uses and structures:
 - i. Exception in the case of home occupation, no accessory use **shall must** be of a commercial nature.
 - ii. No accessory structure **shall must** be constructed until construction of the principal structure has actually begun, and no accessory structure **shall must** be used or occupied until the principal structure is completed and in use.

- iii. Accessory structures ~~shall~~ **must** not cover more than 25 percent of the rear yard.
- iv. Accessory structures ~~shall~~ **must** be placed behind the principal structure within the buildable area of the lot.
- v. Accessory structures ~~shall~~ **must** not exceed 25 feet in height or the height of the principal structure, whichever is less, and ~~shall~~ **must** not contain a total floor area greater than 30 percent of the floor area of the principal structure.

P. Design Standards and Criteria for Alterations and Additions to Non-Contributing Structures (Sec. 16-20M.016.)

Alterations and additions to non-contributing structures requiring a certificate of appropriateness, ~~shall~~ **must** be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in **subsection 16-20M.013(2) above.**

Q. Design Criteria for Alterations and Additions to Contributing Structures (Sec. 16-20M.017.)

- 1. Alterations and additions to contributing structures requiring a certificate of appropriateness ~~shall~~ **must** comply with one of the following:
 - a. Alterations and additions ~~shall~~ **must** be consistent with and reinforce the historic architectural character of the entire existing contributing structure and ~~shall~~ **must** comply with the applicable regulations set forth in **subsection 16-20M.013(2) above;** or
 - b. Alterations and additions ~~shall~~ **must** not destroy historic materials that characterize the property. The new building elements and materials may differentiate from the old. To protect the historic integrity of the property and its environment, the compatibility rule shall apply to any new work regarding the massing, size, scale, and architectural features of the property and environment.
- 2. An increase in floor area otherwise authorized in the district ~~shall~~ **must** not constitute grounds for denial of a certificate of appropriateness.

R. Further Provisions (Sec. 16-20M.018.)

Any time the provision **16-20.011(b)** of the Land Development Code is enforced in this district, the Executive Director of the Urban Design Commission ~~shall~~ **will** notify the Oakland City Neighborhood Association within ~~ten~~ **10** days and a 30-day period for comment be allowed for the association.

DIVISION 6.15. **CASTLEBERRY HILL**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent

The intent of the regulations for the Castleberry Hill Landmark District is as follows:

1. To preserve the historic physical pattern of the district, including the spatial relationships between buildings, and the spatial relationship between buildings and the street;
2. To preserve the architectural history of the district including commercial and industrial buildings that were constructed from the 1890s to 1959, including the largest concentration of historic warehouses in the city;
3. To ensure that new development is complementary to and compatible with the existing historic structures in the district;
4. To ensure that new construction is consistent with the character of the ~~subarea of the district~~ within which it is to be built and that such new construction blends harmoniously with the historic character of the entire district;
5. To ensure that new development that uses contemporary design and materials is compatible with and sensitive to the historic character of the Castleberry Hill Landmark District;
6. To encourage compatible economic development and neighborhood revitalization that promote a livable, sustainable neighborhood;
7. To promote pedestrian accessibility and connect buildings to the public life of the street; and
8. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

B. Scope of Regulations

The scope of these regulations for the Castleberry Hill Landmark District is as follows:

1. Except where it is otherwise explicitly provided, the provisions of Chapter 20 of this part will apply to this district. Whenever the regulations of Chapter 20N conflict with the provisions of Chapter 20, the regulations of Chapter 20N will apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Castleberry Hill Landmark District will continue to apply. In the event of any conflict between said other regulations and the following regulations of this Chapter 20N, the interpretation provision set forth in Section 16-20.011(c) of the Code of Ordinances will govern.

C. Boundaries

The boundaries of the Castleberry Hill Landmark District will be as shown on the official zoning map adopted herewith entitled "Castleberry Hill Landmark District." The district is divided into two subareas as follows:

1. Historic Core, [Subarea 1](#).
2. Transitional Historic Areas, [Subarea 2](#).

D. Definitions

For the purposes of interpreting this [Chapter 20N](#), the following definitions will apply:

1. "District" means the Castleberry Hill Landmark District, as shown on the official zoning map adopted herewith entitled the "Castleberry Hill Landmark District."
2. "[Transparency](#)" means the arrangement, proportion, and design of windows and doors in a building.
3. "Principal structure" means the main structure on a property, exclusive of any detached accessory structures.
4. "Public street" means publicly dedicated streets and specifically excludes alleys in the District.
5. "Additions to the roof of a principal structure" means any enclosed space that does not meet the definition set out in [Section 16-28.022\(1\)](#).
6. "Arterial street" means main artery through neighborhood (Peters, Nelson, Walker, Whitehall, McDaniel, Spring, Mitchell and Fair streets; and Northside, M. L. King, Jr. and Centennial Olympic Park drives.)
7. "Off leash dog park" means an outdoor, uncovered open space used by dog owners to exercise and socialize their off leash dogs with the following characteristics:
 - a. the entire off leash area [must](#) be turf, other natural ground cover or natural material (not to include stone or masonry products), with exceptions for the entrance gate and water distribution areas as necessary;
 - b. the entire off leash area [must](#) be surrounded by perimeter fencing that meets the district regulations;
 - c. the entire off leash area, including the entrance gate areas, [must](#) contain at least one acre;
 - d. the off leash area [must](#) be divided into at least two separate, fenced areas, with at least one each for large dogs (30 pounds and over) and small dogs (under 30 pounds);
 - e. all off leash areas [must](#) have double gate entrance systems with latches;
 - f. all off leash areas [must](#) provide for maintenance access for vehicles;
 - g. all off leash areas [must](#) provide facilities for proper disposal of dog waste; and
 - h. all off leash areas [must](#) provide potable water service for dog drinking and maintenance.

E. Organization

The zoning regulations for the district consist of two parts. The first part consists of general regulations that apply to all properties located within this district. The second part consists of specific regulations that apply to the identified [subareas](#).

F. Certificates of Appropriateness

1. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness will be those specified in **Section 16-20.008** of the Zoning Code.
2. Type I certificates of appropriateness are not required in this district.
3. Type II certificates of appropriateness will be required for: minor alterations to the façade of any principal structure, including but not limited to: exterior stairs, landings, railings, awnings, canopies, and front stoops; and the construction of fences, walls, retaining walls, accessory structures, and paving. If the proposed alteration meets the requirements of **Section 16-20N.007, 16-20N.008, and 16-20N.009**, then the Director of the Commission will issue the Type II Certificate of Appropriateness within 14 days of application for such certificate. If the proposed alteration does not meet the requirements of **Section 16-20N.007, 16-20N.008, and 16-20N.009**, the Director of the Commission will deny the application. Appeals from said decision of the Director regarding the issuance and/or denial of Type II certificates of appropriateness may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals Section of **Chapter 16-20.008(a)** for Type I certificates of appropriateness.
4. Type III certificates of appropriateness will be required for:
 - a. Construction of all new principal structures;
 - b. All major alterations and additions to an existing principal structure, including all major alterations and additions to the roofs of principal structures.
5. Type IV certificates of appropriateness will be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure will require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features, which destroys the structure's historic interpretability or importance.

G. General Regulations

The following general regulations will apply to all properties located within the district.

1. **{Standards.}** In the district, the Commission will apply the standards referenced below only if the standards set forth elsewhere in this **Chapter 20N** do not specifically address the application or any portion of the application:
 - a. The historic character of a property **must** be retained and preserved.
 - b. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property **must** be avoided.
 - c. Each property **must** be recognized as a physical record of its time, place, and use. Changes **must** not be undertaken that create a false sense of historic development, such as adding conjectural features or elements from other historic properties.
 - d. Changes to a property that have acquired historic significance in their own right **must** be retained and preserved.

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- e. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, must be preserved.
 - f. (Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, texture, and, where possible, materials.
 - g. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials must not be used.
 - h. Archaeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.
 - i. New additions, exterior alterations, or related new construction, must not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and must be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - j. New additions and adjacent or related new construction must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
 - k. Contemporary design for new construction and for additions to existing properties must not be discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy **Section 16-20N.008** or **Section 16-20N.009**, as applicable.
 - l. The height of a structure must be measured on the façade facing the public street and measurement must be taken from the highest point of such grade to the top of the parapet wall.
2. **Compatibility Rule:**
- a. The intent of the regulations and guidelines is to ensure that alterations and additions to existing structures and new construction are compatible with the design, proportions, scale, and general character of the block face, the entire block, a particular subarea or the district as a whole. To permit flexibility, some regulations are made subject to the compatibility rule, which states: "Where not quantifiable, the element in question (building proportion, roof form, transparency, etc.) must match that which predominates on the contributing building in the subarea. Where quantifiable, the element in question (i.e., distance of ground story above streetscape grade), must be no smaller than the smallest or larger than the largest such dimensions of the contributing buildings in the subC."
 - b. Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
3. **Variances, Special Exceptions, and Appeals.** Variance applications, applications for special exceptions, and appeals from these regulations will be heard by the Commission. The Commission must have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding

such variances will be the same as those specified in Chapter 26 of this Part 16. The Commission must have the authority to grant or deny applications for special exceptions pursuant to the standards in Chapter 25. The Commission must have the authority to grant or deny applications for appeal pursuant to the standards in Section 16-30.010 and the appeal provisions for said decision, set forth in Section 16-30.010(e), will also apply to the Commission's decision.

4. Financial Hardship Exemptions:

- a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations to a property owner's principal residence on the ground of economic hardship to the property owner.
- b. The burden of proving economic hardship by a preponderance of the evidence will be on the applicant.
- c. The Commission will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - i. The present income of the property owner(s) and those occupying the property.
 - ii. The age of the property owner.
 - iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought.
 - iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants and tax abatements.
 - v. The costs associated with adherence to these regulations.
 - vi. The degree of existing architectural significance and integrity of the structure; and
 - vii. The purpose and intent of this chapter.
- d. The Commission will consider these factors and will grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.

5. **Subdivisions of Lots.** The subdivision of any lot within this district will be subject to review and approval by the Commission. No subdivision of lots will be approved by the Director of the Bureau of Planning unless said matter has first been submitted to and approved by the Commission. The Commission **must** find that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of a particular **subarea** or the district as a whole, may be reasonably situated and constructed upon such lots.
6. **Consolidation of Lots.** No lots will be aggregated except upon approval of the Commission. Applications **must** be made to the Commission. The Commission **must** find that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the **subarea**, and the district as a whole, may be reasonably situated and constructed upon such lots.

7. **Tree-preservation and Replacement.** The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code **Section 158-26**, will apply to this district.
8. **On-site** and Off-site Parking:
 - a. All new construction, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential uses, or any change in use **must** include the required **on-site** parking.
 - b. The number of required **on-site** parking spaces is set out in each **subarea**.
 - c. **On-site** or off-site parking located adjacent to public streets or **streetscapes must** include landscape buffer strips along the public street or **streetscape**. Landscape buffer strips **must** be: a minimum of three feet in width, planted with a mixture of evergreen groundcover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches; and planted with canopy street trees that are a minimum of 3.5 inch caliper measured 36 inches above ground and a minimum of 12 feet in height at time of planting placed no further than 25 feet on center. All landscape buffer strips **must** be maintained in a sightly manner.
 - d. Use of shared driveways and/or alleys is encouraged. Required driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the Commission.
 - e. Curb cuts and driveways are not permitted on any arterial street when reasonable access may be provided from a side or rear street or from an alley.
 - f. The Commission must have the authority to vary **Section 28.006(10)** relative to the requirement for an independent driveway connected to a public street.
 - g. No circular drives will be located between any principal building and any public street.
 - h. One curb cut is permitted for each development. Developments with more than one public street frontage or more than 300 feet of public street frontage may have two curb cuts.
 - i. No drop-off lanes are permitted along public streets, except as required by educational and religious facilities.
 - j. **Streetscape** paving materials **must** be continued across intervening driveways.
 - k. **Entry features** to garages that serve residential units **must** be located in a side or rear yard.
 - l. All contiguous ground-floor residential units **must** share one common drive, located in rear yards or side yards, to serve garages and parking **lots**.
 - m. In addition to **Section 16-28.028**, parking deck façades **must** have the appearance of a horizontal storied building.
 - n. Parking decks along the arterial street frontage **must** have:
 - i. **Ground story** storefronts; or
 - ii. **Ground story** residential uses.

9. Design standards and other criteria for construction of, additions to, or alterations of principal buildings:
- a. The distance above the streetscape grade of the ground story of the building will be subject to the compatibility rule. This requirement will only apply to the façade of the building determined by Subsection 16-20N.006(1)(I).
 - b. Setbacks:
 - i. The façades of principal buildings facing a public street must not be setback from the lot line.
 - ii. Façades of a principal building adjacent to a side lot line must not be setback from the side lot line, except under the following circumstances:
 - a) Façades with windows must meet Section 704.8 of the 2000 International Building Code, and must not exceed six feet.
 - b) In the case of the installation of a driveway along a side lot line, the façade must be setback ten feet from the lot line for one-way drives and 20 feet for two-way drives.
 - iii. There must be no rear yard setback requirements.
 - c. All street-facing ground story development must provide transparency for a minimum of 60 percent of the length of the frontage, beginning at a point not more than three feet above the public streetscape, for a height no less than nine feet above the streetscape.
 - d. Ground story development without transparency must not exceed a maximum length of ten feet of façade.
 - e. Nothing may be erected, placed, planted, or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade.
 - f. Relationship of building to street Lot Standards:
 - i. The first eight feet of all building levels that have ground story arterial street frontage must have a commercial, office, or residential use and must not be used for parking or storage.
 - ii. The primary pedestrian entrance to all uses and business establishments with ground story street frontage must:
 - a) Be visible from the street.
 - b) Be directly accessible, visible, and adjacent to the streetscape, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.
 - c) Face and be visible to an arterial street when located adjacent to such arterial streets.
 - iii. A street address number must be located above the principal building entrance, must be clearly visible from the streetscape, must contrast with their background, and must be a minimum of four inches in height with a minimum stroke of 0.5 inch.

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- g. **Façade Materials.** Brick, stone, and true stucco systems with a smooth finish must be the predominant building materials for the façades of the principle structure. Concrete block and other masonry materials may be used on façades of principal structures that do not face a public street. Aluminum siding and vinyl siding are not permitted on any façade.
- h. Awnings and Canopies:
 - i. Original awnings and canopies must be retained.
 - ii. Replacement awnings or canopies are permitted only when original awnings or canopies cannot be rehabilitated.
 - iii. Awnings and canopies must have a minimum clearance of eight feet above the ground story, and must not encroach more than five feet over the public streetscape.
 - iv. Installation of new canopies, where none previously existed, must be permitted only if they are compatible with the original structure.
 - v. New awning frames attached to storefronts, doors or windows must replicate the shape of the covered area and fit within that area.
 - vi. New awnings must be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.
 - vii. Multiple awnings on a single building must be similar in shape and configuration.
 - viii. Only that portion of the awning used for signage must be illuminated.
- 10. Exterior Stairs and Landings:
 - a. Except for the primary pedestrian entrance to a unit or building, all exterior stairs and landings must be on the side or rear of the principle structure and substantially parallel to the structure.
 - b. Stair treads must be equal widths.
 - c. Exterior stairs and landings must be constructed of metal or poured concrete.
- 11. Structures on the Roofs of Principal Buildings:
 - a. All components of a structure or addition on the roof of a principal building visible from a public street must be metal or masonry.
 - b. The enclosed floor area of a habitable structure must not exceed 25 percent of the roof area above occupied space, unless otherwise necessary to meet the minimum requirements for mechanical and elevator equipment, stairwells, elevator, and stair landings.
- 12. Lighting, Security, and Maintenance Requirements for Parking Structures and Surface Parking Lots:
 - a. Lighting must be provided throughout all parking facilities at a minimum of one-half foot-candle of light.

- b. Parking facilities must be maintained in a clean, safe, and sanitary condition. Parking spaces and driving lanes must be clearly defined and maintained.

13. Fences, Walls, and Retaining Walls:

- a. Fences must be no more than ten feet high.
- b. Fences between the principal building and the public street must be constructed of metal, brick, stone, ornamental iron or metal, or architectural masonry.
- c. Fences to the rear or side of the principal building must be constructed of metal, brick stone, ornamental iron or metal, architectural masonry, chain link, or wood.
- d. Walls must not be permitted between the principal building and the public street. Walls must be no more than ten feet high. Walls, including retaining walls, must be constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco.
- e. Retaining walls adjacent to a public street or streetscape must not exceed four feet in height, unless required by existing site topography.
- f. Adjacent to a public street or streetscape, the total height of any combination of fencing, wall and/or retaining wall must not exceed ten feet.

14. **Permitted Accessory Uses and Structures.** The uses and structures that are customarily incidental and subordinate to permitted uses and structures are authorized, subject to the following restrictions:

- a. Except as otherwise herein provided, no merchandise must be stored other than that to be sold at retail on the premises and such merchandise must occupy no more than 25 percent of the total floor area on the premises.
- b. No storage will be provided in any portion of a structure adjacent to any streetscape, public park, or plaza.
- c. No off-premises storage of merchandise will be permitted in this subarea either as a principal or accessory use.
- d. No accessory structure will be constructed until construction of the principal structure has actually begun, and no accessory structure will be used or occupied until the principal structure is completed and in use.
- e. Accessory structures must be placed behind the principal structure within the buildable area of the lot.
- f. Accessory structures must not cover more than 25 percent of the rear yard.
- g. Accessory structures must not exceed 25 feet in height or the height of the principal structure, whichever is less.
- h. Must be located in the least visible location within the permissible area.
- i. May require screening with the appropriate plant or fence materials.

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- j. Swimming pools, tennis courts, and similar **active recreation facilities** are permitted subject to the following limitations:
 - i. Such **active recreation facilities** will require a special exception from the Urban Design Commission, which special exception will be granted only upon finding that:
 - a) The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic; and
 - b) The area for such activity could not reasonably be located elsewhere on the lot.
 - ii. The Urban Design Commission may condition any special exception for such facilities based on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to mitigate any potential negative impacts of the proposed facility on adjoining property owners.
15. **Applications.** Materials necessary for complete review of an application must be submitted with the application as set forth by the Director. In addition, a scaled site plan of the property showing all improvements, photographs of existing conditions and adjoining properties, and elevation drawings of all improvements must be submitted for all Type III Certificate of Appropriateness applications. For new construction of a principal building, the application must also include a scaled drawing showing setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.
16. **Additional Notifications:**
- a. The applicant of Type III (including variances) & IV Certificates of appropriateness must be given contact information for the Castleberry Hill Neighborhood Association by the Commission and must be directed to provide the Association with a copy of the submitted application and attachments within three days of submission to the Commission.
 - b. Any time the **Provision 16-20.011(b)** of this part is enforced in this district, the Director of the Commission must notify the Castleberry Hill Neighborhood Association within ten days and a 30-day period for comment be allowed for the association.
 - c. The Director must regularly send to the Castleberry Hill Neighborhood Association the agenda for each meeting of the Commission in which there is any agenda item for property within the District.
17. **Signage.** The provisions of the Atlanta Sign Ordinance apply to this district.

H. Specific Regulations for Historic Core, Subarea 1

In the Castleberry Hill Historic Core, Subarea 1, the Commission will apply the standards referenced in **Section 16-20N.007(1)** only if the standards set forth in **Section 16-20N.008** do not specifically address the application or any portion thereof:

- 1. Design standards and other criteria for construction of, additions to, or alterations of principal buildings:

- a. The compatibility rule will apply to the general façade organization, proportion, scale, and roof form of the principal structure.
- b. The height of a principal structure **must** be 40 feet. Properties with **ground story** retail space exceeding 12 feet in height **must** have a ten percent height bonus, allowing for a maximum height not to exceed 44 feet. With the exception of properties north and east of Mangum Street that front Nelson Street, which **must** have a ten-foot height bonus, allowing for a maximum height not to exceed 50 feet.
- c. All building elements **must** be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements, including but not limited to their: design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the facade:
- d. **Transparency:**
 - i. The compatibility rule will apply to the following aspects of **transparency**:
 - a) The style and material of the individual window or door.
 - b) The size and shape of individual window and door openings.
 - c) The overall pattern of **transparency** as it relates to the building façade.
 - d) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
 - ii. Painted glass and reflective glass, or other similarly treated **transparency**, are not permitted.
 - iii. If muntins and/or mullions are used, such muntins and/or mullions **must** be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - iv. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.
- e. Facades:
 - i. Brick, stone, and true stucco systems with a smooth finish **must** be the predominant building materials for the facades of the principal structure. Concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not permitted on any facade.
 - ii. Covering of the original facade **must** not be permitted.
 - iii. Painting of unpainted stone, terra cotta, and brick is prohibited.
 - iv. All cleaning of stone, terra cotta, and brick **must** be done with low-pressure water and mild detergents.

- v. All repairs to original mortar must be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints must be duplicated in width and in joint profile.
- f. Storefront Lighting and storefront illumination Security Features:
 - i. Security, decorative, and other lighting must minimize light spillage by providing cutoff luminaries that have a maximum 90-degree lighting. The Commission may also require other elements to reduce light spillage.
 - ii. Any security, decorative, or other lighting luminaries must be located a minimum height of eight feet above the streetscape, driveway, or pedestrian area.
- g. Loading Areas, Loading Dock Entrances, and Building Mechanical and Accessory Features:
 - i. Commercial dumpsters must not be visible from any public street. Residential dumpsters must not be visible from: Walker Street, Nelson Street, or Peters Street. Notwithstanding the visibility requirements noted above, all dumpsters must be concealed with walls six feet in height and constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco.
 - ii. Loading docks and loading areas must not be permitted on the primary façade of a principal building.
 - iii. Building mechanical and accessory features must not be permitted between the principal building and any public street.
 - iv. Building mechanical and accessory features must be located to the rear of the principal building and must be in the location least visible from the public street. Screening with appropriate materials must be required if the equipment is visible from any public street.
 - v. When located on rooftops, building mechanical and accessory features visible from the public street must be incorporated in the design of the building and screened with materials compatible with the principal façade material of the building.
- h. Excluding the flare at the street, driveways must not exceed ten feet in width for one-way drives or 20 feet in width for two-way drives. Loose stone or gravel is not permitted as a paving material.
- i. Streetscapes regulations:
 - i. Hexagonal streetscape pavers must be retained.
 - ii. Hexagonal streetscape pavers or hexagonally stamped concrete must be used for any new streetscapes or replacement streetscapes on the public streets.
 - iii. Any new or replacement curbing must be granite.
 - iv. New streetscapes must be the same width as the streetscape on abutting properties. If no streetscape exists on abutting properties, the new streetscape must match streetscape widths on the block. If no streetscape exists on the block, the new streetscape must be a minimum of seven feet wide and a maximum of 15 feet wide.

- v. **Street Furniture.** Street furniture to include, but is not limited to: street lights, seating, newspaper vending boxes, trash receptacles, official city and neighborhood signage, trees and shrubs and flower pots.
 - vi. **Outdoor Seating.** Seating areas should be specifically defined and located as to not obstruct pedestrian access or motorist visibility.
 - vii. **Umbrellas.** Must have a minimum clearance of seven feet above the ground story and located as to not obstruct pedestrian access or motorist visibility.
 - viii. **Newspaper Vending Boxes.** Should be located as to not obstruct pedestrian access or motorist visibility.
 - ix. **Tree Planting.** When installed, all newly planted trees must be a minimum of four inch caliper measured 36 inches above ground, and a minimum of ten feet in height. Trees must be drought tolerant, limbed up to a minimum seven-foot height, and must have a maximum mature height of 40 feet. Trees must have a minimum planting area of 25 square feet. All plantings, planting replacement, and planting removal must be approved by the City Arborist. The planting area must be planted with evergreen ground cover such as mondo grass or liriop spicata.
 - x. **Trash Receptacles.** Where installed, trash receptacles must be a Victor Stanley Model S-42 or similar looking standard.
 - xi. Decorative pedestrian lights, where installed, must be placed a maximum of 40 feet on center and spaced equal distance between any street trees along all streets. All said lights must be Atlanta Type "C" as approved by the planning bureau.
2. **Permitted Principal Uses and Structures.** A building or premises must be used only for the following principle purposes:
- a. Multi-unit dwellings, two-unit dwellings, and single-unit dwellings.
 - b. Residential and nonresidential uses, as otherwise allowed below, on the same site, in which both of such uses are at least 20 percent of the total floor area, excluding accessory uses.
 - c. Any of the following uses provided they do not exceed 2,000 square feet of floor area:
 - i. Retail establishments, including delicatessens, bakeries and catering establishments.
 - ii. Specialty shops such as antique stores, gift shops, boutiques, art and craft stores, and apothecary shops.
 - iii. Barber shops, beauty shops, and similar personal service establishments.
 - iv. Tailoring, custom dressmaking, millinery, and similar establishments.
 - v. Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks, and similar devices.
 - d. Any of the following uses provided they do not exceed 5,000 square feet of public areas:
 - i. Eating and drinking establishments.

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- ii. Museums, galleries, auditoriums, libraries, and similar cultural facilities.
 - iii. Professional or service establishments, but not hiring halls.
 - e. Structures and uses required for the operations of MARTA or public utility but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purpose.
 - f. Drive-thru and drive-in services, windows, and facilities are prohibited. Hiring halls are prohibited. Blood donor stations are prohibited. No wholesaling or jobbing will be conducted from within the district. No use or manner of operation will be permitted that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the residential character of this subarea.
 - g. Offices, studios and similar uses provided that no such individual business establishment will exceed 15,000 square feet of floor area.
 - h. Off leash dog park.
 - i. Urban gardens.
 - j. Market gardens.
 - k. Hotels up to 50 rooms.
 - l. Short-term rentals, subject to the regulations in Atlanta City Code **Section 20-1001**.
3. **On-site Parking Requirements.** The following parking requirements will apply to all uses:
- a. **On-site** parking **must** not be permitted between the principal building and the public street.
 - b. **On-site** parking may be located in a rear or side yard.
 - c. **All Dwellings.** **On-site** parking requirements **must** be as follows:
See **Section 16-08.007, Table I**, for applicable ratios according to the appropriate floor area ratio.
 - d. **Eating and Drinking Establishments.** One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it **will** be required to have one space for each 75 square feet of floor area. Floor area **must** include, in addition to those areas defined in **Section 16-29.001(13)(b)**, areas within the existing building footprint where walls have been removed and a permanent roof remains.
 - e. **All Other Uses.** No **on-site** parking is required.

I. Specific Regulations for Transitional Historic Areas, Subarea 2

The following regulations will apply to all properties located within this **subarea**:

1. **Intent.** The intent of the regulations for the Transitional Historic Areas, **Subarea 2**, is as follows:

- a. To encourage neighborhood-oriented development.
 - b. To promote pedestrian safety and connectivity.
 - c. To recognize that Centennial Olympic Park Drive is an important gateway to the Castleberry Hill Landmark District.
2. **Maximum Heights.** The height of a principle structure must be 50 feet. Properties with ground story retail space exceeding 12 feet in height must have a ten percent height bonus, allowing for a maximum height not to exceed 55 feet.
 3. **Setbacks.** The setback of the principal building façades that faces a public street must be between zero and 40 feet.
 4. **Lot Coverage.** Maximum lot coverage must not exceed 80 percent.
 5. **Railroad Right-of-Way.** Properties adjacent to the railroad right-of-way must have a minimum of a 20 feet continuous buffer adjacent to the railroad right-of-way. Said buffer may not be required to exceed 20 percent of the total property area and must be completely landscaped except for trails, paved walkways, benches and other such recreational features as approved by the Director of the Bureau of Planning. Said buffer must be considered as part of the required open space or public space for the lot, even if such buffer area is dedicated to the city or other governmental entity for recreation use or such buffer area is conveyed to a conservation group.
 6. Loading Areas, Loading Dock Entrances, and Building Mechanical and Accessory Features:
 - a. Commercial dumpsters must not be visible from any public street. Residential dumpsters must not be visible from Walker Street, Nelson Street, or Peters Street. Notwithstanding the visibility requirements noted above, all dumpsters must be concealed with walls six feet in height and constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco.
 - b. Loading docks and loading areas must not be permitted on the primary façade of a principal building.
 - c. Building mechanical and accessory features must not be permitted between the principal building and any public street.
 - d. Building mechanical and accessory features must be located to the rear of the principal building and must be in the location least visible from the public street. Screening with appropriate materials must be required if the equipment is visible from any public street.
 - e. When located on rooftops, building mechanical and accessory features visible from the public street must be incorporated in the design of the building and screened with materials compatible with the principal façade material of the building.
 7. Streetscapes regulations:
 - a. Public streetscapes must be located along all public streets and must have minimum width of 15 feet along Whitewall Street, Spring Street, Centennial Olympic Park Drive and ten feet along all other streets.
 - b. Streetscapes consist of two zones:

- i. An ~~street furniture and tree-planting amenity~~ zone;
 - ii. A ~~clear pedestrian~~ zone.
 - c. The ~~street furniture and tree-planting amenity zone must~~ have a minimum width of four feet. Said zone must be located immediately adjacent to the curb and must be continuous. Trees are required, and this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.
 - d. Street trees are required and must be planted a maximum of 40 feet on center within the amenity zone and spaced an equal distance between street lights. All newly planted trees must be a minimum of four inches in caliper measured 36 inches above ground, must be a minimum of 12 feet in height, must have a minimum mature height of 40 feet, and must be limbed up to a minimum height of seven feet. Trees must have a minimum planting area of 25 square feet. All plantings, planting replacement, and planting removal must be approved by the City Arborist. The area between required plantings must be planted with evergreen ground cover such as mondo grass or liriop spicata.
 - e. Tree grates are not required where all streetscape width requirements are met. Where tree grates are installed, they must be a type specified by the Director of planning in accordance with uniform design standards utilized by the Director of Planning for placement of such objects in the public right-of-way, and must be placed within the amenity zone.
 - f. Decorative pedestrian lights, where installed, must be placed a maximum of 40 feet on center and spaced equal distance between required trees along all streets. Where installed, said lights must be located within either the amenity zone or the street setback. All said lights must be Atlanta Type "C" as approved by the Planning Bureau.
 - g. Every commercially reasonable effort must be made to place utilities underground or to the rear of structures to allow for unobstructed use of streetscapes.
 - h. Trash receptacles, where installed, must be a Victor Stanley Model S-42 or similar looking standard, and must be placed within the amenity zone.
 - i. The ~~clear pedestrian zone must~~ be a minimum width of six feet along all streets. Said zone must be located adjacent to the amenity zone and must be continuous. Said zone must be hardscape and must be unobstructed for a minimum width of five feet and a minimum height of eight feet by any permanent or nonpermanent element.
8. **Minimum Landscaping Requirements for Surface Parking Lots.** All parking lots containing five or more parking spaces must comply with all of the requirements of Section 16-14.012.
 9. **Roof Lines.** Roofs of new construction, additions, or alterations must either be flat or pitched only if such pitched roofs are not visible from a public street due to parapet walls or other façade treatments.
 10. **Permitted Principal Uses and Structures.** In addition to those uses permitted in Section 16-20N.008(2), a building or premises must be used only for the following principle purposes:
 - a. Banks, savings and loan institutions, and similar financial establishments.

- b. Business service establishments, including those providing duplicating, printing, maintenance, communications, addressing, mailing, bookkeeping, or guard services.
 - c. Childcare centers, kindergartens and special schools.
 - d. Clubs and lodges.
 - e. Commercial greenhouses.
 - f. Institutions of higher learning, including colleges and universities.
 - g. Hotels and rooming houses.
 - h. Laundry and dry cleaning collection stations and laundry and dry cleaning establishments where customers operate equipment.
 - i. Manufacturing, wholesaling, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines, and appliances and the like, where the character of operations, emissions, and by-products do not create adverse effects beyond the boundaries of the property. Use of heavy drop hammers, punch presses, or other machinery or processing methods creating excessive noise or vibration is prohibited in this district.
 - j. Mortuary and funeral homes.
 - k. Offices, studios, clinics (including veterinary if animals are kept within soundproof structures); laboratories, and similar use, but not blood donor stations except at hospitals. Veterinary clinics **must** be located within soundproof buildings when located within 300 feet of any residential use.
 - l. Parking lots and structures.
 - m. Plumbing, air conditioning service and repair.
 - n. Printing or blueprinting shops.
 - o. Service and repair establishments dealing with office equipment or installations; minor repairs to plumbing, heating or air conditioning installations, replacement of glass, roof repairs and the like.
 - p. Urban gardens.
 - q. Market gardens.
11. **On-site Parking Requirements.** The following parking requirements will apply to all uses:
- a. **All Dwellings.** **On-site** parking requirements will be as follows: See **Section 16-08.007, Table I**, for applicable ratios according to the appropriate floor area ratio.
 - b. **Non-residential Uses.** **On-site** parking will be required as set out in **Section 16-16.009**. All non-residential uses not specified in **Section 16-16.009** will provide one parking space for each 300 square feet of floor area, except as provided below:

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- i. Other than for eating and drinking establishments, no on-site parking is required for non-residential uses occupying a single parcel not larger than 4,000 square feet.
- ii. **Eating and Drinking Establishments.** One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it will be required to have one space for each 75 square feet of floor area. Floor area must include, in addition to those areas defined in Section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

J. Additional Use Regulations.

In addition to the regulations governing permitted uses set forth in this Chapter, or elsewhere in this Code the following regulations will apply to permitted uses in this district:

1. **Eating and Drinking Establishments.** The following supplemental regulations will apply in Subarea 1 and Subarea 2:
 - a. No eating and drinking establishment with an alcohol license may be located within 250 feet of another eating and drinking establishment with an alcohol license, including an establishment located outside of the Castleberry Hill Landmark District.
 - b. Notwithstanding the location of any other premises with an alcohol license, an eating and drinking establishment where sales of alcoholic beverages by the drink constitute less than 50 percent of gross sales may be located within a mixed-use development greater than 10,000 square feet provided that all of the licensed establishments located in such mixed-use development constitute in the aggregate no more than 25 percent of the total square footage of nonresidential floor area in such mixed-use development.
 - c. Accessory outdoor dining area to any eating and drinking establishment which is otherwise permitted by these regulations may not be located within 100 feet of any dwelling except those located in the same structure;
2. **Specifically Prohibited Uses.** Without regard to whether such uses are allowed as a permitted use in other zoning districts under the list of permitted uses allowed in this district, the following uses are prohibited either as primary or accessory uses:
 - a. Cinema/movie theatre;
 - b. Bowling alley;
 - c. Skating rink;
 - d. Video game room, amusement gallery or amusement arcade;
 - e. Pool hall;
 - f. Massage parlor or facility;
 - g. Tattooing and/or piercing;
 - h. Adult establishments as defined in Section 16-29.001(3);

- i. Package stores;
 - j. Bottle houses;
 - k. Any establishment which provides “pawn transactions” as defined in O.C.G.A. § 44-12-130 as it exists now or as it may be amended;
 - l. Offering check cashing services pursuant to a license issued pursuant to Article 4A of Chapter 7 of the Official Code of Georgia;
 - m. Any institution except for banks, trust companies, credit unions, business development corporations, building and loan associations, mortgage lenders and mortgage brokers, which offer to loan money to the public. This provision **must** not act to prevent the credit sale of goods by any business establishment.
3. **Hours of Operation.** No business establishment is permitted to operate except during the following hours:
- a. Sunday—Thursday: 6:00 a.m. to 12:00 a.m.
 - b. Friday and Saturday: 6:00 a.m. to 1:00 a.m.

DIVISION 6.16. **ATKINS PARK**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent (Sec. 16-200.001)

The intent of the regulations for the Atkins Park Historic District is as follows:

1. To recognize and maintain the original design of the 1909 plan for Atkins Park created by Edwin Wiley Grove, a prominent businessman, pharmacist, real estate developer and philanthropist of the Southeast and Mid-Atlantic regions.
2. To preserve existing landscape and hardscape features that include the gateways, the by-way, alleys, and general physical character of the district.
3. To preserve the historic as-built physical pattern of the district created during the 1909 to 1935 period primarily consisting of single-family residential development, and including spatial relationships between buildings, and spatial relationships between buildings and the street.
4. To preserve the architectural history of the residences that were constructed in the district from 1909 to 1935 and to ensure that additions, alterations, and renovations to existing structures are consistent with the historic character of the individual structure.
5. To prevent the subdivision or aggregation of existing lots in any manner that would disrupt the historic platting pattern, lot sizes, and spatial relationships established during the 1909-1935 development period, or otherwise detract from the identified historic qualities of the district.
6. To preserve the residential character of the area, and to ensure that redevelopment reflects and reinforces the exceptional features established in the original planning.
7. To ensure that new construction observes the historic characteristics and maintains a continuing harmony with the character of the entire district. Also to ensure that new noncontributing structures of contemporary design and materials are compatible with and sensitive to the historic character of the district.
8. To encourage containment of existing commercial areas and discourage encroachment of the commercial areas into the district.
9. To encourage neighborhood revitalization and prevention of displacement of residents.
10. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

B. Scope of Regulations (Sec. 16-200.002)

The scope of the regulations for the Atkins Park Historic District is as follows:

1. The existing zoning map and all regulations governing all properties within the Atkins Park Historic District ~~shall~~ will remain in full force and effect. The following zoning regulations ~~shall~~ will be overlaid upon, and ~~shall~~ will be imposed in addition to, said existing zoning regulations.

Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations of **chapter 200** ~~shall~~ will apply.

2. Except where it is otherwise explicitly provided, the provisions of **Chapter 20** of this part ~~shall~~ will apply to this district. Whenever the regulations of **chapter 200** conflict with the provisions of **Chapter 20**, the regulations of chapter **200** shall apply.
3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Atkins Park Historic District ~~shall~~ will continue to apply. In the event of any conflict between said other regulations and the following regulations of this chapter 200, the interpretation provision set forth in section **16-20.011** of the Code of Ordinances ~~shall~~ will govern.

C. Boundaries (Sec. 16-200.003)

Historic District (HD) zoning district, which district ~~shall~~ will be as shown on the official zoning map adopted herewith entitled "Atkins Park Historic District" and described as follows, south boundary is the rear (south) property line on St. Augustine Place; west boundary is the east edge of the sidewalk on the west side of North Highland Avenue from the rear (south) property line on St. Augustine Place to the rear (north) property line on St. Louis Place; north boundary is the rear (north) property line on St. Louis Place; east boundary is the west edge of the sidewalk on the east side of Briarcliff Road from the rear (north) property line on St. Louis Place to the rear (south) property line on St. Augustine Place.

D. Organization (Sec. 16-200.004)

The overlay zoning regulations for the Atkins Park Historic District are composed of general regulations that apply to the entire district within the stated boundaries.

E. Definitions (Sec. 16-200.005)

For purposes of interpreting this **Chapter 200**, the following definitions ~~shall~~ will apply.

1. Alley means a pedestrian or vehicular way providing secondary access to the rear of abutting property.
2. Balcony means a finished platform that projects from the wall of a building and is enclosed by a finished railing or parapet, generally cantilevered or supported by brackets.
3. By-way means the walkway located mid-way on the blocks, running north-south between the north side of Ponce de Leon Avenue and the south side of St. Louis Place.
4. Core residential street means St. Augustine Place, St. Charles Place, St. Louis Place, and the one block section of Briarcliff Road between St. Charles Place and St. Louis Place, and specifically excludes alleys and by-ways.
5. Deck means a roofless platform and adjoining deck stairs connected to a house, generally made of unfinished wood and supported by posts.
6. District means the Atkins Park Historic District, as shown on the official zoning map adopted herewith entitled the "Atkins Park Historic District."

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7. Gateway means the stone pillars and associated wrought iron, stone walls, and stone retaining walls that are at the east and west entrances of St. Augustine Place, St. Charles Place and at the west entrance of St. Louis Place.
8. New construction means construction of new ~~principal~~ primary structures.
9. ~~Principal~~ Primary structure means the main habitable structure on a property, exclusive of detached accessory structures.
10. Upper ~~level~~ story terrace means non-roofed space within the foot print of the structure and accessible from a habitable portion of an upper floor of the structure.

F. General Regulations (Sec. 16-200.005)

The following general regulations ~~shall~~ will apply to all properties located within the Atkins Park Historic District.

1. Certificates of appropriateness:
 - a. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Code of Ordinances.
 - b. Notwithstanding any other provision herein, no certificate of appropriateness ~~shall~~ will be required unless, at a minimum, the work would otherwise require a building permit.
 - c. Type I certificates of appropriateness for ordinary repairs and maintenance ~~shall~~ will not be required in this district. For example, painting or repainting of any structure or portion thereof, or roof or driveway repair using same materials, do not require a certificate of appropriateness.
 - d. Type II certificates of appropriateness ~~shall~~ will be required for any of the following to the extent they are visible from a public street: Any minor alteration to any facade of any principal structure, fences, walls, retaining walls, decks, skylights, solar panels, mechanical and communication equipment, shutters, awnings, accessory structures or paving. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of this chapter, as applicable and other criteria applicable to Type II certificates, the Executive Director of the Urban Design Commission ~~shall~~ will issue the Type II certificate within 14 days of receipt of the completed application. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of this chapter, as applicable, the Executive Director of the Urban Design Commission ~~shall~~ will deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the Executive Director regarding the approval and/or denial of Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of chapter 16-20.008(a) for Type I certificates.
 - e. Type III certificates of appropriateness ~~shall~~ will be required for:
 - i. All new principal structures.
 - ii. All major alterations and additions to existing structures.

- iii. Subdivisions or aggregations of lots, and planned developments.
 - f. Type IV certificates of appropriateness ~~shall~~ will be required for demolition, moving, or major alterations or additions to any principal structure, or existing gateway, or portions thereof.
2. **Variances.** Variance applications ~~shall~~ will be heard by the Urban Design Commission. The Urban Design Commission ~~shall~~ will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances ~~shall~~ will be the same as those specified in **chapter 26 of this Part 16.**
- a. Zoning variances granted prior to enactment of this **chapter**. Any owner of property who obtained, on or after January 1, 1982, and prior to the effective date of this **chapter**, a variance from the city Board of Zoning Adjustment to construct all or a portion of a project within the boundaries of this district, ~~shall~~ will be entitled to construct said project in accordance with the plans presented in said application, the provisions of **section 16-200.007** notwithstanding.
3. Financial hardship exemptions:
- a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of neighborhood revitalization and prevention of displacement of residents, the Urban Design Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.
 - b. The burden of proving economic hardship by a preponderance of the evidence ~~shall~~ will be on the applicant.
 - c. The commission ~~shall~~ will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - i. The present income of the property owner(s) and those occupying the property;
 - ii. The age of the property owner;
 - iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;
 - iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;
 - v. The costs associated with adherence to these regulations;
 - vi. The degree of existing architectural significance and integrity of the structure; and
 - vii. The purpose and intent of this chapter.
 - d. The Urban Design Commission ~~shall~~ will consider these factors. If it finds that the applicant's economic hardship outweighs the need for strict adherence to these regulations it ~~shall~~ will grant an exemption, in whole or in part, as appropriate.
4. **Subdivisions and aggregation of lots.** The platting pattern of the Atkins Park Historic District is an integral part of the historic character of the district. No subdivision or aggregation ~~shall~~ will be

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approved unless it can be shown that the proposal is substantially consistent with the original plan of the district. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions and aggregations of lots ~~shall~~ will conform to the historic platting pattern in the Atkins Historic District with regard to area of lot, dimensions, and configurations.

5. **Tree preservation and replacement.** The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code section 158-26 et seq., (Code 1977, as amended), ~~shall~~ will apply to this district.

a. In addition to the Tree Ordinance, a Type III Certificate of Appropriateness to remove or destroy any tree having a diameter at breast height of 6 inches or greater for safety, landscaping, silviculture, construction, renovation or demolition ~~shall~~ will be obtained prior to commencement of work. Trees determined to be dead, dying or hazardous are not subject to the certificate of appropriateness procedures. The application ~~shall~~ will include a tree plan indicating the following:

- i. Location of all existing trees with type and diameter indicated, including boundary trees;
- ii. Location of all existing trees to be saved indicated; and
- iii. Location of all proposed trees located with type and diameter indicated.

6. Alleys and by-ways:

a. Existing alleys and by-ways ~~shall~~ will be maintained as part of the historic platting pattern. Alleys shall remain open for pedestrian and vehicular traffic. Byways ~~shall~~ will remain open for pedestrian traffic only.

7. Compatibility rule:

a. In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, or the district as a whole. Synthetic materials may be used if visually indistinguishable from the original materials. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) ~~shall~~ must match that which predominates on the contributing buildings of the same block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face."

b. Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."

8. Specific Regulations:

The following regulations ~~shall~~ will apply to all properties located within the Atkins Park Historic District.

- a. ~~Development controls~~ Lot standards for ~~principal~~ primary structures:

- i. **Primary street setbacks yards.** The ~~front yard~~ primary street setback of ~~principal~~ primary structures shall meet the compatibility rule.
- ii. **Side setbacks yards.** The side ~~yard~~ setbacks of principal structures ~~shall~~ must meet the compatibility rule. All new construction and additions ~~shall~~ must maintain a minimum of three feet for side ~~yards~~ setbacks where the compatibility rule would permit otherwise.
- iii. **Rear setback yard.** The rear ~~yard~~ setback of principal structures ~~shall~~ must be a minimum of 15 feet.
- iv. **Off-street On-site** parking and driveway requirements.
 - a) ~~Off-street On-site~~ parking pad(s) shall not be permitted in any front yard or half-depth front yard. ~~Off-street On-site~~ shall must be located in a side or rear yard.
 - b) The driveway shall extend at least 20 feet beyond the ~~front~~ street-facing facade of the ~~principal~~ structure and ~~shall~~ must not exceed a width of ten feet in the front yard or half-depth front yard, exclusive of the curb flare.
 - c) Use of shared driveways is permitted.
 - d) The use of alleys for access to such parking is permitted. No variance is required for driveways coming off an alley.
 - e) Loose stone or gravel is not permitted as a driveway paving material when visible from a core residential street.
 - f) When garages are attached to the principal structure, the garage entrance(s) ~~shall~~ must not face a core residential street.
- v. **~~Sidewalk and planting strip~~ Pedestrian and amenity zone:**
 - a) Existing ~~sidewalks and planting strips~~ Pedestrian and amenity zones ~~shall~~ must be retained and existing topography ~~shall~~ must be maintained.
 - b) A ~~sidewalk~~ pedestrian zone between the ~~planting strip~~ amenity and the required front yard and parallel to the public street ~~shall~~ must be provided. The ~~sidewalk shall pedestrian zone must~~ be the same width as the ~~sidewalk pedestrian zone~~ on abutting properties. The compatibility rule ~~shall~~ must apply to ~~sidewalk pedestrian zone~~ paving materials.
- vi. Fences and walls:
 - a) Fences ~~shall~~ must not exceed four feet in height when located in the front or the half-depth front yards.
 - b) Fences and walls ~~shall~~ must not exceed six feet in height when located in the side or rear yards.
 - c) Fences ~~shall~~ must be constructed of wood or vinyl picket, wrought iron, cast iron or decorative pre-finished aluminum when located in a front or half-depth front yard. Chain link is prohibited as a fence material when located in a front or half-depth front yard. Materials of fences or walls ~~shall~~ must not be restricted in the side or rear yards.

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- d) Retaining walls located adjacent to a public right-of-way shall must have a maximum height of two feet from sidewalk finished grade and shall must be constructed of or faced with natural stone or brick. Railroad lumber, wood, architectural concrete masonry units or other simulated material is not a permitted facing material of retaining walls. The height and materials of retaining walls located in the side or rear yards shall must not be restricted.
- e) Fences may be constructed on top of a retaining wall. The combined height of the retaining wall and fence shall must not exceed six feet when located in a front or half-depth front yard.
- b. **Architectural standards for principal primary structures.** Architectural standards for principal primary structures shall must apply to front street-facing facades, side facades, and half-depth front street-facing facades visible from core residential streets only.
 - i. All new construction shall must be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall must occur.
 - ii. **Building height and width.** The compatibility rule shall must apply to the height and width of the principal primary structure. In no case shall must the height of a structure exceed 35 feet from average grade.
 - iii. Foundation:
 - a) The maximum height of the first floor-ground story above grade shall must meet the compatibility rule. The foundation shall must be a maximum of four feet above the surface of the ground adjacent to the street-facing front facade, measured at the street-facing front facade.
 - b) Slab on grade is not permitted.
 - c) When masonry, brick or stucco is used as the primary street-facing facade material, the foundation material shall must be the same. Otherwise the foundation shall must be brick or stucco.
 - iv. **Siding.** Siding shall must be substantially consistent with siding materials found in contributing buildings on the block face and shall must be consistent with the architectural style. Brick, brick veneer, stucco, shingles, or horizontal lapped wood or cementitious plank siding are permissible building materials for the facades.
 - a) Roofs:
 - b) The shape and pitch of roofs, as well as ridge, overhang, and soffit construction shall must meet the compatibility rule and be consistent with the architectural style.
 - c) Clay tile, slate, composition asphalt shingles, and fiberglass shingles are permissible roofing materials.
 - d) Membrane or cold-rolled roofing is permitted only on flat roofs.
 - e) Corrugated roofing materials are not permitted.
 - v. Chimneys:

- a) When any portion of a chimney is visible from a public street as a facade element, the chimney ~~shall~~ must originate average grade.
- b) Exterior portions of chimneys ~~shall~~ must be faced with brick, brick veneer or stucco. Siding on chimneys is prohibited.
- vi. **Skylights and solar panels.** Skylights and solar panels are permitted on roofs of buildings provided they are not visible from any core residential street.
- vii. Front entry features:
 - a) All front entry features, front porches, front steps and front doors ~~shall~~ must face and be parallel to the street, except in those blocks where the historic pattern is such that front doors and front steps are perpendicular to the street, in which the compatibility rule ~~shall~~ must apply.
 - b) The main entry feature ~~shall~~ must be a design element of the facade that faces the district's residential public street.
 - c) The design and dimensions of front porches, front entry features or terraces ~~shall~~ must be consistent with the architectural style of the house.
 - d) Front porch steps ~~shall~~ must be made of stone, brick, or poured concrete; metal or wood steps are not permitted.
 - e) Porches may be enclosed with recessed screenwire or recessed glass if the main characteristics of a front porch are maintained.
- viii. **Windows and doors.** Fenestration Transparency, if visible from a core residential street upon completion, ~~shall~~ must meet the following requirements:
 - a) The compatibility rule ~~shall~~ must apply to the style, size, shape and overall pattern of fenestration.
 - b) Windows on the front facade ~~shall~~ must be predominantly vertical.
 - c) Exterior doors and door transoms ~~shall~~ must be appropriate to the house style, regarding design, size, dimension, and location on the building.
- ix. Shutters and awnings:
 - a) Shutters and awnings may be added to the building if they are appropriate to the architectural style of the house.
 - b) Shutters ~~shall~~ must be operable or appear operable, and shall fit the size of the window.
 - c) Replacement shutters ~~shall~~ must match the original shutters in design, materials, and configuration.
 - d) Fabric and metal awnings are permitted. All other types of canopies and awnings are prohibited.
- x. Decks, balconies and upper level terraces:

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- a) Decks ~~shall~~ must be permitted only when located to the rear of the ~~principal~~ primary structure and ~~shall~~ must be no wider than the width of the house. Decks ~~shall~~ must be permitted at any level.
 - b) Balconies and upper ~~level~~ story terraces ~~shall~~ must be permitted on any facade, provided it is consistent with the architectural style of the house.
- xi. **Ornamentation.** Installation of architectural ornaments, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps, doors, half-timbering, and attic vents, where none previously existed ~~shall~~ must be permitted and ~~shall~~ must be subject to the compatibility rule.
- xii. Mechanical and communication equipment:
- a) Mechanical equipment, i.e. heating and cooling systems, ~~shall~~ must be located to the side or rear of the ~~principal~~ primary structure and in the location least visible from a public street. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street.
 - b) Communication equipment, i.e. satellite dish, ~~shall~~ must be located to minimize visibility from the core residential street.
- xiii. Grading ~~shall~~ must not excessively or unnecessarily alter the existing topography of the site. New grades ~~shall~~ must meet existing topography in a smooth transition. Erosion shall be prevented and runoff kept to a minimum.
- c. **Maximum floor area ratio.** The floor area ratio ~~shall~~ must not exceed 50 percent of the total lot area.
- d. **Maximum lot coverage.** Lot coverage ~~shall~~ must not exceed 50 percent of total lot area.
- e. ~~Development controls~~ Lot standards for accessory structures:
- i. **Side yards** ~~Side setbacks~~. The side ~~yard~~ setbacks of accessory structures ~~shall~~ must be a minimum of three feet. Where an accessory structure directly abuts an accessory structure on an abutting property, the side ~~yard~~ setback may be zero feet.
 - ii. **Rear yard setbacks.** The rear ~~yard~~ setbacks of accessory structures ~~shall~~ must be a minimum of three feet, measured from the rear property line.
 - iii. Accessory structures are permitted in the side or rear yards within the buildable area of the lot so as to not project beyond the ~~front street-facing~~ facade of the ~~principal~~ primary structure. Placement of accessory structures ~~shall~~ must conform to the compatibility rule.
 - iv. Accessory structures ~~shall~~ must not exceed 16 feet in height or the height of the principal structure, whichever is less, measured from slab to ridge pole, and ~~shall~~ must not contain a floor area greater than 25 percent of the floor area of the ~~principal~~ primary structure. Plumbing ~~shall~~ must be limited to hose bib, and electricity ~~shall~~ must be limited to 60 amps.
9. Design standards and criteria for alterations and additions to non-contributing structures:

- a. Alterations and additions to non-contributing buildings ~~shall~~ must comply with one of the following:
 - i. Alterations and additions ~~shall~~ must be consistent with the architectural style of the existing building and the height or width of any alteration or addition ~~shall~~ must not exceed the height or width of the existing building; or
 - ii. Alterations and additions ~~shall~~ must be representative of a single architectural style chosen from those represented by contributing buildings on the block face where the existing non-contributing building is located, ~~shall~~ must comply, as applicable, with Architectural Standards for Principal Structures., section 16-20O.007(2).

10. Design criteria for alterations and additions to contributing structures:

- a. Alterations and additions to contributing structures requiring a certificate of appropriateness ~~shall~~ must comply with one of the following provided that the mere increase in floor area otherwise authorized in the district ~~shall~~ must not constitute a standard for review:
 - i. Alterations and additions ~~shall~~ must be consistent with and reinforce the historic architectural character of the entire existing contributing structure and ~~shall~~ must comply with the applicable regulations for architectural standards for principal structures set forth in subsection 16-20O.007(2) above; or
 - ii. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale, materials, and architectural features of the property and environment.

DIVISION 6.17. **SUNSET AVENUE**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent (Sec. 16-20P.001.)

The intent of the regulations for the Sunset Avenue Historic District is as follows:

1. To enhance and integrate land use regulations, tailored to the historic character of this district, with existing land use regulations;
2. To preserve the district's historic pattern and distribution of building types that are characterized primarily by single-family residences, institutions, and neighborhood commercial buildings, which were constructed from the late 19th century to the mid-20th century;
3. To preserve the residential character of the street, including the spatial relationships between buildings, and the spatial relationship between buildings and the street;
4. To preserve the historic street and lot pattern and design, that are significant elements of the district;
5. To ensure that new development is consistent with the historic character of the district;
6. To encourage neighborhood revitalization and prevent the displacement of residents; and
7. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

B. Scope of Regulations (Sec. 16-20P.002.)

1. The existing zoning map and regulations governing all properties within the Sunset Avenue Historic District ~~shall~~ will remain in full force and effect. The following zoning regulations ~~shall~~ will be overlaid upon, and ~~shall~~ will be imposed in addition to, said existing zoning regulations.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district ~~shall~~ will continue to apply; and any variance between said other regulations and these overlay district regulations (Chapter 20P) ~~shall~~ will be governed by the interpretation provision set forth in section 16-20.011(c) of the Code of Ordinances.

C. Boundaries (Sec. 16-20P.003.)

The boundaries of the Sunset Avenue Historic District constitute an overlay **Historic District (HD) zoning district**, which district ~~shall~~ will be as shown on the official zoning map adopted herewith entitled the "Sunset Avenue Historic District" and described as follows: south boundary on the east side of Sunset Avenue is the south property line of 685 Rhodes Street, and on the west side of Sunset Avenue is the south property line of 126 Sunset Avenue; west boundary is the rear property lines of the lots on the west side of Sunset Avenue; north boundary on the west side is north property line of 320 Sunset Avenue; north boundary on the east side is the north property line of 303 Sunset Avenue; east boundary is the rear property lines of the lots on the east side of Sunset Avenue.

D. Organization (Sec. 16-20P.004.)

The overlay zoning regulations for the Sunset Avenue Historic District are composed of two parts. The first part consists of general regulations which apply to all property located within this district. The second part consists of specific regulations.

E. General Regulations (Sec. 16-20P.005.)

The following regulations ~~shall~~ will apply to all properties within the Sunset Avenue Historic District.

1. General criteria:

- a. The Urban Design Commission ~~shall~~ will apply the standards referenced below if the standards set forth elsewhere in this Chapter 20P do not specifically address the application, including but not limited to commercial properties in the district:
 - i. A property ~~shall~~ will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features and exterior spatial relationships.
 - ii. The historic character of a property ~~shall~~ must be retained and preserved. The removal of distinctive materials or alteration of features, and exterior spatial relationships that characterize a property ~~shall~~ must be avoided.
 - iii. Each property ~~shall~~ must be recognized as a physical record of its time, place, and use. Changes ~~shall~~ must not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties or eras.
 - iv. Changes to a property that have acquired historic significance in their own right ~~shall~~ must be retained and preserved.
 - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, ~~shall~~ must be preserved. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
 - vi. New additions, exterior alterations, or related new construction, ~~shall~~ must not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old, but ~~shall~~ must be compatible with the historic materials, features, size, massing, scale and proportion, to protect the integrity of the property and its environment.
 - vii. New additions and adjacent or related new construction ~~shall~~ must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2. The compatibility rule:

- a. In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of (i) the structure itself, (ii) the contributing buildings in the entire block, and (iii) the contributing buildings in the subarea.

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- b. The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows:

"The elements in question (roof form, architectural trim, etc.) ~~shall~~ **must** match that which predominates on the contributing buildings of the same block face, or where quantifiable (i.e., buildings height and width as measured at front street-facing facade, floor story height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face."
 - c. To permit flexibility, many regulations are made subject to the compatibility rule. Those elements to which the compatibility rule applies are specified in regulations by reference to the "compatibility rule."
3. Certificates of appropriateness:
- a. When required:
 - i. To change the exterior appearance of any portion of a structure within the district, when said change can be seen from the ~~public~~ right-of-way;
 - ii. To erect a new structure or to make an addition to any structure within the district, when said addition can be seen from ~~public~~ right-of-way;
 - iii. To demolish or move any contributing ~~principal~~ primary structure, in whole or in part, within the district; and
 - iv. Site work.
 - b. Type required:
 - i. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness ~~shall~~ **must** be those specified in section 16-20.008 of the Code of Ordinances.
 - ii. Notwithstanding any other provision herein, no certificate of appropriateness ~~shall~~ **will** be required unless, at a minimum, the work would otherwise require a building permit.
 - iii. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. This exemption in no way obviates the requirements for certificates of appropriateness set forth in this section.
 - iv. The following Type II certificates of appropriateness ~~shall~~ **must** be reviewed by the Executive Director of the Urban Design Commission and ~~shall~~ **will** be required for any of the following:
 - a) Fences, walls, and retaining walls;
 - b) Decks, skylights, solar panels, and mechanical and communication equipment if visible from the ~~public~~ right-of-way;
 - c) New accessory structures and alterations to existing accessory structures;
 - d) Shutters and awnings if visible from the ~~public~~ right-of-way;

- e) Replacement of non-original, non-historic or missing elements with elements that otherwise meet the regulations, including but not limited to: siding, windows, porch railings, porch columns, porch flooring, exterior doors, if visible from the **public** right-of-way, and
 - f) Paving.
- c. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of this **chapter**, as applicable, and other criteria applicable to Type II certificates, the Executive Director of the Urban Design Commission **shall will** issue the Type II certificate within 14 days of receipt of the completed application. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of this **chapter**, as applicable, the Executive Director of the Urban Design Commission **shall will** deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the director regarding the approval and/or denial of Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of **section 16-20.008(a)** for Type I certificates.
- d. The following Type II certificates of appropriateness **shall will** be reviewed by the Urban Design Commission and **shall will** be required for any of the following to the extent they are visible from the **public** right-of-way:
- i. Alterations to any facade of any **principal primary** structure; and
 - ii. All site work, except as noted in **section 16-20P.005(3)(b)(4)**.
- e. The following Type III certificates of appropriateness **shall will** be reviewed by the Urban Design Commission and **shall will** be required for:
- i. All new **principal primary** structures;
 - ii. Additions visible from the **public** right-of-way;
 - iii. Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint;
 - iv. Subdivisions and aggregations; and
 - v. Variances.
- f. Type IV certificates of appropriateness **shall will** be reviewed by the Urban Design Commission and required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure **shall will** require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance of the front facade.
4. **Variances and special exceptions.** The Urban Design Commission **shall will** have the power to hear, grant and deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances **shall will** be the same as those specified in **Chapter 26 of this Part 16**. The Urban Design

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Commission ~~shall~~ will have the authority to grant or deny applications for special exceptions pursuant to the standards in **Chapter 25** of this part.

5. **Subdivision and aggregation of lots.** The subdivision of any lot within this district ~~shall~~ will be subject to review and approval by the Urban Design Commission. No subdivision of lots ~~shall~~ will be approved by the ~~director of the office of planning~~ Planning Director unless said matter has first been submitted to and approved by the commission. No lots ~~shall~~ will be aggregated except upon approval of the Urban Design Commission. Applications ~~shall~~ will be made to the Urban Design Commission, and the Commission ~~shall~~ will not approve any subdivision or aggregation of lots unless the Commission ~~shall~~ will make a finding that the resulting lot or lots are compatible with the historic platting pattern of Sunset Avenue as it existed in 1968 and meet the compatibility rule with regard to lot size, dimensions and configuration.
6. Financial hardship exemptions:
 - a. These regulations set forth a minimum standard of architectural compatibility within the district. However, in order to balance this concern with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Urban Design Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner. The burden of proof that the regulations and guidelines pose such a hardship ~~shall~~ will be on the property owner.
 - b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purpose.
 - c. If the Urban Design Commission finds that this requirement of subsection (b) herein is satisfied, they ~~shall~~ will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - i. The present and future income of the property owner(s) and those occupying the property;
 - ii. The availability, at present or in the future of other sources of income or revenue, including loans, grants, and tax abatements;
 - iii. The cost associated with adherence to the subarea regulations;
 - iv. The degree of existing architectural importance and integrity of the structure;
 - v. The purpose and intent of this **chapter**.
 - d. The Urban Design Commission ~~shall~~ will balance these factors as applied to the applicant for said exemption and ~~shall~~ will grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.

F. Specific Regulations (Sec. 16-20P.006.)

In addition to the general regulations set forth in **section 16-20P.005**, and any other applicable regulations, the following regulations ~~shall~~ will apply to all properties:

1. **Lot size, dimensions and configurations.** In addition to the requirements of the subdivision and zoning ordinances, the compatibility rule specified in this **Chapter 20P** shall will apply to all subdivisions and aggregations of lots with regard to lot size, dimensions and configurations.
2. Grading:
 - a. Grading shall will not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the structural integrity of a structure.
 - b. New grades shall will meet existing topography in a smooth transition.
3. Architectural standards:
 - a. Building facades:
 - i. All new construction shall will conform to the existing building orientation by having porches and front doors facing the front yard.
 - ii. At a minimum, the front of all new construction, including any portion thereof, shall will be placed at the distance from the street determined by the compatibility rule.
 - iii. There shall will be two side yards, one on each side of the principal primary structure, established by the compatibility rule.
 - iv. There shall will be a rear yard of not less than ten feet.
 - v. All building materials which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the subarea.
 - vi. Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.
 - vii. The height of all new construction shall be based on the compatibility rule. Notwithstanding the compatibility rule, the height of new additions shall not exceed the height of the principal structure.
 - b. Windows and doors:
 - i. Architecturally significant windows and doors, including details, trim work, and framing, shall must be retained.
 - ii. Replacement windows and doors shall must be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in design, materials, shape and size with no more than a one-inch width or height difference from the original size.
 - iii. New doors and windows, when permitted, shall must be compatible in scale, size, proportion, placement, and design to existing windows and doors.
 - iv. The ratio of window and door area to wall area for all new construction shall must be established by the compatibility rule, with a permitted differential of ten percent.

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- v. Windows in the front street-facing facade of new construction shall must be predominantly vertical in proportion and must not be constructed in combination of more than two windows.
 - vi. Replacement exterior doors shall must match the original openings and conform to the original door in material and design.
 - vii. New exterior doors shall must be wood panel or fixed glass panel in wood frame. Metal doors may be used if their design matches that of an original door.
- c. Foundations:
- i. Foundations shall must be finished with brick, painted concrete block or true stucco.
 - ii. Foundations shall must be continuous wall construction or masonry piers with closed with solid infill wall.
 - iii. Except for garage and utility additions and freestanding buildings, painted concrete block, brick or true stucco shall must be used as infill between foundation masonry piers when infill is otherwise required.
 - iv. Slab on grade foundations are not permitted.
- d. **Storm doors and storm windows.** Storm doors, screen doors or storm windows shall must be of compatible design and shall must not cover, obscure or dominate significant architectural details.
- e. Chimneys:
- i. Chimneys shall must be retained whenever possible.
 - ii. If extending or repairing a chimney, the original materials, mortar, color and pattern shall must be matched whenever possible.
 - iii. The construction of new chimneys shall must not be permitted on the front street-facing facade.
 - iv. New chimneys shall must be faced with brick, stucco or stone and shall must originate at grade.
 - v. Siding on chimneys is prohibited.
- f. Roofs:
- i. Replacement roofs and roofing shall must match the original roof in material, pitch and shape as well as ridge, overhang and soffit design.
 - ii. Cold-rolled roofing is permitted only on flat roofs and roofs with a 15-degree or less pitch.
 - iii. Architectural metal roofing, slate, tile, and shingle roofing are permitted; corrugated metal and corrugated fiberglass roofs are not permitted.
 - iv. The shape and pitch of roofs for new construction shall will be subject to the compatibility rule.

- v. Dormers ~~shall~~ must not be permitted on the roof over the front facade of any structure.
 - vi. Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are not permitted on the roof over the front facade of any structure.
- g. Porches:
- i. Architecturally significant front porches, steps and stoops ~~shall~~ must be retained, whenever possible.
 - ii. Replacement front porches, steps and stoops ~~shall~~ must match the original in size, design and materials.
 - iii. Front porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.
 - iv. Front porches ~~shall~~ must be required for new homes and the compatibility rule ~~shall~~ will apply for all porch elements.
 - v. Front porches ~~shall~~ must contain balustrades, columns and other characteristics including floor dimension, height, roof pitch and overhang that meet the compatibility rule, although standard lumber is permitted.
 - vi. New decks ~~shall~~ must be permitted to the rear of the house.
- h. **Accessory structures.** Accessory structures, such as carriage houses, smoke houses, garages, car ports, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, tool sheds, greenhouses, tenant and alley houses, air conditioners and heating units, ~~shall~~ must be located to the side or rear of the main structure within the buildable area of the lot and ~~shall~~ must not project beyond the front of the main structure. In addition, said structures shall be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials may be required if said structure is visible from the ~~public~~ right-of-way.
- i. Walls and fences:
- i. Walls are not permitted in the front yard. Where permitted, walls ~~shall~~ must be no more than six feet in height.
 - ii. Fences in the front yard ~~shall~~ must be made of wood picket, brick, stone or iron type construction and ~~shall~~ must be no more than four feet in height.
 - iii. Retaining walls which are located in the front yard ~~shall~~ must have a finished masonry surface constructed of materials compatible with the exterior finish of the ~~principal dwelling~~ primary structure. Retaining walls ~~shall~~ must be integrated into the landscape.
- j. Architectural details:
- i. Exterior architectural details, such as brackets, decorative trim, corner boards, windows moldings, railings, columns, steps and doors, which contribute to the character of the buildings and appear on the front facade, ~~shall~~ must be retained, restored or replaced to match the original in dimension and design.
4. Paved surfaces:

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- a. The original layout, patterns and paving materials of ~~sidewalks~~ pedestrian zones, curbs and streets ~~shall~~ must be retained. Replacement, when necessary, ~~shall~~ must be done in kind as to layout, pattern, and paving material.
 - b. New ~~sidewalks~~ pedestrian zones ~~shall~~ must be the same material and width as the ~~sidewalks~~ pedestrian zone on abutting properties. If no sidewalk exists on abutting properties, the new ~~sidewalk~~ pedestrian zone ~~shall~~ must match the material and widths on the block. If no ~~sidewalk~~ pedestrian zone exists on the block, the new ~~sidewalk~~ pedestrian zone ~~shall~~ must be concrete and six feet wide.
5. ~~Off-street~~ On-site parking requirements:
- a. ~~Off-street~~ On-site parking ~~shall~~ must not be permitted in the front yard.
 - b. Carports and garages ~~shall~~ must be behind the rear of the ~~main~~ primary structure. If the ~~principal~~ primary structure is located on a corner lot, the ~~front-yard~~ primary street setback of that side street ~~shall~~ will apply to the construction of a carport or garage.

DIVISION 6.18. **COLLIER HEIGHTS**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent (Sec. 16-20Q.001.)

The intent of the regulations for the Collier Heights Historic District is as follows:

1. To preserve the integrity of the neighborhood, a mid-20th century suburb created for African Americans, by African Americans;
2. To preserve the environment, physical layout, and examples of early and mid-20th century architecture in the district;
3. To encourage and ensure development compatible with the existing character of the district;
4. To ensure that new development using contemporary design and materials is compatible with and sensitive to the character of the district;
5. To preserve the residential character of the district;
6. To prevent the encroachment of commercial areas into the residential areas; and
7. To encourage economic development, neighborhood revitalization, and promote the health, safety, and welfare of the district's residents.

B. Scope of Regulations (Sec. 16-20Q.002.)

1. The existing zoning map and regulations governing all properties within the Collier Heights Historic District ~~shall~~ will remain in full force and effect. The regulations contained in chapter 20Q ~~shall~~ will be overlaid upon, and shall be imposed in addition to, said existing zoning regulations.
2. Except where it is otherwise explicitly provided, the provisions of chapter 20 of this part ~~shall~~ will apply to this district.
3. Whenever the regulations of chapter 20Q conflict with said regulations of chapter 20, the regulations of chapter 20Q ~~shall~~ will apply.
4. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district ~~shall~~ will continue to apply; and any variance between said other regulations and these overlay district regulations (chapter 20Q) ~~shall~~ will be governed by the interpretation provision set forth in section 16-20.011(c) of the Code of Ordinances.

C. Boundaries (Sec. 16-20Q.003.)

The boundaries for the Collier Heights Historic District constitute an overlay Historic District (HD) zoning district, which district ~~shall~~ will be reflected in the official zoning maps of the City of Atlanta.

D. Organization (Sec. 16-20Q.004.)

The overlay zoning regulations for the Collier Heights Historic District are composed of two parts. The first part consists of general regulations. The second part consists of specific regulations. Both

parts ~~shall~~ will apply to all property located within this district.

E. General Regulations (Sec. 16-20Q.005.)

The following general regulations ~~shall~~ will apply to the Collier Heights Historic District.

1. General criteria:

- a. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness ~~shall~~ will be those specified in **section 16-20.008** of the Zoning Code.
- b. In the Collier Heights Historic District, the Urban Design Commission ~~shall~~ will apply the standards referenced below only if the standards set forth elsewhere in this **Chapter 20Q** do not specifically address the application including but not limited to multi-family residential, institutional, commercial and mixed use structures:
 - i. A property ~~shall~~ must be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ii. The historic character of a property ~~shall~~ must be retained and preserved. Distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property ~~shall~~ must not be removed.
 - iii. Each property ~~shall~~ must be recognized as a physical record of its time, place, and use. Changes ~~shall~~ must not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
 - iv. Changes to a property that have acquired historic significance in their own right ~~shall~~ must be retained and preserved.
 - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
 - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature ~~shall~~ must match the old in design, texture, and materials.
 - vii. Chemical or physical treatments, if appropriate, ~~shall~~ must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials ~~shall~~ must not be used.
 - viii. Archaeological resources ~~shall~~ must be protected and preserved in place. If such resources must be disturbed, mitigation measures ~~shall~~ must be undertaken.
 - ix. New additions, exterior alterations, or related new construction, ~~shall~~ must not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and ~~shall~~ must be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction ~~shall~~ must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2. **Certificates of appropriateness.** Certificates of appropriateness within this district ~~shall~~ must be required as follows:
- a. Notwithstanding any other provision herein, no certificate of appropriateness ~~shall~~ must be required unless, at a minimum, the work would otherwise require a building permit.
 - b. Notwithstanding any other provision herein, the following work does not require a certificate of appropriateness:
 - i. To repaint any structure or portion thereof; and
 - ii. To complete ordinary repairs and maintenance, as defined by section 16-20.008(a); and
 - c. The following work requires a certificate of appropriateness:
 - i. To alter the front street-facing or side facades and front or side roof planes of a structure;
 - ii. To alter the rear facade or rear roof plane of a structure that is located on a corner lot, as defined by section 16-28.007(3);
 - iii. To erect a new structure;
 - iv. To make an addition to any structure;
 - v. To demolish or move any contributing principal structure, in whole or in part;
 - vi. To request a variance or special exception from chapter 20Q; and
 - vii. Subdivisions and consolidations of lots.
 - d. Type required:
 - i. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Code of Ordinances.
 - ii. Notwithstanding any other provision herein, no certificate of appropriateness ~~shall~~ must be required unless, at a minimum, the work would otherwise require a building permit.
 - iii. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. This exemption in no way obviates the requirements for certificates of appropriateness set forth in this section.
 - iv. The following ~~shall~~ must require a Type II certificates of appropriateness which shall be reviewed by the director of the commission:
 - a) Fences, walls, and retaining walls;
 - b) Rear or side decks, patios, and terraces;
 - c) Skylights, solar panels and mechanical and communication equipment;
 - d) New accessory structures and alterations to existing accessory structures, subject to the limitations for active recreation facilities set forth in section 16-20Q.006(12)(d);

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- e) Storm doors and storm windows, security doors and exterior window treatments, shutters and awnings;
 - f) Replacement of non-original, non-historic or missing elements with elements that otherwise meet the regulations, including but not limited to siding, windows, porch railings, porch columns, porch flooring and exterior doors;
 - g) Replacement or renovation of the following original or historic elements with elements that otherwise meet the regulations: porch elements, windows, siding and exterior doors; and
 - h) Paving.
- e. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of this chapter, as applicable, and other criteria applicable to Type II certificates, the Director of the Urban Design Commission **shall will** issue the Type II certificate within 14 days of receipt of the completed application. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of this chapter, as applicable, the Director of the Urban Design Commission **shall will** deny the application with notice to the applicant sent within 14 days of receipt of the completed application. Appeals from any such decision of the Executive Director regarding the approval and/or denial of Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of chapter **16-20.008(a)** for Type I certificates.
- f. The following **shall will** require a Type II certificates of appropriateness which **shall will** be reviewed by the Urban Design Commission:
- i. To alter a principal structure, except as noted in **section 16-20Q.005 (2)(d)(iv)**;
 - ii. Revisions to Type II certificate of appropriateness applications previously approved, conditionally or otherwise, by the commission; and
 - iii. All site work, except as noted in **section 16-20Q.005(1)(b)(iv)**.
- g. The following shall require a Type III certificates of appropriateness which **shall must** be reviewed by the Urban Design Commission:
- i. All new principal structures;
 - ii. Additions to principal structure;
 - iii. Revisions to Type III certificate of appropriateness applications previously approved by the commission, conditionally or otherwise, including but not limited to changes in floor area ratio, lot coverage, setback, building footprint, or building height;
 - iv. Subdivisions and consolidations of lots; and
 - v. Variances or special exceptions from this **chapter 20Q.**
- h. Type IV certificates of appropriateness **shall will** be reviewed by the Urban Design Commission and **shall will** be required for the demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant

architectural features that destroys the structure's historic interpretability or importance, as determined by the commission.

3. **The compatibility rule.** In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (i.e. roof form, architectural trim, façade material, window type and material, etc.) ~~shall~~ **must** match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height, setbacks, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use on that block face."
 - a. For the purposes of the compatibility rule, height and width ~~shall~~ **must** be measured at the ~~front street-facing building~~ facade.
 - b. Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
 - c. When no structure exists on a block face that would qualify as a comparable structure under the compatibility rule, the comparisons sh ~~shall~~ **must** all be made to a qualifying structure(s) on the block, and if no such structure exists on the block, the comparison ~~shall~~ **must** be made to a qualifying structure(s) on an adjacent block race or block, and if no such structure exists on an adjacent block face or block, the comparison ~~shall~~ **must** be made to a qualifying structure(s) located in the district.
4. **Variances and special exceptions.** The Urban Design Commission ~~shall~~ **will** have the power to hear, grant and deny variances and special exceptions from the provisions of this **chapter (20Q)** when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship other than financial hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances and special exceptions ~~shall~~ **must** be the same as those specified in **chapter 26 of this Part 16**, which provisions are hereby incorporated herein.
5. Financial hardship exemptions:
 - a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Urban Design Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.
 - b. In order to qualify for a financial hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purposes.
 - c. The burden of proof that the regulations pose such a hardship ~~shall~~ **must** be on the property owner. If the Urban Design Commission finds that the requirement of **subsection (5)** herein

is satisfied, they may grant an exemption, in whole or in part, only in accordance with the following factors, standards and criteria:

- i. The present and future income of the property owner(s) and those occupying the property;
 - ii. The availability, at present or in the future, of other sources of income or revenue, including loans, grants, and tax abatements;
 - iii. The costs associated with adherence to the district regulations;
 - iv. The degree of existing architectural importance and integrity of the structure; and
 - v. The purpose and intent of this chapter.
- d. The commission ~~shall~~ **must** balance these factors as applied to the applicant for said exemption and ~~shall will~~ grant said exemption, in whole or in part, as appropriate to the case upon a finding that the financial hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.
6. **Subdivision and consolidation.** The platting pattern of the district is an integral part of the historic character of the district. No subdivision or consolidation ~~shall will~~ be approved unless it can be shown that the proposed subdivision or consolidation is substantially consistent with the historic character or platting pattern of the district. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to **sections 15-08.002(a)(2) and 15-08.005(d)(6)**, all subdivisions or consolidations of lots ~~shall must~~ conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations. The compatibility rule ~~shall will~~ apply, and no subdivision or consolidation ~~shall must~~ be approved unless and until the commission has made a finding that it is consistent with this provision or with the historic platting pattern of the district and that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, may be reasonably situated and constructed upon such lots.

F. Specific Regulations (Sec. 16-20Q.006.)

In addition to the general regulations set forth in **section 16-20Q.005**, and any other applicable regulations, the following regulations shall apply to all properties in the District:

1. Building facades, materials, and massing:
 - a. All new **principal primary** structures ~~shall must~~ conform to the existing building orientation by having ~~front street-facing building~~ facades and front doors facing and parallel to the street, and except in those blocks in which the historic pattern is such that structures are situated at an angle to the street, in which case the compatibility rule ~~shall will~~ apply. If located on a corner lot, the orientation of the ~~front street-facing building~~ facade ~~shall must~~ be based on the compatibility rule whenever possible.
 - b. **Front Primary street**, side and rear **yard** setbacks for all new **principal primary** structures ~~shall must~~ be subject to the compatibility rule. The ~~front primary street~~ and rear **yard** setbacks of additions ~~shall must~~ be subject to the compatibility rule. The side **yard** setbacks of additions ~~shall will~~ not be subject to the compatibility rule but ~~shall must~~ be no closer than the side **yard** setbacks of the existing **principal primary** structure.

- c. The compatibility rule ~~shall~~ will apply to the height of all new ~~principal~~ primary structures and additions. Regardless of the compatibility rule range, the highest ridge line of an addition ~~shall~~ must not be any higher than the highest ridge line of the existing structure.
 - d. The compatibility rule ~~shall~~ will apply to the form and pitch of the primary roof of the ~~principal~~ primary structure and additions.
 - e. The compatibility rule ~~shall~~ must apply to the overall design, size, scale, massing and width of new ~~principal~~ primary structures and additions.
 - f. The compatibility rule ~~shall~~ must apply to the height of the first ~~floor~~ story above the grade as measured at the ~~front~~ street-facing building facade.
 - g. The compatibility rule ~~shall~~ must apply to all building facade materials on all facades, and in addition to all other applicable regulations, as follows:
 - i. The presence and dimensions of the exposed face of lap siding and wood shingles.
 - ii. The presence and type of brick and pattern of brickwork.
 - iii. The presence and type of stone and pattern of stonework.
 - iv. The presence, material and texture of stucco.
 - v. The materials and pattern of roofing.
2. Windows and doors:
- a. Original or historic windows and exterior doors ~~shall~~ must be retained.
 - b. Replacement windows or exterior doors shall be permitted only when the original or historic windows and exterior doors cannot be rehabilitated.
 - c. If original or historic windows or exterior doors cannot be rehabilitated, replacement windows and doors ~~shall~~ must match the original or historic in light design, function, materials, shape, and size.
 - d. Replacement windows and doors for non-original or non-historic windows and doors ~~shall~~ must be compatible with the architectural style of the structure or ~~shall~~ must be subject to the compatibility rule.
 - e. On existing principal structures, new doors and windows in new openings, when permitted, ~~shall~~ must be compatible in scale, size, proportion, placement and style to existing windows and doors.
 - f. On the ~~front~~ primary street and side facades of new principal structures and additions, the ratio of openings to solid; the scale, size, proportion, and location of all openings; and the design, light patterns, and material of windows and doors shall be established by the compatibility rule.
3. Storm doors, storm windows, security doors and exterior window treatments, shutters and awnings:

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- a. Shutters and awnings **shall must** not be added to the structure if they were not original to the structure.
 - b. Original or historic shutters and awnings **shall must** be retained.
 - c. Replacement shutters and awnings **shall must** be permitted only when original or historic shutters and awnings cannot be rehabilitated.
 - d. If original or historic shutters and awnings cannot be rehabilitated, any replacement shutters and awnings **shall must** match the original or historic shutters and awnings in design, materials and configuration.
 - e. On the **front primary street** and side facades of new **principal primary** structures and additions, storm doors, security doors, storm windows, or security windows **shall must** not cover or obscure significant architectural details.
4. Foundations:
- a. Replacement foundation materials **shall must** replicate the original or existing materials in size, shape, color, texture and mortar and shall be installed using construction techniques similar to the original or existing.
 - b. On the **front primary street** and side facades of new **principal primary** structures and additions, foundations **shall must** be of masonry or concrete construction. Other foundation materials are permitted provided if they are compatible with the structure on which they are located and in scale, materials and style with foundations of adjacent and surrounding structures.
5. Chimneys:
- a. Original or historic chimneys **shall must** be retained.
 - b. Replacement chimneys **shall must** be permitted only when original or historic chimneys cannot be rehabilitated.
 - c. If original or historic chimneys cannot be rehabilitated, replacement chimneys **shall must** match the original or historic chimney in design, materials and configuration.
 - d. Chimneys that are part of a new principal structure or the **front primary street** or side facades of additions **shall must** be faced with brick. No chimneys **shall must** be cantilevered from the facade of the structure.
6. Roofs and roof features:
- a. Replacement roofing **shall must** be of the same texture and appearance as the existing.
 - b. Rolled or membrane roofing is permitted only on flat roofs. Metal roofs are not permitted.
 - c. The shape and pitch of roofs for new principal structures and additions **shall must** be subject to the compatibility rule.
7. Skylights:
- a. Skylights **shall must** be placed on the rear roof plane of either the **principal primary** or accessory structure.

- b. If skylights are visible from the public street, the glass **shall must** be tinted to match the surrounding roof area. Protruding “bubble” skylights are prohibited.
- 8. **Solar panels.** Solar panels **shall must** be placed on the rear roof plane of either the **principal primary** or accessory structure.
- 9. Decks, patios and terraces:
 - a. Decks, patios and terraces **shall must** be constructed to the rear of the structure and **shall must** not extend beyond the sides of the structure.
 - b. Decks, patios and terraces on corner lots **shall must** be screened with vegetation to reduce visibility from the public street.
- 10. Porches and stoops:
 - a. Original or historic porches or stoops, including their component features **shall must** be retained.
 - b. Replacement porches or stoops or their component features **shall must** be permitted only when the original or historic porch or stoop or their component feature(s) cannot be rehabilitated.
 - c. If the original or historic porch or stoops or their components cannot be rehabilitated, the replacement porch or stoop or their component features **shall must** match the original in shape, size, internal proportions, and materials.
 - d. Porches or stoops **shall must** be a part of new **principal primary** structures or additions based on the compatibility rule and if present the **front primary street** or side facade **shall must** contain railings and decorative features consistent with the architectural style of the principal structure or **shall must** be subject to the compatibility rule.
 - e. Porches may be enclosed with screen wire or glass if the character defining features of the porch are maintained.
- 11. Attached garages and carports:
 - a. The presence, location, and design of carports or garages for all new **principal primary** structures **shall must** be subject to the compatibility rule.
 - b. The placement and location of attached, new carports and garages on existing **principal primary** structures **shall must** meet the compatibility rule.
 - c. Existing attached carports may be enclosed with garage doors, provided that the alteration is consistent with the original architectural style of the existing structure.
 - d. Existing attached garages or carports may be fully enclosed into conditioned space provided the original character defining features visible from the public street are retained and are identifiable.
- 12. Accessory structures and active recreation facilities:
 - a. No wind turbines or similar, freestanding energy creating devices are permitted in the district.

- b. All other accessory structures, such as, detached garages, detached carports, greenhouses, mechanical or communications equipments, shall must be located to the side or rear of the principal primary structure and shall must not project beyond the front of the principal primary structure. All accessory structures shall must have side yard setbacks of at least 15 feet or shall must be no closer than the side yard setback of the existing principal primary structure and shall must have rear yard setbacks of at least 15 feet. Half-depth front yard setbacks for accessory structure shall must be established by the compatibility rule. The predominant exterior materials shall must be metal, siding, or brick.
 - c. In addition, all mechanical and communications equipment shall must be screened with planting or fence materials if said equipment is visible from the public street.
 - d. In addition, swimming pools, tennis courts, and similar active recreation facilities are permitted subject to the following limitations:
 - i. Such active recreation facilities shall must follow the requirements in section 16-20Q.006(12)(b);
 - ii. Such active recreation facilities in any yard, required or other, adjacent to a street or between any principal primary structure and any public street shall must require a special exception from the Urban Design Commission, which special exception shall will be granted only upon finding that:
 - a) The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic, and
 - b) The area for such activity could not reasonably be located elsewhere on the lot.
 - iii. The Commission may condition any special exception for such active recreation facilities based on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to minimize any potential negative impacts of the proposed facility on adjoining property owners.
13. Freestanding mailboxes and mailbox structures shall be allowed in the front yard immediately adjacent to the public street provided the mailbox or mailbox structure does not exceed four feet in height, two feet in depth, and two feet in width. Additional components may be attached to one of both sides of the mailbox or mailbox structure and each individual component shall not exceed two feet in height, two feet in depth, and two feet in width. Freestanding mailboxes and mailbox structures, and any attached components shall must be brick or metal.
14. Landscaping and grading:
- a. Grading shall must not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure.
 - b. Approval of a certificate of appropriateness may be conditioned on the implementation of a landscape plan to mitigate the environmental and visual impacts of construction on adjoining properties, including plant materials that reflect the existing character of the district.
 - c. New grades shall must meet existing topography in a smooth transition.

15. Paved surfaces:

- a. Original or historic paved surfaces ~~shall~~ must be retained.
- b. Replacement paved surfaces ~~shall~~ must be permitted only when original or historic chimneys cannot be rehabilitated.
- c. If original or historic paved surfaces cannot be rehabilitated, replacement paved surfaces ~~shall~~ must match the original or historic paved surface in layout, patterns, finish, and materials.
- d. The layout, pattern, finish and material of new paved areas ~~shall~~ will be subject to the compatibility rule.
- e. New driveways ~~shall~~ must not exceed a width of ~~ten~~ 10 feet between the ~~principal~~ primary structure and any public street except for the minimum flare required to allow access to double-width carports or garages.

16. Fences and walls:

- a. Fences and walls are not permitted between the ~~principal~~ primary structure and any public street, any yard adjacent to a public street, or any yard adjacent to the space between the ~~principal~~ primary structure and any public street.
- b. Where permitted, fences ~~shall~~ must be made of metal chain link, metal picket, or wood picket. Where permitted, walls ~~shall~~ must be made of wood or natural stone, brick, or concrete faced with true stucco.
- c. Where permitted, fences and walls ~~shall~~ must not exceed ~~six~~ 6 feet in height at any point.

17. Retaining walls:

- a. Original or historic retaining walls ~~shall~~ must be retained.
- b. Replacement retaining walls ~~shall~~ must be permitted only when original or historic retaining walls cannot be rehabilitated.
- c. If original or historic retaining walls cannot be rehabilitated, replacement retaining walls ~~shall~~ must match the original or historic retaining wall as to location, height, materials, pattern, and joinery.
- d. The height of existing retaining ~~shall~~ must that can be seen from the public street ~~shall~~ must be maintained.
- e. New retaining walls, visible from the public street, ~~shall~~ must be faced with natural stone or brick and their height ~~shall~~ must be subject to the compatibility rule.
- f. The height of retaining walls not visible from the public street ~~shall~~ will not be restricted by this chapter.

18. Ornamentation:

- a. Original or historic ornamentation, such as railings, supports, columns, and decorative attachments ~~shall~~ will be retained.
 - b. Replacement ornamentation ~~shall~~ will be permitted only when the original or historic ornamentation cannot be rehabilitated.
 - c. If original or historic ornamentation cannot be rehabilitated, replacement ornamentation ~~shall~~ will match the original or historic ornamentation as to location, size, number, design, reveal, and materials.
 - d. The installation of new ornamentation that does not currently exist ~~shall~~ will be permitted only when it is consistent with the architectural style of the existing structure as documented through archival or photographic evidence.
19. ~~Public sidewalks and planting strips~~ Pedestrian and amenity zones:
- a. Existing public sidewalks, planting strips, and associated topography ~~shall~~ will be retained.
 - b. Replacement ~~public sidewalks~~ pedestrian and amenity zones ~~shall~~ will be permitted only when the original or historic public sidewalk cannot be rehabilitated.
 - c. If original or historic ~~public sidewalk~~ pedestrian zones cannot be rehabilitated, the replacement ~~public sidewalk~~ pedestrian zones ~~shall~~ will match the original or historic ~~public sidewalk~~ pedestrian zones as to location, size, pattern, and materials.
 - d. The compatibility rule ~~shall~~ will apply to the presence of ~~public sidewalks~~ pedestrian zones, and if installed, their width, paving materials and overall design.
20. **Design standards and criteria for alterations and additions to non-contributing structures.** Alterations and additions to non-contributing structures, requiring a certificate of appropriateness, ~~shall~~ will be consistent with and reinforce the architectural character of the entire existing structure or ~~shall~~ will comply with the applicable regulations in subsection 16-20Q.006.
21. **Design criteria for alterations and additions to contributing structures.** Alterations and additions to contributing structures requiring a certificate of appropriateness ~~shall~~ will be consistent with and reinforce the historic architectural character of the entire existing contributing structure, shall comply with the applicable regulations for in subsection 16-20Q.006; and ~~shall~~ will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work ~~shall~~ will be compatible with the massing, size, scale and architectural features of the property and environment.

DIVISION 6.19. **MEANS STREET**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent.

The intent of the regulations for the Means Street Landmark District is as follows:

1. To preserve the historic physical pattern of the district, including the spatial relationships between buildings, and the spatial relationship between buildings and the street;
2. To preserve the architectural history of the district including commercial and industrial buildings that were constructed from 1859 to 1945;
3. To ensure that new development is complementary to and compatible with the existing historic structures in the district;
4. To ensure that new development that uses contemporary design and materials is compatible with and sensitive to the historic character of the Means Street Landmark District;
5. To encourage compatible economic development and neighborhood revitalization that promotes a livable, sustainable neighborhood;
6. To promote pedestrian and cycling convenience and connect buildings to the public life of the street; and
7. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

B. Scope of Regulations

The scope of these regulations for the Means Street Landmark District is as follows:

1. Except where it is otherwise explicitly provided, the provisions of Chapter 20 of this part will also apply to this district. Whenever the regulations of Chapter 20 conflict with the provisions of this Chapter 20R, the regulations of Chapter 20R will apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Means Street Landmark District will continue to apply. In the event of any conflict between said other regulations and the following regulations of this Chapter 20R, the interpretation provision set forth in Subsection 16-20.011(c) of the Code of Ordinances will govern.

C. Boundaries

The boundaries of the Means Street Landmark District will be as shown on the official zoning map adopted herewith entitled "Means Street Landmark District."

D. General Regulations

The following general regulations will apply to all properties within the Means Street Landmark District, except where otherwise stated.

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1. **General Criteria.** The Commission will apply the standards set forth below only when the standards set forth elsewhere in Chapter 20R do not specifically address the application in whole or in part:
 - a. A property must be used for its current purpose or be placed in a new use authorized in Section 16-20R.005 using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property must be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property must be avoided.
 - c. Each property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, must not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved.
 - f. Deteriorated historic features must be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials must not be used. The surface cleaning of structures, if appropriate, must be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project must be protected and preserved. If such resources must be disturbed, mitigation measures must be undertaken.
 - i. New additions, exterior alterations, or related new construction must not destroy historic materials that characterize the property. The new work must be differentiated from the old and must be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction must be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The Compatibility Rule:
 - a. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features in the district. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The elements in question that are not quantifiable must be the same as contributing buildings in the district or must be compatible with, but differentiated from the contributing buildings in the district. Where quantifiable, the element must be no

smaller than the smallest or larger than the largest such dimension of a contributing building on the block face.

- b. Those elements to which the compatibility rule applies are specified in these regulations by reference to “compatibility rule.”
 - c. Whenever individual block faces are void of contributing structures, the contributing structures on the nearest block face within the district will be utilized.
3. Certificates of Appropriateness:
- a. General Provisions:
 - i. The procedures for determining the correct type of Certificate of Appropriateness will be those specified in **Section 16-20.008**, except as otherwise provided herein.
 - ii. No Certificate of Appropriateness will be required unless, at a minimum, the work would otherwise require a building permit.
 - iii. No Certificate of Appropriateness will be required to repaint any structure or portion thereof, or, to make ordinary repairs and maintenance using in-kind materials. A Certificate of Appropriateness will be required for replacements as indicated in **Subsection 16-20R.004(3)(b)** below.
 - iv. No Certificate of Appropriateness will be required for demolition or moving of non-contributing structures.
 - v. Type I Certificates of Appropriateness will not be required in this district.
 - b. Type II Certificates of Appropriateness:
 - i. The following will require a Type II Certificate of Appropriateness, and will be reviewed by the Director of the Commission:
 - a) Alterations to any façade of any principal structure;
 - b) All site work, including changes in streetscape elements;
 - c) New accessory structures and alterations to existing accessory structures;
 - d) Fences, walls and retaining walls;
 - e) Decks, rear porches, balconies, outdoor seating on the ground level and installation of mechanical equipment; and
 - f) Signage.
 - ii. If such Type II Certificates of Appropriateness meet the requirements of this chapter and other criteria applicable to Type II certificates, the Director will issue the Type II certificate within 14 days of receipt of the completed application. If such Type II Certificates of Appropriateness do not meet the requirements of this chapter and such other criteria, the Director will deny the application, with notice to the applicant, within 14 days of receipt of the completed application. Appeals from the decision of the Director either approving or denying such Type II certificates may be taken by any aggrieved person by filing an appeal

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in the manner prescribed in the appeals section of **Subsection 16-20.008(a)** for Type I certificates.

- c. The following will require a Type III Certificates of Appropriateness and will be reviewed by the Commission:
 - i. All new principal structures;
 - ii. Additions, including roof top additions, roof top decks and roof top outdoor seating;
 - iii. Increase in height or building footprint revisions to previously approved plans that are yet to be completed; and
- d. **Variances and special exceptions.**
 - a. Type IV Certificates of Appropriateness will be required for the demolition or moving of any contributing building. Type IV Certificates of Appropriateness will be reviewed by the Commission.
 - i. A partial demolition of a contributing building will require a Type IV Certificate of Appropriateness only when, in the determination of the Director, said partial demolition will result in the loss of significant architectural features that destroys the building's historic or cultural interpretability or importance.

5. Contributing Buildings List:

- a. All contributing buildings, structures or sites within the district will be shown on the list adopted herewith entitled "Means Street Landmark District Contributing Buildings List". Said contributing buildings list will identify each building, structure or site within the district that meets the definition of "Contributing Building, Structure or Site" set forth in **Section 16-20.002**.
- b. The Director will periodically review said contributing buildings list to correct errors or omissions to said contributing buildings list, or to reflect any changed conditions relevant to the contributing status of buildings, structures or sites within the district, consistent with the requirements of **Chapter 20R** and **Chapter 20** of **Part 16**, and must maintain public records of said List and all such errors, omissions or updates. An action by the Director to correct such errors or omissions, or to make updates, will be initiated by execution of a signed and dated form promulgated by the Director specifying the action initiated, the reason(s) for such action, and the identification of all property subject to said action. Said form will be mailed by first class mail to the owner or owners of the effected property within 5 calendar days of the initiation of the action by the Director.
- c. An action by the Director to correct errors or omissions, or to update, the contributing buildings list as authorized in **Subsection 16-20R.004(4)(b)** above will result in the immediate prohibition of any new or amended applications of any kind effecting such property, including but not limited to demolition requests, building permits or land disturbance permits, and including acceptance of any such application or request by any City of Atlanta bureau, agency, official, employee or agent. Said prohibitions will become automatically effective without further action of any kind immediately upon the date and time that the Director takes an action authorized in **Subsection 16-20R.004(4)(b)** above. The purpose and intent

of this provision is to maintain the status quo regarding any such affected property until the Director's action is reviewed and affirmed or reversed by the Commission in the manner specified in Subsection 16-20R.004(4)(d) below. The period of this mandatory interim protection will be 90 days or until a final decision reviewing such action is made by the Commission, whichever first occurs, commencing on the date and time of the Director's decision. This interim control period allows and is based upon approximately 30 days for the initial scheduling of the public hearing following the Director's action and approximately 60 days for completion of the public hearing and a final decision by the Commission.

- d. All actions by the Director to correct errors or omissions, or to update, said list will be reviewed and approved by the Commission using the notice and procedures required for Type III Certificates of Appropriateness with the following modifications:
 - i. Hearings on such review and approval by the Commission will be scheduled by the Director within thirty (30) days of the Director's action on such correction(s) or update(s) and will be decided by the Commission within a reasonable time; and
 - ii. The Commission will affirm the action(s) of the Director upon an expressed finding by the Commission that the Director's action(s) correctly applied the definitions and requirements for determining the contributing status of the properties in question in Chapter 20R and Chapter 20 of Part 16.

In exercising its review, the Commission may reverse or affirm the action(s) of the Director, wholly or partly. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code Section 16-20.010.

6. Financial Hardship Exemptions:

- a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner. This exemption will not apply to the review of demolitions of contributing structures that would otherwise require a Type IV Certificates of Appropriateness.
- b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purposes.
- c. If the Commission finds that the requirement of Subsection (5)(b) herein is satisfied, they may grant an exemption, in whole or in part, only in accordance with each of the following factors, standards and criteria:
 - i. The burden of proof that the regulations and guidelines pose such a hardship will be on the property owner.
 - ii. The Commission will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

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- a) The present and future income of the property owner(s) and those occupying the property;
 - b) The availability, at present or in the future, or other sources of income of revenue, including loans, grants, and tax abatements;
 - c) The costs associated with adherence to the district regulations in comparison to the costs associated with achieving the same proposal without the district regulations;
 - d) The degree of existing architectural importance and integrity of the structure; and
 - e) The purpose and intent of this chapter.
- iii. The Commission will balance these factors as applied to the applicant for said exemption and will grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code **Section 16-20.010**.
7. **Variances and Special Exceptions.** Variance applications and applications for special exceptions from these regulations will be heard by the Commission. The Commission must have the authority to grant or deny variances from the provisions of this chapter pursuant to the procedures, standards, and criteria specified in **Section 16-26.001** through **Section 16-26.006**. The Commission must have the authority to grant or deny applications for special exceptions from the provisions of this chapter pursuant to the procedures, standards and criteria specified in **Section 16-25.001** through **Section 16.25.005**.
8. **Prohibited Variances.** Notwithstanding any provision in this chapter or part to the contrary, no variance from this chapter's maximum building height requirements or use will be permitted or authorized by the Commission, commission staff or any other board, official or entity.

E. Permitted Principal Uses and Structures

1. **Permitted Principal Uses and Structures.** A building or premises **must** only be used for the following principal purposes taking into account all limitations listed herein:
- a. Banks, savings and loan associations, and similar institutions.
 - b. Businesses and commercial schools.
 - c. Childcare centers, kindergartens, and special schools.
 - d. Clubs and lodges.
 - e. Commercial recreational establishments, including bowling alleys, theaters, convention halls, place of assembly and similar uses with primary activities conducted in within fully enclosed buildings.
 - f. Eating and drinking establishments, including those licensed for the on-premise consumption of malt beverages, wine and/ or distilled spirits, but not night clubs as defined by Chapter 10 of the Code.

- g. Institutions of higher learning, including colleges and universities.
 - h. Hotels and motels, but not extended stay hotels or motels.
 - i. Multi-unit dwellings.
 - j. Museums, galleries, auditoriums, libraries and other similar cultural facilities.
 - k. Offices, clinics (including veterinary), laboratories, studios, and similar uses, but not blood donor stations or music recording studios or similar uses. Veterinary offices clinics **must** be located within soundproof buildings, laboratories, and studios when located within 300 feet of any residential use, however boarding of animals and pet day care will be prohibited.
 - l. Printing shops, microbreweries and distilleries.
 - m. Professional or personal service establishments, but not hiring halls, pawn shops, and tattoo and body piercing establishments.
 - n. Retail establishments, including delicatessens, bakeries and catering establishments.
 - o. Public schools or private schools having similar academic curricula and special schools for exceptional children.
 - p. Places of worship.
 - q. Tailoring, custom dressmaking, millinery and similar establishments.
 - r. Urban gardens.
 - s. Market gardens.
 - t. Short-term rentals, subject to the regulations in Atlanta City Code **Section 20-1001**.
2. The following permitted uses and restrictions will apply to all properties within this district:
- a. Special Permits:
 - i. A special administrative permit will be required for a farmer's market and will be reviewed by the **D**irector of the **C**ommission pursuant to the applicable provisions of **Chapter 25** of this part.
 - b. **Nonconforming Uses.** This section addresses permitted principal uses and structures within the district. Lawful nonconforming uses and structures will be regulated pursuant to **Chapter 24** of **Part 16**. Any alteration or addition to nonconforming uses or structures will require an appropriate Certificate of Appropriateness by the **C**ommission.
 - c. Non-Residential Use Restrictions:
 - i. Drive-through and drive-in establishments will be prohibited.
 - ii. Off-premises storage of merchandise will be prohibited as a principal use.
 - iii. Package drop or shipment locations, warehousing operations, parts distribution and similar other uses will be prohibited.

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- iv. Fuel dispensing, gas stations and service stations will be prohibited.
- v. Hours of operation:
 - a) For all eating and drinking establishments, including those licensed for the on-premise consumption of malt beverages, wine and/ or distilled spirits, hours of operation **must** be limited to 7:00 AM to midnight;
 - b) All antennas, broadcast towers, line of sight communication devices, cell towers, other towers, antennas, and related equipment and structures, are prohibited except as follows:

"Roof antennas" as defined and regulated in Code **Subsection 16-25.002(3)(i)(iii)** are authorized, provided a Type II Certificate of Appropriateness is granted and, as part of said certificate, the applicant demonstrates compliance with the criteria set forth in **Subsection 16-25.002(3)(i)(iv)(c)** demonstrating that such roof antenna is necessary to provide adequate communication coverage under the requirements of the applicant's federal license.

In establishing necessity, the applicant must provide a radio frequency analysis or other engineering study demonstrating why the roof antenna is necessary. Economic considerations may not be used to establish necessity.

This provision **must** not be interpreted to prohibit or interfere with requirements for collocations or modifications to existing antenna mandated by state law.

When the equipment regulated in this subsection is no longer in use, it **must** be removed and all affected areas of the building **must** be returned to its original condition.

- d. **Active Depth Uses.** Active **depth** uses, where, required **must** be serviced by plumbing, heating, and electricity and are limited to the residential uses and non-residential uses allowed in the district, except that the following non-residential uses **must** not be considered as active **depth** uses:
 - i. Parking Accessory non-residential storage areas.
3. **Accessory Uses and Structures.** The following Accessory Uses and Structures provisions will apply to district:
- a. No storage will be provided in any portion of a structure adjacent to any public **streetscape**, public park, or plaza.
 - b. No accessory structure will be constructed until construction of the principal structure has actually begun, and no accessory structure will be used or occupied until the principal structure is completed and in use.
 - c. Accessory structures **must** be placed behind the principal structure within the **buildable area** of the lot.
 - d. Accessory structures **must** not exceed the height of the principal structure.
 - e. Swimming pools, tennis courts, and similar active recreation facilities are permitted subject to the following limitations:

- i. Such active recreation facilities will require a special exception from the Commission, which special exception will be granted only upon finding that:
 - ii. The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic; and
 - iii. The area for such activity could not reasonably be located elsewhere on the lot.
 - iv. The Urban Design Commission may condition any special exception for such facilities based on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to mitigate any potential negative impacts of the proposed facility on adjoining property owners.
- f. Satellite dishes, devices for the generation of energy such as solar panels, and similar devices must be located only upon the rooftop of buildings.

F. Lot Standards

1. Building Heights:
 - a. Building height of principal buildings with frontage on Marietta Street must be measured on the Marietta Street elevation from the average point of grade on the Marietta Street elevation to the highest point of the roof or façade, whichever is higher. Building height on all other buildings must be measured as provided in Section 16-29.001.
 - b. For properties with frontage along Marietta Street, the maximum building height must be 100 ft. For all other properties, the maximum building height must be 80 ft.
2. Building Setbacks:
 - a. For principal buildings with frontage along Marietta Street, the front façades must not be setback from the lot line. Further, the side yard building setback and the façades that face other public streets must be established through the utilization of the compatibility rule.
 - b. For all other principal buildings in the district, all front, side and public street facing façades must be established utilization the compatibility rule, except that sublot side yard building setbacks will be permitted as a minimum setback regardless of the compatibility rule application.
 - c. The rear yard building setbacks will not be regulated.

G. Design Standards

The following design standards provisions will apply to the district.

1. Building Compatibility:
 - a. All elements of new construction must be utilized in a meaningful, coherent manner and must meet the requirements. Further, contemporary design for new construction and for additions to existing properties must not be discouraged when such new construction and additions do

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not destroy significant historical, architectural, or cultural material, and such construction or additions otherwise satisfy the district regulations, as applicable.

- b. Alterations to existing contributing buildings **must** be internally consistent with its architecture and meet the requirements set forth in **Subsection 16-20R.004(1)**.
 - c. The compatibility rule will apply to a contributing building's general façade organization, proportion, scale, roof form, pitch and materials, door and other architectural details.
2. **Transparency:**
- a. The compatibility rule will apply to the following aspects of **transparency** on a contributing building and additions to contributing buildings:
 - i. The style and material of the individual window or door.
 - ii. The size and shape of individual window and door openings.
 - iii. The overall pattern of **transparency** as it relates to the building façade.
 - iv. The materials for exterior framing, casing, and trim for windows and doors, and for bulkheads.
 - b. All buildings facing Marietta Street must have a storefront design on the **ground story** similar to existing storefronts on Marietta Street.
 - c. On contributing buildings, if muntins and/or mullions are used, such muntins and/or mullions **must** be either true divided lights or simulated divided lights with muntins and/or mullions integral to the sash and permanently affixed to the exterior face of glass.
 - d. A minimum of 60 percent of the length of the building façade at **ground level must** contain **transparency**.
 - e. Required **transparency must** not include painted glass and reflective glass, or other similarly treated materials.
3. **Facades of Contributing Buildings:**
- a. Building materials for the facades of principal structures will be determined by the compatibility rule. However, concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not permitted on any facade.
 - b. Covering of the original facade is prohibited.
 - c. Painting of unpainted building materials and masonry is prohibited.
 - d. All cleaning of stone, terra cotta, and brick **must** be done with low-pressure water and mild detergents.
 - e. All repairs to original mortar **must** be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints **must** be duplicated in width and joint profile.

- f. Cornice lines must cap all building facades and must consist of sheet metal, brick, cast concrete or terra cotta materials.
4. Decks and Outdoor Dining:
- a. Decks are permitted when located to the rear of the principal structure and on the roof of the principal structure.
 - b. Outdoor dining areas are permitted on the roof of the principal structure and at the ground level.
 - c. When visible from a public street and associated with a contributing building, the design and materials of all decks and outdoor dining areas must be consistent with the historic character of the district.
5. Structures on the Roofs of Contributing Buildings:
- a. The enclosed floor area of a new habitable structure on a roof must not exceed 25 percent of the roof area above occupied space, unless otherwise necessary to meet the minimum requirements for mechanical and elevator equipment, stairwells, elevator, and stair landings.
6. Loading Areas, Loading Dock Entrances, and Building Mechanical and Accessory Features for All Non-Residential Uses:
- a. All exterior dumpsters must be concealed with walls six (6) feet in height and constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco and must not be visible from any public street.
 - b. Loading docks and loading areas must be screened if visible from a street facing façade of a principal building.
 - c. Building mechanical and accessory features must be located on in the location least visible from the public street.
 - d. Building mechanical and accessory features visible from the public street must be incorporated in the design of the building and screened with materials compatible with the principal façade material of the building.
7. Active Depth Uses (See Subection 16-20R.005(2)(h)):
- a. Active depth uses must be provided at the ground level within buildings and parking structures for the entire length of any building facade abutting a public street except at ingress and egress points into parking structures or loading areas.
 - b. Active depth uses must be provided for a minimum depth of 20 feet, as measured from the ground level building facade.
8. Fences, Walls and Retaining Walls:
- a. Barbed wire and razor wire or similar elements are prohibited.
 - b. Fences and walls between the building and the street are prohibited except to meet the minimum requirements for outdoor dining.

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- c. Retaining walls adjacent to a public street or streetscape must not exceed four feet in height, unless required by the existing topography.
 - d. Where permitted, fences must only be a total height of eight (8) feet.
9. Awnings and Canopies on Contributing Buildings:
- a. Original awnings and canopies must be retained, provided replacement awnings or canopies are permitted only when original awnings or canopies cannot be rehabilitated.
 - b. Installation of new canopies must be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the structure.
 - c. New awning frames attached to storefronts, doors or windows must replicate the shape of the covered area and fit within that area.
 - d. New awnings must be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.
 - e. Multiple awnings on a single building must be similar in shape and configuration.
 - f. Only that portion of the awning used for signage must be illuminated.
10. Streetscapes:
- a. Streetscapes must be located along all public streets and must consist of two (2) zones: an amenity zone and a pedestrian zone.
 - b. The amenity zone must be located immediately adjacent to the curb with a consistent cross-slope not to exceed two (2) percent. Width must be measured from back (building side) of curb to the pedestrian zone. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, must be of a type specified by the Director in accordance with uniform design standards for placement of such objects in the public right-of-way.
 - c. The pedestrian zone must be located immediately contiguous to the amenity zone and must be a continuous hardscape, with a consistent cross-slope not exceeding two (2) percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, must be placed above ground in the pedestrian zone for a minimum height of eight (8) feet.
 - d. New streetscapes and their corresponding zones must be the same width as the streetscapes on abutting properties. If no streetscape exists on abutting properties, the new streetscape must match streetscape widths on the block. If no streetscape exists on the block, the new amenity zone must be a minimum of two (2) feet wide and the new pedestrian zone must be a minimum of five (5) feet wide.
 - e. Street trees must be planted a maximum of 30 feet on-center within the amenity zone and must be spaced equal distance between street lights.

- f. Any existing decorative hardscape treatment of streetscapes, including amenity zone or pedestrian zone areas, must be retained as part of any new development or replaced with materials that match in size, shape and color.
- g. Decorative pedestrian lights, where installed, must be placed a maximum of 60 feet on center and spaced equidistant between required trees. Where installed, said lights must be located within the amenity zone. Said lights must be as approved by the Director. New developments must match the light and tree spacing on blocks where existing Atlanta type lights are installed.
- h. Upon redevelopment of a parcel reasonable efforts must be made to place utilities underground or to the rear of structures to allow for unobstructed use of streetscapes.

H. On-site Parking, Parking Structures, Driveways and Curb Cuts

1. The following on-site parking regulations will apply to district:
 - a. **Parking Requirements.** On-site parking and bicycle parking requirements will be as specified in the Means Street Landmark District Parking Table and subject to the following:

Means Street Landmark District Parking Table	Residential Uses	Non-Residential Uses
Minimum Parking: Bicycles	See <u>Section 16-28.014(6)</u> Bicycle parking requirements	See <u>Section 16-28.014(6)</u> Bicycle parking requirements
Minimum Parking: Automobiles	1 space for every 1 residential unit	None
Maximum Parking: Bicycles	See <u>Section 16-28.014(6)</u> Bicycle parking requirements	See <u>Section 16-28.014(6)</u> Bicycle parking requirements
Maximum Parking: Automobiles	2.5 spaces for every 1 residential unit	5 spaces for every 1,000 square feet of floor area*
* Eating and drinking establishments with alcoholic beverage licenses will be permitted a maximum of 10 spaces per 1,000 square feet of floor area.		

- b. Surface Parking:
 - i. When utilized, on-site surface parking must not be permitted between a building and a public street without an intervening building.
 - ii. All surface parking regardless of the number of parking spaces provided, must comply with all of the requirements of Chapter 158, Article II, Section 158-30.
2. The following regulations will apply to parking structures within the district:
 - a. In addition to the parking deck regulations of Section 16-28.028, parking structure façades must have the appearance of a horizontal storied building and must utilize the compatibility rule for any contributing structures in the district for the purposes of determining building materials, building massing and architectural features.

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- b. Parking structures must meet the active depth use requirements for the district.
3. On-site Parking and Loading Reductions:
- a. Reductions in parking requirements may be approved by the Director subject to a shared parking arrangement under the following criteria:
 - i. The arrangement must avoid conflicting parking demands and provide for safe pedestrian mobility and access; and
 - ii. All shared parking spaces must be clearly marked and signed as reserved during specified hours.
 - b. An applicant must submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - i. A to-scale map indicating location of proposed parking spaces;
 - ii. Indicate hours of business operation;
 - iii. Written consent of property owners agreeing to the shared parking arrangements; and
 - iv. Copies of any parking leases. Renewed leases must be provided to the Commission. Lapse of a required lease agreement will terminate the permit.
 - c. Reductions in on-site loading requirements will be reviewed by the Commission.
4. The following regulations will apply to driveways and curb cuts within the district.
- a. Use of shared, non-independent driveways and alleys is permitted. Driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the Commission.
 - b. Circular drives and drop-off lanes must not be located between any principal building and any public street. The Commission will additionally have the authority to vary Subsection 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - c. One curb cut is permitted for each development. Developments with more than one (1) public street frontage or more than 300 feet of public street frontage may have two (2) curb cuts.
 - d. Curb cuts must be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the Commissioner of the Department of Transportation.
 - e. Streetscape paving materials must be continued across intervening driveways.
5. **Electric Vehicle Charging Stations.** A building, commercial establishment, or other property, which provides automobile parking facilities must provide parking facilities in the ratio of at least one station for every 50 automobile parking spaces or portion thereof. No more than five such stations will be required for a parking facility.

DIVISION 6.20. **BRIARCLIFF PLAZA**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent

The intent of the regulations for the Briarcliff Plaza Landmark District is as follows:

1. To preserve the architectural history of the district, which includes the two, multiple tenant commercial buildings constructed in 1939 – 1940;
2. To preserve the historic spatial relationships of the district, including between buildings and the parking lot, and the buildings, the parking lot, and the street;
3. To ensure that new construction is complementary to and compatible with the existing historic buildings in the district;
4. To ensure that the original material and design features of the historic commercial buildings serve as the basis to determine the compatibility and appropriateness of all future rehabilitation and new construction plans;
5. To promote pedestrian [accessibility](#) and to connect buildings to the public life of the streets; and
6. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare of the citizens of the City of Atlanta.

B. Scope of Regulations

The scope of these regulations for the Briarcliff Plaza Landmark District is as follows:

1. Except where it is otherwise explicitly provided, the provisions of [Chapter 20](#) of this part will apply to this district. Whenever the regulations of [Chapter 20](#) conflict with the provisions of [Chapter 20](#), the regulations of [Chapter 20S](#) will apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Briarcliff Plaza Landmark District will continue to apply. In the event of any conflict between said other regulations and the following regulations of this [Chapter 20S](#), the interpretation provision set forth in [Section 16-20.011\(c\)](#) of the Code of Ordinances will govern.

C. Boundaries

The boundaries of the Briarcliff Plaza Landmark District will be as shown on the official zoning map adopted herewith entitled "Briarcliff Plaza Landmark District."

D. General Regulations

The following general regulations will apply to all properties within the Briarcliff Plaza Landmark District, except where otherwise stated.

1. **General Criteria.** The Commission will apply the standards set forth below only when the standards set forth elsewhere in Chapter 20S do not specifically address the application in whole or in part:
 - a. A property must be used for its historic purpose, in this case a neighborhood shopping center inclusive of commercial, retail, restaurant, service and entertainment establishments, or be placed in a new use authorized in **Section 16-20S.005** using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property must be retained and preserved. The removal of historic materials or alteration of features and exterior spaces that characterize a property must be avoided.
 - c. Each property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, must not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved.
 - f. Deteriorated historic features must be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials must not be used. The surface cleaning of structures, if appropriate, must be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project must be protected and preserved. If such resources must be disturbed, mitigation measures must be undertaken.
 - i. New additions, exterior alterations, or related new construction must not destroy historic materials that characterize the property. The new work must be differentiated from the old and must be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New construction must be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The Compatibility Rule:
 - a. The intent of these regulations is to ensure that alterations to existing structures are compatible with the massing, size, scale, and architectural features in the district. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" as follows:

- i. The elements in question that are not quantifiable **must** be compatible with the contributing buildings on which it is located.
 - ii. Where quantifiable, the element **must** be no smaller than the smallest or larger than the largest such dimension of the contributing building on which it is located.
 - b. Those elements to which the compatibility rule applies are specified in these regulations by reference to “compatibility rule.”
3. Certificates of Appropriateness:
- a. General Provisions:
 - i. The procedures for determining the correct type of Certificate of Appropriateness will be those specified in **Section 16-20.008**, except as otherwise provided herein.
 - ii. No Certificate of Appropriateness will be required unless, at a minimum, the work would otherwise require a building permit.
 - iii. No Certificate of Appropriateness will be required to make ordinary repairs and maintenance using in-kind materials.
 - iv. No Certificate of Appropriateness will be required for interior work.
 - v. No Type I Certificates of Appropriateness will be required in this district.
 - b. Type II Certificates of Appropriateness:
 - i. **Type II Certificates Reviewed by the Director.** The following will require a Type II Certificate of Appropriateness, and will be reviewed by the Director of the Commission:
 - a) Exterior alterations to any façade of any principal structure;
 - b) All site work, including dumpster enclosures;
 - c) Accessory outdoor dining areas;
 - d) Food trucks and similar temporary outdoor eating and drinking establishments;
 - e) Outdoor active recreational uses (**ground story** only); and
 - f) Signage.

If such Type II Certificates of Appropriateness meet the requirements of this Chapter and other criteria applicable to Type II Certificates the Director will issue the Type II Certificate within 14 days of receipt of the completed application. If such Type II Certificates of Appropriateness do not meet the requirements of this Chapter and such other criteria, the Director will deny the application, with notice to the applicant, within 14 days of receipt of the completed application. Appeals from the decision of the Director either approving or denying such Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the Appeals Section of **Chapter 16-20.008(a)** for Type I Certificates.

- c. **Type III Certificates of Appropriateness.** The following Type III Certificates of Appropriateness will be reviewed by the Commission and will be required for:

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- i. Additions;
 - ii. New construction (excluding interiors of the existing buildings);
 - iii. Building footprint revisions to previously approved plans that are yet to be constructed;
 - iv. Variances, special exceptions and administrative appeals.
- d. Type IV Certificates of Appropriateness:
- i. Type IV Certificates of Appropriateness will be reviewed by the Commission and will be required for the demolition or moving of any contributing structure.
 - ii. A partial demolition of a contributing structure will require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic or cultural interpretability or importance.
4. Contributing Buildings and Structures:
- a. The 1027 Ponce de Leon Avenue building, the 1061 Ponce de Leon Avenue building, and the open, undeveloped space between 1061 Ponce de Leon Avenue building and Ponce de Leon Avenue.
5. Financial Hardship Exemptions:
- a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.
 - b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purposes.
 - c. If the Commission finds that the requirement of Subsection (5)(b) herein is satisfied, they may grant an exemption, in whole or in part, only in accordance with each of the following factors, standards and criteria:
 - i. The burden of proof that the regulations and guidelines pose such a hardship will be on the property owner.
 - ii. The Commission will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - a) The present and future income of the property owner(s) and those occupying the property;
 - b) The availability, at present or in the future, or other sources of income or revenue, including loans, grants, and tax abatements;
 - c) The costs associated with adherence to the district regulations in comparison to the costs associated with achieving the same proposal without the district regulations;

- d) The degree of existing architectural importance and integrity of the structure; and
 - e) The purpose and intent of this chapter.
- iii. The Commission will balance these factors as applied to the applicant for said exemption and will grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code [Section 16-20.010](#).
6. Variances, Special Exceptions and Administrative Appeals:
- a. Variance applications and applications for special exceptions and administrative appeals from these regulations will be heard by the Commission. The Commission must have the authority to grant or deny variances from the provisions of this Chapter pursuant to the procedures, standards, and criteria specified in [Section 16-26.001](#) through [Section 16-26.006](#). The Commission must have the authority to grant or deny applications for special exceptions from the provisions of this Chapter pursuant to the procedures, standards and criteria specified in [Section 16-25.001](#) through [Section 16.25.005](#). The Commission must have the authority to grant or deny applications for administrative appeal pursuant to the standards in [Section 16-30.010 \(a\)](#) through [Section 16-30.010 \(d\)](#).
 - b. Appeals from final decisions of the Commission regarding variances, special exceptions and administrative appeals will be as provided for in [Section 16-20.010](#).

E. Permitted Principal Uses and Structures

1. **Permitted Principal Uses and Structures.** A building or premises **must** be used for the following principal purposes:
 - a. Banks, savings and loan associations, and similar institutions.
 - b. Businesses and commercial schools.
 - c. Childcare centers, kindergartens, and special schools.
 - d. Clubs and lodges.
 - e. Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly, and similar uses, with primary activities conducted within fully enclosed buildings.
 - f. Drycleaners - drop off and pick up operation only.
 - g. Eating and drinking establishments, including accessory outdoor dining areas and eating and drinking establishments licensed for the on-premises consumption of malt beverages, wine and/ or distilled spirits, but not nightclubs (as defined by Chapter 10. Alcoholic Beverages).
 - h. Farmer's markets, subject to provisions found in [Section 16-29.001\(32\)](#) of the Code.
 - i. Food trucks and similar temporary outdoor eating and drinking establishments.

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- j. Institutions of higher learning, including colleges and universities.
 - k. Museums, galleries, auditoriums, libraries and other similar cultural facilities.
 - l. New and used car sales, including other motorized vehicles such as mopeds and motorcycles to the extent such operations occur entirely within interior space only.
 - m. Offices, clinics (including veterinary), laboratories, studios, and similar uses, but not blood donor stations or music recording studios or similar uses. Veterinary offices clinics must be located within soundproof buildings, laboratories, and studios when located within 300 feet of any residential use, however boarding of animals and pet day care will be prohibited.
 - n. Printing shops, microbreweries and distilleries.
 - o. Professional or personal service establishments, but not hiring halls.
 - p. Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar articles.
 - q. Retail establishments, including delicatessens, bakeries and catering establishments.
 - r. Public schools or private schools having similar academic curricula and special schools for exceptional children.
 - s. Places of worship.
 - t. Outdoor active recreational uses.
 - u. Showrooms used for the display and sale of merchandise stored off-site.
 - v. Tailoring, custom dressmaking, millinery and similar establishments
2. The following permitted uses and restrictions will apply to all properties within this District:
- a. **Nonconforming uses and structures.** Lawful nonconforming uses and structures will be regulated pursuant to Chapter 24 of Part 16; provided, however, no sunset provisions apply to an existing lawful nonconforming uses or structures. Any alteration or addition to nonconforming uses or structures will require an appropriate Certificate of Appropriateness by the Commission.
 - b. Drive-through and drive-in establishments **must** be prohibited.
 - c. Off-premises storage of merchandise **must** be ~~will be~~ prohibited as a principal use.
 - d. With the exception of showrooms, no merchandise will be stored other than that to be sold at retail on the premises and no storage for such merchandise **must** occupy more than 40 percent of the floor area on the premises.
 - e. All antennas, broadcast towers, line of sight communication devices, cell towers, other towers, antennas, and related equipment and structures, are prohibited except as follows:
 - i. "Roof antennas" as defined and regulated in code **Section 16-25.002(3)(i)(iii)** are authorized, provided a Type II Certificate of Appropriateness is granted and, as part of said certificate, the applicant demonstrates compliance with the criteria set forth in

Section 16-25.002(3)(i)(iv)(c) demonstrating that such roof antenna is necessary to provide adequate communication coverage under the requirements of the applicant's federal license.

- ii. In establishing necessity, the applicant must provide a radio frequency analysis or other engineering study demonstrating why the roof antenna is necessary. Economic considerations may not be used to establish necessity.
- iii. This provision must not be interpreted to prohibit or interfere with requirements for collocations or modifications to existing antenna mandated by state law.
- iv. When the equipment regulated in this subsection is no longer in use, it must be removed and all affected areas of the building must be returned to its original condition.

f. **Outdoor Uses:**

- i. Accessory outdoor dining areas, outdoor active recreational uses, food trucks and similar temporary outdoor eating and drinking establishments are permitted anywhere within the district.
- ii. At any given time, up to three (3) food trucks and similar temporary outdoor eating and drinking establishments may be located between the existing buildings and Ponce de Leon Avenue. This limit does not include accessory outdoor dining areas or outdoor active recreational uses associated with permanent eating and drinking establishments, and such uses lawfully permitted through the City of Atlanta's special event/outdoor event permitting process.
- iii. Food trucks and similar temporary outdoor eating and drinking establishments and ground story outdoor active recreational uses must only be permitted for the time period specified by the Director in the issuance of the Certificate of Appropriateness unless re-approved.

F. Lot Standards

- 1. Maximum combined building square footage in the District must not exceed 55,000 square feet.
- 2. Maximum building height must be 35 feet exclusive of rooftop patios structures. Excluding structures housing elevator and stairwell landings and equipment, rooftop patio structures must not exceed an additional 15 feet in height as measured from the roof pitch and must not occupy more than 25 percent of the total roof area.
- 3. The minimum building setback on the 1061 Ponce de Leon Avenue building must be 75 feet from Ponce de Leon Avenue, not including canopies or marques. Outdoor dining must be permitted within the Ponce de Leon Avenue building setback of the 1061 Ponce de Leon Avenue building. All other building setbacks in the District must be zero (0) feet.

G. Building Standards

The following building standard provisions must apply to the district.

- 1. Building Compatibility:

BRIARCLIFF PLAZA

- a. Alterations and additions to existing contributing buildings must be consistent with its architecture and meet the requirements set forth in Sec. 16-20S.004(1).
 - b. The compatibility rule must apply to a principal structure's general façade organization, proportion, scale, roof form and pitch, materials, and other architectural details.
2. Transparency:
- a. The compatibility rule must apply to the following aspects of transparency:
 - i. The style and material of the individual windows or doors.
 - ii. The size and shape of the individual window and door openings.
 - iii. The overall pattern of transparency as it relates to the building façade.
 - iv. The size and shape of storefront openings.
 - v. The materials for exterior framing, casing, and trim for windows and doors.
 - vi. The use of tile and glass block for bulkheads, door surrounds, and transoms.
 - b. Storefront glass must not be painted or reflective.
 - c. Ground story-level development without transparency must not exceed a maximum length of 10 feet of façade, except for the frontages along Cleburne Terrace and North Highland Avenue.
3. Façades:
- a. Building materials for the façades of principal structures must be determined by the compatibility rule. Corrugated metal, exposed concrete block, cementitious, wood, and vinyl siding are not permitted on any façade.
 - b. Covering of the original façade must not be permitted.
 - c. Painting of unpainted building materials and masonry is prohibited.
 - d. All cleaning of stone, ceramic tile, and brick must be done with mild detergents. Pressure washing is an approved method of physical treatment.
 - e. All repairs to original mortar must be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints must be duplicated in width and in joint profile.
 - f. All building façades must have coping.
4. Ground story active depth must be provided for a minimum depth of 20 feet, as measured from the ground story building façade in the following locations:
- a. On the 1027 Ponce de Leon Avenue building façade facing Cleburne Terrace; and
 - b. On the 1027 Ponce de Leon Avenue and 1061 Ponce de Leon Avenue building façades facing Ponce de Leon Avenue.

- c. Uses in the active depth must be serviced by plumbing, heating and electricity and are limited to the uses permitted by Section 16-20S.005.
5. Fences, Walls and Retaining Walls:
- a. New barbed wire, razor wire, wood and chain link or similar elements are prohibited.
 - b. Fences and walls are not permitted between the façade of the building and the street.
 - c. Where permitted, fences and walls must only to a total combined height of six (6) feet.
6. No loading areas or dumpsters will be located between the building façade and Ponce de Leon Avenue.
7. Lighting and Security Features:
- a. Security, decorative, and other lighting must minimize light spillage by providing cutoff luminaries that have a maximum 90-degree lighting. The Commission may also require other elements to reduce light spillage.
 - b. Any security, decorative, or other lighting luminaries must be located a minimum height of eight (8) feet above the streetscape, driveway, or pedestrian area.
 - c. External storefront security grilles, gates and security doors must be fully retractable during business hours. Such devices must provide visibility into the interior of protected space when in use, and must be prohibited from being opaque.
 - d. Any external security grills, gates and security doors must be compatibly integrated into and concealed by the overall architecture and architectural patterns and elements of the façade on which they are located.
8. Canopies:
- a. Original canopies must be retained where possible.
 - b. Replacement canopies, or portions thereof, are permitted only when original canopies cannot be rehabilitated.
 - c. Installation of new canopies, where none previously existed, must be permitted only when they adhere to the characteristics of the original structure's architectural style.
 - d. Canopies may be externally illuminated.
9. All exterior stairs must be metal and must not be located between the existing building façades and the Ponce de Leon Avenue frontage.
10. The existing pedestrian hardscaped walkway located between the 1061 Ponce de Leon Avenue building and the parking lot must be retained.

H. On-site Parking, Driveways and Curb Cuts

The following on-site parking regulations will apply to the District:

BRIARCLIFF PLAZA

1. **Parking Requirements.** On-site parking and bicycle parking requirements will be as specified in the Briarcliff Plaza Landmark District Parking Table and subject to the following:

Briarcliff Plaza Landmark District Parking Table	Minimum Parking:Bicycles	Minimum Parking: Automobiles	Maximum Parking: Bicycles	Maximum Parking: Automobiles
Comercial Uses	The greater of: 2 spaces or 1 space for every 4,000 square feet of floor area	50 existing on site spaces <u>must</u> be required for 55,000 square feet of floor area provided, however, no more than 25,000 square feet <u>must</u> be eating and drinking establishments unless a shared parking arrangement is approved pursuant to subsection (2).	No more than 50 spaces required	2.5 spaces for every 1,000 square feet of floor area

2. On-site Parking Changes:

- a. Changes in the parking requirements may be approved by the Director subject to a shared parking arrangement under the following criteria:
 - i. The arrangement must avoid conflicting parking demands and provide for safe pedestrian mobility and access; and
 - ii. All shared parking spaces must be clearly marked and signed as reserved as contemplated in the shared parking arrangement;
 - iii. The ratio of off-site parking required for eating and drinking establishments to be included a shared parking arrangement must be 1 space per 600 square feet; and
 - b. The applicant requesting the shared parking arrangement will submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - i. A to-scale map indicating location of proposed parking spaces;
 - ii. Indicate hours of business operation;
 - iii. Written consent of property owners agreeing to the shared parking arrangements; and
 - iv. Copies of any parking leases. Renewed leases will be provided to the Director. Lapse of a required lease agreement will terminate the permit.
3. No loading spaces will be required in this District.
4. No new curb cuts will be permitted and existing curb cuts will not be widened.

DIVISION 6.21. PRATT-PULLMAN

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent

The intent of the regulations for the Pratt-Pullman Landmark District is as follows:

1. To preserve the architectural history of the district, which includes multiple industrial buildings constructed during two primary periods of development (1904-1906 and 1925-1927);
2. To ensure that new construction is compatible with the existing historic buildings in the district;
3. To encourage economic development that promotes a livable, sustainable neighborhood and city; and
4. To preserve the historic character of the contributing buildings and features in the district so as to substantially promote the public health, safety and general welfare of the citizens of the City of Atlanta.

B. Scope of Regulations

The scope of these regulations for the Pratt-Pullman Landmark District is as follows:

1. Except where it is otherwise explicitly provided, the provisions of Chapter 20 of this part will apply to this district. Whenever the regulations of Chapter 20 conflict with the provisions of Chapter 20, the regulations of Chapter 20T will apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Pratt-Pullman Landmark District will continue to apply. In the event of any conflict between said other regulations and the following regulations of this Chapter 20, the interpretation provision set forth in Section 16-20.011(c) of the Code of Ordinances will govern.

C. Boundaries

The boundaries of the Pratt-Pullman Landmark District will be as shown on the official zoning map adopted herewith entitled "Pratt-Pullman Landmark District."

D. General regulations.

The following general regulations will apply to all properties within the Pratt-Pullman Landmark District, except where otherwise stated.

1. **General Criteria.** The Commission will apply the standards for the rehabilitation of contributing buildings set forth below only when the standards set forth elsewhere in Chapter 20T do not specifically address the application in whole or in part:
 - a. The extant historic character of a property must be retained and preserved.

- b. The removal of historic materials or alteration of features that characterize a property must be avoided where feasible and where altered done so in a manner that does not significantly alter the overall contributing character of the structure.
 - c. Each property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, must not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved.
 - f. Deteriorated historic features must be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the contributing features in design, material, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible.
 - h. Significant archaeological resources affected by a project must be protected and preserved. If such resources must be disturbed, mitigation measures must be undertaken.
 - i. Repair and replacement of historic materials should be replacements in kind where feasible.
 - j. New additions, alterations, or related new construction must not destroy historic materials that characterize the overall contributing character of the property. The new work must be differentiated from the old of the contributing property and must be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - k. New additions and adjacent or related new construction must be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired;
 - l. New construction must be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The Compatibility Rule:
- a. The intent of these regulations is to ensure that additions to contributing structures and new structures in the primary view corridor(s) of contributing structures are compatible with the historic context in which they will reside. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" as follows:
 - i. The elements in question that are not quantifiable must be the same as contributing buildings in the district or must be compatible with, but differentiated from the contributing buildings in the district.

- ii. Where quantifiable, the element **must** be no smaller than the smallest or larger than the largest such dimension of the contributing building on which it is located.
- b. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
- 3. **Variances, Special Exceptions and Administrative Appeals.** Variance applications and applications for special exceptions and administrative appeals from these regulations will be heard by the Commission. The Commission must have the authority to grant or deny variances from the provisions of this chapter pursuant to the procedures, standards, and criteria specified in **Section 16-26.001** through **Section 16-26.006**. The Commission must have the authority to grant or deny applications for special exceptions from the provisions of this chapter pursuant to the procedures, standards and criteria specified in **Section 16-25.001** through **Section 16.25.005**. The Commission must have the authority to grant or deny applications for administrative appeal pursuant to the standards in **Section 16-30.010 (a) through (d)**. Appeals from final decisions of the Commission regarding variances, special exceptions and administrative appeals will be as provided for in **Section 16-20.010**.
- 4. Certificates of Appropriateness:
 - a. General Provisions:
 - i. The procedures for determining the correct type of **C**ertificate of **A**ppropriateness will be those specified in **Section 16-20.008**, except as otherwise provided herein.
 - ii. No **C**ertificate of **A**ppropriateness will be required unless, at a minimum, the work would otherwise require a building permit.
 - iii. No **C**ertificate of **A**ppropriateness will be required to make ordinary repairs and maintenance using in-kind materials.
 - iv. No Certificate of Appropriateness will be required for interior work.
 - v. No Type I Certificates of Appropriateness will be required in this district.
 - b. Type II Certificates of Appropriateness:
 - i. Type II Certificates reviewed by the Director. The following will require a Type II Certificate of Appropriateness, and will be reviewed by the Director of the Commission:
 - a) Exterior alterations to any façade of any principal structure;
 - b) All site work, including dumpster enclosures; and
 - c) Signage.

If such Type II Certificates of Appropriateness meet the requirements of this Chapter and other criteria applicable to Type II Certificates the Director will issue the Type II Certificate within 14 days of receipt of the completed application. If such Type II Certificates of Appropriateness do not meet the requirements of this Chapter and such other criteria, the Director will deny the application, with notice to the applicant, within 14 days of receipt of the completed application. Appeals from the decision of the Director either approving or denying such Type II Certificates may be taken by any aggrieved person by filing an

appeal in the manner prescribed in the appeals ~~Section of Chapter 16-~~ Section 20.008(a) of Chapter 16 for Type I Certificates.

- c. **Type III Certificates of Appropriateness.** The following Type III Certificates of Appropriateness will be reviewed by the Commission and will be required for:
 - i. Additions;
 - ii. New construction (excluding interiors of the existing buildings);
 - iii. Building footprint revisions to previously approved plans that are yet to be constructed; and
 - iv. Variances, special exceptions and administrative appeals.
 - d. Type IV Certificates of Appropriateness:
 - i. Type IV Certificates of Appropriateness will be reviewed by the Commission and will be required for the demolition or moving of any contributing structure.
 - ii. A partial demolition of a contributing structure will require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic or cultural interpretability or importance.
5. **Contributing Buildings and Structures.** All brick and masonry buildings and structures constructed within the period of significance (1904-1927) will be considered contributing to the District, including the brick and masonry portions of buildings to which metal buildings and/or sheds have been attached. In addition, the lateral transfer table structure and components thereof will also be contributing to the District.
6. Financial Hardship Exemptions:
- a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.
 - b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purposes.
 - c. If the Commission finds that the requirement of Subsection (6)(b) herein is satisfied, they may grant an exemption, in whole or in part, only in accordance with each of the following factors, standards and criteria:
 - i. The burden of proof that the regulations and guidelines pose such a hardship will be on the property owner.
 - ii. The Commission will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

- a) The present and future income of the property owner(s) and those occupying the property;
 - b) The availability, at present or in the future, or other sources of income of revenue, including loans, grants, and tax abatements;
 - c) The costs associated with adherence to the district regulations in comparison to the costs associated with achieving the same proposal without the district regulations;
 - d) The degree of existing architectural importance and integrity of the structure; and
 - e) The purpose and intent of this chapter.
- iii. The Commission will balance these factors as applied to the applicant for said exemption and will grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code **Section 16-20.010**.

E. Permitted principal uses and structures.

1. **Permitted Principal Uses and Structures.** A building or premises **must** only be used for the following principal purposes:
 - a. Services/Retail:
 - i. Banks, savings and loan associations, and similar institutions.
 - ii. Barber shops, beauty shops, manicure shops and similar personal service establishments.
 - iii. Drycleaners - drop off and pick up operation only.
 - iv. New and used car sales, including other motorized vehicles such as mopeds and motorcycles to the extent such operations occur entirely within interior space only.
 - v. Photocopying or blueprinting shops.
 - vi. Professional or personal service establishments but not hiring halls.
 - vii. Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar articles and **must** be conducted within fully enclosed buildings.
 - viii. Retail establishments, including delicatessens, bakeries and catering establishments, not to exceed 10,000 square feet per establishment.
 - ix. Showrooms used for the display and sale of merchandise stored off-site.
 - x. Tailoring, custom dressmaking, millinery and similar establishments.
 - xi. Small discount variety stores, provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.
 - b. Dining/Recreation:

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- i. Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly, and similar uses.
- ii. Eating and drinking establishments, including outdoor dining and those licensed for the on-premises consumption of malt beverages, wine and/ or distilled spirits, but not nightclubs (as defined by **Chapter 10. Alcoholic Beverages**).
- iii. Farmer's markets, subject to provisions found in **Section 16-29.001(32)** of the Code.
- iv. Food trucks.
- v. Market gardens.
- vi. Microbreweries and microdistilleries.
- vii. Museums, galleries, auditoriums, libraries and other similar cultural facilities.
- viii. Urban gardens.
- c. Film/Art:
 - i. Film, video, and music production and related supporting uses, including production equipment storage and distribution.
 - ii. Public art, including structures for placement of public art.
- d. Education/Daycare/Schools:
 - i. Business or commercial schools.
 - ii. Childcare centers, day cares, kindergartens, and special schools.
 - iii. Institutions of higher learning, including colleges and universities.
- e. Office/Hotel:
 - i. Live work use, including home art studios and galleries.
 - ii. Offices, studios, clinics (including veterinary if animals are kept within soundproof buildings), laboratories, similar uses but not blood donor stations.
 - iii. Hotels and motels, provided that only one hotel and/or motel will be permitted in this District without the issuance of a special use permit.
- f. Residential:
 - i. Single-unit, two-unit and multi-unit dwellings.
 - ii. Short-term rentals, subject to the regulations in Atlanta City Code **Section 20-1001**.
- 2. Permitted Accessory Uses and Structures:
 - a. Residential accessory uses and structures permitted within this District **must** include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically includes clubhouses, pools, and other recreation amenities, and parking to serve

authorized residential uses within the District subject to the restrictions contained elsewhere in this chapter.

- b. Non-residential accessory uses and structures permitted within this District **must** include those accessory and incidental to permitted non-residential principal uses and structures and specifically includes storage and support facilities for film, video, and music production to serve authorized non-residential uses within the District subject to the restrictions contained elsewhere in this chapter.
3. **Special Permits.** The following uses will require the issuance of a **Special Use Permit**:
 - a. Clubs and lodges.
 - b. Hotels and motels to the extent one already exists in the District.
 - c. Retail stores exceeding 10,000 square feet per establishment.
 - d. Small discount variety stores exceeding 10,000 square feet, provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.
4. The following permitted uses and restrictions will apply to all properties within this District:
 - a. **Nonconforming Uses and Structures.** Lawful nonconforming uses and structures will be regulated pursuant to **Chapter 24 of Part 16**; provided, however, no sunset provisions apply to an existing lawful nonconforming uses or structures. Any alteration or addition to nonconforming uses or structures will require an appropriate Certificate of Appropriateness by the Commission.

F. **Building Standards**

1. Building Height:
 - a. Maximum building height within the District **must** be as follows:
 - i. Within 50 feet from the back of curb of Rogers Street, the maximum building height **must** be 40 feet;
 - ii. Within the area between 50 feet and 70 feet from the back of curb of Rogers Street, the maximum building height **must** be 70 feet; and
 - iii. More than 70 feet from the back of curb of Rogers Street, the maximum building height **must** be 90 feet.
 - b. In addition to the limitations set forth in **Section 16-20T.006(1)(a)** above, directly between any contributing building and Rogers Street, the building height **must** be limited to 28 feet for construction of any new buildings.
 - c. The building heights permitted in this subsection are intended to be the maximums authorized but are subject to the other provisions of this District.
2. **Transitions and Screening** Requirements:
 - a. **Transitional Height Planes.** Where this District adjoins a district in the R-1 through R-5 classification without an intervening street, height within the District will be limited as follows:

No portion of any structure will protrude through a transitional height plane beginning 35 feet above the transitional yard nearest to the common district boundary and extending inward over this District at an angle of 45 degrees.

b. Transitions:

- i. **Side Yard.** Adjacent to an R1 through R-5 district without an intervening street, a 20-foot transitional side yard is required which must not be paved or used for parking or servicing.
- ii. **Rear Yard.** Adjacent to an R1 through R5 district without an intervening street, a 20-foot transitional rear yard is required which must not be paved or used for parking or servicing.

c. Screening:

- i. Where a lot in this District adjoins a lot in a district in the R-1 through R-5 classification without an intervening street, opaque fencing or screening not less than six feet in height must be provided and maintained in a sightly condition.

3. **Front, Side and Rear Yard Setbacks.** The front yard building setback must be determined by the streetscape improvement requirements along Rogers Street. Minimum side and rear yard building setbacks in this District must be zero feet, except for the transition and screening requirements in Section 16-20T.006(2)(b).

4. **Streetscapes.** Streetscapes must be located along all public streets and must have minimum widths as specified herein.

a. **Streetscapes.** Streetscapes zones consist of two zones:

- i. An amenity zone; and
- ii. A pedestrian zone.

- b. **Amenity Zone Requirements.** The amenity zone must have a minimum width of five feet. Said zone must be located immediately adjacent to the curb and must be continuous. Said zone must meet the tree planting requirements of Subsection 16-20T.006(4)(d). In addition to the required planting of trees, this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.

- c. **Pedestrian Zone Requirements.** The pedestrian zone must be a minimum width of eight feet. Said zone must be located immediately contiguous to the amenity zone and must be continuous. Said zone must be hardscape and must be unobstructed for a minimum height of eight feet except as authorized in Subsection 16-20T.006(4)(d).

- d. **Street Tree Planting Requirements.** Street trees are required and must be planted in the ground a maximum of 40 feet on center within the amenity zone and spaced an equal distance between street lights. All newly planted trees must be a minimum of three inches in caliper measured 36 inches above ground, must be a minimum of 12 feet in height, must have a minimum mature height of 40 feet, and must be limbed up to a minimum height of seven feet. Trees must have a minimum planting area of 32 square feet. All plantings, planting replacement, and planting removal must be approved by the City Arborist. The area between

required plantings must be planted with evergreen ground cover such as mondo grass or liriope spicata or must be paved as approved by the Director.

- e. **Tree Grates.** Tree grates are not required where all pedestrian zone width requirements are met. Where tree grates are installed, they must be a minimum of four feet by eight feet, must be a type specified by the Director in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way, and must be placed within the amenity zone.
 - f. **Paving.** All paving within the amenity zone must be a type specified by the Director in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way.
 - g. Nothing may be erected, placed, planted, or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade.
 - h. No awning or canopy may encroach beyond the pedestrian zone.
 - i. Where property within this district abuts an R, RG, MR, PD-H or LW district without an intervening street, the pedestrian zone area within 20 feet of such districts must taper as necessary to provide a smooth transition to the existing pedestrian zone on the adjacent property. In the event that the abutting district has no existing pedestrian zone, the pedestrian zone must taper to a width of six feet.
 - j. Decorative pedestrian lights, where installed, must be placed a maximum of 60 feet on center and spaced equal distance, to the extent feasible, between required trees along all streets. Where installed, said lights must be located within either the amenity zone or the street setback. All said lights must be Atlanta Type "C" as approved by the Office of Zoning and Development.
 - k. Trash receptacles, where installed, must be a type specified by the Director in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way and must be placed within the amenity zone.
5. **Street Setback.** For purposes of these regulations, the area between any building, parking garage, or parking lot and the required streetscape, when no intervening building exists, must be defined as the street setback zone. Street setback must meet the following requirements.
- a. **Dimension.** A minimum five-foot street setback will be required for residential uses. No street setback will be required for nonresidential uses.
 - b. When ground story residential units are provided, street setbacks must be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of two-thirds of the street setback area.
 - c. Residential terraces, porches and stoops must have a maximum ground story elevation height of 24 inches above finished-grade, unless existing topographical considerations render this requirement unreasonable, subject to the provisions in Subsection 16-25.002(3).

- d. The street setback zone must be no more than 24 inches above the adjacent streetscape for a minimum linear distance of 15 feet from the nearest edge of the adjacent streetscape, unless existing topographical considerations render this requirement unreasonable.
- 6. Maximum lot coverage in the District must not exceed 75 percent as measured across the entire District
- 7. Building Massing and Placement:
 - a. Directly between the contributing buildings and Rogers Street, only 50% of the linear north-south distance must be occupied by permanent buildings or structures, excluding any existing buildings or structures.
 - b. Notwithstanding the requirements of this District, previously existing structures in existence between 1904 and 1927 but no longer in existence may be reconstructed to their original footprints, height and massing where the applicant shows by archived evidence or sworn affidavit(s), and the Commission finds, that such structural dimensions previously existed on the proposed site.

G. Design standards.

- 1. The following Design Standards provisions will apply to the District.
 - a. Building Compatibility:
 - i. Alterations and additions to existing contributing buildings must be consistent with its architecture and meet the requirements set forth in 16-20T.004(1).
 - ii. The compatibility rule will apply to a principal structure's general façade organization, proportion, scale, materials, and other architectural details.
 - b. Transparency:
 - i. The compatibility rule will apply to the following aspects of transparency:
 - a) The style and material of the individual windows or doors.
 - b) The size and shape of the individual window and door openings.
 - c) The overall pattern of transparency as it relates to the building façade.
 - d) The materials for exterior framing, casing, and trim for windows and doors.
 - ii. Painted glass and reflective glass, or other similarly treated transparency must not be permitted along façades abutting the public right-of-way.
 - c. Façades:
 - i. Building materials for the façades of principal structures will be determined by the compatibility rule.
 - ii. Painting of unpainted building materials and masonry for which painting is character defining and thus contributing is prohibited on contributing buildings.

- iii. All cleaning of stone, ceramic tile, and brick must be done with mild detergents. Low pressure pressure washing is an approved method of physical treatment.
 - iv. All repairs to original mortar must be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints must be duplicated in width and in joint profile.
- d. Fences, Walls, and Retaining Walls:
- i. New fences and walls exceeding 42 inches in height are not permitted between the façade of the building and the public right-of-way except to accommodate outdoor dining.
 - ii. Where permitted, new fences and walls (excluding retaining walls) must not exceed a total combined height of six feet.
- e. Lighting and Security Features:
- i. Security, decorative, and other lighting must minimize light spillage by providing cutoff lights that have a maximum 90-degree lighting.
 - ii. Any security, decorative, or other lights must be located a minimum height of eight feet above the streetscape, driveway, or pedestrian area.
- f. Loading Areas, Loading Dock Entrances, and Building Mechanical and Accessory Features:
- i. Dumpsters must not be visible from the public right-of-way. Notwithstanding the visibility requirements noted above, all dumpsters must be concealed with walls six feet in height.
 - ii. Building mechanical and accessory features must not be permitted between the principal building and the public right-of-way unless required by the applicable utility. If visible from the public right-of-way, the building mechanical and accessory features must be screened.
- g. **Loading Space Requirements.** Minimum on-site loading spaces must be provided according to the Pratt-Pullman Landmark District Loading Table. The residential and nonresidential loading requirements must be met independently. All loading access ways and areas must provide a minimum vertical clearance of 14 feet and must not be located within the required streetscape. Reduction of on-site loading requirements may be approved by the Director subject to a shared loading arrangement that avoids conflicting loading demands.

Pratt-Pullman Landmark District Loading Table	Unit of Measure	Required Loading Spaces (12' x 35')	Required Loading Spaces (12' x 55')
Residential Uses	Fewer than 50 units	None	None
	51 to 200 units	1	None
	201 units or more	2	None

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Non-Residential Uses	40,001 sq. ft. to 100,000 sq. ft. floor area	2	None
	100,001 sq. ft. to 250,000 sq. ft. floor area	2	1
	250,001 sq. ft. floor area or more	2	2

- h. **Affordable Housing.** At least ten percent of the total residential rental units in the District must be leased to households having an income, as certified by prospective tenant(s) at the time of execution of the applicable lease agreement that does not exceed 80 percent of area median income for the family size having the same number of persons as the subject household for the Atlanta-Sandy Springs-Marietta Georgia Department of Housing and Urban Development ("HUD") Metro Fair Market Rent Area (as published by HUD as of the date of the tenant's application). The monthly rent amount (including utilities and mandatory fees) for each affordable housing unit must be no more than 30 percent of the household's monthly gross income as published periodically by HUD.
2. Notwithstanding anything in the District to the contrary, structures rebuilt under **Section 16-20T.006(7)(b)** may be, but must not be required to be, reconstructed using their original materials, architectural elements, transparency patterns, roof form, and other exterior physical characteristics, where the applicant shows by archived evidence or sworn affidavit(s), and the Commission finds, that such exterior physical characteristics existed on the former structure.

H. On-site parking.

1. The following on-site parking regulations will apply to the District:
- a. **Parking Requirements.** On-site parking will be as specified in the Pratt-Pullman Landmark District Parking Table and subject to the following:

Pratt-Pullman Landmark District Parking Table	Residential Uses	Hotels and Motels	Eating and Drinking Establishments	All Other Non-Residential Uses
Maximum Parking	1.5 spaces per 1 bedroom dwelling unit; 2.5 spaces per dwelling unit with 2 or more bedrooms.	1 space per lodging unit	1 space per 100 square feet	1 space per 300 square feet

2. Parking Screening:
- a. Where on-site surface parking is provided between the building and the public right-of-way either:
- i. The on-site surface parking lot must be screened from the adjacent public right-of-way and streetscapes a berm or vegetative screen at a minimum of 30 inches in height

between the on-site surface parking lot and the adjacent public right-of-way. Driveway crossings, pedestrian and bike paths will be permitted to interrupt the screening.

- ii. The on-site surface parking lot must be located at least 30 inches below the public right-of-way and required streetscape.
 - b. Any parking structure facing the eastern boundary of the District must be screened along the eastern façade.
3. **Bicycle Parking.** Bicycle parking will be required as provided in the Pratt-Pullman Bicycle Parking Table; provided, however, in the event there is a citywide bicycle parking standard established in the City of Atlanta zoning ordinance, the citywide bicycle parking standard must supersede and replace the bicycle requirements in this District.

	Multifamily Residential (fewer than 10 units)	Multifamily Residential (10 or more units)	Offices	All other nonresidential uses
Fixed Bicycle Spaces	1 per 5 units, 2 minimum	1 per 10 units, 2 minimum	1 per 8,000 square feet, 2 minimum	1 per 4,000 square feet, 2 minimum
Enclosed Bicycle Spaces	0	1 per 10 units, 2 minimum	1 per 8,000 square feet, 2 minimum	0
Maximum Combined Requirement	No more than 50 spaces required	No more than 50 spaces required	No more than 50 spaces required	No more than 50 spaces required

- a. Fixed bicycle rack standards will be as follows:
 - i. May not be inside a building but may be covered.
 - ii. Must be publicly accessible and lit.
 - iii. Must be accessible to a street or trail without the use of stairs.
 - iv. Must include a metal anchor to secure the bicycle in conjunction with a lock.
 - v. May not block the pedestrian zone and must be in the amenity zone.
 - vi. Must be of a type specified by the City if located in the public right-of-way.
 - b. Enclosed bicycle parking standards will be as follows:
 - i. May be enclosed storage lockers, a room in a building or in a parking structure.
 - ii. Must be accessible to occupants, entry features and walkways.
 - iii. Must be secure, weather resistant and lit.
 - iv. Must be accessible to a street or trail without the use of stairs or elevators.
 - v. No enclosed bicycle spaces will be required for townhomes.
4. On-site Parking Requirement Increases:

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- a. Increases in the parking requirements may be approved by the Director based on the following criteria:
 - i. Tenant demand for on-site uses;
 - ii. Parking efficiency and utilization for onsite uses; and
 - iii. Parking available off-site within one quarter-mile radius.

DIVISION 6.22. **BONAVENTURE-SOMERSET**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent (Sec. 16-20U.001)

The intent of the regulations for the Bonaventure-Somerset Historic District ("the District") is:

1. To preserve the overall architectural history and character of the buildings that were constructed in the District during the 1910-1935 development period, and to ensure that additions, alterations, and renovations to those buildings are consistent with the historic character of the individual structure;
2. To preserve the District's historic development patterns characterized primarily by single-family houses and multifamily buildings;
3. To retain the predominant historic and existing architectural forms and styles of the District, including Bungalow, Duplex, American Small House, American Foursquare, Single Building Apartment, and Garden/Courtyard Apartment forms; and Craftsman, Neoclassical Revival, Colonial Revival, Mediterranean Revival, and Italian Renaissance Revival styles;
4. To preserve the historic and as-built physical site planning patterns of the District, including spatial relationships between buildings, and between buildings and the public street;
5. To prevent the subdivision or aggregation of existing lots in any manner that would disrupt the historic platting pattern, lot sizes, and spatial relationships established during the 1910-1935 development period, or otherwise detract from the identified historic qualities of the District;
6. To encourage neighborhood revitalization and prevention of displacement of residents;
7. To ensure all new construction observes the general setbacks, height, scale and massing of the original and historic development and site planning patterns;
8. To ensure the construction of new principal structures is either compatible with the historic and existing architectural character of the District and is internally consistent to the identified predominant architectural forms and styles; or is of an architectural style that is internally consistent and clearly contemporary in style;
9. To encourage containment of existing commercial areas and discourage encroachment of the commercial areas into the District; and
10. To preserve and enhance the historic and architectural appearance of the District to substantially promote the public health, safety and general welfare.

B. Scope of Regulations (Sec. 16-20U.002)

1. The scope of the regulations for the Bonaventure-Somerset Historic District is:
 - a. The existing City of Atlanta zoning map and all City of Atlanta zoning regulations that apply to properties within the Bonaventure-Somerset Historic District ~~shall~~ will remain in effect. The Bonaventure-Somerset Historic District zoning regulations (Chapter 20U of the City of Atlanta

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Zoning Ordinance) ~~shall~~ will be overlaid upon and be in addition to the existing City of Atlanta zoning regulations. Whenever the Bonaventure-Somerset Historic District zoning regulations are different from the existing zoning regulations already in effect, the Bonaventure-Somerset Historic District zoning regulations (Chapter 20U) ~~shall~~ will apply.

- b. The Bonaventure-Somerset Historic District zoning regulations (Chapter 20U) are composed of general regulations that apply to the entire Bonaventure-Somerset Historic District within the stated boundaries.
- c. Except where it is otherwise explicitly provided, the provisions of Chapter 20 of the City of Atlanta Zoning Ordinance ~~shall~~ must apply to Bonaventure-Somerset Historic District (Chapter 20U). Whenever the Bonaventure-Somerset Historic District zoning regulations (Chapter 20U) conflict with Chapter 20 of the City of Atlanta Zoning Ordinance, the Bonaventure-Somerset Historic District zoning regulations (Chapter 20U) ~~shall~~ will apply.
- d. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations that apply to properties within the Bonaventure-Somerset Historic District (Chapter 20U) ~~shall~~ will remain in effect. Whenever other governmentally adopted regulations conflict with the Bonaventure-Somerset Historic District zoning regulations (Chapter 20U), the interpretation provision in Section 16-20.011 of the City of Atlanta Zoning Ordinance ~~shall~~ will govern.

C. Boundaries (Sec. 16-20U.003)

The boundaries of the Bonaventure-Somerset Historic District constitute an overlay Historic District (HD) zoning district, which ~~shall~~ will be as shown on the official City of Atlanta zoning map adopted herewith entitled "Bonaventure-Somerset Historic District."

D. Definitions (Sec. 16-20U.004)

The following definitions shall apply to the Bonaventure-Somerset Historic District only. If a term is not defined below, then the definitions in Chapter 20 and 29 of the City of Atlanta Zoning Ordinance shall govern:

1. **Additions.** Additions are any change to an existing structure where additional square footage is added to the structure by expanding the exterior envelope of the structure.
2. **Alterations.** Alterations are any change to an existing structure that does not add additional square footage to the existing heated space and does not move exterior walls. Examples of alterations include, but are not limited to, window replacement, siding replacement, front porch railing/column replacement, etc.
3. **Block.** Both sides of the street where the property is located between the two closest intersections.
4. **Block Face.** The same side of the street where the property is located between the two closest intersections.
5. **Certificates of Appropriateness.** City of Atlanta applications used to review design, development and construction activities on properties or districts designated as Historic and Landmark by the City of Atlanta.

6. **Demolition.** Demolitions are the complete removal of a structure or the removal of more than 50 percent of a structure. Partial Demolition: Partial demolition are the removal or destruction of up to 50 percent of an existing structure.
7. **District right-of-way.** The following streets ~~shall~~ must be considered District right-of-way: Bonaventure Avenue, Somerset Terrace, Ponce De Leon Avenue, and North Avenue.
8. **Historic/Contributing Building.** A building, also known as a contributing structure, that reinforces the visual integrity or historic interpretability of the Bonaventure-Somerset Historic District.
9. **Non-Historic/Non-contributing Building.** A building, also known as a non-contributing structure, that does not reinforce the visual integrity or historic interpretability of the Bonaventure-Somerset Historic District.
10. **Original.** Part of the building or structure since its initial construction.

E. Organization Sec. 16-20U.005)

The overlay zoning regulations for the Bonaventure-Somerset Historic District consist of seven sections:

1. **Section .006:** General Regulations and Design Review Procedures that apply to all properties located within this District.
2. Section .007: Specific regulations that apply to Historic/Contributing Buildings.
3. Section .008: Specific regulations that apply to Non-Historic/Non-contributing Buildings.
4. Section .009: Specific regulations that apply to New ~~Principal~~ Primary Structures.
5. Section .010: Specific regulations that apply to Multifamily Buildings.
6. Section .011: Specific regulations that apply to Accessory Structures and Uses.
7. Section .012: Specific regulations that apply to Site Features.

F. General Regulations and Design Review Procedures Sec. 16-20U.006)

The following general regulations and design review procedures ~~shall~~ must apply to all properties in the District.

1. **Certificates of appropriateness.** City of Atlanta applications used to review design, development and construction activities on properties or districts designated as Historic and Landmark by the City of Atlanta.
 - a. Type I certificates of appropriateness for ordinary repairs and maintenance ~~shall~~ will not be required in this District. A certificate of appropriateness ~~shall~~ will not be required if a building permit is not required for such work within this District. Painting or repainting of any structure or portion thereof does not require a certificate of appropriateness, but must comply with **Section 16.20U.007(1)(f)** about painting unpainted historic masonry surfaces.
 - b. Type II certificates of appropriateness ~~shall~~ will be required from the Director of the Urban Design Commission ("Director") for the following activities:

- i. All exterior alterations to existing structures where visible from a District right-of-way;
 - ii. Dormer additions and gable additions which are no higher than the ridgeline of the ~~principal~~ primary structure and at least maintain the setbacks of the ~~principal~~ primary structure;
 - iii. Roof plane extensions and that least maintain the side ~~yard~~ setbacks of the ~~principal~~ primary structure;
 - iv. Rear additions which are no higher than the ridgeline of the ~~principal~~ primary structure and at least maintain the side yard setbacks of the principal structure;
 - v. New accessory structures;
 - vi. Fences, walls, and retaining walls in front yards or yards adjacent to a District right-of-way;
 - vii. Decks, walkways, driveways, and other paving; and
 - viii. Replats, subdivisions, and consolidations.
 - ix. If the proposed activity meets the applicable District regulations, the Director of the Urban Design Commission ~~shall~~ will issue a Type II certificate within 14 days of the application. If the proposed activity does not meet the applicable District regulations, the Director of the Urban Design Commission ~~shall~~ will deny the application with notice to the applicant within 14 days of the application. Appeals from a decision of the Director of the Urban Design Commission about a Type II certificate of appropriateness by any aggrieved person ~~shall~~ must be processed as prescribed in the appeals portion of Section 20.008(a) of the City of Atlanta Zoning Ordinance.
- c. Type III certificates of appropriateness ~~shall~~ will be required from the Urban Design Commission ("Commission") for the following activities:
- i. All new ~~principal~~ primary structures;
 - ii. Additions to the side of a ~~principal~~ primary structure, second story additions, and all other additions not referenced in section 16-20U.006(1)(b) of the District regulations;
 - iii. All additions or alterations to multifamily buildings, with the exception of ordinary repair and maintenance.
 - iv. Revisions to previously approved plans that result in an increase in the floor area ratio, lot coverage, or height; or an expansion of the building footprint, not including additions referenced in Section 16-20U.006(1)(b) of the District regulations; and
 - v. Variances and special exceptions.
- d. Type IV certificates of appropriateness ~~shall~~ will be required for demolition or moving of any historic/contributing ~~principal~~ primary building. A partial demolition of a historic/contributing ~~principal~~ primary building ~~shall~~ will require a Type IV certificate of appropriateness only when the partial demolition will result in the loss of significant architectural features that destroys the building's historic interpretability or importance to the District.

2. **Variances and Special Exceptions.** Variances and special exceptions from the Bonaventure-Somerset Historic District regulations ~~shall~~ will be heard by the Commission. The Commission ~~shall~~ will have the authority to grant or deny variances or special exceptions from the provisions of the District when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances and special exceptions shall be as specified in Chapter 26 of the City of Atlanta Zoning Ordinance.
 - a. **Zoning Variances Granted Prior** to Enactment of the Bonaventure-Somerset Historic District (Chapter 20U). Any owner of property who obtained, on or after January 1, 1982, and prior to the effective date of the Bonaventure-Somerset Historic District (Chapter 20U), a variance from the City of Atlanta Board of Zoning Adjustment to construct all, or a portion, of a project in the District, ~~shall~~ will be entitled to construct said project according to the plans presented in that application.
3. **Financial Hardship Exemptions:**
 - a. These regulations set forth a minimum standard of architectural compatibility with the rest of the District. However, in order to balance other equally important objectives of neighborhood revitalization and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.
 - b. The burden of proving economic hardship by a preponderance of the evidence ~~shall~~ will be on the applicant.
 - c. The Commission ~~shall~~ will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - i. The present income of the property owner(s) and those occupying the property;
 - ii. The age of the property owner;
 - iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;
 - iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;
 - v. The costs associated with adherence to these regulations;
 - vi. The degree of existing architectural significance and integrity of the structure; and
 - vii. The purpose and intent of this Chapter.
 - d. The Commission ~~shall~~ will consider these factors. If it finds that the applicant's economic hardship outweighs the need for strict adherence to these regulations it ~~shall~~ will grant an exemption, in whole or in part, as appropriate.
4. **Subdivisions, Consolidations, and Replatting of Lots.** The platting pattern of the Bonaventure-Somerset Historic District is an integral part of the historic character of the District. No subdivision, consolidation, or replat ~~shall~~ must be approved by the City of Atlanta unless it can be shown through archival documentation or maps that the proposal is substantially consistent

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with the original platting pattern of the District. In addition to the regulations of the City of Atlanta Subdivision and Zoning Ordinances, including but not limited to **Sections 15-08.002(a)(2) and 15-08.005(d)(6)**, all subdivisions, consolidations and replats of lots **shall must** conform to the original platting pattern in the District with regard to the area of the lot, dimensions, and configurations, except contributing multifamily properties may be consolidated with other immediately adjacent contributing multifamily properties.

5. **The Compatibility Rule.** To permit flexibility and to ensure alterations to existing structures and the design of new structures are sensitive to and sympathetic toward the existing character of the District, some regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) shall match the predominant original or historic elements of the historic/contributing buildings of like use on the same block. If there is not a predominant original or historic element on the same block, the element in question **shall must** be consistent with the architectural style of the structure. Where quantifiable, the element in question (i.e., building height and width as measured at **front street-facing** facade, **floor story** height, lot dimensions, etc.), **shall must** be no smaller than the smallest or larger than the largest such dimension of the historic/contributing buildings of like use on the same block." Those elements that the compatibility rule applies to are specified in the District regulations by reference to "compatibility rule."
6. **Rebuilding of Structures and Features.** After a partial or complete destruction of an entire structure or any portions of a structure due to fire, tree fall damage, or other unintentional causes, for the purposes of zoning compliance, the previously existing structure or portion of structure may be rebuilt to its previously existing exterior condition in all respects, including but not limited to height, setbacks, location, lot coverage, building components, architectural elements, and general design. If the structure or portions of a structure are not rebuilt to their previously existing exterior condition, all aspects of the new structure or new portions of an existing structure **shall must** meet the Bonaventure-Somerset Historic District regulations and all applicable City of Atlanta Zoning regulations.
7. **Height Calculation.** The height of any structure **shall must** be measured on the **front street-facing** facade from the average point of grade on the **front street-facing** facade to the highest point of the roof or facade, whichever is higher.

G. Alterations and Additions to Existing Historic/Contributing Buildings **Sec. 16-20U.007**

The following regulations **shall must** apply to alterations and additions to existing Historic/Contributing buildings.

1. Alterations:
 - a. Windows and doors:
 - i. Replacement windows and doors **shall must** match the size, light pattern, and function of the original historic windows or doors. If the original or historic windows and doors are not present or the design is not known, replacement windows and doors **shall must** be a design consistent with the architectural style and age of the building.

- ii. All replacement windows with light divisions **shall must** have true divided lights or simulated divided lights. Exterior light divisions must be permanently affixed to the exterior of the glass.
 - iii. If replacement of two or fewer non-historic windows is required due to a material defect or unintentional damage, that existing non-historic window(s) may be also replaced with window(s) that match the existing non-historic window(s) in all characteristics.
 - iv. The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.
 - v. Dropped ceilings, when located below the head of a window, **shall must** be sufficiently recessed from the window opening to maintain the original exterior appearance.
 - vi. New or replacement doors **shall must** be wood panel or fixed glass in a wood panel, subject to the compatibility rule and **shall must** be consistent with the architectural style of the building.
 - vii. Skylights are permitted on roof slopes not visible from a District right-of-way whenever possible. Protruding bubble skylights are not permitted.
- b. Siding and facade materials: Replacement siding and facade materials **shall must** be compatible with the original or historic materials. If the original or historic siding and facade materials are not present, the replacement siding and facade materials **shall must** be consistent with the existing architectural style of the building or what was removed.
 - c. Ornamentation: Installation of architectural ornaments, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps, doors, half-timbering, and attic vents, where none previously existed shall be permitted and **shall must** meet the compatibility rule.
 - d. Original or historic architectural elements, including chimneys, **shall must** be retained.
 - e. Original or historic awnings or canopies **shall must** be retained, and new awnings or canopies may be installed if they are consistent with the architectural style of the building.
 - f. Painting of unpainted masonry surfaces: The painting of unpainted masonry surfaces **shall must** be permitted via the use of a paint product specified for use on exterior masonry surfaces. The color of the paint used **shall must** not be regulated. Except for allowed painting, original or historic masonry surfaces **shall must** not be covered or coated in any other way.
 - g. Original or Historic Front or Side Porches: Existing porches **shall must** be retained and may be enclosed with screen wire or glass provided that the original or historic features of the porch, including balustrades, rails, headers, and columns, are retained and not obscured by the enclosure material.
 - h. Non-Original or Non-Historic Front or Side Porches. Porches may be repaired, replaced, or otherwise maintained to retain their previously existing appearance and components.
 - i. Side porches. **Shall Must** be permitted and **shall must** be consistent with the architectural style of the building with setbacks that meet the compatibility rule.

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- j. Decks. ~~Shall~~ **Must** be permitted on the rear facade of the ~~principal primary~~ building and ~~shall~~ **must** not project past the side facades of the ~~principal primary~~ structure.
 - k. All other alterations ~~shall~~ **must** be consistent with the architectural style of the building and ~~shall~~ **must** meet the compatibility rule.
2. Dormer and gable additions:
- a. Where visible from a District right-of-way, ~~shall~~ **must** be consistent with the architectural style of the building;
 - b. Where visible from a District right-of-way, roof form, windows, doors, and architectural elements, and ornamentation ~~shall~~ **must** be consistent with the architectural style of the building;
 - c. The existing eave lines of the building ~~shall~~ **must** be retained;
 - d. As measured at the dormer or gable addition, the resulting overall height of the building ~~shall~~ **must** meet the compatibility rule on Bonaventure Avenue and shall not exceed 30 feet on Somerset Terrace; and
 - e. Side ~~yard~~ and rear ~~yard~~ setbacks ~~shall~~ **must** be no closer than the respective setbacks of the existing building.
3. Rear additions:
- a. ~~Shall~~ **Must** be no higher than the existing ridgeline;
 - b. Side ~~yard~~ setbacks ~~shall~~ **must** be no closer than the respective setback of the existing building;
 - c. Rear ~~yard~~ setbacks ~~shall~~ **must** match the underlying zoning; and
 - d. If visible from a District right-of-way, building materials, architectural elements, and ornamentation ~~shall~~ **must** be internally consistent with the architectural style of the addition.
4. Roof plane extensions:
- a. On properties with a side gabled principal roof, the front roof plane may be extended if the existing roof form and pitch is maintained;
 - b. Where visible from a District right-of-way, windows, doors, and architectural elements, and ornamentation ~~shall~~ **must** be consistent with the architectural style of the building;
 - c. The existing eave lines of the building ~~shall~~ **must** be retained;
 - d. As measured at the roof plane extension, the resulting overall height of the building ~~shall~~ **must** meet the compatibility rule on Bonaventure Avenue and ~~shall~~ **must** not exceed 30 feet on Somerset Terrace; and
 - e. Side ~~yard~~ and rear ~~yard~~ setbacks ~~shall~~ **must** be no closer than the respective setbacks of the existing building.
5. Second story additions:
- a. ~~Shall~~ **Must** be secondary in design to the existing building;

- b. ~~shall~~ **Must** be set back a minimum of 1/4 the depth of the building measured from the frontmost wall of the building (excluding any front porch, open or enclosed), or 10 feet measured from the front-most wall of the building (excluding any front porch, open or enclosed), whichever is less.
- c. ~~shall~~ **Must** contain a plate height (distance from subfloor to the top of the framed wall) that does not exceed the plate height of the story beneath the proposed addition;
- d. Where visible from a District right-of-way, windows, doors, architectural elements, and ornamentation ~~shall~~ **must** be consistent with the architectural style of the building;
- e. The existing eave lines of the building ~~shall~~ **must** be retained;
- f. The roof form and pitch ~~shall~~ **must** match the form of both the ~~principal~~ **primary** roof and any secondary gables on the ~~front~~ **street-facing building** facade;
- g. Side ~~yard~~ and rear ~~yard~~ setbacks ~~shall~~ **must** be no closer than the respective setbacks of the existing building; and
- h. As measured at the second story addition, the resulting overall height of the building ~~shall~~ **must** meet the compatibility rule on Bonaventure Avenue and ~~shall~~ **must** not exceed 30 feet on Somerset Terrace.

H. Alterations and Additions to Existing Non-Historic/Non-Contributing Buildings **Sec. 16-20U.008)**

The following regulations ~~shall~~ **must** apply to alterations and additions to existing Non-Historic/Non-Contributing buildings.

1. Alterations and additions ~~shall~~ **must** comply with one of the following options:
 - a. Alterations and additions ~~shall~~ **must** be consistent with the architectural style of the existing building, and additions ~~shall~~ **must** not be wider or taller than the existing building; OR
 - b. Alterations and additions ~~shall~~ **must** increase the compatibility of the building with the District by incorporating a single architectural style exhibited by the original or historic features of historic/contributing buildings on the block face and the resulting maximum height ~~shall~~ **must** meet the compatibility rule; OR
 - c. Alterations and additions ~~shall~~ **must** comply with the requirements of **Section 16-20U.009(3)** Contemporary Architectural Forms and Styles in the Bonaventure-Somerset Historic District regulations and the resulting maximum height ~~shall~~ **must** meet the compatibility rule; OR
 - d. Second story additions ~~shall~~ **must** comply with the requirements of **Section 16-20U.007(5)** Second Story Additions in the Bonaventure-Somerset Historic District regulations and the resulting maximum height ~~shall~~ **must** meet the compatibility rule.
2. Side ~~yard~~ and rear ~~yard~~ setbacks ~~shall~~ **must** be no closer than the respective setbacks of the existing building.
3. Maximum lot coverage ~~shall~~ **must** not exceed 55 percent of total lot area, but ~~shall~~ **must** not include pervious portions of decks, pervious paving materials, or pervious pavers.

I. Construction of New principal Primary Structures. Sec. 16-20U.009

The construction of new principal structures shall must meet all of the General Design Regulations in Section 16-20U.009(1) and either the regulations for Original and Historic Architectural Forms and Styles in Section 16-20U.009(2) or for Contemporary Architectural Form and Styles in Section 16-20U.009(3), but not a combination of both.

1. General Design Regulations:

- a. Front-yard Primary street setbacks: shall must meet the compatibility rule.
- b. Side yards setbacks: shall must meet the compatibility rule or shall must conform to the underlying zoning regulations.
- c. Rear yard setbacks: shall must be a minimum of seven feet or shall must conform to the underlying zoning regulations.
- d. Building Height: shall must meet the compatibility rule.
- e. Maximum lot coverage: Lot coverage shall must not exceed 55 percent of total lot area, but shall must not include pervious portions of decks, pervious paving materials, or pervious pavers.
- f. Maximum Floor Area Ratio: shall must be 50 percent of the net lot area.
- g. shall Must have a front door facing the street, subject to the compatibility rule.
- h. The maximum height of the first floor story above the surrounding grade shall must meet the compatibility rule.

2. Original and Historic Architectural Forms and Styles. The following regulations shall must apply to those facades which are visible from a District right-of-way:

- a. Building facades:
 - i. shall Must be an architectural style of a historic/contributing building of like use on the block face.
 - ii. shall Must have a front porch facing and parallel to the street.
- b. Building materials, architectural elements, and ornamentation shall must meet the compatibility rule and shall must be internally consistent with the architectural style.
- c. Windows and doors:
 - i. The ratio of window and door opening area to wall area shall must meet the compatibility rule and shall must be internally consistent with the architectural style.
 - ii. The scale, size, proportion, and location of all window and doors openings shall must meet the compatibility rule and shall must be internally consistent with the architectural style.
- d. Siding and Facade Sheathing:

- i. ~~shall~~ **Must** meet the compatibility rule and ~~shall~~ **must** be internally consistent with the architectural style. Brick, brick veneer, true stucco, wood or smooth faced cementitious shingles, or horizontal wood or smooth faced cementitious lap siding are permissible building materials for the facades.
- e. Foundation:
 - i. Slab on grade, raised slab, or turn-down slab foundations are not permitted.
 - ii. Foundation material ~~shall~~ **must** meet the compatibility rule and ~~shall~~ **must** be internally consistent with the architectural style.
- f. Roofs and roof materials:
 - i. Form and pitch, as well as ridge, overhang, and soffit construction ~~shall~~ **must** meet the compatibility rule and ~~shall~~ **must** be internally consistent with the architectural style.
 - ii. Clay tile, slate, composition asphalt shingles, fiberglass shingles, and metal shingles are permissible roofing materials.
 - iii. Membrane or cold-rolled roofing is permitted only on roofs not visible from a District right-of-way. Corrugated roofing materials are not permitted.
- g. Chimneys:
 - i. When any portion of a chimney is a facade element, the chimney ~~shall~~ **must** originate at grade.
 - ii. Exterior portions of chimneys ~~shall~~ **must** be faced with brick, brick veneer, or true stucco. Siding on chimneys is not permitted.
- h. Porches:
 - i. Porches ~~shall~~ **must** be required. The dimensions, location, and shape ~~shall~~ **must** meet the compatibility rule and ~~shall~~ **must** be internally consistent with the architectural style.
 - ii. Required porches ~~shall~~ **must** contain balustrades, columns, and other features ~~shall~~ **must** meet the compatibility rule and ~~shall~~ **must** be internally consistent with the architectural style. The height of the top rail ~~shall~~ **must** be no higher than the bottom sill of the front facade windows. Additional height needed to meet building codes ~~shall~~ **must** be attained by using a simple railing extension.
- i. Shutters:
 - i. Shutters may be used if they are internally consistent with the architectural style. Shutters ~~shall~~ **must** be operable, or appear operable, and ~~shall~~ **must** fit the size of the window.
- j. Decks and Balconies:
 - i. Decks ~~shall~~ **must** be permitted at the rear of the ~~principal~~ **primary** structure and ~~shall~~ **must** not project past the side facade of the ~~principal~~ **primary** structure. Decks ~~shall~~ **must** be permitted at any level.

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- ii. Balconies **shall must** be permitted on any facade if it is internally consistent with the architectural style.
- 3. **Contemporary Architectural Forms and Styles.** The following regulations **shall must** apply to those facades which are visible from a District right-of-way:
 - a. Building materials, architectural elements, and ornamentation **shall must** be internally consistent with the architectural style.
 - b. Windows and doors:
 - i. The ratio of window and door opening area to wall area **shall must** be internally consistent with the architectural style.
 - ii. The scale, size, proportion, and location of all window and doors openings **shall must** be internally consistent with the architectural style.
 - c. **Siding and Facade Sheathing.** **shall must** be internally consistent with the architectural style. Brick, brick veneer, stone, true stucco, wood or smooth faced cementitious shingles, wood or smooth faced cementitious lap siding, or smooth faced cementitious panels are permissible building materials for facades.
 - d. **Foundation materials.** **shall must** be internally consistent with the architectural style.
 - e. Roofs and roof materials:
 - i. Form and pitch, as well as ridge, overhang, and soffit construction **shall must** be internally consistent with the architectural style.
 - ii. Clay tile, slate, composition asphalt shingles, fiberglass shingles, metal shingles, and metal panels are permissible roofing materials. Membrane or cold-rolled roofing is permitted only on roofs not visible from a District right-of-way. Corrugated roofing materials are not permitted.
 - f. Chimneys:
 - i. When any portion of a chimney is a facade element, the chimney **shall must** originate at grade.
 - ii. Exterior portions of chimneys **shall must** be faced with brick, brick veneer, or true stucco. Siding on chimneys is not permitted.
 - g. Shutters **shall must** not be permitted.
 - h. Decks and Balconies:
 - i. Decks **shall must** be permitted at the rear of the **principal primary** structure and at any **level-story**.
 - ii. Balconies **shall must** be permitted on any facade if it is internally consistent with the architectural style.

J. Alterations and Additions to Multifamily Buildings and Construction of New

Multifamily Buildings (Sec. 16-20U.010.)

1. For the purposes of the Bonaventure-Somerset Historic District regulations, multifamily buildings are defined as those buildings containing eight or more living units.
2. Alterations to historic/contributing multifamily buildings ~~shall~~ **must** follow the Bonaventure-Somerset Historic District regulations for historic/contributing buildings found in **Section 16-20U.007(1)**.
3. Additions to historic/contributing multifamily buildings ~~shall~~ **must**:
 - a. Be consistent with the architectural style of the existing building or ~~shall~~ **must** comply with the requirements of **Section 16-20U.009(3)** in the Bonaventure-Somerset Historic District regulations.
 - b. Be to the side or rear of the existing building.
 - c. Not exceed 35 feet in height.
 - d. Be set back a minimum of 1/3 the depth of the structure measured from the front-most wall of the structure (excluding any front porch), or 15 feet measured from the front-most wall of the structure (excluding any front porch), whichever is greater.
 - e. Rear and side ~~yard~~ setbacks ~~shall~~ **must** be a minimum of ~~seven (7)~~ **7** feet.
 - f. Maximum lot coverage: The resulting lot coverage ~~shall~~ **must** not exceed 55 percent of total lot area, but ~~shall~~ **must** not include pervious portions of decks, pervious paving materials or pavers.
4. Alterations and additions to non-historic/non-contributing multifamily buildings ~~shall~~ **must** follow the Bonaventure-Somerset Historic District regulations for non-historic/non-contributing buildings found in **Section 16-20U.008**.
5. New multifamily buildings shall follow the Bonaventure-Somerset Historic District regulations for new principal structures found in **Section 16-20U.009**, except as follows:
 - a. Building height ~~shall~~ **must** not exceed a maximum of 35 feet, except for properties with street frontage along Ponce de Leon Avenue, for which the maximum height ~~shall~~ **must** be 60 ft.
 - b. Side and rear ~~yard~~ setbacks ~~shall~~ **must** be a minimum of ~~seven~~ **7** feet.
 - c. Front porches ~~shall~~ **must** not be required.

K. Accessory Uses and Structures (Sec. 16-20U.011.)

1. These regulations permit uses and structures that are customarily incidental and subordinate to permitted ~~principal~~ **primary** uses, structures, and buildings. These include but are not limited to the following, subject to limitations and regulations in the Bonaventure-Somerset Historic District or elsewhere in the City of Atlanta Zoning Ordinance:
 - a. **Accessory Dwelling Unit (ADUs)**. Where an accessory building is used as a detached single-family dwelling (also known as an ADU), the following limits ~~shall~~ **must** apply:

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- i. The ADU ~~shall~~ must not exceed 1,200 square feet or 50 percent of the area of the principal building, whichever is less.
 - ii. For the purposes of Sec.16-20U.011(6)(e) below, which limits the total allowable area of the accessory building to 40 percent of the principal building, the square footage of the accessory dwelling unit ~~shall~~ must not be included when calculating the total area of the accessory building.
- b. Greenhouses, garden sheds, private garages, and similar structures.
- c. Swimming pools, tennis courts, and similar active recreation facilities subject to the following limitations:
- i. Such active recreation facilities in any yard, required or other, adjacent to a street ~~shall~~ must require a special exception from the Urban Design Commission, which special exception ~~shall~~ must be granted only upon finding that:
 - a) The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic, and
 - b) The area for such activity could not reasonably be located elsewhere on the lot.
 - ii. The Urban Design Commission may condition any special exception for such facilities based on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.
- d. Home occupations, subject to limitation set forth in section 16-29.001(17) of the City of Atlanta Zoning Ordinance.
- e. Structures necessary for active construction projects.
- f. Devices for the generation of energy, such as solar panels, wind generators and similar devices, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, but not located in or to the front of the ~~principal~~ primary structure.
- g. All permitted accessory uses and structures ~~shall~~ must comply with the following:
- i. Except in the case of home occupation, no accessory use ~~shall~~ must be of a commercial nature.
 - ii. ~~shall~~ Must be not constructed until construction of the ~~principal~~ primary structure has actually begun and ~~shall~~ must not be used or occupied until the ~~principal~~ primary structure is completed and in use.
 - iii. ~~shall~~ Must not cover more than 25 percent of the rear yard.
 - iv. ~~shall~~ Must be placed behind the ~~principal~~ primary structure; side and rear setbacks ~~shall~~ must not be less than ~~three~~ 3 feet. Accessory dwelling units ~~shall~~ must also not be any closer to the ~~principal~~ primary structure than any existing adjacent accessory dwelling unit if one exists.

- v. ~~shall~~ **Must** not contain a total floor area greater than 40 percent of the floor area of the ~~principal primary~~ structure.
- vi. ~~shall~~ **Must** not exceed 20 feet in height, except structures with accessory dwelling units ~~shall must~~ not exceed 25 feet in height.
- vii. Maximum Lot Coverage: The resulting lot coverage ~~shall must~~ not exceed 55 percent of total lot area, but ~~shall must~~ not include pervious portions of decks, pervious paving materials or pavers.
- viii. Except as noted in **Section 16-20U.011** in the District regulations, accessory structures ~~shall must~~ not be subject to architectural design requirements of the Bonaventure-Somerset Historic District.

L. Site Features (Sec. 16-20U.012.**)**

- 1. ~~Off-street On-site~~ parking and driveways:
 - a. ~~Off-street On-site~~ parking pad(s) ~~shall must~~ not be permitted in any front yard or any yard adjacent to a District right-of-way.
 - b. The driveway ~~shall must~~ extend at least 20 feet beyond the ~~front street-facing building~~ facade of the ~~principal primary~~ structure/building and ~~shall must~~ not exceed a width of 10 feet in the front yard or any yard adjacent to a District right-of-way, exclusive of the curb flare.
 - c. Use of shared driveways is permitted.
 - d. When garages are added to the principal structure, no garage entrance(s) or doors ~~shall must~~ face a District right-of-way.
 - e. The material of the portions of driveways in the front yard ~~shall must~~ meet the compatibility rule.
 - f. Gravel ~~shall must~~ not be permitted as a driveway or parking paving material in the front yard or any yard adjacent to a District right-of-way and ~~shall must~~ not be visible from any District right-of-way.
- 2. ~~Public-sidewalks Pedestrian Zones~~, Walkways, and Topography:
 - a. Existing ~~public-sidewalks~~ pedestrian zones and ~~planting-strips amenity zones~~ ~~shall must~~ be retained.

DIVISION 6.23. **PONCEY-HIGHLAND**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Title and Purpose (Sec. 16-20V.001.)

The general intent of the regulations for the Poncey-Highland Historic District ("the district") is:

1. To preserve the overall architectural history and character of the residential buildings that were constructed in the district during the 1905–1940 development period and non-residential buildings in the 1914–1955 time period, and to ensure that additions, alterations, and renovations to those buildings are consistent with the historic character of the individual structure or that additions are clearly contemporary in style;
2. To preserve the district's historic development patterns characterized primarily by single-family houses, duplexes, multifamily buildings, small-scale and medium-scaled commercial buildings, and scattered industrial buildings;
3. To retain the predominant historic and existing residential architectural forms and styles of the district, including Bungalow, Duplex, American Small House, American Foursquare, Single Building Apartment, and Garden/Courtyard Apartment forms; and Craftsman, Neoclassical Revival, Colonial Revival, Mediterranean Revival, and Italian Renaissance Revival styles;
4. To retain the predominant historic and exiting commercial and industrial architectural forms and styles of the district, including pre-World War II, three-part storefront buildings and pre- and post-World War II masonry, large-windowed manufacturing, warehousing, and industrial buildings;
5. To preserve the historic and existing physical site planning patterns of the district, including spatial relationships between buildings, and between buildings and the public street that reflect the historic pedestrian and non-automobile movement in the district; and to allow for alterations and additions to properties that reinforce the historic and existing features and site planning patterns;
6. To prevent the subdivision or aggregation of existing lots in any manner that would disrupt the historic platting pattern, lot sizes, and spatial relationships established during the 1905-1940 residential development period and the 1914-1955 non-residential development period, or otherwise detract from the identified historic qualities of the district;
7. To encourage neighborhood revitalization, compatible commercial and multi-family development and prevention of displacement of residents and long-standing businesses;
8. To ensure all new construction observes, and is compatible with, the general setbacks, height, scale and massing of the original and historic development and site planning patterns;
9. To ensure the construction of new ~~principal~~ primary structures in residential subareas is either compatible with the historic and existing architectural character of the district and is internally consistent to the identified predominant architectural forms and styles; or is of an architectural style that is internally consistent and clearly non-historic contextual in style;
10. To retain the existing overall commercial and non-residential land use patterns, discourage encroachment of the commercial areas into residential subareas, to allow the conversion of non-

residential buildings forms into residential use and maintain the small-scale and diversity of the commercial uses historically found along the district's significant transportation corridors; and

11. To preserve and enhance the historic and architectural appearance of the district to substantially promote the public health, safety and general welfare.
12. The district is further divided into seven subareas with the following additional purposes for each subarea:
13. **Residential Core, Subarea 1.** To preserve the subarea's low-rise character of small-scale detached, residential buildings, site features, and uses compatible with that form, and retain the existing contributing buildings.
14. **Beltline Residential, Subarea 2.** To encourage the redevelopment of the area to a mix of low-rise residential uses with a variety of architectural styles to serve as a transition between more intense mixed-use development along the Beltline, less intensive residential Subarea 6 to the north, and Freedom Park to the east, per the Poncey-Highland Neighborhood Master Plan and Atlanta Beltline Subarea 5 Master Plan; and to allow the demolition of historic buildings due to the limited intact historic fabric in the subarea.
15. **North Highland Mixed-Use, Subarea 3.** To retain the subarea's pedestrian scale and character, ensure that new development reinforces the subarea's pedestrian scale and character, retain the existing contributing buildings, reinforce its role as a mixed-use, neighborhood-oriented commercial center, and expand housing options.
16. **Ponce de Leon Mixed-Use, Subarea 4.** To encourage a mix of residential and non-residential uses that balance Ponce de Leon Avenue's role as an arterial corridor with its close proximity to residential areas, and to retain the existing contributing buildings.
17. **Beltline Mixed-Use, Subarea 5.** To encourage intense mixed-use development along the Atlanta Beltline that supports existing City of Atlanta plans, including, but not limited to, the Beltline Redevelopment Plan and the Atlanta Beltline Subarea 5 Master Plan, and to incorporate the existing contributing buildings into new development.
18. **Bonaventure-Somerset Residential, Subarea 6.** To preserve the subarea's low-rise character of small-scale, detached residential buildings, site features, and uses compatible with that form, and to retain existing contributing buildings.
19. **Freedom Park Transitional, Subarea 7.** To preserve Freedom Park's exclusive continued use as open space.

B. Scope of Regulations (Sec. 16-20V.002.)

The scope of the regulations for the Poncey-Highland District is as follows:

1. Except where it is otherwise explicitly provided, chapter 20 of the Zoning Ordinance applies to the Poncey-Highland Historic district. Whenever the regulations of the Poncey-Highland Historic District (chapter 20V) conflict with the provisions of chapter 20, the regulations of the Poncey-Highland Historic District (chapter 20V) will govern.
2. Chapter 36 of this part, Beltline Overlay District, will only continue to apply in Subarea 5 of this district, however, this provision will not limit the applicability of chapter 36A of this part

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(Affordable Workforce Housing - Beltline Overlay District), which will remain in full effect in accordance with **section 16-20V.005(10)**.

3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within the Poncey-Highland District will continue to apply. When there is any conflict between said other regulations and the following regulations of the Poncey-Highland Historic District (**chapter 20V**) the interpretation provision set forth in **section 16-20.011(c)** ~~shall~~ will govern.
4. When there is any conflict between the density and height provisions of zoning conditions existing at the time of the adoption of this chapter or any conflict between, the other chapters of the Zoning Ordinance and this chapter, the Poncey-Highland Historic District (**chapter 20V**) ~~shall~~ will govern.
5. Graphics are included in this chapter only illustrate the intent and requirement of the text. In the case of a conflict between the text and any graphics, the text will govern.

C. Boundaries and Subareas (Sec. 16-20V.003.)

The boundaries of the Poncey-Highland Historic District are as shown on the official zoning map adopted herewith entitled "Poncey-Highland Historic District". The district is divided into seven subareas, delineated on said map, as follows:

1. Residential Core, Subarea 1 (SA1),
2. Beltline Residential, Subarea 2 (SA2),
3. North Highland Mixed-Use, Subarea 3 (SA3),
4. Ponce de Leon Mixed-Use, Subarea 4 (SA 4),
5. Beltline Mixed-Use, Subarea 5 (SA5),
6. Bonaventure-Somerset Residential, Subarea 6 (SA6),
7. Freedom Park Transitional, Subarea 7 (SA7).

D. Definitions (Sec. 16-20V.004.)

The following definitions apply to the Poncey-Highland Historic District only. If a term is not defined below, then the definitions in **chapter 20 and 29** of the Zoning Ordinance will govern:

1. **Addition.** Any change to an existing structure where additional square footage is added to the structure by expanding the exterior envelope of the structure.
2. **Alterations.** Any change to an existing structure that does not add additional square footage to the existing heated space and does not move exterior walls. Examples of alterations include, but are not limited to, window replacement, siding replacement, front porch railing/column replacement, etc.
3. **Animal care.** A facility designed or arranged for the care of animals. Animal care includes animal grooming, veterinary clinic, kennels, and doggy day care.
4. **Beltline corridor.** The definition in **chapter 36** of this part (Beltline Overlay District Regulations).

5. **Block.** Both sides of the street where the property is located between the two closest public street intersections.
6. **Block face.** The same side of the street where the property is located between the two closest, public street intersections.
7. **Building type.** A category of building determined by general use, form, and configuration.
8. **Certificates of appropriateness.** City of Atlanta applications/permits used to review and approve design, development and construction activities on properties or districts designated as Historic and Landmark by the City of Atlanta.
9. **Demolition.** The removal or destruction of more than 50 percent of a structure, or removal or destruction of any portion of the structure inside the lot compatibility zone.
10. **Demolition, partial.** The removal or destruction of up to 50 percent of a structure outside the lot compatibility zone.
11. **District right-of-way.** All public streets within the Poncey-Highland Historic District and the Beltline Corridor, but not Freedom Parkway; and all public or private streets required by section 16-20V.014(3).
12. **Historic/contributing building.** A building, also known as a contributing structure, that reinforces the visual integrity or historic interpretability of the Poncey-Highland Historic District.
13. **Internally consistent.** That the architectural form or style of and the architectural elements on a given building are a cohesive expression of the identified architectural style or form of that building and not a combination or mixture of various architectural styles or forms.
14. **Lot compatibility zone.** The portion of a lot located within 60 horizontal feet of the front lot line, but no more than 50 percent of the lot depth as measured from the front lot line and no more than the front 50 percent of the principal structure, and the portion of a lot located within 20 feet of all other lot lines adjacent to streets other than the front lot line.
15. **Non-historic/non-contributing Building.** A building, also known as a non-contributing structure, that does not reinforce the visual integrity or historic interpretability of the Poncey-Highland Historic District.
16. **Original.** Part of the building or structure since its initial construction.
17. **Street.** A public street or a private street required by section 16-20V.014(3), unless otherwise indicated. Public and private alleys are not considered streets.
18. **Ordinary repairs and maintenance.** Any work, the purpose or effect of which is to correct any deterioration or decay of, or damage to, a building, structure or site, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using materials with the same appearance, or, as similar in appearance as possible to the original.

E. General Regulations and Procedures (Sec. 16-20V.005.)

The following apply to all properties in the district.

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1. **Certificates of appropriateness.** A City of Atlanta application/permit used to review and approve design, development and construction activities on properties or districts designated as Historic and Landmark by the City of Atlanta.
 - a. Type I certificates of appropriateness for ordinary repairs and maintenance (as defined in [section 16-20V.004\(18\)](#)) are not required. A certificate of appropriateness is not required if a building permit is not required for such work. Painting or repainting of any structure or portion thereof does not require a certificate of appropriateness but must comply with [section 16-20V.006\(1\)\(e\)](#) or [section 16-20V.009\(1\)\(e\)](#) about painting of unpainted masonry surfaces.
 - b. Type II certificates of appropriateness are required from the Director of the Urban Design Commission ("the Director") for the following activities, except for those activities noted in [section 16-20V.005\(1\)\(a\)](#) above:
 - i. All exterior alterations to existing structures within the lot compatibility zone;
 - ii. Dormer additions and gable additions that are no higher than the ridgeline of the **principal primary** structure and at least maintain the setbacks of the **principal primary** structure;
 - iii. Roof plane extensions that at least maintain the side **yard** setbacks of the **principal primary** structure;
 - iv. Rear additions which are no higher than the highest ridgeline of the **principal primary** structure and at least maintain the side **yard** setbacks of the **principal primary** structure;
 - v. New accessory structures;
 - vi. Fences, walls, and retaining walls in yards adjacent to a District right-of-way;
 - vii. Decks, walkways, driveways, and other paving;
 - viii. Replats, subdivisions, and consolidations; and
 - ix. Notwithstanding [section 16-28A.007\(v\)](#) of the Zoning Ordinance, Type II certificates of appropriateness for new signage or alterations to existing signage ~~shall~~ **will** be reviewed and approved by the Director.
 - c. If the proposed activity meets the applicable district regulations, the Director must issue a Type II certificate within 14 days of the receipt of a complete application. If the proposed activity does not meet the applicable district regulations, the Director must deny the application with notice to the applicant within 14 days of the application. Appeals from a decision of the Director about a Type II certificate of appropriateness by any aggrieved person will be processed as prescribed in the appeals portion of [section 20.008\(a\)](#) of the Zoning Ordinance.
 - d. Type III certificates of appropriateness are required from the Urban Design Commission ("Commission") for the following activities, except for those activities noted in [section 16-20V.005\(1\)\(a\)](#) and [\(b\)](#) above:
 - i. All new **principal primary** structures;

- ii. Additions to the side of a principal primary structure, second story additions, and all other additions, except those noted in section 16-20V.005(1)(b);
 - iii. Revisions to previously approved plans that result in an increase in the floor area ratio, lot coverage, or height; or an expansion of the building footprint; and
 - iv. Variances and special exceptions.
- e. Type IV certificates of appropriateness are required from the Urban Design Commission only for the demolition or moving of any historic/contributing principal building. However, a partial demolition of a historic/contributing principal primary building also requires a Type IV certificate of appropriateness when the partial demolition will result in the loss of significant architectural features that destroys the building's historic interpretability or importance to the district. Pursuant to section 16-20V.001(13), demolition or partial demolition of a historic/contributing principal primary building in Subarea 2 does not require a Type IV certificate of appropriateness.
2. Variances and special exceptions:
- a. Variances and special exceptions must be heard by the Commission. The Commission has the authority to grant or deny variances or special exceptions from the provisions of the district when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances and special exceptions must be as specified in chapter 26 of the Zoning Ordinance.
 - b. Zoning variances granted prior to enactment of this district. Any property owner who obtained a variance from the board of zoning appeal on or after January 1, 1982, and before the effective date of this district, to construct all, or a portion, of a project in the district, is entitled to construct said project according to the plans presented in that application.
3. Financial hardship exemptions:
- a. These regulations establish a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of neighborhood revitalization and prevention of displacement of residents, the commission may allow reasonable exemptions from these regulations on the grounds of economic hardship to the property owner.
 - b. The burden of proving economic hardship by a preponderance of the evidence is on the applicant.
 - c. The commission must consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - i. The present income of the property owner(s) and those occupying the property;
 - ii. The age of the property owner;
 - iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;

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- iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;
 - v. The costs associated with adherence to these regulations;
 - vi. The degree of existing architectural significance and integrity of the structure; and
 - vii. The purpose and intent of this chapter.
- d. The Commission must consider these factors. If it finds that the applicant's economic hardship outweighs the need for strict adherence to these regulations it must grant an exemption, in whole or in part, as appropriate.
- e. Subdivisions, consolidations, and replatting of lots:
- f. **Subareas 1, 2, 6.** The platting pattern of lots is an integral part of the historic character of these subareas. No subdivision, consolidation, or replat may be approved by the City of Atlanta unless it can be shown through archival documentation or maps that the proposal is substantially consistent with the original platting pattern of the subarea. In addition to the regulations of the City of Atlanta Subdivision and Zoning Ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions, consolidations and replats of lots must conform to the original platting pattern in the subarea with regard to the area of the lot, dimensions, and configurations, except in Subarea 6, where contributing multifamily properties containing four or more units may be consolidated with other immediately adjacent contributing multifamily properties containing four or more units.
- g. **Subareas 3, 4, 5, 7:**
- i. Subdivision. No subdivision of lots may be approved unless it can be shown that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the particular subarea or of the District as a whole, may be reasonably situated and constructed upon such lots.
 - ii. Consolidation and replatting of lots. No consolidation of lots or replatting of lots may be approved unless it can be shown that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the subarea, and the District as a whole, may be reasonably situated and constructed upon such lots.
4. **The Compatibility Rule.** To permit flexibility and to ensure alterations and additions to existing structures and the design of new structures are sensitive to and sympathetic toward the existing character of the district, some regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) ~~shall~~ **must** match the predominant original or historic elements of the historic/contributing buildings of like use on the same block, including the subject property if historic/contributing. If there is not a predominant original or historic element on the same block, the element in question shall be consistent with the architectural style of the structure. Where quantifiable, the element in question (i.e., building height and width as measured at **front street-facing building** facade, **floor story** height, lot dimensions, etc.), shall be no smaller than the smallest or larger than the largest such dimension of the historic/contributing buildings of like use on the same block, including the subject property if historic/contributing." Those elements that the compatibility rule applies to are specified in the District regulations by reference to "compatibility rule."

5. **Rebuilding of detached house, stacked flat, townhouse, and carriage house building types.**

After a partial or complete destruction of an entire structure or any portions of a detached house, stacked flat, townhouse, or carriage house building type due to fire, tree fall damage, or other unintentional causes, for the purposes of zoning compliance, the previously existing structure or portion of structure may be rebuilt to its previously existing exterior condition in all respects, including but not limited to height, setbacks, location, lot coverage, building components, architectural elements, and general design. If the structure or portions of a structure are not rebuilt to their previously existing exterior condition, all aspects of the new structure or new portions of an existing structure must meet the District regulations and all other applicable Zoning Ordinance regulations.

6. **Height calculation.** The height of structures is measured as follows:

- a. In Subareas 1, 2, 3, 4, 6, and 7, the height of structures is measured on the front street-facing building facade from the average point of grade along said front street-facing building facade to the highest point of the roof or facade, whichever is higher.
- b. In Subarea 5, the height of structures with one or more facades adjacent to the Beltline corridor is measured on the Beltline corridor-facing facade from the average point of grade along said facade to the highest point of the roof or facade, whichever is higher. The height of structures with no facades adjacent to the Beltline corridor is measured as indicated in section 16-20V.005(7)(a) above.

7. **Default review standards.** The Commission ~~shall~~ will apply the following standards when the standards set forth elsewhere in this District do not specifically address the proposed work including but not limited to work proposed for the following building types: stacked flats, commercial blocks, shopfronts, towers, or civic buildings.

- a. A property must be used as it was historically or be given a new use that requires minimal change to its distinctive design and appearance, features, spaces, and spatial relationships.
- b. The historic character of a property must be retained and preserved. The or alteration of the design, appearance, features, spaces, and spatial relationships that characterize a property must be avoided.
- c. Each property must be recognized as a physical record of its time, place, and use. Changes must not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
- d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.
- e. Distinctive designs, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, must be preserved.
- f. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, texture, appearance, and, where possible, materials.
- g. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials may not be used.

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- h. Archaeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.
 - i. New additions, exterior alterations, or related new construction may not destroy historic features and spatial relationships that characterize the property. The new work may be differentiated from the old and must be compatible with the historic features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - j. New additions and adjacent or related new construction must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
8. Contributing buildings status:
- a. All contributing buildings within the district are shown on the map adopted herewith entitled "Poncey-Highland Historic District." Said map identifies each building in the district that meets the definition of "contributing building, structure or site" set forth in **section 16-20.002 and further defined as a "Historic/Contributing Property" in section 16-20V.004.**
 - b. The Director must periodically review said map to correct errors or omissions to said map, or to reflect any changed conditions relevant to the contributing status of buildings within the district, consistent with the requirements of **chapter 20V and chapter 20** of the Zoning Ordinance, and must maintain public records of said list and all such errors, omissions or updates. An action by the Director to correct such errors or omissions, or to make updates, must be initiated by execution of a signed and dated form promulgated by the Director specifying the action initiated, the reason(s) for such action, and the identification of all property subject to said action. Said form must be mailed by first class mail to the owner(s) of the effected property within five calendar days of the initiation of the action by the Director.
 - c. An action by the Director to correct errors or omissions, or to update, the map as authorized in **section 16-20V.005(9)(b)** above will result in the immediate prohibition of any new or amended applications of any kind effecting such property, including but not limited to demolition requests, building permits or land disturbance permits, and including acceptance of any such application or request by any City of Atlanta bureau, agency, official, employee or agent. Said prohibitions will become automatically effective without further action of any kind immediately upon the date and time that the director takes an action authorized in **section 16-20V.005(9)(b)** above. The purpose and intent of this provision is to maintain the status quo regarding any such effected property until the Director's action is reviewed and affirmed or reversed by the Commission in the manner specified in **section 16-20V.005(9)(d)** below. The period of this mandatory interim protection will be 90 days or until a final decision reviewing such action is made by the Commission, whichever first occurs, commencing on the date and time of the Director's decision. This interim control period allows and is based upon approximately 30 days for the initial scheduling of the public hearing following the Director's action and approximately 60 days for completion of the public hearing and a final decision by the Commission.
 - d. All actions by the Director to correct errors or omissions, or to update, said map ~~shall~~ **must** be reviewed and approved by the Commission using the notice and procedures required for Type III certificates of appropriateness with the following modifications:

- i. Hearings on such review and approval by the Commission must be scheduled by the Director within 30 days of the Director's action on such correction(s) or update(s) and must be decided by the Commission within a reasonable time; and
 - ii. The Commission will affirm the action(s) of the director upon an expressed finding by the Commission that the Director's action(s) correctly applied the definitions and requirements for determining the contributing status of the properties in question in chapter 20V and chapter 20 of part 16.
 - iii. In exercising its review, the Commission may reverse or affirm the action(s) of the Director, wholly or partly. Appeals from a decision by the Commission on such reviews shall be taken by any person aggrieved by such decision pursuant to section 16-20.010.
9. **Affordable workforce housing for Beltline zoning overlay district.** Chapter 36A of this part shall **must** remain in full force and effect for the properties located in the district which were otherwise subject to chapter 36A prior to the adoption of the district.

F. Subarea 1 and 6 Alterations and Additions to Historic Buildings (Sec. 16-20V.006.)

The following apply to alterations and additions to existing historic/contributing buildings within the lot compatibility zone in Subareas 1 and 6.

1. Alterations:

a. Windows and doors:

- i. Replacement windows must match the size, light pattern, and appearance of the original or historic windows; be a design consistent with the architectural style and age of the building or have the same design and appearance as the existing windows.
- ii. All replacement windows with light divisions must have true divided lights or simulated divided lights with exterior light divisions permanently affixed to the exterior of the glass.
- iii. The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.
- iv. Dropped ceilings, when located below the head of a window, must be sufficiently recessed from the window opening to maintain the original exterior appearance.
- v. New or replacement doors must be solid panel or fixed glass in a solid panel, and the design must meet the compatibility rule, must be consistent with the architectural style of the building, or must match the previously existing door.
- vi. Skylights are permitted on roof slopes outside the lot compatibility zone.

- b. **Siding and facade materials.** Replacement siding and facade materials must be consistent in design and appearance with the original or historic materials. If the original or historic siding and facade materials are not present, the replacement siding and facade materials must be consistent in design and appearance with the existing architectural style of the building or what was removed.

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- c. **Other architectural elements and ornamentation.** Original or historic architectural elements and ornamentation must be retained, but, if necessary, may be repaired or replaced in a manner that maintains their previous design and appearance. Installation of new architectural elements and ornaments where none previously existed is permitted and must meet the compatibility rule. Architectural elements and ornamentation include, but are not limited to chimneys, brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps, half-timbering, and attic vents.
 - d. **Awnings or canopies.** Original or historic awnings or canopies must be retained, and new awnings or canopies may be installed if they are consistent with the architectural style of the building.
 - e. **Masonry surfaces.** The coating or painting of uncoated/unpainted masonry surfaces is permitted with the use of a paint product specified for use on exterior masonry surfaces. The color of the coating/paint is not regulated. Except for allowed coating/painting, original or historic masonry surfaces may not be covered, sheathed over, or coated in any other way.
 - f. Front or side stoops and porches:
 - i. Existing original or historic stoops and porches must be retained, but, if necessary, may be repaired in a manner that maintains their previous design and appearance. Original or historic stoops and porches may be enclosed with screen wire or glass provided that the original or historic features of the porch, including balustrades, rails, headers, and columns, are retained and not obscured by the enclosure material. Original or historic stoops may be removed if they are replaced with a stoop or porch that meets **section 16-20V.006(1)(f)(iii).**
 - ii. Existing non-original or non-historic stoops and porches may be repaired, replaced, or otherwise maintained to retain their previously existing appearance and components.
 - iii. New stoops and porches are permitted and must be consistent with the architectural style of the building with setbacks that meet the compatibility rule.
 - g. **New decks.** Decks are permitted only on the rear facade of the **principal primary** building and may not project past the side facades of the **principal primary** structure.
 - h. **Chimneys.** Chimneys may be raised in height in conjunction with a dormer, gable, or second story addition, or roof plane extension and such extension **shall must** be consistent with the architectural style of the building. Structurally unstable chimneys may be removed.
 - i. **Other alterations.** All other alterations must be consistent with the architectural style of the building or must meet the compatibility rule.
 - j. **Roofs.** Solar energy generating roofing shingles are permitted. Solar panels are permitted only outside of the lot compatibility zone.
2. Dormer and gable additions:
- a. A dormer addition **shall must** only occupy a portion of an existing roof plane; and a gable addition may occupy an entire roof plane but **shall must** not exceed the highest point of the existing roof plane.

- b. Within the lot compatibility zone, must be consistent with the architectural style of the building;
 - c. Within the lot compatibility zone, roof form, windows, doors, architectural elements, and ornamentation must be consistent with the architectural style of the building; and
 - d. The existing eave or cornice lines of the building must be retained.
3. Rear additions:
- a. Rear additions must be no higher than the existing, highest ridgeline; and
 - b. Within the lot compatibility zone, roof form, windows, door, architectural elements, and ornamentation must be internally consistent with the architectural style of the addition.
4. All building type roof plane extensions:
- a. On building with a side gabled principal roof, the front roof plane may be extended if the existing roof form and pitch is maintained;
 - b. Within the lot compatibility zone, windows, doors, and architectural elements, and ornamentation must be consistent with the architectural style of the building; and
 - c. The existing eave or cornice lines of the building must be retained.
5. Second story additions: detached house:
- a. ~~shall~~ **Must** contain new vertical walls aligned with or parallel to the perimeter of the existing building that create habitable floor area above an existing habitable floor, except as required by (c) below;
 - b. Must be secondary in design to the existing building;
 - c. Must be set back a minimum of ten feet measured from the front-most wall of the building (excluding any front porch, open or enclosed) or must include distinct, clearly articulated architectural elements or treatments along all facades visible from a public street which distinguish the addition from the existing detached house;
 - d. Must contain a plate height (distance from subfloor to the top ~~of the framed wall~~ top plate) that does not exceed the plate height of the story beneath the proposed addition;
 - e. Within the lot compatibility zone, windows, doors, architectural elements, and ornamentation must be consistent with the architectural style of the building, except as otherwise allowed by section 16-20V.006(5)(c) above;
 - f. The existing eave or cornice lines of the building must be retained; and
 - g. The roof form and pitch must match the form of both the ~~principal~~ primary roof and any secondary gables on the front facade.
6. Upper story/roof top additions: stacked flat, civic building:
- a. Must be secondary in design to the existing building;

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- b. Must be set back a minimum of ~~ten~~ **10** feet behind the front-most wall of the structure (excluding any front porch, open or enclosed); or must include distinct, clearly articulated architectural elements or treatments along all public street-facing facades which distinguish the addition from the existing building and may not obscure or cover in any way an existing parapet wall or associated coping; and
 - c. The existing eave or cornice lines of the building must be retained.
7. All other additions or combinations of additions listed in **section 16-20V.006(2) through (6)** must **meet the compatibility rule, comply with section 16-20V.005(8)** and all other district regulations.

G. Subarea 1 and 6 alterations and Additions to Existing Non-Historic Buildings and Subarea 2 Alterations and Additions to All Buildings (Sec. 16-20V.007.)

The following apply to alterations and additions to existing non-historic/non-contributing detached houses within the lot compatibility zone in Subareas 1 and 6 and all detached houses in Subarea 2.

1. Within the lot compatibility zone, alterations and additions must comply with one of the following options:
 - a. Alterations and additions must be consistent with the architectural style of the existing building, and additions may not be wider or taller than the existing building; or
 - b. Alterations and additions must increase the compatibility of the building with the district by incorporating a single architectural style exhibited by the original or historic features of historic/contributing buildings on the block face and the resulting maximum height must meet the compatibility rule; or
 - c. Alterations and additions must comply with **section 16-20V.008(2)** Contextual Architectural Forms and Styles regulations and the resulting maximum height must meet the compatibility rule; or
 - d. Second story additions must comply with **section 16-20V.006(5)** Detached House Second Story Additions: Detached House.

H. Subarea 1, 2, and 6 Construction of All New Building Types (Sec. 16-20V.008.)

New principal buildings in Subareas 1, 2, and 6 must meet all applicable provisions of this section and either **section 16-20V.008(1)** Original/Historic Architectural Forms and Styles or **section 16-20V.008(2)** Contextual Architectural Forms and Styles, but not a combination of both.

1. **Original/historic architectural forms and styles.** The following regulations apply to facades within the lot compatibility zone:
 - a. Building facades:
 - i. Must be an architectural style of a historic/contributing building of like use on the block face.
 - ii. Must have a front porch facing and parallel to the street.

- b. **Materials, elements, and ornamentation.** Building materials, architectural elements, and ornamentation must meet the compatibility rule and must be internally consistent with the architectural style.
- c. Windows and doors:
 - i. The ratio of window and door opening area to wall area must meet the compatibility rule and must be internally consistent with the architectural style.
 - ii. The scale, size, proportion, and location of all window and doors openings must meet the compatibility rule and must be internally consistent with the architectural style.
 - iii. The front door must be visible from and face the public street.
- d. **Siding and facade sheathing.** Must meet the compatibility rule and must be internally consistent with the architectural style. Further, brick, brick veneer, true stucco, wood or smooth faced cementitious shingles, or horizontal wood or smooth faced cementitious lap siding are the only permissible building materials for the facades.
- e. Foundation:
 - i. Slab on grade, raised slab, or turn-down slab foundations are not permitted.
 - ii. Foundation material must meet the compatibility rule and must be internally consistent with the architectural style.
- f. Roofs and roof materials:
 - i. Form and pitch, as well as ridge, overhang, and soffit construction must meet the compatibility rule and must be internally consistent with the architectural style.
 - ii. Clay tile, slate, composition asphalt shingles, fiberglass shingles, metal shingles, and solar energy generating shingles are permissible roofing materials.
 - iii. Solar panels are permissible only outside of the lot compatibility zone.
 - iv. Membrane, cold-rolled, and corrugated roofing are permitted only on roofs outside of the lot compatibility zone.
- g. Chimneys:
 - i. When any portion of a chimney is a façade element, the chimney must originate at grade.
 - ii. Exterior portions of chimneys must be faced with brick, brick veneer, or true stucco. Siding on chimneys is not permitted.
- h. Porches:
 - i. Porches are required. The dimensions, location, and shape must meet the compatibility rule and must be internally consistent with the architectural style.
 - ii. Required porches must contain balustrades, columns, and other features which ~~shall~~ **must** meet the compatibility rule and must be internally consistent with the architectural style.

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Additional height needed to meet building codes must be attained by using a distinct railing extension.

- i. **Shutters.** Shutters may be used if they are internally consistent with the architectural style. Shutters must be operable, or appear operable, and must fit the size of the window.
 - j. Decks and balconies:
 - i. Decks are only permitted at the rear of the principal primary structure and must not project past the side facade of the principal primary structure. Decks are permitted at any level.
 - ii. Balconies are permitted on any facade if they are internally consistent with the architectural style.
2. **Contextual architectural forms and styles.** The following regulations apply to those facades which are within the lot compatibility zone within **Subareas 1 and 6:**
- a. Contextual architectural forms and styles **shall must** be all forms and styles that do not conform to the requirements of **section 16-20V.008(1) Original/Historic Architectural Forms and Styles, but do comply with this section, section 16-20V.008(2).**
 - b. **Materials, elements, and ornamentation.** Building materials, architectural elements, and ornamentation must be internally consistent with the architectural style.
 - c. Windows and doors:
 - i. The ratio of window and door opening area to wall area must be internally consistent with the architectural style.
 - ii. The scale, size, proportion, and location of all window and door openings must be internally consistent with the architectural style.
 - iii. The principal primary front door must be visible from and face the public street.
 - d. **Siding and facade sheathing.** Must be internally consistent with the architectural style. Brick, brick veneer, stone, true stucco, wood or smooth faced cementitious shingles, wood or smooth faced cementitious lap siding, or smooth faced cementitious panels are permissible building materials for facades. When installed within the lot compatibility zone, smooth faced cementitious panels may not utilize a board and batten application. All panels must include a metal reveal channel, lap joint, expansion joint, or rain screen as an alternative to battens.
 - e. **Foundation materials.** Must be internally consistent with the architectural style.
 - f. Roofs and roof materials:
 - i. Form and pitch, as well as ridge, overhang, and soffit construction must be internally consistent with the architectural style.
 - ii. Clay tile, slate, composition asphalt shingles, fiberglass shingles, metal shingles, metal panels, and solar energy generating shingles are permissible roofing materials.
 - iii. Solar panels are permissible outside of the lot compatibility zone.

- iv. Membrane or cold-rolled roofing is permitted only on roofs outside the lot compatibility zone. Corrugated roofing materials are not permitted.
- g. Chimneys:
 - i. When any portion of a chimney is a facade element, the chimney must originate at grade.
 - ii. Exterior portions of chimneys must be faced with brick, brick veneer, or true stucco. Siding on chimneys is not permitted.
- h. **Shutters.** Shutters are not permitted.
- i. Decks and balconies:
 - i. Decks are only permitted at the rear of the ~~principal~~ primary structure and at any level and must not project past the side facade of the ~~principal~~ primary structure. Decks are permitted at any ~~level~~ story.
 - ii. Balconies are permitted on any facade if it is internally consistent with the architectural style.

I. Subarea 3, 4, and 5 alterations and additions to historic buildings Sec. 16-20V.009.

The following apply to alterations and additions to existing historic/contributing buildings in Subareas 3, 4, and 5, except that for building types “detached house” and “stacked flats,” as defined in section 16-20V.015, the following ~~shall~~ must only apply to alterations and additions within the lot compatibility zone of those properties.

1. Alterations:
 - a. Windows and doors:
 - i. Replacement windows must match the size, light pattern, design and appearance of the original or historic windows or doors; be a design consistent with the architectural style and age of the building; or have the same design and appearance as the existing windows.
 - ii. All replacement windows with light divisions must have true divided lights or simulated divided lights with exterior light divisions permanently affixed to the exterior of the glass.
 - iii. Dropped ceilings, when located below the head of a window, must be sufficiently recessed from the window opening to maintain the original exterior appearance.
 - iv. New or replacement doors must meet the compatibility rule or be consistent with the architectural style of the building or match the previously existing door.
 - b. **Siding and facade materials.** Replacement siding and facade materials must be consistent in design and appearance with the original or historic materials. If the original or historic siding and facade materials are not present, the replacement siding and facade materials must be consistent with the design and appearance of the existing architectural style of the building or what was removed.

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- c. **Other architectural elements and ornamentation.** Original or historic architectural elements and ornamentation must be retained, but, if necessary, may be repaired or replaced in a manner that maintains their previous design and appearance. Installation of new architectural elements and ornaments where none previously existed are permitted and must meet the compatibility rule. Architectural elements and ornamentation include, but are not limited to chimneys, brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps, half-timbering, and attic vents.
 - d. **Awnings and canopies.** Original or historic awnings or canopies must be retained. New awnings or canopies may be installed if they are consistent with the architectural style of the building.
 - e. **Masonry surfaces.** The coating/painting of uncoated/unpainted masonry surfaces ~~shall~~ must not be covered, sheathed over, or coated in any other way.
 - f. Front or side vestibules, stoops and porches:
 - i. Existing original or historic vestibules, stoops, and porches must be retained, but, if necessary, may be repaired in a manner that maintains their previous design and appearance. Original or historic vestibules, stoops and porches and may be enclosed with screen wire or glass provided that the original or historic features of the porch, including balustrades, rails, headers, and columns, are retained and not obscured by the enclosure material.
 - ii. New vestibules, stoops, and porches are permitted and must be consistent with the architectural style of the building and have setbacks that meet the compatibility rule.
 - g. **New decks.** Decks are permitted on the rear facade of the ~~principal~~ primary building and must not project past the side facades of the ~~principal~~ primary structure.
 - h. **Foundation materials.** Must be internally consistent with the architectural style.
 - i. Roofs and roof materials:
 - i. Form and pitch, as well as ridge, overhang, and soffit construction must be internally consistent with the architectural style.
 - ii. Clay tile, slate, composition asphalt shingles, fiberglass shingles, metal shingles, metal panels, and solar energy generating shingles are permissible roofing materials. Membrane or cold-rolled roofing is permitted only on roofs not visible from a district right-of-way. Corrugated roofing materials are not permitted.
 - iii. Solar panels are permissible but ~~shall~~ must be located to be the least visible possible from a district right-of-way.
 - j. **Other alterations.** All other alterations must be consistent with the architectural style of the building and must meet the compatibility rule.
2. Side and rear additions:
- a. If visible from a district right-of-way, building materials, architectural elements, and ornamentation must be internally consistent with the architectural style of the historic

- building or ~~shall~~ **must** meet **section 16-20V.008(2)** as applied to portions visible from a district right-of-way.
- b. Side additions that are between the building and the public street but do not affect the ~~principal, front street-facing building~~ facade ~~of the building~~ that existed prior to the addition.
3. Upper story/roof top additions:
 - a. If visible from a district right-of-way, building materials, architectural elements, and ornamentation must be internally consistent with the architectural style of the historic building or **section 16-20V.008(2)** as applied to portions visible from a district right-of-way.
 - b. Must be set back a minimum of ~~ten~~ **10** feet behind the front most ~~public~~ street-facing ~~building~~ facades ~~of the existing building~~ (excluding any front porch, stoop or vestibule open or enclosed) or must include distinct, clearly articulated architectural elements or treatments along all ~~public~~ street-facing ~~building~~ facades which distinguish the addition from the existing building and may not obscure or cover in any way an existing parapet wall or associated coping; and
 - c. The existing eave or cornice lines of the building must be retained.

J. Subarea 3, 4, 5 Alterations and Additions to Existing Non-Historic Buildings and Construction of New Buildings **(Sec. 16-20V.010.)**

The following apply to alterations and additions to existing non-historic/non-contributing buildings and to new construction Subareas 3, 4, and 5.

1. **Facade divisions.** When the following standards refer to the “architectural style,” such term applies to the entire building, except when the street-facing building facade is divided into vertical divisions per section **16-20V.015(18)(b)** and each division has a distinct architectural style. When section **16-20V.015(18)(b)** is utilized, the term “architectural style” only applies to the specific facade division.
2. **Materials, elements, and ornamentation.** Building materials, architectural elements, and ornamentation must be internally consistent with the architectural style of the building or the addition.
3. Windows and doors:
 - a. The ratio of window and door opening area to wall area must be internally consistent with the architectural style of the building or the addition.
 - b. The scale, size, proportion, and location of all window and door openings must be internally consistent with the architectural style of the building or the addition.
4. **Siding and facade sheathing.** Must be internally consistent with the architectural style of the building or addition, except as follows:
 - a. The first three ~~floors~~ stories of all ~~public~~ street-facing ~~building~~ facades must be faced in brick, brick veneer, stone, or masonry, or metal.
 - b. ~~Floors~~ **Stories** above the fourth ~~floor story~~ on all street-facing ~~building~~ facades must be faced in brick, brick veneer, stone, masonry, or metal, true stucco, concrete, architectural panels, or

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glass curtain walls, or smooth faced cementitious panels. When visible from the district right-of-way, smooth faced cementitious panels may not utilize a board and batten application. All panels must include a metal reveal channel, lap joint, expansion joint, or rain screen as an alternative to battens. Non-street facing building facades must be faced in brick, brick veneer, stone, masonry, or metal, true stucco, concrete, architectural panels, glass curtain walls, wood or smooth faced cementitious shingles, wood or smooth faced cementitious lap siding, or smooth faced cementitious panels.

- c. When installed on any facade, smooth faced cementitious panels may not utilize a board and batten application. All panels must include a metal reveal channel, lap joint, expansion joint, or rain screen as an alternative to battens.
- 5. **Foundation materials.** Must be internally consistent with the architectural style of the building or the addition.
- 6. Roofs and roof materials:
 - a. Form and pitch, as well as ridge, overhang, and soffit construction must be internally consistent with the architectural style of the building or the addition.
 - b. Clay tile, slate, composition asphalt shingles, fiberglass shingles, metal shingles, metal panels, and solar energy generating shingles permissible roofing materials. Membrane or cold-rolled roofing is permitted only on roofs not visible from a district right-of-way. Corrugated roofing materials are not permitted.
 - c. Solar panels are permissible but ~~shall~~ must be located to be the least visible possible from a district right-of-way.
- 7. Chimneys:
 - a. When any portion of a chimney is a facade element, the chimney must originate at grade.
 - b. Exterior portions of chimneys must be faced with brick, brick veneer, or true stucco. Siding on chimneys is not permitted.
- 8. Shutters. Inoperable shutters are not permitted.

K. Permitted principal uses and structures (Sec. 16-20V.011.)

The following permitted uses and restrictions apply to all subareas in this district:

- 1. The permitted principal uses and special permit uses set forth in Table 1: Poncey-Highland District Table of Uses are the only uses permitted, as listed within each subarea.
- 2. **Permitted principal uses.** A building or premises may only be used for the principal uses indicated with a "P" in Table 1, subject to further restrictions where noted.
- 3. **Special permits:**
 - a. Uses permissible only by special permit are subject to requirements of this chapter or elsewhere in this Zoning Ordinance and are also subject to the applicable provisions of section 16-25.001, et seq. Special use permits are required as indicated with "SUP" in Table 1. Special exception permits are required as indicated with "SEP" in Table 1 and must be heard

and decided by the commission. Special administrative permits are required as indicated with "SAP" in Table 1 and must be reviewed by the Director pursuant to [chapter 25](#).

- b. The Commission may condition any special exception on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, vehicular traffic congestion and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners. The Commission may also recommend that such conditions be imposed for special use permits.
4. **Nonconforming uses.** This section addresses permitted principal uses and structures within each subarea. Lawful nonconforming uses and structures are regulated by [chapter 24](#) of this Zoning Ordinance. Any alteration or addition to nonconforming uses or structures require an appropriate certificate of appropriateness by the Commission.
5. Prohibited uses:
 - a. All uses marked with an "X" or not listed in Table 1 are prohibited in the Subarea(s) identified unless authorized in [section 16-20V.011\(6\)](#) below.
 - b. No use or manner of operation is permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television communication, or is otherwise incompatible with the character of the district and its relation to adjoining districts.
 - c. Use of heavy drop hammers, punch presses or other machinery, or processing methods creating an excessive noise or vibration is prohibited in this district, subject to the provisions in [chapter 74, article IV, noise control](#).

TABLE 1: PONCEY-HIGHLAND DISTRICT TABLE OF USES Use Category Specific Use	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential	Sub Area 7: Freedom Park Transitional
Residential and Dwelling Uses							
Assisted living facilities	X	X	SUP	SUP	SUP	X	X
Dormitories, fraternity houses and sorority houses, officially affiliated with an accredited college, university or private school and only for the time period that such affiliation is in effect, such that loss of affiliation shall result in the loss of permission for the use	X	X	SUP	SUP	SUP	X	X
Multi-family dwellings, as follows:							
KEY: Key P = Permitted principal use SUP = Permitted by special use permit SAP = Permitted by special administrative permit X = Prohibited use							

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TABLE 1: PONCEY-HIGHLAND DISTRICT TABLE OF USES							
	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential	Sub Area 7: Freedom Park Transitional
Use Category							
Specific Use							
Multifamily dwellings in a townhouse building type	X	P	P	P	P	X	X
Multifamily dwellings in a cottage court building type	X	P	P	P	P	X	X
Multifamily dwellings on a lot of record that contained such legal dwelling units before January 1, 2020	P	P	P	P	P	P	X
All other multifamily dwellings	X	X	P	P	P	X	X
Personal care homes	P	P	P	P	P	P	X
Single-family dwellings	P (1)	P (1)	P (1)	P (1)	P (1)	P (1)	X
Supportive housing	X	X	P	P	P	X	X
Two-family dwellings (no zero-lot line subdivision allowed)	X	P (2)	P (2)	P (2)	P (2)	P (2)	X
Non-Residential Uses							
Animal care, veterinary clinic (with no outdoor animal areas or activity)	X	X	SUP	SUP	P	X	X
Animal care, veterinary clinic (with outdoor animal areas or activity)	X	X	X	X	P	X	X
Auditoriums, museums, libraries, galleries and similar cultural facilities	X	X	P	P	P	X	X
Bakeries and catering establishments	X	X	P	P	P	X	X
Banks, savings and loan associations, and similar financial institutions	X	X	P	P	P	X	X
Barber shops and beauty shops	X	X	P	P	P	X	X
Bed and breakfast inns	X	X	P	P	P	X	X
Business or commercial schools	X	X	P	P	P	X	X
Business service establishments, including those providing duplicating, printing, maintenance, communications, addressing, mailing, bookkeeping, or guard services	X	X	P	P	P	X	X
Child care centers, kindergartens and special schools	X	X	P	P	P	X	X
Places of worship	X	X	P	P	P	X	X
KEY: Key P = Permitted principal use SUP = Permitted by special use permit SAP = Permitted by special administrative permit X = Prohibited use							

TABLE 1: PONCEY-HIGHLAND DISTRICT TABLE OF USES

Use Category Specific Use	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential	Sub Area 7: Freedom Park Transitional
Clubs and lodges	X	X	SUP	SUP	SUP	X	X
Commercial recreational establishments, including theaters, convention halls, places of assembly and similar uses, with primary activities conducted within fully enclosed buildings	X	X	P	P	P	X	X
Digital industry switchboards, relay equipment, and associated power generators as principal uses	X	X	X	X	X	X	X
Drive-in and drive-through facilities	X	X	X	X	X	X	X
Eating and drinking establishments, as follows:							
Eating and drinking establishments with an alcohol license to operate as a nightclub	X	X	X	SUP	SUP	X	X
All other eating and drinking establishments	X	X	P	P	P	X	X
Farmers markets	SAP	SAP	P	P	P	X	X
Grocery stores	X	P	P	P	P	X	X
Hospitals	X	X	X	P	P	X	X
Hotels and motels	X	X	P	P	P	X	X
Laundry and dry cleaning, collection stations or plants, limited to no more than 5,000 square feet of floor area; laundry and dry cleaning where equipment is operated by customers	X	X	P	P	P	X	X
Manufacturing, repairing not including automobiles or heavy machinery, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines and appliances and the like, where character of operations, emissions and byproducts do not create adverse effects beyond the boundaries of the property	X	X	P	P	P	X	X
Market gardens	P	P	P	P	P	P	P
Mortuaries and funeral homes	X	X	X	SUP	SUP	X	X
Offices and studios	X	X	P	P	P	X	X
KEY: Key P = Permitted principal use SUP = Permitted by special use permit SAP = Permitted by special administrative permit X = Prohibited use							

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TABLE 1: PONCEY-HIGHLAND DISTRICT TABLE OF USES	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential	Sub Area 7: Freedom Park Transitional
Use Category Specific Use							
Clinics (including veterinary), laboratories, studios and similar uses, but not blood donor stations	X	X	P	P	P	X	X
Park-for-hire parking surface lots (3)	X	X	P	P	SUP	X	X
Park-for-hire parking structures	X	X	P	P	P	X	X
Poolrooms, billiard parlors	X	X	P	P	P	X	X
Printing and blueprinting shops	X	X	P	P	P	X	X
Professional or personal service establishments but not hiring halls	X	P*	X	P			
Public schools or private schools having similar academic curricula and special schools for exceptional children	P	P	P	P	P	P	X
Rehabilitation centers, nursing homes	X	X	SUP	SUP	SUP	X	X
Repair establishments for home appliances, bicycles, lawn mowers	X	X	X	X	SUP	X	X
Retail establishments, including delicatessens	X	X	P	P	P	X	X
Roof antennas (4)	X	X	P	P	P	X	X
Service stations	X	X	X	SUP	SUP	X	X
Shelter	X	X	SUP	SUP	SUP	X	X
Short-term rentals, subject to the regulations in Atlanta City Code section 20-1001	P	P	P	P	P	P	X
Structures and uses required for operation of MARTA or of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shop as the primary purpose	P	P	P	P	P	P	P
Tailoring, custom dressmaking, millinery and similar establishments limited to not more than 5,000 square feet in area	X	X	P	P	P	X	X
Temporary commercial activities	X	X	P	P	P	X	X
Trade schools, colleges, universities	X	X	P	P	P	X	X
Urban gardens	SAP	SAP	P	P	P	SAP	P
Warehouse, self-storage	X	X	X	X	X	X	X
KEY: Key P = Permitted principal use SUP = Permitted by special use permit SAP = Permitted by special administrative permit X = Prohibited use							

TABLE 1: PONCEY-HIGHLAND DISTRICT TABLE OF USES							
	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential	Sub Area 7: Freedom Park Transitional
Use Category							
Specific Use							
Notes:							
(1) No more than two total dwelling units are permitted on any lot of record; this number includes the sum of the principal dwelling unit(s) and any attached or detached accessory dwelling units.							
(2) Accessory dwelling units are not allowed.							
(3) Park-for-hire surface parking lots must comply with section 16-20V.011(6)(b)							
(4) Roof antennas and similar uses must comply with section 16-20V.011(6)(c)							
KEY: Key P = Permitted principal use SUP = Permitted by special use permit SAP = Permitted by special administrative permit X = Prohibited use							

6. The following additional permitted principal use and structures provisions apply:
- Except as otherwise herein provided, no merchandise may be stored other than that to be sold at retail on the premises; and no storage for such merchandise may occupy more than 40 percent of the floor area on the premises. No off-premises storage of such merchandise is permitted as either a principal or accessory use.
 - Park-for-hire surface parking lots.** All park-for-hire surface parking lots require a special use permit that meets all the following requirements:
 - All requirements of [section 16-20V.016](#);
 - All requirements of [section 16-25V.001](#) et seq.;
 - All [special use permits](#) granted for such use will expire three years after the issuance of said permit. No property interests of any kind related to such use may extend beyond said three-year permit period. All infrastructure related to the park for hire use, such as pay structures, attendant stands, pavement and parking striping, lot signs and so forth, must be removed by the former SUP holder or owner within 30 days of the expiration of said SUP.
 - Properties that have been granted a [special use permit](#) for park-for-hire surface parking lots are prohibited from obtaining additional subsequent special use permits for such use following the expiration of the initial permit.
 - Applicants must submit an area parking analysis to document the need for such use. The area parking analysis must demonstrate that the current inventory of publicly accessible parking supply located within 2,000 linear feet of the proposed parking lot is insufficient for the active commercial uses located within the same area.

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- c. All antennas, broadcast towers, line of sight communication devices, cell towers, other towers, antennas, and related equipment and structures, are prohibited in Subareas 3, 4, and 5, except as follows:
 - i. "Roof antennas" as defined and regulated in section 16-25.002(3)(i)(iii) are authorized as noted in Subareas 3, 4, and 5, provided a Type II certificate of appropriateness is granted and, as part of said certificate, the applicant demonstrates compliance with the criteria set forth in section 16-25.002(3)(i)(iv)(c).
 - ii. This provision is not to be interpreted to prohibit or interfere with requirements for collocations or modifications to existing antenna mandated by state law.
 - iii. When the equipment regulated in this subsection is no longer in use, it must be removed, and all affected areas of the building must be returned to its original condition.

L. Accessory Uses and Structures (Sec. 16-20V.012.)

1. **All subareas.** The following accessory uses and structures standards apply to all subareas.
 - a. Accessory uses and structures are permitted and include those customarily accessory and clearly incidental to permitted principal uses and structures, including accessory parking to serve authorized uses within the district and including devices for the generation of energy such as solar panels or solar energy-generating roofing materials, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, and similar devices. Solar panels or solar energy-generating roofing materials are permitted on any roof plane of a principal or accessory structure.
 - b. Urban gardens are permitted as an accessory use. Market gardens are permitted as an accessory use only on parcels which are used as places of worship or schools.
 - c. Active recreation facilities in any yard, required or other, adjacent to a street requires a special exception from the Commission, which special exception may only be granted upon finding that:
 - i. The location is not objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic;
 - ii. The area for such activity could not reasonably be located elsewhere on the lot; and
 - iii. The Commission may further condition any special exception for such facilities based on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.
2. **Subareas 1, 2, and 6.** The following additional accessory uses and structures provisions apply to Subareas 1, 2, and 6.
 - a. Accessory buildings and uses are permitted as specified in section 16-07.004 for single-family, two-family and authorized multiple-family property, subject to limitations and requirements set forth in this chapter or elsewhere in this part.

- b. Accessory dwelling units (ADU) are only allowed on lots where the principal use is a single-family dwelling and subject to the following:
 - i. The ADU may be either attached to the principal dwelling unit or detached within an accessory building.
 - ii. The ADU may not exceed 1,200 square feet or 50 percent of the area of the principal dwelling to which it is accessory, whichever is less, with a minimum of 750 square feet allowed.
 - iii. For the purposes of **section 16-20V.012(2)(c)(v)** which limits the total allowable area of the accessory building to 40 percent of the principal building, the square footage of the ADU is not included when calculating the total area of the accessory building.
- c. All permitted accessory uses and structures must comply with the following:
 - i. Except in the case of home occupation, no accessory use may be of a commercial nature.
 - ii. May not be constructed until construction of the **principal primary** structure has started and may not be used or occupied until the **principal primary** structure is completed and in use.
 - iii. May not cover more than 25 percent of the rear yard.
 - iv. Must be behind the **principal primary** structure, except for electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, and solar panels and solar energy-generating roofing materials which may be located on any roof plane on the **principal primary** structure.
 - v. May not contain a total floor area greater than 40 percent of the floor area of the **principal primary** structure.
 - vi. May not exceed 20 feet in height, except accessory structures containing an ADU may not exceed 25 feet in height.
 - vii. Must conform with carriage house standards when the accessory structure contains a garage and is accessory to a single-family dwelling or two-family dwelling.

M. Transitional Uses, Structures, Requirements (Sec. 16-20V.013.)

- 1. Transitional height planes:
 - a. No transitional height plane provisions apply in Subareas 1, 2, and 6.
 - b. In Subareas 3, 4, and 5 no portion of any structure may protrude through a height limiting plane beginning at the specified number of feet above the point set forth in **section 16-20V.013(1)(c)** below and extending inward over this subarea at an angle of 45 degrees. The following districts are considered "protected districts" for purposes of this **section 16-20V.013**:
 - i. **Subareas 1, 2, and 6;**
 - ii. **R-1 through R-5;**
 - iii. **RG-1 and RG-2;**

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- iv. MR-1, MR-2, and MR-MU; and
 - v. Other landmark, Historic, PD, and SPI districts and or district subareas having with allowable uses and densities predominantly similar to those permitted in the district classifications listed in subsections (i) through (iv) above.
- c. Proximity to districts and measurement applications:
- i. For parcels in this subarea that are contiguous to a protected district, the transitional height plane is measured beginning 35 feet above the required Subarea 3, 4, or 5 setback or transitional yard adjoining the common property line with such protected district. As used here "contiguous" means abutting or only separated by an existing alley of record.
 - ii. For parcels in this subarea that are not contiguous to but are within 150 feet of a protected district, the transitional height plane is measured beginning 15 feet above the nearest lot line of the protected district, provided this transitional height plane does not extend more than 150 linear feet (measured along the ground) from the protected district up to and into Subarea 3, 4, or 5. See diagrams at section 16-29.001(62).
 - iii. The purpose and intent of this provision is to provide protection for the named protected districts from nearby taller or larger structures regardless of the presence of an intervening public right of way or park or space, public or private street or alley, or any lot or parcel remnant.
 - iv. Transitional height plane measurements are applied to parcels on a point-by-point basis and not average grade.
2. **Transitional yards** Transitions and screening:
- a. No **transitional yard transition and screening** provisions apply in Subareas 1, 2, and 6.
 - b. Where Subarea 3, 4, or 5 adjoins Subarea 1, 2, or 6 without an intervening public street, one of the following is required:
 - i. A minimum of 20 feet wide landscaped yard, which may not be used for parking, paving, loading, servicing, or any other activity except for private alleys or drives up to 10 feet in width. Such **yard** must be planted as approved by the City Arborist and maintained as a landscaped strip; or
 - ii. A minimum of 10 feet wide landscaped yard with a minimum 6 feet high opaque wall or fence, which may not be used for parking, paving, loading, servicing, or any other activity. Such yard must be planted as approved by the City Arborist and maintained as a landscaped strip; or
 - iii. A minimum 20 feet wide residential building, including a conforming detached house, cottage court, carriage house, townhouse, or stacked flat building type not exceeding 35 feet in height. Such building may only contain dwelling units.
 - c. Where Subarea 4 adjoins Subarea 1 across an intervening public street, a minimum 30 feet deep residential building, including a conforming detached house, cottage court, or townhouse building type not exceeding 35 feet in height is required along the entire street frontage. Such building may only contain dwelling units.

N. Development Controls Lot Standards (Sec. 16-20V.014.)

All development must comply with Table 2 “Poncey-Highland Historic District ~~Development Controls~~ Lot Standards Table,” Table 3 “Poncey-Highland Subarea 1 Lot Coverage Table,” Table 4: Poncey-Highland Historic District Building Height Table,” and with subsections 1 through 4. “CR” refers to the compatibility rule.

TABLE 2: PONCEY-HIGHLAND DISTRICT DEVELOPMENT CONTROLS <u>LOT STANDARDS</u> TABLE	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential	Sub Area 7: Freedom Park Transitional
Maximum FAR (times net lot area)	0.5	0.85	3.2 [1]	3.2 [1]	8.2 [1]	0.5	n/a
Minimum Lot Area	CR	CR	800 sf	800 sf	800 sf	CR	n/a
Minimum Lot Width	CR	CR	16 ft.	16 sf.	16 sf.	CR	n/a
Yard Requirements:							
Front [2]	CR	CR	CR	5 ft. min/30 ft max.	5 ft min	CR	n/a
Side (detached houses)	CR, but 3 ft. min.	CR, but 3 ft. min.	0 ft min.	0 ft min.	0 ft min.	CR, but 3 ft. min.	n/a
Side (carriage houses)	3 ft. min.	3 ft. min.	0 ft min.	0 ft min.	0 ft min.	0 ft min.	n/a
Side (all other building types)	7 ft. min.	7 ft. min.	0 ft. min.	0 ft. min.	0 ft. min.	7 ft. min.	n/a
Rear (detached houses)	CR, but 5 ft. min.	CR, but 5 ft. min.	5 ft. min.	5 ft. min.	5 ft. min.	CR, but 5 ft. min.	n/a
Rear (carriage houses)	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	n/a
Rear (all other buildings)	7 ft. min.	7 ft. min.	5 ft. min.	5 ft. min.	5 ft. min.	7 ft. min.	n/a
Maximum Lot Coverage	See Table 3	See Table 3	85%	85%	85%	See Table 3	n/a
Minimum Open Space Requirements [4]:							
Non-residential Uses	None	None	10% net lot area as UOSR	10% net lot area as UOSR	10% net lot area as UOSR	None	n/a

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Residential Uses	None	None	Table I, "Land use intensity ratios" UOSR	Table I, "Land use intensity ratios" UOSR	Table I, "Land use intensity ratios" UOSR	None	n/a
Key: CR = Per the compatibility rule							
Table Notes:							
[1] FAR in this subarea excludes any floor area in buildings built before 1945.							
[2] Measured from the back of the required sidewalk along all public and private streets.							
[3] Lot coverage excludes areas deemed "pervious" by the Post Development Stormwater Management Ordinance.							
[4] There is no minimum open space requirements for buildings built before 1945. Useable open space (UOSR) has the meaning set forth in Sec. 16-28.010(5) .							

TABLE 3: PONCEY-HIGHLAND SUBAREA 1,2, AND 6 LOT COVERAGE TABLE Lots of record in the indicated Subareas 1, 2, and 6 are subject to the following maximum lot coverages.			
	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 6: Bonaventure-Somerset Residential
Lot of Record Size			
4,499 sf or smaller	70% max.	80% max.	70% max.
4,500 sf to 4,999 sf	68% max.	78% max.	68% max.
5,000 sf to 5,999 sf	66% max.	76% max.	66% max.
5,500 sf 6,000 sf	64% max.	74% max.	64% max.
6,000 sf to 5,999 SF	62% max.	72% max.	62% max.
6,500 sf to 6,749 SF	60% max	70% max	60% max
7,000 sf to 7,499 sf	58% max.	68% max.	58% max.
7,500 sf to 7,999 sf	56% max.	66% max.	56% max.
8,000 sf to 8,499 sf	54% max.	64% max.	55% max.
8,500 sf to 8,999 sf	52% max.	62% max.	55% max.
9,000 sf or larger	50% max.	60% max.	55% max.

TABLE 4: PONCEY-HIGHLAND DISTRICT BUILDING HEIGHT TABLE	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential	Sub Area 7: Freedom Park Transitional
General building height standards. These only apply in areas not subject to the additional restrictions below.							
Building Height Standards	CR	CR	78 ft. max., 18 ft. min. (see additional restrictions below)	85 ft. max., 30 ft. min. (see additional restrictions below)	185 ft max. (see additional restrictions below)	CR	35 ft. max.
ADDITIONAL BUILDING HEIGHT RESTRICTIONS							
The general building height standards above will be further restricted in the following areas:							
Subareas 4 and 5 only for portions of buildings within 60 feet of Subarea 1, 2, or 6			52 ft. max.				
Subarea 3 east of N. Highland Avenue			3 stories or 42 ft max., whichever is less, for first 10 feet of building depth; and 6 stories or 78 feet, whichever is less, in other locations				
Subarea 3 west of N. Highland Avenue			3 stories or 42 ft max., whichever is less, for first 10 feet of building depth; and 4 stories or 54 feet, whichever is less, in other locations				
Subarea 4 east of Freedom Parkway			5 stories or 75 ft. max., whichever is less [1]				
Subarea 4 west of Freedom Parkway			6 stories or 85 ft. max., whichever is less [1]				
Key: CR = Per the compatibility rule. S							
Notes:							
Heights shown in this table must be reduced by the transitional height plane, when applicable.							
[1] The maximum building height may be increased by one story or 15 ft. maximum in order to divide the street-facing building facade into vertical divisions per section 16-20V.015(18)(b)(i) , provided such increased height does not constitute more than 30% of the total building footprint, or the maximum building height may also be increased by one story or 15 ft. maximum on sites where no upper story additions are proposed for contributing historic buildings.							

1. Lot compatibility zone height requirements. The following height standards apply in the lot compatibility zone:
 - a. On blocks with at least one historic two-story building (measured along the ~~facade facing the public street~~ street-facing building facade), the maximum building height is determined by the compatibility rule.
 - b. On all other blocks, the maximum building height is 30 feet.

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2. Open space requirements.
 - a. Mixed-use developments. When a development contains any combination of nonresidential or residential uses, the minimum open space requirement is based on whichever such use has the greatest floor area.
 - b. Open space areas. The following may be used to satisfy open space requirements:
 - i. Useable open space;
 - ii. New public or private streets required under "3" below.
 - iii. Future connectivity required under "4" below.
 - iv. Vegetated roofs;
 - v. New on-street parking if on-street parking currently does not exist in the public right-of-way adjacent to the development and the new on-street parking is located where there is no existing street lane; and
 - vi. Stormwater ponds that serve multiple buildings or lots, in accordance with the current City of Atlanta Stormwater Design Manual, when said ponds have been designed by a qualified professional as formal or natural amenities that incorporate additional functions other than stormwater management into their design, including, but not limited to aesthetic appeal, seating, boardwalks, and similar features. Said ponds may not be fenced or enclosed by retaining walls over 30 inches in height.
3. **Blocks.** Developments in Subarea 5 proposing to contain an entire block face greater than 600 feet in total ~~frontage along an existing public or private street~~ street frontage must incorporate new streets that conform to the following:
 - a. New streets must create block faces not exceeding 400 feet in length, unless a larger block size is required by chapter 36 of this part to accommodate a new street location required by the Beltline Street Framework Plan.
 - b. Block face length is measured from the back of ~~sidewalk-clear~~ pedestrian zones.
 - c. New streets used to satisfy this requirement:
 - i. May be public or private, but must function as public streets;
 - ii. May not be gated; and
 - iii. Must connect ~~two (2)~~ 2 other public streets or private streets.
4. **Future connectivity.** No development in Subarea 3, 4, or 5 may be designed to prohibit or obstruct the ability for future vehicle, bicycle, and pedestrian connections to adjacent lots, including through the use of new public or private streets, except when the Director determines that such is impractical due to topographic or other site-specific constraints. This provision may not be interpreted to prohibit or restrict something which would otherwise be permitted in this district or require inter-parcel rights to be granted to adjacent property owners.

O. Building Type Standards (Sec. 16-20V.015)

The following building type regulations apply to all subareas:

1. All principal primary existing and proposed principal primary buildings must comply with the requirements of this section, as applicable to the specific building type.
2. Where a development contains multiple building types, the requirements of each building type must be met independently as if each building was located on its own lot, even when no subdivision is proposed.
3. Parking structures fronting or visible from a street or the Beltline corridor must also select and comply with the following standards for one building type:
 - a. Building massing and active uses,
 - b. Pedestrian access,
 - c. Building elements,
 - d. Fenestration Transparency, and
 - e. Parking location.
4. The building type utilized must be allowed in the subarea.
5. Applicants must select which allowed building type corresponds to the building they are proposing to construct, alter, or add to and must comply with the standards for that building type as it relates to that new construction, alteration, or addition. All building types selected must be approved by the Director.
6. **Table 5:** Allowed Building Types identifies the new building types allowed by subarea. Each building type may contain any use allowed in the subareas in which it is located unless otherwise noted by building type. **On lots of record that contained legal building types other than those allowed by Table 5 before January 1, 2020, such other building types are allowed for new construction, alteration, or addition.**

TABLE 5: Allowed Building Types		Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential
Building Type							
Detached House	Yes	Yes	Yes [1]	Yes [1]	Yes [1]	Yes [1]	Yes
Carriage House	Yes	Yes	Yes [1]	Yes [1]	Yes [1]	Yes [1]	Yes

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Cottage Court	No	Yes	Yes	Yes	No	No
Townhouse	No	Yes	Yes	Yes	Yes	No
Stacked Flat	No	No	Yes	Yes	Yes	No
Shopfront	No	No	Yes	No	No	No
Commercial Block	No	No	Yes	Yes	Yes	No
Tower	No	No	No	No	Yes	No
Civic	Yes	Yes	Yes	Yes	Yes	Yes

Table Notes:

[1] Building type only allowed when used to meet the transitional yard transitions and screening provisions of Sec. 16-20V.13(2)(b).

7. All principal primary buildings must be oriented to the street they face or the Beltline corridor, when applicable.
8. Where multiple building types are proposed for a single lot, the proposal must include potential lot lines for each building type, which conform with this **Chapter 20V**, the purpose of which is only to determine compliance with building type standards.
9. The standards for building types do not apply to accessory structures, except carriage houses, and except parking structures as provided for in **section 16-20V.015(3)** above.

10. Detached house standards. The following applies to all detached houses.

(a) Description	
A detached house is a small-scale, freestanding building, set back from the public street, elevated above the ground level and designed to facilitate residential uses.	
(b) Building Density	
Dwelling units per building:	2 max. (either 1 principal dwelling + 1 ADU max.; or 2 principal dwellings max.)
Buildings per lot:	1 max., excluding accessory buildings
(c) Building Massing and Active Uses (see Sec. 16-20V.015(18))	
Building height:	See subarea requirements
Street-facing facade width:	n/a
Active <u>use</u> depth:	n/a
(d) Pedestrian Access (see Sec. 16-20V.015(19))	
Entrance facing street:	Required
Walkway width:	3 ft min./5 ft max.
(e) Building Elements (see Sec. 16-20V.015(20))	
Each detached house must provide a porch.	

The required porch must face the street.	
(f) Fenestration Transparency (see Sec. 16-20V.015(21))	
Street-facing facades	10% min. wall area per floor, excluding basements and attics
(g) Parking location	
No on-site parking is allowed between the building and the street.	
Garage doors must be located on the side or rear facades of the principal structure and may not face a public street.	

11. Carriage house standards. The following applies to all carriage houses.

(a) Description	
A carriage house is a freestanding building, typically designed for use as a garage, storage, guest house, or accessory dwelling unit. A carriage house must be accessory to a principal dwelling and located on the same lot.	
(b) Building Density	
Accessory dwelling units per building:	1 max.
Buildings per lot:	2 max., excluding principal buildings
(c) Building Massing and Active Uses (see Sec. 16-20V.015(18))	
Building height:	See Sec. 16-20V.012 for accessory structure height
Street-facing facade width:	n/a
Active use depth:	n/a
(d) Pedestrian Access (see Sec. 16-20V.015(19))	
Entrance facing street:	Not required
Walkway width:	n/a
(e) Building Elements (see Sec. 16-20V.015(20))	
n/a	
(f) Fenestration Transparency (see Sec. 16-20V.015(21))	
Street-facing facades	n/a
(g) Parking location	
On-site parking location is regulated by the principal dwelling unit.	

PONCEY-HIGHLAND**12. Cottage court standards.** The following applies to all cottage courts.

(a) Description	
A cottage court accommodates three to ten detached dwelling units located around a shared internal courtyard. Units must all be on the same lot and no unit may be located above or below another. Cottage courts are for residential uses.	
(b) Building Density	
Dwelling units per cottage court:	3 min. / 10 max.
Buildings per lot:	10 max. excluding accessory buildings
Floor area per dwelling unit:	1,200 sf max
(c) Building Massing and Active Uses (see Sec. 16-20V.015(18))	
Building height:	See subarea requirements
Street-facing facade width:	No min./no max.
Active use depth:	n/a
(d) Courtyard	
Area	3,000 sf min.
Width	40 ft. min.
Courtyard may not be parked or driven upon, except for emergency access.	
(e) Pedestrian Access (see Sec. 16-20V.015(19))	
Entrance facing street:	Required for units along street
Walkway width:	3 ft min./5 ft max. must connect all dwellings to the street
(f) Building Elements (see Sec. 16-20V.015(20))	
Each cottage court unit along a street and each cottage court units along a courtyard must provide either a:	
(i) Stoop, or	
(ii) Porch	
A porch is required when adjacent to a street.	
(g) Fenestration Transparency (see Sec. 16-20V.015(21))	
Street-facing facades	10% min. area per floor, excluding basements and attics
(g) Parking location	
No on-site parking is allowed between the building and the street or between buildings and the courtyard.	
Garage doors, if located on the principal structure must be located on the side or rear façade and may not face the interior of the court or a public street.	

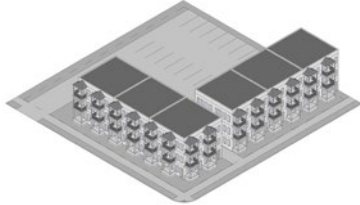
13. Townhouse standards. The following applies to all townhouses.

(a) Description	
A townhouse is a building type that accommodates three or more dwelling units or tenant spaces where each unit is separated by a common sidewall. No unit may be located above or below another.	
(b) Density and use	
Dwelling units per building	3 min./no max.
Buildings per lot	n/a
(c) Building Massing and Active Uses (see Sec. 16-20V.015(18))	
Building height	52 ft max., except in subareas where a lower height limit applies
Street-facing facade width	16 ft min. /150 ft. max.
Active use depth	20 ft. min, except corner units are only required to meet this requirement along one street
Percent of front lot width that must be abutted by a conforming townhouse building	70% min., excluding transitional yards, existing alleys, and one new driveway
(d) Pedestrian Access (see Sec. 16-20V.015(19))	
Entrance facing street	Required for units along street
Walkway width:	3 ft min./5 ft max. must connect all dwellings to the street
(e) Building Elements (see Sec. 16-20V.015(20))	
Each townhouse unit facing a street must provide one of the following:	
(i) Stoop, or	
(ii) Porch, or	
(iii) Storefront	
(f) Fenestration Transparency (see Sec. 16-20V.015(21))	
Street-facing facades	20% min. area per floor
(g) Parking location	
No on-site parking is allowed between the building and the street.	
Garage doors may not face a street.	

14. Stacked flat standards. The following applies to all stacked flats.

(a) Description

PONCEY-HIGHLAND

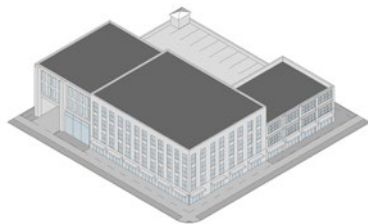
<p>A stacked flat building is a multi-story building type that was originally built to accommodate four or more dwelling units located above or below another unit. Nonresidential uses are permitted in stacked flats when allowed by subarea regulations.</p>	
(b) Building Density	
Dwelling units per building	4 min./no max.
Buildings per lot	n/a
(c) Building Massing and Active Uses (see Sec. 16-20V.015(18))	
Building height	See subarea requirements
Street-facing facade width	150 ft. max.
Active use depth	20 ft. min.
Percent of front lot width that must be abutted by a conforming stacked flat building	70% min., excluding transitional yards, existing alleys, and one new driveway
(d) Pedestrian Access (see Sec. 16-20V.015(19))	
Entrance facing street	Required for lobby (if provided) and when four or more ground floor units are along a street
Walkway width:	3 ft min./10 ft max.
(e) Building Elements (see Sec. 16-20V.015(20))	
n/a	
(f) Fenestration Transparency (see Sec. 16-20V.015(21))	
Street-facing facades	20% min. area per floor
(g) Parking Location	
No on-site parking is allowed between the building and the street.	

15. Shopfront standards. The following applies to all shopfronts.

(a) Description	
<p>A shopfront is a single-story building containing pedestrian-oriented ground floor retail, restaurant, or service uses. Note: See commercial block standards for related standards for buildings more than one story in height.</p>	
(b) Building Massing and Active Uses (see Sec. 16-20V.015(18))	
Building height	See subarea requirements
Ground floor height (floor to floor)	16 ft. min
Upper floor height (floor to floor)	10 ft. min
Street-facing facade width	150 ft. max.
Active use depth	20 ft. depth and may not be dwelling units
Percent of front lot width that must be abutted by a conforming shopfront building	70% min., excluding transitional yards, existing alleys, and one new driveway

(c) Pedestrian Access (see Sec. 16-20V.015(19))	
Entrance facing street	Required for all tenant spaces along streets
Walkway width:	6 ft. min.
(d) Building Elements (see Sec. 16-20V.015(20))	
Each individual tenant space facing a street must provide an awning/canopy.	
(e) Fenestration Transparency (see Sec. 16-20V.015(21))	
Street-facing facades	70% min. area
Street-facing blank wall	20 ft. max.
(f) Parking Location	
No exterior on-site parking is allowed between the building and the street.	
No interior, above-ground parking is allowed within 20 feet of a street-facing façade.	
(g) Building Type Location	
New shopfronts or commercial blocks must front North Highland Avenue.	

16. Commercial block standards. The following applies to all commercial blocks.

(a) Description	
A commercial block is a multi-story building designed for a vertical mix of uses, with pedestrian-oriented ground floor retail or service uses and upper floor residential, hospitality, or office uses.	
(b) Building Massing and Active Uses (see Sec. 16-20V.015(18))	
Building height	See subarea requirements for min./7 stories max.
Ground floor height (floor to floor)	16 ft. min
Upper floor height (floor to floor)	10 ft. min
Street-facing facade width	150 ft. max.
Active use depth	20 ft. min. and may not be dwelling units
Percent of front lot width that must be abutted by a conforming commercial block	70% min., excluding transitional yards, existing alleys, and one new driveway
(c) Pedestrian Access (see Sec. 16-20V.015(19))	
Entrance facing street	Required for all ground floor tenant spaces along streets
Walkway width:	6 ft. min.
(d) Building Elements (see Sec. 16-20V.015(20))	
Each individual tenant space facing a street must provide an awning/canopy.	
(e) Fenestration Transparency (see Sec. 16-20V.015(21))	
Street-facing ground floor facades	70% min. area
Street-facing upper floor facades	20% min. area per floor
Street-facing blank wall area	20 ft. max. per floor
(f) Parking Location	

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No exterior on-site parking is allowed between the building and the street.

No interior, above-ground parking is allowed within 20 feet of a street-facing façade.

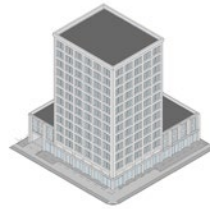
(g) Building Type Location

New commercial blocks or towers must front Ponce de Leon Avenue.

New commercial blocks or shopfronts must front North Highland Avenue.

17. Tower standards. The following applies to all towers.**(a) Description**

A tower is a stacked unit or commercial block building of eight or more stories in height, which may include portions less than eight stories in height.

**(b) Building Massing and Active Uses (see Sec. 16-20V.015(18))**

Building height	8 stories min / see subarea requirements for mx.
Ground floor height (floor to floor)	16 ft. min
Upper floor height (floor to floor)	10 ft. min
Street-facing facade width	
Portion of building under 8 stories in height	150 ft max.
Portion of building 8 or more stories in height	250 ft max.
Active use depth	20 ft. min. and may not be dwelling units
Percent of front lot width that must be abutted by a conforming tower	70% min., excluding transitional yards, existing alleys, and one new driveway

(c) Pedestrian Access (see Sec. 16-20V.015(19))

Entrance facing street	Required for all ground floor tenant spaces along streets
Walkway width:	6 ft. min.

(d) Building Elements (see Sec. 16-20V.015(20))

Each individual tenant space facing a street must provide an awning/canopy.

(e) Fenestration Transparency (see Sec. 16-20V.015(21))

Street-facing ground floor facades	70% min. area
Street-facing upper floor facades	20% min. area per floor
Street-facing blank wall area	20 ft. max. per floor

(f) Parking Location

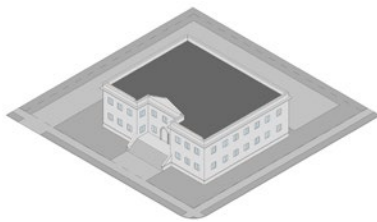
No exterior on-site parking is allowed between the building and the street.

No interior, above-ground parking is allowed within 20 feet of a street-facing facade.

(g) Building Type Location

New towers or commercial blocks must front Ponce de Leon Avenue.

18. Civic standards. The following applies to civic buildings.

(a) Description	
A civic building is designed to stand apart from its surroundings due to the special nature of its use as a public facility. Civic buildings may only be owned and used by the City of Atlanta, Fulton County, or other governmental entity; used for religious worship; or used for private schools.	
(b) Building Massing and Active Uses (see Sec. 16-20V.015(18))	
Building height	See subarea requirements
Ground floor height (floor to floor)	16 ft. min
Upper floor height (floor to floor)	10 ft. min
Street-facing facade width	150 ft. max.
Active use depth	20 ft. min.
(c) Pedestrian Access (see Sec. 16-20V.015(19))	
Entrance facing street	Required
Walkway width:	6 ft. min.
(d) Building Elements (see Sec. 16-20V.015(20))	
n/a	
(e) Fenestration Transparency (see Sec. 16-20V.015(21))	
Street-facing facades	15% min. area per floor
(f) Parking	
No exterior on-site parking is allowed between the building and the street.	
No interior, above-ground parking (either within the building or an accessory parking garage) is allowed within 40 feet of a public street.	

19. Building type massing and active uses:

- a. One primary mass required:
 - i. The main body of all principal buildings must consist of one primary mass. Secondary and incidental wings may be attached to the main body of a building.
 - ii. This requirement applies to each facade division set forth in "b" below.
- b. **Street-facing facade widths.** These building massing standards apply to building types which include a street-facing facade width requirement. When required, buildings must use one of the following to divide the facade into the maximum street-facing width divisions shown for the building type in [section 16-20V.015\(9\) through section 16-20V.015\(17\)](#), as measured along the base of the facade:
 - i. A change of facade material and window systems from grade to roof, and change of building height of at least one story; or
 - ii. A change in facade composition and/or architectural style from grade to the roof; or

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- iii. Similar means intended to convey the impression of separate buildings. Change in color alone, setback alone, or any combination of the two may not be used to satisfy this requirement.
- c. **Active uses.** The ground floor story of certain building types must provide “active uses” along public and private streets for the minimum indicated depth from the street-facing facade. For this purpose, “active use” means any permitted principal use with interior floor area that is served by plumbing, heating, and electricity. “Active use” specifically excludes parking; digital industry switchboards, relay equipment, and associated power generators; mechanical rooms; non-residential storage not associated with an industrial use; driveways; and queuing lanes parallel to the adjacent street.

20. Pedestrian access:

- a. A pedestrian entrance entry feature and walkway providing ingress and egress, operable to residents at all times and operable to customers, visitors, and employees during business hours, is required to meet street-facing pedestrian entrance requirements. Additional entrances entry features off another street, pedestrian area, open space, or internal parking area are allowed but must have the same or shorter hours of operability as the street-facing entrance entry feature.
- b. A street address number must be located above the street-facing pedestrian entrance entry feature utilizing numbers that are at least six 6 inches in height. When multiple entrances entry features exist on a street-facing facade, only one address is required.
- c. On corner lots, an angled or mitered pedestrian entrance entry feature may be provided along building corners to meet the street-facing pedestrian entrance entry feature requirements.
- d. Building elements may be required to meet the street-facing pedestrian entrance entry feature requirements when required by building type.

21. Building elements:

- a. **Intent.** The following apply when required by building type and are intended to ensure that certain building elements, when added to a street-facing facade, are of sufficient size to be both usable and functional and be architecturally compatible with the building they are attached to.
- b. **Front porch.** A raised structure attached to a building, forming a covered pedestrian entrance to a doorway.
 - i. Front porches must conform to section 16-20V.006 through section 16-20V.008.
- c. **Stoop.** A small raised platform that serves as a pedestrian entrance to a building.
 - i. A stoop must be no more than six feet deep (not including steps).
 - ii. A stoop may extend into the required yard but must not encroach into the public right-of-way or required sidewalk pedestrian zone.
- d. **Balcony.** A platform projecting from the wall of an upper story of a building with a railing along its outer edge, often with access from a door or window.

- i. A balcony must be at least four feet deep.
- ii. A balcony may extend into the required yard but must not encroach into the ~~public~~ right-of-way or required sidewalk pedestrian zone.
- e. **Awning/Canopy.** A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.
 - i. An awning must be a minimum of ten feet clear height above the sidewalk pedestrian zone and must have a minimum depth of six feet.
 - ii. An awning may extend into a required yard.
 - iii. An awning may encroach into the required sidewalk pedestrian zone but may not encroach into the ~~public~~ right-of-way unless all applicable City regulations are met.
 - iv. Awnings must be made of canvas and may not be reflective or shiny.
 - v. Awnings must have open ends called "shed awnings" to allow views into buildings.
 - vi. Awnings may not be internally lit.
 - vii. Awnings may not be narrower than nor two feet wider than the door or window opening that they serve. Where multiple doors and windows are less than two feet apart, multiple awnings may be combined into a single awning.

22. Fenestration Transparency:

- a. Fenestration Transparency:
 - i. Fenestration Transparency is the minimum percentage of window and door glass area that must cover a facade.
 - ii. Glass used to satisfy fenestration transparency requirements must be unpainted, must have a transparency (visible light transmission) higher than 70 percent, and must have an external reflectance of less than 15 percent. Transparency and external light reflectance must be established using the manufacturer's specifications.
 - iii. Fenestration Transparency is measured from the top of the finished floor to the top of the finished floor above.
 - iv. When there is no floor above, fenestration transparency is measured from the top of the finished floor to the top of the wall plate.
 - v. Adhesive film, fabric, paper, and other materials affixed to the window surface or otherwise installed in a way that prevents visibility into the building interior are not allowed. This prohibition does not apply to curtains, shades, Venetian blinds, interior or exterior shutters, and other window treatments that are in operable condition and capable of being adjusted, opened, or closed daily.
- b. Blank wall area:
 - i. Blank wall area means a portion of the exterior facade of the building that does not include fenestration transparency.

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- ii. Blank wall area applies in a horizontal direction.

P. Parking, Driveways, and Curb Cuts (Sec. 16-20V.016.)

1. **Parking structure design standards.** In addition to the building type standards and the parking deck regulations of [section 16-28.028](#), parking structure facades must have the appearance of a horizontal storied building. Parking structures are also subject to the subarea requirements of [section 16-20V.008](#) or [section 16-20V.010](#), as applicable.
2. **Parking requirements.** Off-street parking requirements are specified in Table 6: Poncey-Highland Historic District Parking Requirements and subject to the following:

TABLE 6: Poncey-Highland Historic District Automobile Parking Requirements

	Minimum Parking	Maximum Parking
Single-family dwellings, two-family dwellings, townhouse building types	None	No maximum
All other residential uses	None	1.0 space for every one residential unit [1]
Nonresidential uses	None	2.5 spaces for every 1,000 square feet of floor area [1]
Table Notes: [1] See Sec. 16-20V.016(3)		

3. Park-for-hire:
 - a. Parking spaces provided in excess of the parking requirements of [section 16-20V.016\(2\)](#) are only allowed as park-for-hire spaces. Said excess spaces are considered a principal use for the purposes of [section 16-20V.011](#) and require a special use permit, when indicated. When the number of spaces does not exceed the maximum requirements, said spaces may be used as park-for-hire without a special use permit.
 - b. Park-for-hire spaces in a surface parking lot require may not be within 65 feet of a **public** right-of-way.
4. Surface parking:
 - a. Surface parking must conform to the location requirements of the building type and may not be within 30 ft of the required sidewalk.
5. **Driveways and curb cuts.** The following regulations apply to driveways and curb cuts.
 - a. Shared driveways and/or alleys are permitted. Driveways may be located outside the lot boundaries if they connect to a public street and are approved by the director.
 - b. Circular drives and driveway are not allowed between a building and a public street.
 - c. Drop-off lanes on public streets must conform to all applicable City requirements.
 - d. Driveways and curb cuts are not allowed on Ponce de Leon Avenue, North Highland Avenue, Moreland Avenue, Blue Ridge Avenue, or North Avenue when access can be provided from a side or rear street, or when reasonable access may be provided from an alley.

- e. Driveways and curb cuts serving development fully or partially in Subareas 3, 4, or 5 are not allowed in Subareas 1, 2, or 6.
- f. Sidewalk paving materials must continue across intervening driveways.
- g. Driveways and curb cuts must conform to Table 7: Poncey-Highland District Driveways and Curb Cut Standards.

TABLE 7: Poncey-Highland Historic District Driveway and Curb Cut Standards		
Building Type	Width	Number
Detached House, Carriage House	10 ft. max. in any front yard or half-depth front yard, otherwise none	One per detached house lot
Cottage Court, Townhouse Stacked Flat, Shopfront, Commercial Block, Tower, Civic	12 ft. max. for one-way access, 24 ft. max for two-way access [1]	One per development, except that developments with more than one public street frontage or more than 300 feet of public street frontage may have two [2]
Nonresidential uses	None	2.5 spaces for every 1,000 square feet of floor area [1]
Table Notes:		
[1] Wider is only allowed when permitted by the Commissioner of Public Works.		
[2] This restriction does not apply to curb cuts serving street required by Sec. 16-20V.014(3).		

Q. Sidewalks (Sec. 16-20V.017.)

1. **Sidewalks required.** Sidewalks must be located along all streets and must consist of two zones: an amenity zone and a **walk pedestrian** zone.
2. **Amenity zone.** The amenity zone must be adjacent to the curb and with a consistent cross-slope not more than two percent. Zone width is measured from back (building side) of the curb to the **walk pedestrian** zone. This zone is reserved for street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. When these elements are installed in a **public** right-of-way, they must be of a type specified by the Commissioner of Public Works in accordance with uniform design standards for placement of such objects in the said right-of-way.
3. **walk Pedestrian zone.** The **walk pedestrian** zone must be adjacent to the amenity zone and must be a continuous hardscape, with a consistent cross-slope not more than two percent. No fixed elements, including pole-mounted signs, traffic control boxes, or other utility structures, may be placed above ground in the walk zone for a minimum height of eight feet.
4. **All subareas.** In all subareas the following apply:
 - a. Street trees must be planted a maximum of 30 feet on-center within the amenity zone and must be equally spaced between streetlights.
 - b. Decorative pedestrian lights, where installed, must be placed a maximum of 60 feet on center and equally spaced between required street trees. Developments must match the light and tree spacing on block faces with existing Atlanta Type A and C lights.

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- c. Changes or additions of planters, trash containers, street lighting, and similar elements, require a certificate of appropriateness from the director.
 - d. Redevelopments must make reasonable efforts to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks
 - e. The Commission has the authority to reduce the required sidewalk widths.
5. Subareas 1, 2, 6, 7. In Subareas 1, 2, 6, and 7 the following apply:
- a. New sidewalks and their zone widths must match those on abutting properties. If no abutting property sidewalk exist, the sidewalks must match those on the block face. If no sidewalks exist on the block face, the amenity zone must be a least two feet wide and the ~~walk~~ pedestrian zone must be at least five feet wide.
 - b. Existing decorative sidewalk hardscapes in amenity zones or ~~walk~~ pedestrian zones must be retained or replaced with materials that match their size, shape, and color.
6. Subareas 3, 4, and 5. In Subareas 3, 4, and 5 sidewalks must be provided as follows:

TABLE 8: Subarea 3,4, and 5 Sidewalk Table

	Ponce de Leon Avenue	North Highland Avenue, Moreland Avenue	Other Public or Private Streets
Amenity Zone Width:	7.5 ft. min.	5 ft. min.	5 ft. min.
walk <u>Pedestrian</u> Zone Width:	10 ft. min.	10 ft. min.	6 ft. min.

R. Site Design Standards (Sec. 16-20V.018.)

1. **Fences and walls.** Fences and walls must meet the following regulations:
 - a. **Residential uses.** The following applies to residential uses:
 - i. Fences in any yard, required or other, adjacent to a street may not exceed four feet in height.
 - ii. Fences in all other locations may not exceed six feet in height.
 - b. **Non-residential use fences.** The following applies to other non-residential uses:
 - i. Fences are not allowed between a building and the required sidewalk, except where specifically authorized in "ii" below for outdoor dining.
 - ii. Fences are allowed between the building and the sidewalk when they surround outdoor dining but may not exceed three feet in height.
 - iii. Fences in all other locations may not exceed six feet in height.
 - c. All uses:
 - i. Retaining walls adjacent to a required sidewalk may not exceed four feet in height, and the combined height of an otherwise authorized fence and retaining wall may not exceed

six feet or the maximum allowed fence height, whichever is greater, unless existing topography prohibits retaining walls of a lesser height.

- ii. Retaining walls must be finished poured concrete or faced with stone, brick or smooth stucco.
- iii. No walls, except retaining walls, may be located between a building and the required sidewalk, unless used to screen off-street loading areas.
- iv. Barbed wire and razor wire are not allowed.
- v. Chain link fence or similar elements may not be visible from any public plaza, ground ~~story level or sidewalk level~~ outdoor dining area, or ~~public~~ right-of-way.

2. Loading and mechanical features:

- a. Dumpsters, loading areas, and loading docks must be paved with impervious materials and screened to not be visible from any public plaza, ground ~~level~~ story outdoor dining area, required sidewalk, or ~~public~~ right-of-way.
 - i. Outdoor dumpsters must be enclosed with opaque walls at least ~~six~~ 6 feet in height on all sides or the minimum height of the dumpster, whichever is higher.
- b. Building mechanical and accessory features:
 - i. Must be located to the side or rear of the principal structure and in the location of least visibility from the ~~public~~ right-of-way.
 - ii. Must be screened with plants, walls, or fences to not be visible from the ~~public~~ right-of-way.
 - iii. For new construction, when located on rooftops must be incorporated into the design of the building and screened with materials similar to the building.
 - iv. Are not allowed between the building and any public street.

CHAPTER 7.

LEGACY DISTRICTS

001

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#001

Posted by **TomSchwab** on **06/04/2025** at **5:28pm** [Comment ID: 1244] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

I appreciate the City's desire to standardize the zoning classifications in order to simply the process. My concern is it's unethical to retroactively change specific Neighborhood Commercial (NC) parameters which were agreed to as part of a larger concession with homeowners. A great example is the parking lot, parcel 17 00010013026, off North Highland and Amsterdam Ave. Prior to the reclassifications of the N. Highland corridor to NC, this lot was zoned Residential. The lot is surrounded on 3 sides by pre-existing private residences. As part of the NC reclassification, this lot included specific NC provisions to protect residences from having a parking deck or other commercial structure in their backyard. These provisions must be grandfathered into the new code. A simple PZ4 does not accomplish this.

Reply by **Kirsten** on **09/02/2025** at **1:26pm** [Comment ID: 1619] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

I support the concern raised about preserving previously negotiated Neighborhood Commercial parameters. Are there any conflicts within the Comprehensive Development Plan (CDP) that would prevent grandfathering these protections into the new zoning code? Other cities have adopted mechanisms to protect such neighborhood-specific agreements during code updates, for example, Los Angeles and Philadelphia, which allow for temporary or flexible development standards that can be enacted alongside permanent zoning conditions to protect neighborhood conditions. These tools ensure that resident-negotiated protections remain enforceable while also safeguarding recently developed properties within those zones from termination.

DIVISION 7.1. SUMMARY OF DISTRICTS

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Statement of Intent (see Sec. 16-18.001.)

Special Public Interest (SPI) Legacy Districts are select areas in Atlanta designated as such due to a significant public interest in preserving its social fabric or distinctive elements of its built or natural environment. These legacy districts generally abide by modified zoning regulations to secure tangible public benefits that align with the city's comprehensive development plan and other strategic initiatives. Legacy Districts are also established to encourage land use and real estate development to realize the city's vision for the public realm.

Legacy districts can be found in various locations throughout Atlanta.

It is the intent of these regulations to permit creation of Legacy Districts:

1. In general areas officially designated as having special and substantial public interest in protection of existing or proposed character, or of principal views of, from, or through such areas;
2. Surrounding individual buildings or grounds where there is special and substantial public interest in protecting such buildings and their visual environment; or
3. In other cases where special and substantial public interest requires modification of existing zoning regulations, or repeal and replacement of such regulations, for the accomplishment of special public purposes for which the district was established.

It is further intended that such districts and the regulations established therein shall be in accord with and promote the purposes set forth in the comprehensive development plan and other officially adopted plans of the city in accordance with it, and shall encourage land use and development in substantial accord with the physical design set forth therein.

B. Effect of Legacy District Designation (see Sec. 16-18.002.)

Such Legacy Districts shall:

1. Supplant districts or portions of districts existing at the time of creation of a particular Legacy District; or
2. Have the effect of modifying requirements, regulations, and procedures applying in existing districts or districts hereafter created and remaining after Legacy Districts are superimposed, to the extent indicated in the particular Legacy District amendment.
3. The statement of intent for all Legacy Districts shall specify whether the district supplants existing districts or modifies district regulations.

C. Preparation of Recommendations for Special Legacy District Zoning (see Sec. 16-18.003.)

Recommendations for specific Legacy District zoning amendments shall be prepared by the Bureau of Planning on its own initiative or at the direction of the Council. Each recommendation shall

identify the proposed zoning by the Legacy District prefix and a number identifying the particular district, as for example SPI-1. The identification may also include language indicating the character or location of the district. The recommendation shall contain information and suggestions as indicated below concerning the areas, buildings, and/or premises proposed for such regulations:

1. **Statement of intent.** The application shall include a statement of intent, specifying the nature of the special and substantial public interest involved and the objectives to be promoted by special regulations and/or procedures, within the district as a whole, or within subareas of the district, if division in such subareas is reasonably necessary for achievement of regulatory purposes
2. **Proposed district boundaries.** The recommendation shall include a map or maps indicating:
 - a. The boundaries of the Legacy District and any subareas established within the district for purposes of Legacy District regulations.
 - b. The zoning designations of all portions of underlying districts, if any, which will remain when Legacy District zoning is superimposed and the general regulations which will be affected by the superimposed Legacy District zoning. Where it is proposed to change the boundaries or zoning designation of remaining underlying districts affected in the same action by which Legacy District zoning is applied, the map shall show the nature and location of such change.
 - c. The location and zoning designation of districts or portions of districts, if any, to be supplanted by Legacy District zoning.
3. **Proposed regulations.** The Bureau of Planning's recommendations shall include proposed regulations designed to promote the special purposes of the district, as set forth in the statement of intent. In particular, such regulations may require submission of detailed site plans, building plans and elevations, and maps indicating the relation of proposed development to surrounding or otherwise affected property in terms of location, amount, character and continuity of open space; protection of desirable principal views; convenience of access through and between buildings or in other locations where appropriate for public purposes and where such access will reduce vehicular/pedestrian conflicts on public streets; lighting; mixtures of proposed uses; and other matters as appropriate to determinations related to the special interest of the district and the objectives to be promoted.

D. Procedural Requirements (see Sec. 16-18.004.)

Adoption of Legacy Districts shall be by the same procedures as for amendments generally.

E. Special Administrative Permit Requirement for Building Permits: Effect on Other Special Permit Requirements (see Sec. 16-18.005.)

Except as provided below, no building permit in any Legacy District shall be issued unless and until it has been approved through the approval of a special administrative permit under the requirements so specified in Section 16-25.004, as meeting applicable requirements and intent as set forth for the district involved.

Where regulations may require the approval of special administrative permits for other purposes so specified, processing by the Director, Bureau of Planning shall without additional application include consideration of the other special administrative permits. Where such regulations require special exception or special use permit action, the special administrative permit for building permit purposes

shall not be issued until separate application has been made for such special exception or special use permit and the necessary approvals have been obtained.

F. Classes of Cases Exempted from Detailed Review Requirements (see Sec. 16-18.006.)

The Director, Bureau of Planning may exempt certain classes of applications for building permits from detailed review requirements as set forth above upon written findings that generally within Legacy Districts, the actions proposed are of such a character or of such a scale as to make detailed reviews and approval by the planning director unnecessary. Where applications for building permits are determined by reference to such findings to be thus exempted, the permit shall be issued if otherwise lawful.

G. Provisions for Variations from Regulations Applying Generally in Legacy Districts (see Sec. 16-18.007.)

As part of general action when plans require approval of a special administrative permit, regulations for a particular Legacy District or for specified classes of Legacy Districts, the Director, Bureau of Planning may authorize variations from regulations generally applying based on written findings that:

1. A plan proposed by an applicant, while not strictly in accord with regulations applying generally within the district, meets public purposes and provides public protection to an equivalent or greater degree; or
2. In the particular circumstances of the case, strict application of a particular regulation or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at the time or in the future.

Notation concerning the existence of such variation shall be made on the official zoning map, by appropriate identification and date; and a copy of the variation shall be filed in the office of the bureau of buildings for future guidance and as a public record. As appropriate to the circumstances of the case, a copy shall also be recorded with the Clerk of the Council.

The Council or other officials or agencies of the City charged with approval responsibilities under Legacy District procedures may also be authorized in regulations applying generally within the district upon making findings in a particular case that such variations are necessary to achieve public purposes set forth for the district, or for public protection or the protection of the environs of particular buildings or premises of special and substantial public interest, or to ease the transition from one district to another. Among other things, such variations may require relocation or increase in yards or other open-space outdoor amenity space generally required, reduction in height generally permitted, additional limitations on uses, signs or illumination lighting, and buffering transitions and screening to a greater degree than generally required.

DIVISION 7.2. **FORT MCPHERSON**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Scope of Provisions (Sec. 16-18B.001.)

1. The regulations set forth in this Chapter or set forth elsewhere in this part when referred to in this Chapter are the regulations for the SPI-2 Fort McPherson Special Public Interest District. These regulations ~~shall~~ will supplant existing districts or portions of existing districts as shown on the attached map referenced in Section 16-18B.004, except that all existing categories of historic protection designated pursuant to Chapter 20 of this part shall continue in full force and effect and said existing historic protection regulations ~~shall~~ will be overlaid upon, and ~~shall~~ will be imposed in addition to, the regulations set forth in this Chapter. Whenever the following regulations are at variance with said existing historic protection regulations, the historic protection regulations shall apply.
2. The regulations set forth in Sections 16-18B.001 through Section 16-18B.019 ~~shall~~ will apply to all properties located within the SPI-2 Fort McPherson District, including all subareas within the District.

B. Statement of Intent (Sec. 16-18B.002.)

The intent of the Council in establishing SPI-2 as a zoning district is as follows:

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

C. Boundaries of District Established (Sec. 16-18B.003.)

The boundaries of the SPI-2 Fort McPherson Special Public Interest District are shown on map

FORT MCPHERSON

Attachment B which by this reference is incorporated into and made a part of this chapter and this part. **The SPI-2 Fort McPherson District** is divided into ~~five (5)~~ **5** subareas as shown on said map **Attachment B** and which are described as follows.

All subareas are regulated by both conventional zoning and development standards and guidelines. The intent of these standards is to establish clear minimum development standards, allow for the orderly progression of development, and provide flexibility over time without compromising the goals and objectives **of SPI-2.**

Table 1: SPI Fort McPherson Subareas
1 - Market District
2 - Heritage District
3 - Campbellton Road District
4 - Western District
5 - McPherson TOD District

In addition, certain properties within **SPI-2 Fort McPherson** ~~shall~~ **will** be considered to be historic properties for the purposes of this chapter, as listed below.

Table 2: SPI-2 Historic Properties at Fort McPherson		
Building ID	Description	Treatment Upon Transfer
N/A	Hedekin Parade Field	SHPC
Staff Row		
1	Officers' Quarters	SHPC
2	Officers' Quarters	SHPC
3	Officers' Quarters	SHPC
4	Officers' Quarters	SHPC
5	Officers' Quarters	SHPC
6	Officers' Quarters	SHPC
7	Officers' Quarters	SHPC
8	Officers' Quarters	SHPC
9	Officers' Quarters	SHPC
10	Officers' Quarters	SHPC
11	Officers' Quarters	SHPC
12	Officers' Quarters	SHPC
13	Officers' Quarters	SHPC
14	Officers' Quarters	SHPC
15	Officers' Quarters	SHPC
16	Officers' Quarters	SHPC
17	Officers' Quarters	SHPC
18	Officers' Quarters	SHPC
19	Officers' Quarters	SHPC
Key: SHPC= Select Historic Property with Covenants, NC = No Covenants		

Table 2: SPI-2 Historic Properties at Fort McPherson		
Building ID	Description	Treatment Upon Transfer
20	Officers' Quarters	SHPC
22	WWI - Walker Avenue	SHPC
Colquitt Street		
23	Staff Row Garage	SHPC
24	Staff Row Garage	SHPC
25	Staff Row Garage	SHPC
26	Staff Row Garage	SHPC
29	Staff Row Garage	SHPC
30	Staff Row Garage	SHPC
31	Staff Row Garage	SHPC
32	Staff Row Garage	SHPC
33	Staff Row Garage	SHPC
34	Staff Row Garage	SHPC
35	Staff Row Garage	SHPC
Hardee Street		
40	Guest House	SHPC
41	Historic Post HQ	SHPC
42	Chapel	SHPC
Haney Plaza		
46	Ex Red Cross Building	SHPC
47	Administrative Building	SHPC
50	Printing Service	SHPC
51	Chaplain Office	SHPC
52	Administrative Building	SHPC
53	Red Cross Facility	SHPC
54	Storage Facility	SHPC
Troop Row		
56	Administrative Building	SHPC
57	Administrative Building	SHPC
58	Administrative Building	SHPC
59	Administrative Building	SHPC
60	Administrative Building	SHPC
61	Administrative Building	SHPC
62	Administrative Building	SHPC
63	Administrative Building	SHPC
65	Administrative Building	SHPC
Hardee Avenue		
Key: SHPC= Select Historic Property with Covenants, NC = No Covenants		

FORT MCPHERSON

Table 2: SPI-2 Historic Properties at Fort McPherson		
Building ID	Description	Treatment Upon Transfer
100	Administrative Building	SHPC
101	Administrative Building	SHPC
102	Security Police Building	SHPC
104	Union Facility	SHPC
Anderson Way		
128	Administrative Building	NC
129	Administrative Building	NC
130	Administrative Building	NC
131	Administrative Building	NC
Bartow Street		
136	N.C.O. Quarters	SHPC
137	N.C.O. Quarters	SHPC
138	N.C.O. Quarters	SHPC
139	N.C.O. Quarters	SHPC
140	N.C.O. Quarters	SHPC
141	N.C.O. Quarters	SHPC
142	N.C.O. Quarters	SHPC
144	Theater Film Vault	SHPC
Bates Circle		
160	Boiler House	SHPC
Hardee Avenue		
167	Administrative Building	SHPC
168	Transient Housing	SHPC
169	IMCOM South East	SHPC
170	IMCOM South East	SHPC
171	IMCOM South East	SHPC
Cobb Street		
180	Post Theater	SHPC
181	D.P.W. Facility	SHPC
183	Post Theater	SHPC
184	Rice Hall	SHPC
186	Laundry Facility	NC
Deshler Street		
326	MARS Station	
Walker Drive, Baseball and Softball Complex		
403	Dugout	NC
404	Dugout	NC
Key: SHPC= Select Historic Property with Covenants, NC = No Covenants		

Table 2: SPI-2 Historic Properties at Fort McPherson		
Building ID	Description	Treatment Upon Transfer
405	Dugout	NC
407	Dugout	NC
408	Dugout	NC
Thorne Avenue and Michael Place		
409	N.C.O. Quarters	NC
410	N.C.O. Quarters	NC
Van Horn and Miller Drive		
422	Gymnasium	NC
Miller Drive		
455	Shooting Range	NC
Miller Drive		
506	Family Housing	NC
507	Family Housing	NC
508	Family Housing	NC
509	Family Housing	NC
510	Family Housing	NC
512	Family Housing	NC
Wetzel Drive		
515	Family Housing	NC
522	Lee Hall	NC
Murphy Circle		
523	Family Housing	NC
524	Family Housing	NC
525	Family Housing	NC
526	Family Housing	NC
527	Family Housing	NC
528	Family Housing	NC
Miller Drive		
532	Family Housing	SHPC
533	Family Housing	NC
535	Family Housing	NC
536	Family Housing	NC
537	Family Housing	NC
538	Family Housing	NC
Miller Drive		
601	Family Housing	NC
602	Family Housing	NC
Key: SHPC= Select Historic Property with Covenants, NC = No Covenants		

Table 2: SPI-2 Historic Properties at Fort McPherson		
Building ID	Description	Treatment Upon Transfer
603	Family Housing	NC
604	Family Housing	NC
605	Family Housing	NC
Key: SHPC= Select Historic Property with Covenants, NC = No Covenants		

D. Application Procedures (Sec. 16-18B.004.)

2. A **Special Administrative Permit (SAP)** application and a specified number of copies each of a site plan, landscape plan, and elevation drawings of each exterior facade shall be submitted, as applicable, and approved by the Office of Zoning and Development prior to filing a building permit application. All exterior demolition, new construction (including additions to existing buildings), new or expanded outdoor dining, or work which results in increased lot coverage, modification of the building footprint, or modification of building facades that would reduce the configuration of street facing openings, **shall will** be subject to said **SAP** approval. All applications for a SAP shall be processed in accordance with the standards and procedures applicable to said **SAP** applications contained in **Chapter 25 of Part 16** except as otherwise modified by this **chapter 18B**. No **SAP shall will** be approved until after such time any other required Special Use Permit or Board of Zoning Adjustment action has been obtained.
3. **Administrative variations.** As part of general action when plans require approval of an SAP, the Office of Zoning and Development may authorize variations from regulations generally applying based on written findings that either:
 - a. A plan proposed by an applicant, while not strictly in accordance with regulations applying generally within the district, satisfies the public purposes and intent of such regulations, and provides public protection to an equivalent or greater degree than strict enforcement of such regulations would provide; or
 - b. In the particular circumstances of the case, strict application of a particular regulation or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at that time or in the future.
4. For the purposes of this **chapter**, a **unified development plan** approved under a single **SAP** and meeting all floor area ratio requirements, **open space** requirements, and **off-street on-site** parking requirements, may be subdivided, even if the resultant parcels do not otherwise meet these requirements. Any changes from the approved **SAP shall will** require a new or amended SAP, as determined by the Office of Zoning and Development, which **shall will** be based on the geographic extent of the original **SAP** and **shall must** meet floor area ratio requirements, open space requirements, and off-street parking requirements of such; and **shall must** indicate built or planned improvements on the original parcel(s). Where a single property owner no longer owns all parcels, the applicant **shall will** obtain written authorization from all property owners which shall be submitted with the **SAP** application.
5. In addition to all review processes specified in **Section 16-18B**, all **SAP** applications for proposals on or are located within 50 ft. of a building or site listed in **Table 2** shall be referred to the Director

of the Atlanta Urban Design Commission for review. The Director of the Atlanta Urban Design Commission or their designee in the Office of Design, **shall will** be required to review and approve the proposed work per the requirements set forth in **Section 16-18B.020** prior to final issuance of the **SAP** by the Office of Zoning and Development.

E. Redevelopment Requirements (Sec. 16-18B.005.)

Any property wherein 60 percent or greater of the principal building is removed or destroyed by any means **shall must** be redeveloped in accordance with the requirements of this **chapter** notwithstanding any other provisions in **Part 16, Chapter 24** to the contrary. Remodeling **shall must** not be deemed removal or destruction. Destruction made necessary by repairs, maintenance and/or remodeling **shall must** not be construed to be removal or destruction.

F. Street Framework and Sidewalks (Sec. 16-18B.006.)

The **Fort McPherson** property is bounded by a network of improved public streets including Campbellton Road along the northern edge and Lee Street that serves as the eastern boundary of the property. New public streets, private streets, and alleys **shall must** be permitted in **SPI-2**, and shall be designed to comply with Attachment **C-1, C-2 and C-3**.

Table 3: SPI 2 Sidewalk and Supplemental Zone Table

Sidewalks*		Supplemental Zone	
Street Furniture and Tree Planting Amenity Zone Minimum Width	Sidewalk Clear Zone Pedestrian Zone Minimum Width	Minimum Width	Street Trees in Street Furniture and Tree Planting Zone
5 feet	6 or 10 feet*	0 or 5 feet**	Required 30' apart on-center
Key:			
* Ten feet when located along streets which function as an arterial or collector.			
** Five feet minimum required when located adjacent to sidewalk-level ground story residential uses or located along streets which function as an arterial or collector; otherwise no supplemental zone requirement.			

G. Permitted Principal Uses and Structures (Sec. 16-18B.007.)

- See SPI-2 Use Table for permitted principal and accessory uses and special permits.
- Permitted Principal Uses:
 - A building or premise **shall must** be used only for the principal purposes as indicated with a "P" in the SPI-2 Use Table.
 - For the purposes of this Chapter, uses at sidewalk-level in what would otherwise be classified as an independent primary parking structure **shall must** not constitute principal uses.
- Accessory uses and structures.** Accessory uses and structures shall be permitted in this district and **shall must** include those customarily accessory and clearly incidental to permitted principal uses and structures, including accessory parking to serve authorized uses within the district urban gardens, and market gardens limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities all subject to the restrictions set forth in this chapter.

4. **Special Use Permits.** Special use permits shall be required as indicated with "SUP" in the SPI-2 Use Table. These uses shall be subject to the limitations and requirements set herein or elsewhere in this part, and subject to the applicable procedures and requirements set forth in Section 16-25.001 et seq.

Table 4: SPI-2 Use Table		Subarea 1	Subarea 2	Subarea 3	Subarea 4	Subarea 5
Permitted Uses						
Banks/Financial Institutions		P	P	P	P	P
Barber Shops and Beauty Shops		P	P	P	P	P
Bed and Breakfast Inn		X	P	P	X	X
Broadcast Telecommunication Towers		SUP	SUP	SUP	SUP	X
Business/Commercial Schools		P	P	P	P	P
Childcare Centers		P	P	P	P	P
Churches/Religious Facilities		P	P	P	P	P
Clubs/Lodges	5,000 sq. ft. or less	P	P	P	P	X
	> 5,000 sq. ft.	SUP	SUP	SUP	SUP	X
Commercial Recreation Establishments		P	P	P	P	P
Drive-through and drive-in facilities		P	P	X	X	X
Eating and Drinking Establishments		P	P	P	P	P
Farmers Markets		P	P	P	P	P
Hotels & Motels		P	P	X	X	P
Institutions of Higher Learning		P	P	X	X	P
Laundry/Dry Cleaning 2,500 sq. ft. or less. Otherwise prohibited		P	P	P	P	P
Market Gardens		P	P	P	P	X
Multi-family/Duplexes/Single-family dwellings		P	P	P	P	P*
Museums/Galleries/Libraries		P	P	P	P	P
Offices (other than Medical/Dental Office)		P	P	X	X	P
Medical/Dental Office		P	P	P	X	P
Outdoor amusement enterprises, entertainment, music venues, meetings or sales areas	90 days duration or less	SAP	SAP	SAP	SAP	SAP
	91 days duration or more	SUP	SUP	SUP	SUP	SUP
Park-for hire parking structures		SUP	SUP	X	X	X

Party house provided that the use shall be prohibited within 150 feet of a property zoned R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-4B, R-5, RG, MR or a property used for residential purposes measured from property line to property line	SAP	SAP	SAP	SAP	SAP
Professional/Personal Services	P	P	P	X	P
Public and Private Schools	P	P	P	P	P
Retail Establishments	P	P	P	P	P
Sales and Repair Establishments	P	P	X	X	X
Short-term rentals, subject to the regulations in Atlanta City Code section 20-1001.	P	P	P	P	P
Small discount variety stores, provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.	P	P	P	P	P
Structures/Uses for MARTA	P	P	P	P	P
Supportive Housing	X	P	P	P	P
Urban Gardens	P	P	P	P	X
Key: P=Permitted Principal Uses & Structures , SUP=Special Use Permit ,X=Not Permitted * Duplexes and single-family dwellings are prohibited in the McPherson TOD District.					

H. Development Controls Lot Standards (Sec. 16-18B.008.)

TABLE 5: Fort McPherson Development Control Table	Subarea 1: Market District	Subarea 2: Heritage District	Subarea 3: Campbellton District	Subarea 4: Western District	Subarea 5: McPherson TOD District
Non-Residential FAR (times net lot area)	4.0	3.0	3.0	3.0	4.0
Residential FAR (times gross lot area)	3.2	2.0	2.0	2.0	3.2
Facade Stepback	70'	70'	70'	70'	70'
Maximum Height Single-family residential and Duplexes	35'	35'	35'	35'	X
Maximum Height all other principal structures	120'	120' transitional height plane applies adjacent to R and PD-H districts	75'	75'	150'

Side Yard -Setback (Alleys permitted to 10' wide)	None	None except when adjacent to R districts and PD-H	7'	7'	None
Rear Yard -Setback (Alleys permitted to 10' wide)	None	None except when adjacent to R districts and PD-H	10'	10'	None

I. Minimum Open Space Requirements (Sec. 16-18B.009.)

- Each development site **shall must** provide 15 percent of public space and useable open as defined in Section 16-28.010 and 16-28.012.
- The total minimum open space required for this district **shall will** be 1,500,000 square feet. At the time of submittal of development plans the applicant **shall must** demonstrate the amount of open space outdoor associated with the development. Each **shall** development **shall must** clearly identify the amount of open space that is proposed as a component of the larger requirement.

J. Signage Signs (Sec. 16-18B.010.)

Refer to Section 16-28A.010(59). Sign Ordinance.

K. Dumpsters, Loading Areas and Entrances, Mechanical and Accessory Features, and Fences and Walls (Sec. 16-18B.011.)

- Dumpsters and loading docks **shall must** be located in the side or rear yard, **shall must** be screened from public view with opaque walls or fences a minimum of ~~six-(6)~~ **6** feet in height, and **shall must** be paved with impervious materials.
- Where provided, all loading spaces **shall must** provide vertical clearance of ~~fourteen-(14)~~ **14** feet and **shall must** not be located within the required sidewalk.
- Building mechanical and accessory features:
 - Shall Must** be located to the side or rear of the principal structure and **shall must** not be visible from the public view. Screening with plant or fence materials **shall will** be required if the equipment is otherwise visible from the public view.
 - When located on rooftops, **shall must** be incorporated in the design of the building and screened with building materials similar to the building.
 - Shall Must** not be permitted between the building and any public street.
- Barbed wire, razor wire, and chain link fencing **shall will** be prohibited
- Loading requirements.** Minimum ~~off-street on-site~~ spaces **shall must** be provided according to Table 6: **SPI-2 Fort McPherson District Loading Table**. All loading spaces **shall must** provide vertical clearance of 14 feet and shall not be located within the required sidewalk. **See section 16-18B.014(1)** for screening requirements. Reduction of loading spaces may be approved by the director of the Office of Zoning and Development subject to a shared loading arrangement that avoids conflicting loading demands.

Table 6: Fort McPherson Loading Table	Unit of Measure	Required Loading	Spaces
		12' x 35'	12' x 55'
Residential Dwellings/ Lodgings	Less than 20 units	None	None
	20 to 50 units	1	None
	51 to 200 units	2	None
	201 units and above	3	None
	Up to 10,000 sq. ft. floor area	None	None
All Other Uses	10,001 sq. ft. to 40,000 sq. ft. floor area	1	None
	40,001 sq. ft. to 100,000 sq. ft. floor area	2	None
	100,001 sq. ft. to 250,000 sq. ft. floor area	2	1
	250,001 sq. ft. to 500,000 sq. ft. floor area	2	2
	500,001 sq. ft. floor area and above	2	3

L. Driveways, Curb Cuts, Parking and Drive-Through Facilities (Sec. 16-18B.012.)

1. Driveways:

- a. Driveways are not permitted between any required sidewalk and a building, and ~~shall~~ **must** be perpendicular to any adjacent street, except for a driveway to reach the side yard or rear yard or an on-site parking facility.
- b. Notwithstanding the provisions of **subsection 16-28.006(10)** of the Atlanta Zoning Ordinance, a common or joint driveway may be authorized by the Director of the Office of Zoning and Development when adjacent lots have direct vehicular access to a street.
- c. Notwithstanding the provisions of **subsection 16-28.006(10)** of the Atlanta Zoning Ordinance, a driveway from a private street may be authorized by the Director of the Office of Zoning and Development, based on traffic considerations, when a perpetual easement agreement is agreed upon by all affected property owners and a legal copy of such agreement is provided to the Office of Zoning and Development.

2. Curb Cuts:

- a. Driveway and curb cut widths ~~shall~~ **must** be a minimum 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise authorized by the Department of Transportation.
- b. Curb cuts and driveways ~~shall~~ **will** not be permitted from any boulevard or avenue as identified in the Connect Atlanta Street Design Guide when access may be provided from a side or rear street located immediately adjacent to a contiguous property under the same ownership.
- c. No more than one curb cut ~~shall~~ **will** be permitted for each parcel provided that parcels with more than one street frontage may have one curb cut located on each street frontage.

3. Drive-through service windows and drive-in facilities ~~shall~~ must not be located between the ~~principal~~ primary structure and the street.

M. Minimum Landscaping, Barrier, and Lighting Requirements for Surface Parking Lots (Sec. 16-18B.013.)

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

1. Said parking lot requirements ~~shall~~ will apply to all lots regardless of size;
2. All parking bays ~~shall~~ must be terminated with a landscaped strip a minimum width of ~~five~~ 5 feet and equal to the length of the parking bay.
3. All required landscaped areas ~~shall~~ must be planted with evergreen groundcover or shrubs with a maximum height of 30 inches; and
4. All landscaped buffer areas and strips along sidewalks, drives, private streets and public rights-of-way ~~shall~~ must have a minimum of one tree with a minimum caliper of ~~three and one-half~~ 3 and 1/2 inches.

N. Off-Street On-Site Parking Requirements (Sec. 16-18B.014.)

This district ~~shall~~ will have no parking minimum or maximum. Parking ~~shall~~ must be demonstrated at the time of each application for development.

1. **All parking areas and structures.** All parking areas and structures ~~shall~~ must have delineated walkways at a minimum width of ~~four~~ 4 feet connecting parking to the required sidewalks and building ~~entrances~~ entry features.
2. Office uses, additional requirements:
 - a. All office developments over 100,000 square feet ~~shall~~ must reserve and designate at least ~~five~~ 5 percent of the parking spaces "Carpool Only." Such spaces ~~shall~~ must be located near the building's entrance or other preferable locations within the employee parking areas as approved by the Commissioner of the Department of Transportation; and
 - b. All new parking structures ~~shall~~ must be built to accommodate vanpool access at entry level. The minimum ceiling height for vanpools is eight feet two inches.
3. Off-site parking variations may be granted by the Office of Zoning and Development subject to evidence of a shared parking arrangement within 600 feet of the property. Said evidence of a shared parking arrangement shall include the following:
 - a. A to-scale map indicating location of proposed parking spaces; and
 - b. Written consent of property owners agreeing to the shared parking arrangement; and
 - c. Copies of current shared parking leases. Renewed leases ~~shall~~ must be filed with the Office of Zoning and Development Expiration of the parking lease or failure to file renewed parking leases within 5 days of such renewal or amendment ~~shall~~ will result in automatic revocation of

the off-site parking variation approval. Any change to the terms of the shared parking leases related to number or location of spaces **shall will** require a new off-site parking variation.

O. Bicycle Parking (Sec. 16-18B.015.)

1. Bicycle parking **shall must** be provided for each building as specified in the following **Table 8: SPI-2** Table of Bicycle Parking Requirements. Bicycle parking requirement **shall will** be calculated based on gross floor area and **shall will** be calculated separately for separate buildings.

Table 8: Table of Bicycle Parking Requirements.	Fixed Bicycle Rack Parking Spaces	Enclosed Bicycle Parking Spaces	Maximum Combined Requirement
Residential Uses			
Multifamily (less than 10 units)	1 per 5 units, 2 min.	n/a	No more than 50 spaces required
Multifamily (10 or more units)	1 per 10 units, 2 min.	1 per 10 units, 2 min.	No more than 50 spaces required
Non-residential Uses			
Offices	1 per 8,000 sf, 2 min.	1 per 8,000 sf, 2 min.	No more than 50 spaces required
All other non-residential uses	1 per 4,000 sf, 2 min.	n/a	No more than 50 spaces required

2. Fixed bicycle racks parking spaces **shall must** conform to all of the following minimum standards:
 - a. **Shall Must** not be located inside a building, but may be covered.
 - b. **Shall Must** be publicly accessible and provided with lighting at all hours.
 - c. **Shall Must** be spaced to provide clear and maneuverable access to a public street or multiuse trail without the use of stairs.
 - d. **Shall Must** be located on site or in the adjacent ~~sidewalk-furniture-zone~~ **amenity zone**.
 - e. **Shall Must** include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock.
 - f. When located on-site, **shall must** be located at least as close as the closest automobile space serving the building, except for handicapped parking spaces.
 - g. When located in the public right-of-way, **shall must** not impede ~~pedestrian use of the sidewalk~~ **the pedestrian walk zone** and **shall must** only be located within a ~~street furniture and tree-planting amenity~~ **amenity** zone a maximum distance of 100 feet of the building ~~entrance entry feature~~ **the rack is intended to serve**.
 - h. When located in the public right-of-way, **shall must** be of a type specified by the Office of Zoning and Development in coordination with the department of transportation.
 - i. When two bikes can be locked on both sides without conflict, each side can be counted as one required space.
3. Enclosed bicycle parking spaces **shall must** conform to all of the following minimum standards:

- a. ~~Shall~~ **Must** provide enclosed bicycle storage in lockers, a room within a building, or within a parking structure.
 - b. ~~Shall~~ **Must** be accessible to all building occupants and to public ~~entrances~~ **entry features** and walkways, secure, weather resistant, and provided with lighting at all hours.
 - c. ~~Shall~~ **Must** provide clear and maneuverable access to a public street or multi-use trail without the use of stairs or elevators.
4. Buildings containing over 50,000 gross square feet of office space ~~shall~~ **must** provide showering facilities, which ~~shall~~ **must** include showers and lockers, in a ratio of at least two showering facilities for every 50,000 gross square feet of office space in excess of 50,000 square feet. Said facilities ~~shall~~ **must** be available to all office tenants and their employees, provided that the number of shower facilities ~~shall~~ **must** not be required to exceed four.
 5. The Board of Zoning Adjustment is hereby empowered to waive or reduce the bicycle parking requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of bicycle parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot.

P. Standards for Historic Buildings / Sites Listed in Table 2 (Sec. 16-18B.016.)

All exterior work that requires an **SAP**, including alterations, signage, additions, renovations, and partial demolitions, on or located within 50 ft. of a building or site listed in **Table 2** to the ordinance creating this district, ~~shall~~ **must** comply with the following requirements:

1. Every reasonable effort ~~shall~~ **must** be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
2. The distinguishing original qualities or character of a building, structure or site and its environment ~~shall~~ **must** not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
4. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
5. Deteriorated architectural features ~~shall~~ **must** be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
6. Chemical or physical treatments, if appropriate, ~~shall~~ **must** be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
7. Painting of unpainted exterior masonry surfaces ~~shall~~ **will** be prohibited.

8. Contemporary design for alterations and additions to existing properties ~~shall~~ must not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
9. Wherever possible, new additions or alterations to buildings, structures or sites ~~shall~~ must be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
10. Considerations on proposed moving of structures, in whole or in part, ~~shall~~ must include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference ~~shall~~ will be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference ~~shall~~ will be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.
11. The height or width of any alteration or addition ~~shall~~ must not exceed the height or width of the existing building, and any additions shall be located to the rear of the building.
12. **Site work.** Any major alterations to the hardscape, landscape or topography ~~shall~~ must:
 - a. Maintain the spatial organization of any original open space around the building or on the site;
 - b. Not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure;
 - c. Ensure that any new grades shall meet the existing topography in a smooth transition;
 - d. Retain any existing historic circulation systems, including driveways, walkways and paths; and
 - e. Ensure that any new circulation systems and substantial reconstruction of existing circulation systems is compatible with the existing circulation systems with respect to layout, scale, materials, and topographic siting.
13. **Signage.** Signs attached to buildings listed in Table 2 to the ordinance creating this district or located within 50 ft. of a building listed in Table 2 to the ordinance creating this district ~~shall~~ must be designed in a manner that is compatible with the design, materials and general character of signage from the time period of historical significance for the structure.

DIVISION 7.3. **BUCKHEAD VILLAGE**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Scope of Provisions (Sec. 16-18I.001.)

The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the regulations in the SPI-9 Buckhead Village Special Public Interest District. These regulations ~~shall~~ will supplant existing districts or portions of existing districts as shown on the attached map referenced in section 16-18I.003; further provided however that:

1. Any zoning or special use permit conditions associated with the previous zoning for any parcel within the SPI-9 District shall continue in full force and effect. Such conditions ~~shall~~ must be incorporated as a condition of the SPI-9 zoning for such parcels. Where the SPI-9 regulations impose no standard or impose a less strict standard than that set forth in any condition incorporated from a previous zoning, the SPI-9 zoning ~~shall~~ must not be construed to have removed such condition; and
2. All existing categories of historic protection designated pursuant to Chapter 20 of Part 16 ~~shall~~ will continue in full force and effect and said existing historic protection regulations ~~shall~~ will be overlaid upon, and shall be imposed in addition to, the regulations set forth in this chapter. Whenever the following regulations are at variance with said existing historic protection regulations, the historic protection regulations shall prevail.

B. Statement of Intent (Sec. 16-18I.002.)

The intent of the council in establishing the SPI-9 Buckhead Village Special Public Interest District is as follows:

1. To encourage the redevelopment of properties within the Buckhead Village consistent with the community vision established in the City of Atlanta Comprehensive Development Plan, the 1999 Vision for the Buckhead Village, the 2001 Buckhead LCI Plan, 2005 Buckhead Village Parking & Circulation Study, and the 2007 Piedmont Area Transportation Plan;
2. To provide for a balanced mix of office, retail, commercial, residential and related uses within the SPI-9 District so as to serve the needs of the Buckhead community, surrounding residential neighborhoods, and specialty shoppers and visitors;
3. To provide for appropriate transitions from the high intensity areas along Peachtree Road to the mixed-use character of the surrounding village areas and the lower density residential neighborhoods that border the district and to prevent incompatible commercial uses and parking in residential neighborhoods;
4. To implement the community vision through the provision of specific graphic standards to provide a pleasing, cohesive urban aesthetic for the district through vibrant, quality design;
5. To ensure the safe and convenient movement of pedestrians within Buckhead Village through the provision of adequate and accommodating streetscapes and to reduce pedestrian and vehicular conflicts by providing clear delineated streetscapes for pedestrian movement;

6. To reduce auto dependency and create opportunities for increasing the use of alternative transportation modes thereby mitigating traffic congestion, noise, and other negative impacts that detract from the village and surrounding neighborhoods;
7. To increase connectivity for all transportation modes within the district and between the district and other areas;
8. To provide a cooperative means for meeting parking needs within the village;
9. To create incentives for the provision of public facilities and functional, publicly-accessible open spaces;
10. To encourage and implement environmentally-responsible development;
11. To provide a range of housing types to meet varying housing needs; and
12. To make more predictable, streamline, and expedite the permitting process for developments meeting the intent and requirements of the district regulations.

C. Boundaries of the District Established (Sec. 16-18I.003)

The boundaries of the SPI-9 Buckhead Village Special Public Interest District are shown on map Attachment A which by this reference is incorporated into and made part of this chapter and this part. The Buckhead Village Special Public Interest District is divided into four subareas as is shown on said Map Attachment A. The subareas are described as follows:

1. Subarea 1: Core Village;
2. Subarea 2: Corridor Areas;
3. Subarea 3: Extended Village;
4. Subarea 4: Peachtree/Piedmont.

D. Graphic Appendix and Standards (Sec. 16-18I.004.)

The SPI-9 Buckhead Village Special Public Interest Graphic Appendix and Standards are hereby adopted and made part of this ordinance and ~~shall~~ will apply to property in the SPI-9 District. In cases of a conflict between the ~~Design Standards~~ Building Standards and the text of this section, the text of this section shall govern.

E. Application Procedures and Permits (Sec. 16-18I.005)

1. Special administrative permit (SAP) application:
 - a. An SAP application and a specified number of copies each of a site plan, landscape plan, and elevation drawings of each exterior facade shall be submitted, as applicable, and approved by the director of the office of planning prior to an applicant filing for a building permit. All exterior demolition, new construction (including additions to existing buildings), modifications of outdoor dining, or any construction which results in increased lot coverage, modification of the building footprint, or modification of building facades that alters the configuration of openings at sidewalk-level, shall be subject to said SAP approval.

- b. An applicant shall arrange a conference to discuss the application and the requirements of this chapter with the director or their designee either prior or subsequent to SAP submittal provided that such meeting shall be held within 14 days of the date of the request by the applicant, unless a longer period is mutually agreed upon. All SAP applications shall be processed in accordance with the standards and procedures applicable to SAP applications contained in section 16-25 except as otherwise modified by this Chapter 18I.
 - c. Where regulations require the approval of an SAP for purposes other than those so specified, processing by the director of the office of planning or the director's designee shall include consideration of other special administrative permits, without additional application. Where regulations require variance, special exception, rezoning, or special use permit action, the SAP for building permit purposes shall not be issued until the necessary approval has been obtained for such action.
- 2. Reserved.
- 3. **Administrative variations.** As part of general action when plans require approval of an SAP, the director of the office of planning or the director's designee may authorize variations from regulations generally applying based on written findings, to be filed as a public record, that either:
 - a. A plan proposed by an applicant, while not strictly in accordance with regulations applying generally within the district, satisfies the public purposes and intent of such regulations, and provides public protection to an equivalent or greater degree than strict enforcement of such regulations would provide; or
 - b. In the particular circumstances of the case, strict application of a particular regulation or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at that time or in the future.
- 4. **Variances and special exceptions.** Administrative variations shall not be authorized to be granted for any of the following requirements, whereas instead, such relief shall only be authorized by action of the Board of Zoning Adjustment (BZA):
 - a. A reduction of required transitional height planes or transitional yards where the boundaries of SPI-9 adjoin any residential district outside of SPI-9 without an intervening street;
 - b. A reduction of open space requirements as specified in these SPI-9 regulations;
 - c. A reduction of public access or public spaces as specified in these SPI-9 regulations; and
 - d. An increase of the maximum height as specified in these SPI-9 regulations.
- 5. **Floor area ratio and the application of bonuses.** The FAR for each parcel within SPI-9 shall be as depicted on Map Attachment A except where modified by any zoning or special use permit condition. Where the Official Zoning Map would allow FAR different than the FAR shown on Map Attachment A, the FAR shown on Map Attachment A shall control provided, however, that Map Attachment A shall not control any zoning or special use permit condition. The FAR allowed in SPI-9 may be increased by the application of bonuses as set forth in these regulations provided, however, that amendments to the Official Zoning Map allowing a parcel additional FAR above the existing FAR for that parcel by the application of such bonuses shall be made in as set forth in section 16-27.001 et seq. for a change in condition of zoning with the following modifications:

- a. The application shall include calculations showing the current permitted FAR and the proposed FAR and the type of bonus which is to be applied to increase the FAR to the proposed level;
- b. The impact analysis for the proposed increase in FAR by this change of condition with respect to each of the matters enumerated in section 1627.004 shall discuss the effect of the increased FAR rather than the impact which would be associated with proposed change in a zoning classification; and
- c. The public notice issued pursuant to 16-27.007 shall include existing FAR, proposed FAR, the proposed maximum allowable FAR and the type of bonus which is to be applied to allow the increase of FAR to the proposed level.

F. Definitions (Sec. 16-18I.006.)

Words or phrases used herein shall be defined, and requirements, restriction or limitations applied as provided in Chapter 16-29, except the following words, terms and phrases which, when used this Chapter 16-18I. ~~shall~~ must have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

1. **Sidewalk-level Ground Story.** Any finished ~~floor-level ground story~~ within ~~eight~~ 8 vertical feet of the adjacent required sidewalk or provided ~~supplemental zone~~ or the closest finished ~~floor-level ground story~~ if none is within ~~eight~~ 8 vertical feet of the required sidewalk. See Figure 1 of SPI-9 Graphic Appendix and Standards.
3. **Net lot area (NLA).** Net lot area ~~shall~~ will be as defined in section 16-28.007(2)(a) at the time of such original ~~SAP~~ application or prior to any public dedication of land made in accordance with Chapter 16-18S.
4. **Gross lot area (GLA).** Gross lot area ~~shall~~ will be defined as provided in section 1628.007(2)(b).
5. **Density bonus.** A provision that allows a ~~parcel~~ lot to accommodate additional square footage beyond the maximum otherwise permitted in exchange for the provision of a specified amenity that provides a public benefit.
6. **Public art display.** A public art display is an object permitted to be erected or displayed as set forth in section 16-28.025 of the Zoning Code and the space within and immediately surrounding such object.
7. **Public-space Outdoor Amenity Space.** ~~Public-space Outdoor amenity space shall~~ will be defined as provided in section 16-28.012(2) and amended by the following:
 - a. Interior spaces ~~shall~~ will not be counted as public space in this SPI-9; and
 - b. Public space shall be visible and accessible from the public right-of-way and either:
 - i. Provide independent greenspace within the district; or
 - ii. Provide a portion of an inter-connected and continuous network of pedestrian-oriented paths, greenways or trails within and adjacent to the SPI-9 district.
8. **Area-wide stormwater management facility.** Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of one or

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several individual properties may assist in the financing of the facility, and the requirement for individual on-site controls is either eliminated or reduced.

9. **Director.** The Director of the City of Atlanta's Office of Planning or the Director's designee.
10. **Useable open space.** The required useable open space for a development ~~shall~~ **must** be calculated on a percentage of either the net lot area or gross lot area as applicable to the subject development project as specified in **section 16.18I.012** and such useable open space may be located within the land area of any public dedication of land made in accordance with either **Chapter 16-18S** or this **chapter**. ~~Useable open space- outdoor amenity space shall~~ **must** be defined as provided in **section 1628.010(5)(a)** as amended by the following:
 - a. Any balconies above ~~sidewalk-level ground story shall~~ **must** not be included as useable open space in this **SPI-9** and
 - b. Amenity zone area(s) ~~shall~~ **must** not be included for as useable open space unless located within the net lot area.
 - c. The following ~~shall~~ **must** be included for the purpose of useable open space calculations in this **SPI-9**:
 - i. Any public art display or water features at ~~sidewalk-level ground story~~ which are accessible and visible from the public right-of-way;
 - ii. Portions of roofs that are green and/or vegetated;
 - iii. The ~~walk-zone pedestrian zone~~ and **supplemental zone area(s)** if such areas are accessible to the public and designed consistent with the standards of the **SPI-9 district** (see **Graphic Appendix and Standards**); and
 - iv. Stormwater management facilities only if designed and improved as an amenity, subject to approval of the Director.

G. Permitted Principal Uses and Structures (Sec. 16-18I.007.)

1. **Permitted principal uses and special permits.** See SPI-9 Buckhead Village Table of Uses for permitted principal uses and special permits.
2. **Permitted principal uses.** A building or premises ~~shall~~ **mus** be used only for the principal purposes as indicated with a "P" in SPI-9 Buckhead Village Table of Uses.
3. **Special permits.** The following uses are permissible only by special permits of the type indicated subject to limitations and requirements set herein or elsewhere in this part, and subject to the applicable procedures and requirements set forth in section 16-25.001, et seq.
 - a. Special use permits ~~shall~~ **mus** be required as indicated with "SUP" in the SPI-9 Buckhead Village Table of Uses.
 - b. Special administrative permits ~~shall~~ **mus** be required as indicated with "SAP" in the SPI-9 Buckhead Village Table of Uses.
 - c. Prohibited uses are indicated with 'X' in the SPI-9 Buckhead Village Table of Uses.

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SPI-9 Buckhead Village Table of Uses					
Uses	Subarea 1	Subarea 2	Subarea 3	Subarea 4	Active Ground Story Uses (see 16-18I.007.6)
Commercial & Retail					
Barbershops, beauty shops, and similar personal service establishments.	P	P	P	P	Yes
Catering establishments, delicatessens, and bakeries.	P	P	X	X	Yes
Eating and drinking establishments as defined in 16-29.001(5) including those establishments which operate as another use under Chapter 10 of the City Code (Alcoholic Beverages) except when defined as a Nightclub.	P	P	P	P	Yes
Laundry and dry cleaning establishments where equipment is operated by customers and collection stations.	P	P	P	P	Yes
Plumbing, air conditioning service and repair establishments for home appliances, bicycles, lawn mowers, and similar devices and shoes, clocks, watches and similar articles.	P	P	P	P	Yes
Professional or personal service establishments, but not hiring halls.	P	P	P	P	Yes
Retail establishments, including catering establishments, delicatessens and bakeries with wholesale operations.	P	P	P	P	Yes
Sales and leasing for new and used cars and other motorized vehicle sales such as mopeds, motorcycles, and bicycles.	P	P	P	P	Yes
Servicing and repairing new vehicles, and dealing in their disposal, servicing or repairing of used vehicles in connection therewith and all located on the same site.	P	P	P	X	No
Small Discount Variety Stores, provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.	P	P	P	P	Yes

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Tailoring, custom dressmaking, millinery and similar establishments.	P	P	P	P	Yes
Education & Child Care					
Business or commercial schools.	SUP	SUP	SUP	SUP	Yes
Child care centers, day care centers, pre-kindergartens, kindergartens, play and other special schools for young children.	P	P	P	P	Yes
Colleges and universities, other than trade schools, business colleges and similar uses.	SUP	SUP	SUP	SUP	Yes
Public schools or private schools having similar academic curricula and special schools for exceptional children.	X	SUP	SUP	X	Yes
Institutional					
Banks, savings and loan associations, and similar financial institutions.	P	P	P	P	Yes
Cemeteries and mausoleums.	X	X	SUP	X	No
Churches, synagogues, temples, mosques and other religious worship.	SUP	SUP	SUP	SUP	Yes
Mortuary and funeral homes.	P	P	SUP	P	No
Museums, galleries, auditoriums, libraries and similar cultural facilities.	SUP	SUP	SUP	SUP	Yes
Medical & Health					
Nursing homes, assisted living facilities, rehabilitation centers and personal care homes.	SUP	SUP	SUP	SUP	No
Clinics and laboratories but not blood donor stations except at hospitals.	P	P	P	P	Yes
Veterinary clinic provided within soundproof buildings if located within 300 feet of any residential use.	P	P	P	P	NO
Offices					
Offices, studios, and similar uses.	P	P	P	P	Yes
Recreation & Entertainment					
Clubs or lodges.	SUP	SUP	SUP	SUP	Yes
Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly, and similar uses, with primary activities conducted within fully enclosed buildings.	SUP	SUP	SUP	SUP	Yes

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Farmers' market	SAP	SAP	SAP	SAP	
Market garden	P	P	P	P	
Nightclubs as defined under Chapter 10 of the City Code.	SUP	SUP	X	SUP	No
Outdoor amusement enterprises, exhibits, entertainment, meetings, displays, or sales area, or outdoor areas for religious ceremonies. Less than 90 days duration.	SAP	SAP	SAP	SAP	Not applicable
Outdoor amusement enterprises, exhibits, entertainment, meetings, displays, or sales area, or outdoor areas for religious ceremonies 90 days or more days duration.	SUP	SUP	SUP	SUP	Not applicable
Parks, playgrounds and community centers.	P	P	P	P	Yes
Party houses provided that the use shall be prohibited within 150 feet of a property zoned R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-4B, R-5, RG, MR or a property used for residential purposes measured from property line to property line	SAP	SAP	SAP	SAP	
Poolrooms, billiard parlors, amusement arcades.	SUP	SUP	SUP	SUP	Yes
Urban garden	P	P	P	P	
Residential Dwellings & Lodgings					
Continuing care retirement communities as defined in Section 16-29.001(16)(b).	SUP	SUP	SUP	SUP	Yes
Hotels, motels.	P	P	SUP	P	Only hotel lobbies, business centers and fitness centers
Multi- unit family dwellings, two- unit family dwellings and single- unit family dwellings.	P	P	P	P	Only if multi- unit family dwellings
Supportive housing.	P	P	P	P	No
Shelter	SUP	SUP	SUP	SUP	No
Short-term rentals, subject to the regulations in Atlanta City Code section 20-1001.	P	P	P	P	
Transportation & Parking					
Helicopter landing facilities or pickup or delivery stations.	SUP	SUP	X	SUP	No
Parking structures (not surface parking lots)	P	P	P	P	No

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Structures and uses required for operation of public transit but not rail yards, switching or maintenance shops as the primary purpose.	P	P	P	P	No
Utilities					
Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, and new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k) and, alternative design mounting structures unless specified otherwise.	SAP	SAP	SAP/X (No alternative design mounting structures as contemplated in Sec. 16-25.002(3)(i)(iv)(i))	SAP/X (No alternative design mounting structures as contemplated in Sec. 16-25.002(3)(i)(iv)(i))	No
Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k) .	SUP	SUP	SUP	SUP	No
Structures and uses required for operation of a public utility but not including uses involving storage, warehousing, or maintenance shop as the primary purpose.	P	P	P	P	No

4. **Prohibited uses.** Any principal use and structure not specifically listed in the SPI-9 Buckhead Village Table of Uses is prohibited in this district. The director is authorized to determine the classification of a use listed in this district where such use is combined with another use or the classification of the use does not meet an applicable definition. Additionally:
 - a. Surface parking lots as defined in **section 16-29.001(34)** are a prohibited principal use within the district.
 - b. No use or manner of operation **shall will** be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television communication, or is otherwise incompatible with the character of the district and its relation to adjoining districts.
5. **Supplemental use regulations.** The following uses **shall must** be subject to further restrictions as contained herein:
 - a. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment shall be permitted when located on subterranean levels, the second floor above sidewalk-level or higher, or on sidewalk-level where the minimum active use depth as specified in **section 16-18.017.4** is provided.
 - b. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes **shall must** not be located between the principal structure and the street.

6. Active sidewalk-level uses are required along all Type 1, 2, and 3 street frontages within Subareas 1, 2, and 4 and **shall must** have entrances opening directly either onto the sidewalk, the supplemental zone or a public space connected to the sidewalk adjacent to the street. Also, see **sections 16-18I.015 and 16-18I.017.4.**

H. Permitted Accessory Uses and Structures (Sec. 16-18I.008.)

1. Accessory uses and structures permitted within this district **shall will** include those customarily accessory and clearly incidental to permitted principal uses and structures and **shall will** specifically include clubhouses, pools and other recreation amenities, child care facilities, greenhouses and storage and parking to serve authorized residential and nonresidential uses within the district subject to the restrictions contained in section 1618I.026 and elsewhere in this chapter. No use which would not be permitted as a principal use **shall will** be allowed as an accessory use, provided however that stormwater management structures approved by the Department of Watershed Management **shall will** be permitted.

I. Sec. 16-18I.009. Special permits.

1. The following uses are permissible only by special permits of the kinds indicated, subject to any conditions of approval of such special permit and to any additional limitations and requirements set forth herein or elsewhere in this part, subject to the procedures and requirements set forth in **sections 16-25.001, et seq.**
2. Special use permits:
 - a. As shown in the SPI-9 Buckhead Village Table of Uses, see **section 16-18I.007** and as follows:
 - b. **Transfer of development rights.** See Figure 2 of the SPI-9 Graphic Appendix and Standards. Transfer of development rights **shall will** be permissible pursuant to a special use permit or other future method as designated by the City of Atlanta. For purposes of application of this subsection to **section 16-28.023**, properties **shall will** be deemed to be closely proximate if both lie within the SPI 9 District. Transfer of development rights within SPI-9 is permissible provided each of the following criteria are met in addition to those set forth in **section 16-28.023:**
 - i. Properties designated as sending areas within SPI-9 may transfer development rights to properties that are designated as receiving areas within SPI-9 as shown on Map Attachment C. See also section 16-18I.012;
 - ii. Properties sending development rights are limited to transferring no more than 50 percent of their maximum FAR without bonuses as displayed on Map Attachment A;
 - iii. The total height of buildings on receiving properties **shall must** not exceed the maximum building height permitted in said subarea unless granted a separate special exception. See **section 16-18I.012.**
 - c. Changes to a site plan which were established under an existing SUP **shall will** be permitted through an SAP as a minor site plan amendment provided that no other condition of the existing SUP is violated by such change.

J. Redevelopment Requirements and Exemptions (Sec. 16-18I.010.)

Any property wherein the principal building is removed or destroyed by any means to an extent of more than 60 percent of the replacement cost at the time of destruction or removal ~~shall~~ **must** be redeveloped in accordance with the requirements of this **chapter** and any paving or other accessory structure elements within any required ~~transitional yard transitions and screening~~ **shall must** be removed and buffers provided as required herein, notwithstanding any other provision in **Part 16** to the contrary.

Exemptions. The following activities ~~shall~~ **must** be exempt from requirements of sections **1618I.015**, **16-18I.016** and **16-18I.017** of this **chapter**:

1. Interior renovations or exterior repairs; and
2. Renovation and/or expansion of an existing building that increases the floor area by no more than the lesser of 8,000 square feet or 40 percent of the existing floor area of the existing building(s) on the subject parcel unless said renovation and/or expansion seeks to permanently modify the existing sidewalk or **supplemental** zone and/or pedestrian access from the public right-of-way.

K. Transitional Height Planes, ~~Yards~~ **Transitions and Screening** (Sec. 16-18I.011.)

1. Transitional height planes:
 - a. No portion of any structure ~~shall~~ **will** protrude through a height limiting plane beginning the specified number of feet above the point set forth in **subsection 16-18I.011(1)(b)** below and extending inward over the **SPI-9** district at an angle of 45 degrees. The following districts ~~shall~~ **will** be considered "protected districts" for purposes of this **section 16-18I.011(1)**:
 - i. **R-1 through R-5**;
 - ii. **RG-1 and RG-2**;
 - iii. **MR-1, MR-2, and MR-MU**; and
 - iv. **Landmark, Historic, PD, and SPI** districts and district subareas having uses and densities predominantly similar to those permitted in the district classifications listed in subsections **(i) through (iii)** above.
 - b. Proximity to districts and measurement applications:
 - i. For ~~parcels~~ **lots** in an **SPI-9** district that are contiguous to a protected district, the transitional height plane ~~shall~~ **must** be measured beginning 35 feet above the required **SPI-9** setback or ~~transitional yard- transition~~ landscaping adjoining the common property line with such protected district.
 - ii. For ~~parcels~~ **lots** in an **SPI-9** district that are not contiguous to but are within 150 feet of a protected district, the transitional height plane ~~shall~~ **must** be measured beginning 15 feet above the nearest lot line of the protected district, provided this transitional height plane ~~shall~~ **must** not extend more than 150 linear feet (measured along the ground) from the protected district up to and into the **SPI-9** district. (See diagrams at **section 16-29.001(62)**.)

- c. The purpose and intent of this provision is to provide protection for the named protected districts from nearby looming structures regardless of the presence of an intervening public right-of-way or park or space, public or private street or alley, or any lot ~~or parcel~~ remnant.
 - d. Transitional height plane measurements ~~shall~~ must be applied to ~~parcels~~ lotson a point-by-point basis and not average grade.
2. **Transitional yards landscaping and screening Transitions and screening.** Where properties within ~~SPI-9~~ adjoin an R-1 through R-5 district or R-G district that is outside of ~~SPI-9~~ without an intervening street or where ~~within this SPI-9~~ district the FAR of the adjacent property as depicted on ~~Map Attachment A~~ is less than 1.0 and existing structures on such adjacent property are less than 35 feet in height and the proposed development is proposed at taller than 65 feet:
- a. **Transitional yard Transition landscaping.** The applicable ~~transitional yard(s) transition~~ landscaping ~~shall~~ must be a minimum of 20 feet in depth, however, for lots greater than 200 feet in depth the rear yard ~~shall~~ must be a minimum of ~~ten~~ 10 percent the depth of the lot up to a maximum of 35 feet. Said ~~transitional yard(s) transitions~~ ~~shall~~ must not be paved or used for the purpose of parking, paving, loading, servicing or storage activity and ~~shall~~ must be planted and/or maintained in a natural landscaped state except where additional screening ~~shall~~ must be required.
 - b. **Screening.** Screening elements ~~shall~~ must be provided either via:
 - i. A permanent opaque fence or wall not less than ~~six~~ 6 feet in height to be provided and maintained in sound and sightly condition; or
 - ii. A landscaped buffer meeting all the following criteria:
 - a) The buffer ~~shall~~ must contain a minimum five-foot tall berm at 3 to 1 slope;
 - b) The berm shall be planted with three staggered rows of evergreen trees planted ten feet on center each at a minimum of ~~eight~~ 8 feet in height at the time of planting; and
 - c) Sufficient groundcover ~~shall~~ must be planted to prevent erosion and maintain the stability of the berm.

L. Development Controls Lot Standards (Sec. 16-18I.012.)

See SPI-9 Buckhead Village: ~~Development Controls Lot Standards~~ Table for Bulk Limitations, Yard Requirements, ~~Open Space Requirements Outdoor Amenity Space~~ Requirements and other requirements subject to the sections ~~1~~ through ~~7~~ below:

Maximum Setback from back of required Sidewalk ¹	
Type 1- Street	25 feet
Type 2- Street	25 feet
Type 3- Street	20 feet
Type 4- Street	10 feet

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Subarea 1 1	Subarea 2 2	Subarea 3 3	Subarea 4 4
According to Map Attachment A			
8.2	5.0 for mixed use buildings 3.0 for single-use buildings	5.0 for mixed use buildings 3.0 for single-use buildings	5.0
Properties designated as sending areas as shown on Map Attachment C with excess allowable floor area available may transfer floor area to properties designated as receiving areas as shown on Map Attachment C pursuant to section 16-18I.009 .			Not permitted
20 percent of Net Lot Area or Gross Lot Area, as applicable, is required for any parcel over 1 acre. Otherwise, no useable open-space outdoor amenity space requirements.	25 percent of Net Lot Area or Gross Lot Area, as applicable, is required for any parcel over 1 acre. Otherwise, no useable open-space outdoor amenity space requirements.	20 percent of Net Lot Area or Gross Lot Area, as applicable, is required for any parcel over 1 acre. Otherwise, no useable open-space outdoor amenity space requirements.	
10 percent of Net Lot Area for any parcel over 1 acre. Otherwise, no useable open-space outdoor amenity space requirements.			
225 feet	150 feet	150 feet	225 feet

1. Useable open space requirement (UOSR): Requirement:
 - a. For all non-residential uses, mixed-use buildings and proposed developments utilizing bonuses as provided in **section 18-18I.013** or transfer of development rights, UOSR requirements ~~shall will~~ be calculated utilizing net lot area (NLA).
 - b. For residential uses not utilizing bonuses as provided in **section 1618I.013** or a transfer of development rights, UOSR requirements ~~shall will~~ be calculated utilizing gross lot area (GLA).
 - c. For all uses, a minimum of 50 percent of the UOSR requirements ~~shall will~~ be public space as defined in **section 1618I.006** with such public space having ~~two~~ **2** or more points of entry from adjacent sidewalks and surrounding buildings. Also, see **Figure 4 of the SPI-9 Graphic Appendix and Standards** for public space character examples.
2. **New streets incentive.** New public streets and private streets that function as public streets (See **section 16.18I.014**) may be counted towards UOSR and public space requirements provided they conform to the Connect Atlanta Plan and all of the following criteria are met:

- a. Right-of-way and design of the new street shall meet applicable requirements of provided in **sections 16-18I.014 and 16-18I.015 as shown in the SPI-9 Graphic Appendix** and Standards; and
- b. No gates or other physical obstructions shall be permitted preventing access to such streets.
- 3. **On-street parking incentive.** New on-street parking may be counted towards UOSR requirements and public space requirements provided all of the following criteria are met:
 - a. No on-street parking currently exists in the public right-of-way adjacent to the project area for which credit is sought;
 - b. New on-street parking is located where there is no existing street lane;
 - c. New on-street parking occupies more than 60 percent of an entire block face or a minimum distance of 200 feet for **parcels lots** that occupy more than 300 feet of street frontage;
 - d. Sidewalk bulb outs are provided at street intersections; and
 - e. All other sidewalk requirements of this chapter are met.
- 4. **Additional open space incentive.** Useable open space, meeting the definition of public space as provided in **section 16-18I.006** in excess of the required UOSR requirements may be eligible for a density bonus as provided in **section 16-18I.013**.
- 5. **Relocation of open space.** Up to 50 percent of UOSR requirements for residential uses and up to 80 percent of UOSR requirements required for non-residential uses may be relocated to an off-site **parcel** lot as follows:
 - a. UOSR requirements within Subarea 1 **shall must** only be transferred to another **parcel** lot within Subarea 1 or Subarea 3.
 - b. Within Subareas 2, 3, and 4, UOSR requirements may be transferred to a **parcel lot** within Subarea 3.
 - c. For all UOSR requirements transfers all of the following criteria **shall must** be met:
 - i. The receiving **parcel must** contain the amount of open space required for any development of the receiving **parcel lot** in addition to the transferred amount of UOSR requirements, not including areas that reduce its utility for public access, recreation, and enjoyment such as excessive slopes over 15 percent;
 - ii. The receiving **parcel lot** is owned and maintained either by a public agency, private property owner, or by a private property owners association and a copy of a valid maintenance agreement submitted to the Director indicating the property owner and responsible party for the continuous maintenance of the open space;
 - iii. The open space in the receiving **parcel lot**:
 - a) **Shall Must** be accessible to the public during normal city park hours;
 - b) **Shall Must** be no greater than 24 inches above or below the adjacent public sidewalk for a minimum distance of 15 feet from the adjacent sidewalk;

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- c) ~~Shall~~ **Must** be located, visible from and accessible (having no walls, fences, or other vertical obstructions) along a minimum of 60 percent of any adjacent sidewalk; and
 - d) ~~Shall~~ **Must** permit and encourage pedestrian access on a minimum of 60 percent of the surface of the open space including landscaped areas, fountains, pedestrian furniture, public art, and similar elements which are specifically listed in the application.
6. **Area-wide stormwater management facility incentive.** The owner of property upon which an area-wide stormwater management facility is constructed may be eligible for **GFA** bonus credit, as provided in **section 16-18I.13** provided that:
- a. Said facility is located, designed and maintained in accordance with the requirements of the City of Atlanta Department of Watershed Management and the Georgia Environmental Protection Division and part of a stormwater management plan approved by the department of watershed management that includes each land development project being served by such facility;
 - b. Said facility serves as the stormwater detention/retention area for at least ~~two~~ **2** acres in the same drainage basin and is designed to provide a level of stormwater quantity and quality control that is equal to or greater than the stormwater quantity and quality control that would be afforded by separate on-site facilities;
 - c. The developer of said facility provides the director with written agreements that any property which could reasonably be served by the facility will be allowed access; and
 - d. Said facility either landscaped and integrated with adjacent useable open space that provide public amenities as approved by the Director or not visible from any public right-of-way.
8. **LEED Certification (or similar) incentive.** To receive a density bonus for LEED Certification or similar, as provided in **section 16-18I.013** the applicant ~~shall~~ **must** submit for approval appropriate documentation prepared by a certified professional that the project, if constructed as proposed, achieves a minimum level of LEED Silver or equivalent standard as adopted by the City of Atlanta.

M. Density Bonus (Sec. 16-18I.013.)

1. **Floor area ratio (FAR) bonuses.** The maximum allowable floor area ratio (FAR) of a development on a ~~parcel~~ **lot** located within the **SPI-9 Buckhead Village District** may be increased in exchange for one or more of the additional amenities as provided in the SPI-9 Buckhead Village: FAR Bonus Table. See **Figure 5** of the **SPI-9 Graphic Appendix and Standards for an illustration of FAR.**

Buckhead Village: FAR Bonus Table	
Amenities	FAR Bonus
Mixed-use development in Subareas 1, 2 & 4 including residential uses at a min. of 50 percent residential floor area. See Figures 6 & 7 of the SPI-9 Graphic Appendix & Standards.	0.5 FAR
Mixed-use development in Subarea 3 including residential uses at a min. of 75 percent residential floor area. See Figures 6 & 7 of the SPI-9 Graphic Appendix & Standards.	0.5 FAR

Increased useable open space (UOSR) that is a min. of 2,000 square feet of floor area meeting the definition of public space as provided in section 16-181.006 and the standards of section 16-181.012.1 & 5.	Additional 0.2 FAR for each 1% of lot area in qualifying public space in excess of the min. Public space required to a maximum of 1.0 FAR. Credit may be earned for additional public space contiguous to the development parcel to a maximum distance of 1,200 feet from the parcel either constructed or prioritized within any City adopted Buckhead Village Area Open Space and Public Improvements Plan .
Structured Parking utilized at least in part with a shared parking arrangement(s) in accordance with section 16-181.023(5).	0.5 FAR
LEED Certification (or similar)—Silver or an equivalent level using other similar rating system as adopted by the City of Atlanta. See section 16-181.012.7.	0.5 FAR for non-residential and mixed-use buildings. 1.0 FAR for multi-family residential only buildings.

2. Additional GFA Bonus. To encourage public dedication of right-of-way and construction of streets, multi-use paths, public art displays, and other improvements, the property owner shall be entitled to additional gross floor area (GFA), in addition to that otherwise allowed in accordance with the SPI-9 Buckhead Village: GFA Bonus Table.

Buckhead Village: GFA Bonus Table	
Publicly-Dedicated or Accessible Improvement	GFA Bonus
Connectivity improvements. New streets as described in section 16-181.012.2 and meeting the standards of section 16-181.014.	GFA equal to 5 times the square footage improved and/or dedicated.
Public Art Displays that are privately owned and permanently maintained	Shall be counted as 15,000 sq. ft. toward the required public space calculation.
Museums, galleries, auditoriums, libraries and similar cultural facilities with a minimum size of 2,500 square feet.	GFA equal to 2 times the square footage of the facility provided.
Child care facilities (open to the public) with a minimum size of 2,500 square feet.	GFA equal to 2 times the square footage of the facility provided.
Area-wide stormwater management facility meeting the standards of section 16-181.012.6.	GFA equal to 4 times the square footage dedicated and/or improved.

3. For sites meeting the requirements of this [chapter](#) for a FAR bonus or Bonus GFA, as-built drawings of the improvements meriting the award of bonus GFA or FAR, ~~shall~~ **must** be attached to the final plat or approved development plan for the property and recorded with the property deed by the Office of the Clerk of Superior Court of Fulton County. The density bonus ~~shall~~ **must** be specific to the development for which it was initially conferred. Failure to build the structure or meet the condition which formed the basis for the granting of the bonus ~~shall~~ **will** authorize withholding or revoking the certificate of occupancy for the amount of FAR associated with such bonus until such time as the structure is completed or the condition satisfied. Failure to maintain the property or improvements meriting of the award of the bonus GFA or FAR is enforceable in the same manner as other zoning conditions.
4. Land dedicated to the city pursuant to these bonuses ~~shall~~ **will** be deemed part of the area of the parcel from which it was subdivided when computing maximum allowable FAR and GFA for a development.

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5. In no case may the total GFA of a development, including all bonuses earned in **Section 16-18I.013**, result in development that exceeds the maximum FAR or maximum building height allowable for the applicable **subarea** subdistrict per the **SPI-9 Buckhead Village: Development Controls- Lot Standards** Table of **Section 16-18I.012**. Also, see Figure 5 of the SPI-9 Graphic Appendix and Standards.

N. Roadways (Sec. 16-18I.014.)

The following regulations **shall will** apply to all new roadways within **SPI-9**:

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

O. Sidewalks Streetscapes (Sec. 16-18I.015.)

Public **streetscapes shall must** be located along all public streets and **shall must** consist of two zones: an amenity zone and a **pedestrian** zone. Public **streetscapes** shall have minimum widths as specified by street type (as shown on **Map Attachment B**) in the **SPI-9 Buckhead Village: Streetscape Regulations Table** below. See also Figures 10 through 15 of the SPI-9 Graphic Appendix and Standards.

Buckhead Village: Streetscape Regulations Table					
Street Type		1	2	3	4
Amenity Zone min. width		7 feet	7 feet with bicycle lane 5 feet without bicycle lane ¹	5 feet	4 feet
Pedestrian Zone Walk-Zone min. width ²		13 feet	10 feet	10 feet	6 feet
Supplemental Zone min. width		5 feet	Varies ³	Varies ³	Varies ³
Street Tree Planting Standards		40 feet on center		30 feet on center	60 feet on center
Pedestrian Lighting	Spacing	Maximum 40 feet on center		Maximum 60 feet on center	
	Type	Alternating Atlanta type "A" and Atlanta type "C"		Alternating Atlanta type "A" and Atlanta type "C"	
¹ Bicycle lanes are required on Piedmont Road south of Peachtree Street.					
² For properties less than 100 feet in depth see section 16-18I.016.4					
³ See section 16-18I.016(3).					

The following regulations **shall will** also apply to all public sidewalks:

1. **Amenity zone requirements.** The amenity zone ~~shall~~ **must** be located immediately adjacent to the curb; with such width being measured from back (building side) of curb to the pedestrian walk zone. Minimum width shall be as specified for the applicable street type. This zone is reserved for the placement of street trees and street furniture including utility and light poles, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, ~~shall~~ **must** be of a type specified by the Director in accordance with uniform design standards for placement of such objects in the public right-of-way.
2. **Pedestrian zone requirements.** The pedestrian zone ~~shall~~ **must** be located immediately contiguous to the amenity zone and ~~shall~~ **must** be a continuous hardscape for a minimum width as specified for the applicable street type, with a consistent cross-slope not exceeding ~~two~~ **2** percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, ~~shall~~ **will** be placed above ground in the pedestrian walk zone for a minimum height of ~~eight~~ **8** feet (see also section 16-18.016).
3. **Paving.** All sidewalk paving ~~shall~~ **must** be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk pedestrian zone **areas**, ~~shall~~ **must** be retained as part of any new development or replaced with materials that match in size, shape, and color.
4. **Street tree planting requirements.** Street trees are required and ~~shall~~ **must** be planted in the ground within the amenity zone and spaced an equal distance between street lights. All newly planted trees ~~shall~~ **must** be single-stemmed at a minimum of ~~three~~ **3** inches in caliper (measured 36 inches above ground), ~~shall~~ **must** be a minimum of 12 feet in height at the time of planting and ~~shall~~ **must** be limbed up to a minimum height of ~~seven~~ **7** feet. Tree planting areas ~~shall~~ **must** be a minimum of 40 square feet planted with evergreen ground cover such as mondo grass or liriop spicata. All tree plantings, replacement and removal ~~shall~~ **must** be approved by the City Arborist.
5. Pedestrian and street lights, where required, ~~shall~~ **must** be placed equidistant between required street trees within the amenity zone. Lighting placement intervals ~~shall~~ **must** be as specified for the applicable street type. See Figure 17 of the SPI-9 Graphic Appendix and Standards for lighting types and examples.
6. **Objects in the amenity zone.** Trash receptacles, benches, bicycle racks, directional signage, or other similar elements ~~shall~~ **must** be placed within the amenity zone and be a type specified by the Director in accordance with uniform design standards for placement of such objects in the public right-of-way. See Figure 16 of the SPI-9 Graphic Appendix and Standards for character examples. Overhead elements such as awnings, canopies or similar elements ~~shall~~ **will** be prohibited within the amenity zone.
7. **Visibility at intersections.** Nothing ~~shall~~ **must** be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections, as measured from the curb, between the heights of ~~two and one-half~~ **2 and ½** feet and ~~eight~~ **8** feet above grade. See section 16-28.008(9), visibility at intersections.
8. **Overhead utilities.** Upon development or redevelopment of a parcel lot reasonable efforts ~~shall~~ **must** be made to place utilities underground or to the rear of structures where they are least visible from public streets and sidewalks.

9. For properties less than 100 feet in depth from a public street to the opposing lot.

P. Supplemental Zone (Sec. 16-18I.016.)

For purposes of these regulations, the area between any building, parking lot or parking structure and the back of the required sidewalk when no intervening building exists shall will be defined as the **supplemental** zone. The supplemental zone shall will have the minimum widths specified herein and meet the following requirements (see **Figures 8 and 9 of the Graphic Appendix and Standards**):

1. Shall Must be no more than 30 inches above the adjacent public sidewalk for a minimum linear distance of 15 feet from the nearest edge of the adjacent **sidewalk pedestrian zone** unless existing topographical considerations render this requirement impractical as determined by the Director.
2. Plazas, terraces, porches and stoops within the **supplemental** zone shall must have a maximum **finished floor height ground story elevation** of 30 inches above either:
 - a. The provided **supplemental** zone elevation; or
 - b. The **finished sidewalk grade** unless existing topographical considerations render this requirement impractical as determined by the Director.
4. Dimensions and components within the **supplemental** zone:
 - a. Adjacent to all uses:
 - i. Shall Must provide a walkway with a minimum width of four feet through said supplemental zone to connect to the adjacent required sidewalk. Said walkway shall must be perpendicular to the street unless topography prohibits.
 - ii. Retail display windows may project into the required supplemental zone but shall must not occupy more than two-thirds of the supplemental zone area, shall must have a minimum depth of **three 3** feet, and shall must be internally illuminated serviced by electricity and accessible from the interior of a building.
 - b. Adjacent to **sidewalk-level ground story** residential uses:
 - i. Shall Must be required at a minimum width of **five 5** feet unless the lot depth is less than 100 feet.
 - ii. Said zone shall must be landscaped except for terraces, porches, stoops and walkways which may occupy a maximum of two-thirds of the **supplemental** zone area (**See Figure 8 of the SPI-9 Graphic Appendix and Standards for character examples**).
 - iii. For all such buildings with more than **four 4** residential units: shall must be permitted to share said required pedestrian **walkway zone** with one adjacent unit.
 - c. Adjacent to **sidewalk-level ground story** non-residential uses:
 - i. Shall Will permit and allow pedestrians to walk on a minimum of 80 percent of the surface of the supplemental zone excluding water features, pedestrian furniture, public art, and similar elements.
 - ii. Along all streets except Peachtree Road unless the lot depth is less than 100 feet:

- a) The minimum area ~~shall~~ **must** be no less than 20 percent of the total square footage of the total of both the amenity zone and pedestrian walk zone;
- b) The supplemental zone ~~shall~~ **must** be a minimum width of ~~five~~ **5** feet and a minimum linear distance of ~~ten~~ **10** consecutive feet tangent to the adjacent sidewalk; and
- c) No more than 150 uninterrupted linear feet of sidewalk frontage on any ~~parcel~~ lot shall be without an adjacent **supplemental** zone.

Q. Relationship of Building to Street Building Standards(Sec. 16-18I.017.)

- 1. Building ~~floors~~ stories ~~shall~~ **must** be delineated at or below the third story above the sidewalk ground story. Delineation ~~shall~~ **must** be expressed through window openings, belt courses, cornice lines or other means of architectural detailing. See Figures 6 and 7 of the SPI-9 Graphic Appendix and Standards for examples.
- 2. Pedestrian ~~entrances~~ entry features with access to all sidewalk-level ground floor uses and business establishments with street frontage:
 - a. ~~Shall~~ **Must** face and be visible from the street; and
 - b. ~~Shall~~ **Must** be directly accessible and visible from the sidewalk.
- 3. A street address number at a minimum of ~~six~~ **6** inches in height shall be located directly above or beside the primary building entry feature and shall be clearly visible from the sidewalk.
- 4. When ~~active sidewalk-level uses ground story active depth~~ are ~~is~~ required per **section 16-18I.007(6)**:
 - a. Said uses ~~shall~~ **must** be provided for a minimum depth of 20 feet from any building facade along the public sidewalk, unless existing topographical considerations render this requirement impractical as determined by the director; and
 - b. ~~Entrances-Entry features~~ to said uses ~~shall~~ **must** be architecturally articulated, face, be visible from, and be directly accessible from the required sidewalk along such street.
- 5. Fenestration Transparency including all window and door openings shall be provided at the sidewalk-level ground story for a minimum of 65 percent of the length of the building for nonresidential uses on **all Type 1, 2 and 3 streets**:
 - a. Fenestration Transparency ~~shall~~ **must** not utilize painted glass, reflective glass or other similarly treated or opaque windows;
 - b. Display windows ~~shall~~ **must** be counted towards fenestration transparency requirements provided such display windows do not make up more than 25 percent of the required openings; and
 - c. Window openings ~~shall~~ **must** begin at or no more than ~~three~~ **3** feet above the ~~finished-sidewalk-level floor or sidewalk elevation~~ ground story elevation and extend to a height no less than ~~eight~~ **8** feet above the ~~finished sidewalk-level floor or sidewalk elevation~~ ground story elevation.
- 6. Fences and walls, as defined in **section 16-29.001(25)**, ~~shall~~ **must** meet the following regulations:

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- a. Fences and walls ~~shall~~ **must** only be allowed in the **supplemental** zone when meeting the following regulations:
 - i. For all ~~sidewalk-level ground story~~ residential uses:
 - a) Fences ~~shall~~ **must** not exceed 42 inches in height.
 - b) Walls ~~shall~~ **must** not exceed 30 inches in height unless existing topography requires a retaining wall of greater height.
 - ii. For outdoor dining: Only movable planters, movable fencing, or similar movable barriers are allowed to separate outdoor dining from the sidewalk provided they do not exceed a height of 36 inches including any plant material.
 - iii. For all other non-residential ~~sidewalk-level ground story~~ uses: Fencing and walls are prohibited with the exception of screening for authorized off-street loading areas and retaining walls as permitted below:
 - a) Retaining walls located adjacent to a sidewalk along a public street ~~shall~~ **must** not exceed a height of 24 inches.
 - b) The combined height of a fence where otherwise authorized and retaining wall shall not exceed a height of five feet, unless existing topography prohibits retaining walls of a lesser height.
 - c) Retaining walls ~~shall~~ **must** be finished poured concrete or ~~shall~~ **must** be faced with stone, brick or smooth stucco and ~~shall~~ **must** be architecturally compatible with the adjacent building's design.
- b. Fences and walls located between the primary **building structure** and the lot line and not exceeding **six 6** feet in height may be erected, but ~~shall~~ **must** not be permitted between the primary building and the street.
- c. No barbed wire, razor wire, chain link fence or similar elements ~~shall~~ **must** be visible from any public plaza or ~~sidewalk-level ground story~~ outdoor dining area, or public right-of-way.
7. **Massing and articulation.** Building facades greater than 100 continuous feet in horizontal length ~~shall~~ **must** include variety in facade treatment, materials, textures, colors and/or window and door patterns and depth at a minimum of two feet to provide visual interest.
8. **Minimum building facade height.** The minimum height of a building facade facing a **Type 1 or Type 2** street ~~shall~~ **must** be no less than 18 feet.

R. Signage Signs (Sec. 16-18I.018. -)

See section **16-28A.010.19** for SPI-9 Signage Regulations.

S. Loading, Loading Dock Entrances and Building Mechanical and Accessory Features (Sec. 16-18I.019)

1. The off-street loading requirements for this district are as shown in the table of loading requirements, **section 16-28.015**, off-street loading requirements.

2. Off-street loading docks and servicing areas shall be located to the rear or side of all buildings or screened from public view by a combination of opaque walls, gates, or screens and landscaping so that related activities are not visible from the public right-of-way of Type 1, 2, or 3 streets or from any adjacent single-family residential area.
3. Access ways and loading areas ~~shall~~ must provide safe means of ingress and egress from public streets such that vehicles would not reverse onto Type 1 streets, Type 2 streets, Pharr Road between Peachtree Road and Piedmont Road, West Paces Ferry Road, and East Paces Ferry Road.
4. Building mechanical equipment:
 - a. Shall not be permitted between the building and any public street;
 - b. Except when located on rooftops, ~~shall~~ must be located to the side or rear of the principal structure and ~~shall~~ must not be visible from the public right-of-way. Screening with walls or landscaping ~~shall~~ must be required if the equipment is otherwise visible from the public right-of-way;
 - c. When located on rooftops ~~shall~~ must be incorporated in the design of the building and screened with building materials compatible with those of the principal building facade.
5. Dumpsters, trash compactors, and other similar waste receptacles ~~shall~~ must not be located between any building and the street. Dumpsters that would be visible from a public street or from abutting or adjacent property ~~shall~~ must be completely screened from such visibility by an opaque wall that is a minimum of ~~six~~ 6 feet in height, but not less than the height of the dumpster, and be constructed of similar materials compatible with the principal building facade and placed on a concrete pad of sufficient size and strength to support service vehicles without failure. Service access ~~shall~~ must be via an opaque gate and ~~shall~~ must remain closed when not in use.
6. All dumpsters, loading docks and other service areas ~~shall~~ must post signage limiting idling to no more than ~~five~~ 5 minutes.

T. Driveways, Curb Cuts and Parking Structures (Sec. 16-18I.020.)

1. **Sidewalks at driveways.** All sidewalk paving materials ~~shall~~ must be continued across any intervening driveway at the same prevailing grade and cross slope as the adjacent sidewalk. Bands of textured concrete ~~shall~~ must border sidewalk areas across driveways and be installed parallel to the street in-line and equal in width to the street or such future standard as developed by the department of transportation. See Figure 9 of the SPI-9 Graphic Appendix and Standards.
2. Driveway curb cuts:
 - a. Driveways ~~shall~~ must be a maximum of 24 feet in width for two-way ~~entrances~~ entry features and 12 feet in width for one-way ~~entrances~~ entry features, unless otherwise permitted by the Commissioner of Transportation. For the purposes of this section, two curb cuts serving two one-way driveways shall only be counted as one curb cut.
 - b. Driveways ~~shall~~ must be located no closer than 100 feet from the nearest adjacent intersection or driveway along the same block face or at the greatest distance possible from the nearest adjacent intersection or driveway, whichever lesser.

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- c. Maximum permitted number of driveway curb cuts for each development, subject to the provisions of **section 16-25.002(3)**:
 - i. Developments with only one street frontage, which is less than 300 feet in length: One.
 - ii. Developments with only one street frontage, which is greater than or equal to 300 feet in length: Two, separated by a minimum distance of 200 linear feet.
 - iii. Developments with two street frontages: Two. One per street frontage or two curb cuts located on the lower classified street per **Map Attachment B** (Type 1 being the highest classification)
 - iv. Developments with three or more street frontages: One per street frontage. No more than one curb cut may be located on the highest classified street per **Map Attachment B**.
- 3. Driveways and drive-thru service:
 - a. Driveways ~~shall~~ **must** be perpendicular to any adjacent street. Circular drives are not permitted between the sidewalk and a building with the exception of hotels, child care centers, kindergartens, and special schools, subject to the provisions contained in **section 16-25.002(3)**.
 - b. Drive-through service windows and drive-in facilities ~~shall~~ **must** not be located between the principal structure and the street and ~~shall~~ **must** not be visible from the public right-of-way along a **Type 1 or Type 2 street**.
- 4. **Inter-parcel access.** Inter-parcel access, joint driveways, cross-access drives, and access easements ~~shall~~ **must** be accommodated when adjacent non-residential lots have direct vehicular access to a street or a driveway from a private street which functions as a public street based on traffic considerations, notwithstanding the provisions of **section 16-28.006(10)** except where the director determines that they are impractical due to topographic or other site-specific constraints.
- 5. **Parking structures (either principal or accessory use).** In addition to requirements contained in **section 16-28.028** the following regulations ~~shall~~ **must** apply;
 - a. When located immediately adjacent to any public right-of-way, private street, public park, or single-family residential district:
 - i. ~~Shall Must~~ have an appearance of a horizontal storied building on all levels. Said structure ~~shall~~ **must** have an appearance similar to or compatible with that of the adjoining or attached structure.
 - ii. Façades at ~~sidewalk-level ground story~~ along any public right-of-way, private street or public park. ~~Shall Must~~ meet the active ~~use depth~~ and facade treatment requirements as applicable in **section 16-181.007(6)** unless topographic considerations render this requirement impractical.
 - iii. Above-ground parking structures ~~shall~~ **must** be designed so that the only openings at street level are those to accommodate vehicle ~~entrances entry features~~ and pedestrian access to the structure. Any openings for ventilation, service, or emergency access located on the ~~first floor level ground story~~ in the building facade ~~shall~~ **must** be an integral

part of the overall building design or screened from view with landscaping at least ten feet in height.

6. **Valet facilities.** No valet facilities or uses ~~shall~~ **must** be located within existing travel lanes within the public right-of-way or upon on-street parking spaces, unless authorized by the commissioner of transportation with review comment from the director.

U. Lighting, security and maintenance requirements for parking structures and surface parking lots. (Sec. 16-18I.021)

1. Lighting ~~shall~~ **must** be provided throughout all parking facilities to equal a minimum of one foot-candle of light. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it ~~shall~~ **must** be the responsibility of the parking operator to independently provide these required levels of illumination and all lighting shall reduce light spillage onto adjacent properties by providing cutoff luminaires which have a maximum 90 degree illumination.
2. All lighting fixtures that up-light trees, buildings, or other elements shall be located a minimum height of eight feet above ~~sidewalk-level~~ **the ground story**, except when located within predominately landscaped areas.
3. Parking facilities ~~shall~~ **must** be maintained in a clean, safe and sanitary condition. Parking spaces and driving lanes ~~shall~~ **must** be clearly defined and maintained as such. Parking lots ~~shall~~ **must** not be operated when any damage impairs the drivability of the parking lot. See section 16-28.026 for additional requirements.

V. Minimum Landscaping for Parking Lots, Barrier Requirements (Sec. 16-18I.022. -)

The requirements of City of Atlanta Code of Ordinances, **Chapter 158 Vegetation**, Article II Tree Protection, Section 30 Parking Lot Requirements ~~shall~~ **will** apply to surface parking lots in this district. Existing facilities operating before the effective date of this section ~~shall~~ **will** have 48 months to comply with the requirements of this section.

W. Off-Street Parking On-Site Parking Requirements (Sec. 16-18I.023. -)

In addition to the provisions of section 16-28.008(7), which ~~shall~~ **will** apply and are incorporated herein, off-street parking for all uses ~~shall~~ **must** be provided in accordance with the, **SPI-9 Buckhead Village Parking Table** and subject to subsections 1 through 6 below. See also sections 16-28.013 and 16-28.014.

1. **Maximum parking.** Unless otherwise shown in the **SPI-9 Buckhead Village Parking Table**, the maximum allowable ~~off-street-on-site~~ parking shall be one space for each 200 square feet of floor area.
2. **Minimum parking.** The minimum ~~off-street on-site~~ parking required shall be 75 percent of the maximum shown in the SPI-9 Buckhead Village Parking Table unless reduced in accordance with part 5 below.
3. ~~Off-street On-site~~ surface parking lots, including those for the authorized sale or lease of vehicles, ~~shall~~ **must** not be located between a building and the adjacent street without an intervening building.

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4. ~~Off-street~~ On-site surface parking lots ~~shall~~ must be screened from adjacent streets and ~~sidewalks~~ pedestrian zone by a decorative fence or wall, berm, or vegetative screen at a minimum of 30 inches and at a maximum of 42 inches in height between the parking lot and the ~~sidewalk(s)~~ pedestrian zone. Only perpendicular driveway crossings and delineated pedestrian paths ~~shall~~ will be allowed through such screening.
5. Reduction of ~~off-street~~ on-site parking requirements:
 - a. On-street parking spaces may be used to meet up to 25 percent of the required ~~off-street~~ on-site parking. Only those on-street parking spaces that are within, contiguous to, and/or located on right-of-way directly adjacent to the parcel lot (on the same side of the street) may be counted.
 - b. Parking requirements may be reduced at the discretion of the director upon a written determination that either:
 - i. The character or use of the building is such as to make unnecessary the full provision of parking facilities as verified by a valid shared parking analysis based on the Urban Land Institute (ULI) standard or other similarly recognized standard; or
 - ii. The applicant ~~shall~~ must establish a valid shared or off-site parking arrangement which:
 - a) Meets all other criteria of section 16.25.002(3);
 - b) Provides safe pedestrian circulation mobility and access between the principal structure and off-site parking facilities at no more than 600 feet in horizontal walking distance;
 - c) Segregates required residential parking from parking associated for other uses;
 - d) All shared or off-site parking spaces ~~shall~~ must be clearly marked and signed as reserved during specified hours; and
 - e) An applicant applying to share or transfer parking requirements ~~shall~~ must submit documentation including the following: a.
 - f) A map drawn to scale that indicates the location of proposed parking spaces; and b. Documentation of the hours of operation of nonresidential parking users that avoids conflicting parking demands; and c. Copies of valid shared parking agreements. Renewed agreements ~~shall~~ must be filed with the Office of Planning.
6. **Office uses, additional requirements.** Any development providing more than 50,000 square feet of gross office space ~~shall~~ must reserve and designate at least ~~five~~ 5 percent of the required parking spaces as "Carpool Only," or "Vanpool Only". Such spaces ~~shall~~ must be located near the building's entrance entry feature or other preferable locations. Parking structures accommodating vanpool access at entry-level ground story must provide a minimum ceiling height of ~~eight~~ 8 feet and ~~two~~ 2 inches.

Buckhead Village Parking Table	
Use	Maximum Allowable Parking Spaces ^{1,2}
Child care centers, day care centers, pre-kindergartens, kindergartens, play and other special schools or day care centers for young children	One space per 600 square feet of floor area. In addition to providing off-street <u>on-site</u> parking, such establishments shall <u>must</u> provide safe and convenient facilities for loading and unloading children, approved by the department of transportation.
Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly, and similar uses, with primary activities conducted within fully enclosed buildings	One space for each 100 square feet of floor area
Drive-in establishments	See section 16-28.021
Eating and drinking establishments - Indoor dining and covered outdoor dining	One space for each 300 square feet of floor area unless an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits.
Eating and drinking establishments - Uncovered outdoor dining	If outdoor uncovered dining space is greater than 25 percent of the total gross floor area of the establishment, it shall <u>must</u> provide a maximum of one additional space per 600 square feet for such accessory outdoor dining area.
Hotels and motels	One space per rental unit plus one-half space per employee and one space per 100 square feet of restaurant/lounge gross leasable area as applicable, and one space per 300 square feet of other convention facilities
Nursing homes	One space for each four beds
Office uses	No minimum. A maximum of two and one-half spaces for each 1,000 square feet of floor area. Parking during off-peak hours (after 6:00 p.m.) may be shared for other uses
Personal care homes, assisted living facilities, and rehabilitation centers with a residential component	See section 16-08.007 for applicable ratios according to the appropriate floor area ratio
Poolrooms, billiard parlors, amusement arcades and similar establishments	One space for each 100 square feet of floor area
Recreational establishments	One space for each 400 square feet of floor area
Residential	Two parking spaces per unit plus one-half space for each unit with three or more bedrooms + one-third space per unit for guest parking.
Retail establishments, including catering, delicatessen and bakeries with wholesale operations	One space for each 300 square feet of floor area
Schools, colleges, churches, recreation or community centers and other places of assembly	One space for each four fixed seats (with 18 inches of bench length counted as one seat; or One space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following: i. For elementary or middle schools: Two spaces for each classroom; ii. For high schools: Four spaces for each classroom; iii. For colleges and universities: Eight spaces for each classroom.

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Buckhead Village Parking Table	
Use	Maximum Allowable Parking Spaces ^{1,2}
Shelter and supportive housing	One parking space for each on duty staff member, whether paid or unpaid. In addition to staff parking, a space of sufficient size is required for each van, bus or other vehicle used by the facility and one additional parking space shall must be provided for each 2,000 square feet of the facility.
Single room occupancy residences	One space for each two dwelling units plus one space for each employee
Tailoring, custom dressmaking, millinery and similar establishments	One space for each 300 square feet of floor area
Accessory uses	One space for each 300 square feet of floor area
All other uses	One space for each 200 square feet of floor area
Notes:	
¹ Unless specified otherwise, minimum on-site off-street parking shall must be no less than 75 percent of the maximum allowable parking spaces, see section 16-18I.025(2) .	
² Parking in excess of maximum parking allowed: Only parking structures providing shared or off-site parking in accordance with section 16-18I.023(5) and allowed by Special Administrative Permit (SAP) may exceed the maximum parking allowed by this section.	

X. Transportation Management Plans (Sec. 16-18I.024)

1. The Office of Buildings ~~shall~~ **will** not issue any certificate of occupancy permits for any multi-family residential, office, or hotel development (including the sum of such uses in combination) having more than 25,000 square feet of gross floor area until such time the developer or their specified agent has submitted to the Office of Zoning a Transportation management plan (TMP). This TMP ~~shall~~ **must** contain strategies to reduce single occupancy vehicle trips generated by the project and shall be in accordance with the transportation management plan development guide, a document maintained by the Atlanta Department of Transportation.
2. Upon the face of the permit plans for improvement of real property subject to the TMP requirement, the applicant ~~shall~~ **must** acknowledge by signature, for itself and successors and assigns on the permit plans, that it will satisfy the requirements **of 16-18I.024** and certify which strategies will be used to reduce single occupancy vehicle trips.

A summary report of ongoing implementation of the TMP shall be submitted annually.

Y. Minimum Bicycle Parking Requirements. (Sec. 16-18I.025)

See **section 16-28.014(6)**, Bicycle parking requirements.

Z. Pedestrian Bridges and Tunnels (Sec. 16-18I.026.)

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

AA. Standards of Architectural Design (Sec. 16-18I.027.)

1. **Conformity with the SPI-9 Graphic Appendix and Standards.** No building permit ~~shall~~ **will** be approved unless the Director finds that the architectural design is substantially consistent with the **SPI-9 Graphic Appendix and Standards.**

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

DIVISION 7.4. **BUCKHEAD / LENOX STATIONS**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.


A. Scope of Provisions (Sec. 16-18L.001. -)

1. The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the regulations of the **SPI-12 Buckhead/Lenox Stations Special Public Interest District**. These regulations ~~shall~~ will replace all existing districts and portions of existing districts as shown on the zoning map referenced in **section 16-18L.003**. Except as otherwise specifically provided in **sections 16-18L.001(2) and (3)**:
 - a. All new development ~~shall~~ must conform to the requirements of this chapter;
 - b. If 60 percent or more of the principal building(s) on a ~~parcel~~ lot of property is removed or destroyed by any means, subsequent redevelopment of such parcel ~~shall~~ must be in full compliance with the requirements of this chapter; and
 - c. Any other redevelopment which would be governed by one or more of the regulatory elements of this chapter ~~shall~~ must comply with those impacted regulatory elements.
2. Subject to property interests otherwise properly vested under state law, all zoning districts and related site plans and conditions in existence prior to the effective date of this chapter ~~shall~~ must be replaced by the regulations of this chapter, except as follows:
 - a. Any principal building shown on a ~~parcel~~ lot of property that is subject to a site plan approved prior to the effective date of this chapter that was not constructed prior to said effective date may be constructed through issuance of an **SAP** in accordance with the uses(s), height, location and density applicable to that building as specified on such site plan. Such building ~~shall~~ must be deemed conforming for purposes of **Chapter 24 (Nonconformities)** as to such previously approved use(s), height, location and density. Except as otherwise provided herein, all other regulations of this chapter ~~shall~~ must apply to said ~~parcel~~ lot unless compliance with these other regulations renders construction of such building consistent with such prior use(s), height, location and density structurally unfeasible.
 - b. Any principal building constructed prior to the effective date of this chapter that is partially or fully destroyed by unintentional means such as fire, storm or other hazards may be reconstructed on its previous footprint to its previous uses(s), height, location and density. Such rebuilt principal building shall be deemed conforming for **purposes of Chapter 24 (Nonconformities)** as to such previous use(s), height, location and density.
 - c. Properties fully or partially developed as a planned development pursuant to **section 16-19.002** that was adopted prior to the effective date of this chapter shall be subject to the following:
 - i. All prior conditions directly related to unified control of the development as a whole within the meaning of said **section 16-19.002** shall continue to apply to all properties within said former planned development unless determined by the director through an SAP to have been rendered unnecessary by the adoption of these **SPI-12** regulations.

- ii. Any such properties may be subdivided into different ownership that can be acknowledged as separate **parcels lots**, provided:
 - a) An **SAP** meeting these requirements is approved by the director;
 - b) All resultant properties will meet or will be made to meet as a condition of the subdivision approval the requirements of this **chapter** except as otherwise authorized in this subsection;
 - c) No such properties shall be subdivided in a manner that prevents access to sufficient exits by occupants of any structure or prevents access to the entire **parcel lot** by emergency service personnel even where served by private streets;
 - d) No such properties shall be subdivided to the extent development rights applicable to such properties are impacted without the written consent of all property owners within such former planned developments; and
 - e) No such properties shall be subdivided in a manner that violates the City of Atlanta Comprehensive Development Plan, including the District 7 Greenspace Action Plan.
- d. To the extent greater than the maximum height allowed by **section 16-18L.007**, any height increase approved by the board of zoning adjustment prior to the effective date of this **chapter** shall be the allowable height for such building, subject to any conditions included in such approval by the board of zoning adjustment.
3. Subject to **Chapter 24 (Nonconformities)** and property interests properly vested under state law, all special use permits approved prior to the effective date of this **chapter**, including related conditions and site plans, shall be deemed to comply with the regulations of this chapter.
4. **Section 16-18L.001(2)** shall apply to properties in Subarea 4 as if the Subarea 4 regulations were adopted as a part of the effective date of this chapter.

B. Statement of Intent (Sec. 16-18L.002. -)

The intent of the council in establishing the **SPI-12 Buckhead/Lenox Stations Special Public Interest District** is as follows:

1. Preserve, protect and enhance the district as a local, regional and national premier destination for business, living and visiting;
2. Preserve and protect the adjacent single-family residential neighborhoods which adjoin the Buckhead/Lenox Stations District including Brookhaven, Buckhead Forest, North Buckhead, Peachtree Park, Pine Hills and Ridgedale Park; 
3. Ensure the overall aesthetic of the built environment is urban in nature and extremely high in quality;
4. Implement local plans and policies within the district, including the Comprehensive Development Plan and the District 7 Community Greenspace Action Plan;
5. Provide housing opportunities that reflect a rich diversity of incomes and ages;

#002

Posted by **Kirsten** on **09/02/2025** at **1:24pm** [Comment ID: 1617] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

This statement seems to be contradictory to the goals of transit-oriented development.

Reply by **SiteAdmin** on **09/16/2025** at **2:11pm** [Comment ID: 1701] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comment. This is an existing provision. This district is not changing.

BUCKHEAD / LENOX STATIONS

6. Promote the district as a lifelong living community providing residential opportunities for all stages of life;
7. Preserve and continue to facilitate the mixture and connectivity of commercial uses and residential uses via a dense street network throughout the district;
8. Significantly increase the amount of open space throughout the district;
9. Promote future development that is sustainable and environmentally sensitive including encouraging green building standards and incorporating alternative energy sources;
10. Ensure the planting of trees on all district streets and in all open spaces;
11. Encourage the development of communal spaces through the use of public sidewalks, plazas, parks and public art;
12. Discourage the creation of above ground stormwater retention facilities except when properly designed as publicly accessible amenities;
13. Facilitate safe and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles;
14. Ensure that area block infrastructure is adequate to facilitate mobility and connectivity of proposed intensities of uses;
15. Ensure pedestrian connectivity enables successful connections to the adjacent areas outside of the district;
16. Encourage the creation of vibrant streets through the provision of active street uses and engaging street fronting building design;
17. Accentuate Peachtree Road as a marquis and prominent boulevard;
18. Preserve and continue the area as a transit oriented district through the facilitation of high densities;
19. Encourage the use of various transportation alternatives including bus, rail, walking and biking;
20. Encourage the participation in and support of the local Transportation Management Association to further aid in the reduction of single occupancy vehicle traffic congestion; and
21. Minimize excessive parking requirements and encourage shared parking for compatible uses.

C. Boundaries of District Established (Sec. 16-18L.003)

The boundaries of the **SPI-12 Buckhead/Lenox Stations District** are shown on **Map Attachment "A" the SPI-12 Buckhead/Lenox Stations District Boundaries Map** which by this reference is incorporated into and made a part of this Chapter and this Part. The maps shown on **Map Attachment "B" the SPI-12 Buckhead/Lenox Stations Street Framework Map**, **Map Attachment "C" the SPI-12 Buckhead/Lenox Stations Height Framework Map** and **Map Attachment "D" the SPI-12 Buckhead/Lenox Stations Incentivized Plazas Map**, shall by this reference also be incorporated into and made a part of this Chapter and part. **The SPI-12 Buckhead/Lenox Stations District** is divided into three subareas as shown on said **map Attachment "A"** described as follows:

Subareas 1	Buckhead Central Core
Subareas 2	Buckhead Heights
Subareas 3	North Buckhead
Subareas 4	Piedmont Center

Editor's note— It should be noted that Map Attachments A through D, and Exhibit X are set out immediately following this Chapter 18L.

D. Application Procedures (Sec. 16-18L.004)

2. Special administrative permit (SAP) application:

- a. All exterior demolition, new construction (including additions to existing buildings), monument signs, modification or subdivision of prior unified development plans, modifications of amenity zones, ~~walk~~ pedestrian zones or pedestrian ways, modifications of outdoor dining, movement or removal of private streets that function as public streets utilized to satisfy block area calculations for any property within the district, or any construction which results in increased lot coverage, modification of a building footprint, or modification of building facades that alters the configuration of openings or public access ~~shall~~ will be subject to special administrative permit (SAP) approval. For such SAP approval, an SAP application and a specified number of copies each of a site plan, landscape plan, and elevation drawings of each exterior facade ~~shall~~ must be submitted, as applicable, and approved by the Director prior to an applicant filing for a building permit.
- b. An applicant ~~shall~~ must arrange a conference to discuss the application and the requirements of this chapter with the Director prior to SAP submittal. Such meeting ~~shall~~ will be held within 14 days of the date of the request by the applicant, unless a longer period is agreed upon by the applicant and director.
- c. All SAP applications ~~shall~~ will be processed in accordance with the standards and procedures applicable to SAP applications contained in Chapter 25 except as otherwise modified by this Chapter 18L. The director shall provide a written response to the applicant within 30 days of the date of the completed SAP application as provided in section 16-25.004.
- d. Where regulations require variance, special exception or special use permit action, the SAP for building permit purposes ~~shall~~ will not be issued until the necessary approval has been obtained for such variance, special exception or special use permit.

3. Administrative variations:

- a. As part of general action when plans require approval of an SAP, the Director may authorize variations from regulations generally applying based on written findings, to be filed as a public record, that either:
 - i. A plan proposed by an applicant, while not strictly in accordance with regulations applying generally within the district, satisfies the public purposes and intent of such regulations, and provides public protection to an equivalent or greater degree than strict enforcement of such regulations would provide; or

- ii. In the particular circumstances of the case, strict application of a particular regulation or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at that time or in the future.
- b. **Parcels Lots** abutting Peachtree Road that become out of compliance with these **SPI-12** zoning regulations, including existing site plans that were approved prior to the effective date of this **chapter** as a direct result of the construction of the Peachtree Corridor Project, **shall will** be permitted to utilize the provisions for variations provided in **section 16-18.L.004** to request administrative site plan amendments without further City Council review to administratively correct said compliance discrepancies as to said elements. This **subsection (b) shall must** not be construed or utilized so as to exceed or increase the pre-construction development permission of any such **lot parcel**.
- 4. **Prohibited variances.** Notwithstanding any provision in this **chapter** or part to the contrary, neither administrative variation nor variance by the Board of Zoning Adjustment **shall must** be authorized from this chapter's building height requirements or block area formula. Alterations to block area calculations based upon construction of new authorized street types, and recalculations of the square footage of an individual block area based upon more accurate survey data, **shall must** be authorized by administrative variation consistent with **SPI-12** requirements. Changes to transitional height requirements **shall will** not be authorized by administrative variation but requests for variance from transitional height requirements shall be only through application to the Board of Zoning Adjustment.

E. Definitions (**Sec. 16-18L.005. -**)

The following words, terms and phrases, when used in this chapter, **shall must** have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

1. **Active-uses Active Depth.** The ~~sidewalk-level-uses~~ **Ground story active depth** regulated in **section 16-18L.011** for the purposes of creating vibrant and pedestrian-oriented sidewalks and streets within the district.
2. **Block area.** The total area (in square footage) within a block perimeter continuously bounded by any of the following street types as defined in this chapter: Peachtree Road, primary streets, local streets, pedestrian ways, and private streets that function as a public street. Block area measurements shall utilize the back edge of curb of the adjacent street types, or the back edge of the adjacent pedestrian way, for purposes of defining the perimeter of the block. Georgia State Route 400, the MARTA northern concourse pedestrian bridge and the SPI 12 district boundary, when no intervening street exists, shall be permitted to count as streets for purposes of the section 16-18L.007 block area calculation.
3. **Building footprint, sidewalk-level ground story.** The conditioned floor of a building located at the ~~sidewalk-level ground floor~~. For buildings with more than one ~~sidewalk-level-ground story~~ level, the portion of such building located at the primary building facade shall be used.
4. **Building footprint, tower level.** The conditioned floors of a building located in excess of 125 feet in height above the defined **sidewalk level ground story** as established by this district.
5. **Director.** The Director of ~~the Office of~~ Planning or designee.

6. **Local streets.** Those public streets or portions of public streets that constitute the minor roadways of the district and that are designated as local streets on map Attachment "B", the SPI-12 Buckhead/Lenox Stations Street Framework Map.
7. **Mixed-use developments.** Notwithstanding the provisions of [section 16-29.001\(24\)](#), mixed-use development is development containing more than one principal use on the same development site.
8. **Non-residential uses.** The specific uses and provisions corresponding to all other uses except for residential and dwelling uses as identified in the [SPI-12 Buckhead/Lenox Stations Table of Uses](#).
9. **Open space.** That portion of a development dedicated to passive or active pedestrian activities and amenities and meeting the requirements of [section 16-18L.008](#).
10. **Peachtree frontage area.** That area designated as such on [map Attachment "C"](#), the [Buckhead/Lenox Stations Height Framework Map](#) that lies within 300 feet of the outer edge of the Peachtree Road right-of-way.
11. **Peachtree Corridor Project.** The reconstruction of a portion of Peachtree Road within this district to better accommodate pedestrians bicyclists and mass transit facilitated through coordination of the Buckhead Community Improvement District, the City of Atlanta and the Georgia Department of Transportation.
12. **Pedestrian path.** A path for pedestrian traffic within a pedestrian way meeting the requirements of [section 16-18L.015\(2\)](#).
13. **Pedestrian way.** An external area permitting public accessibility to pedestrian-only traffic, containing an unobstructed pedestrian path and meeting the requirements of [section 16-18L.015\(2\)](#).
14. **Pet-walking area.** The dedicated area of a [parcel lot](#) set aside for the purposes of satisfying the daily exercising regimens necessary for pets.
15. **Plaza.** The dedicated area between the [primary street-facing](#) building facade and the adjacent [walk pedestrian](#) zone incorporated into larger scale non-residential developments for the purposes of facilitating pedestrian movement and establishing visual points of interest.
16. **Primary streets.** Those streets or portions of streets that constitute the major thoroughfares of the district and that are designated as Primary Streets on map [Attachment "B"](#), the [SPI-12 Buckhead/Lenox Stations Street Framework Map](#).
17. **Private streets that function as a public street.** This term shall refer to private streets, drives or pedestrian ways that meet the applicable requirements of [sections 16-18L.009 through 16-18L.011I and 16-18L.015](#).
18. **Regional shopping center.** One or more attached buildings containing primarily retail establishments which exceed 800,000 square feet of gross leasable floor area.
19. **Residential uses.** The specific uses and provisions corresponding to residential and dwelling uses as identified in the SPI-12 Buckhead/Lenox Stations Table of Uses.

20. **Sidewalk-level Ground story.** Any building floor located within five vertical feet of the adjacent sidewalk, supplemental zone or pedestrian way and meeting the requirements of section 16-18L.011.
21. **Screen wall extensions.** A wing wall extension of a building facade matching the material and design of the adjacent adjoining building and not located within an open space, sidewalk or supplemental zone.
22. **Supplemental zone.** The area located between any sidewalk-walk pedestrian zones and/or pedestrian paths and a building facade.
24. **Transit station area.** The area nearest the district MARTA stations designated as the transit station area on map Attachment "C", the SPI-12 Buckhead/Lenox Stations Height Framework Map.
25. **Transitional height line.** The boundary located along the centerline of the segment of Roxboro Road specifically demarcated on map Attachment "C", the SPI-12 Buckhead/Lenox Stations Height Framework Map, representing the area of the district in need of protection from building shadowing and massing.

F. Permitted Principal Uses and Structures

1. The permitted principal uses and special permit uses set forth in Table 1: SPI-12 Buckhead/Lenox Stations Table of Uses ~~shall~~ **must** be permitted only as listed within each subarea within said table of uses and only in the manner so listed.
2. **Permitted principal uses.** A building or premises ~~shall~~ **must** be used only for the principal uses indicated with a "P" in Table 1 SPI-12 Buckhead/Lenox Stations Table of Uses subject to the following:
 - a. For the purposes of this chapter, uses at sidewalk-level the ground story in what would otherwise be classified as an independent primary parking structure ~~shall~~ **must** not constitute principal uses.
 - b. Surface parking lots as defined in section 16-29.001(34) and detached single-family dwellings are prohibited principal uses within the district.
 - c. Battery exchange stations ~~shall~~ **must** be permitted where service stations are permitted.
3. **Special use permits.** The following uses are permissible only by special permits of the type indicated subject to limitations and requirements set forth herein or elsewhere in this part, and subject to the applicable procedures and requirements set forth in section 16-25.001, et seq. Special use permits ~~shall~~ **must** be required as indicated with "SUP" in Table 1: SPI-12 Buckhead/Lenox Stations Table of Uses.
4. **Prohibited uses.** All uses marked with an "X" in Table 1: SPI-12 Buckhead/Lenox Stations Table of Uses ~~shall~~ **must** be prohibited in the subarea(s) identified. All other uses not listed in said Table 1: SPI-12 Table of Uses ~~shall~~ **must** be prohibited in all district subareas.
5. **Accessory uses and structures.** Accessory uses and structures ~~shall~~ **must** be permitted in this district and ~~shall~~ **must** include those customarily accessory and clearly incidental to permitted principal uses and structures, including accessory parking to serve authorized uses within the district as well as repair garages, service stations, paint and body shops car washes, urban

gardens, and market gardens limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities in Subareas 2 and 3, all subject to the restrictions set forth in this [chapter](#).

TABLE 1: SPI 12 BUCKHEAD/ LENOX STATIONS TABLE OF USES	Subarea 1	Subarea 2	Subarea 3	Subarea 4
Residential and Dwelling Uses				
Multi-family dwellings and supportive housing	P	P	X	P
Short-term rentals, subject to the regulations in Atlanta City Code Section 20-1001	P	P	P	P
Zero-lot-line Sublot attached single-unit family dwellings	P	P	P	P
Non-Residential Uses (Commercial and Retail Uses)				
Bakers and catering establishments	P	P/ ^b SUP	X	P
^a Eating and drinking establishments defined as a "nightclub" set forth in Chapter 10 of the Code of Ordinances (Alcohol Code)	P/SUP/X	X	X	P/SUP/X
Eating and drinking establishments not defined as a "nightclub" set forth in Chapter 10 of the Code of Ordinances (Alcohol Code)	P	P/ ^b SUP	X	P
^c Fueling stations	P	X	X	X
Laundry and dry cleaning establishments	P	P/ ^b SUP	X	P
Microbreweries and microdistilleries (as defined by City of Atlanta Code Section 10-1)	X	X	X	P
Plumbing, heating, ventilation, air conditioning service/repair	P	P/ ^b SUP	X	X
Printing and blueprinting shops	P	P/ ^b SUP	X	P
Professional or personal service establishments, but not hiring halls	P	P/ ^b SUP	X	P
Repair of office equipment or installations; home appliances, clocks and watches, shoes, bicycles and leather goods	P	P/ ^b SUP	X	P
Retail establishments, including wholesaling	P	P/ ^b SUP	X	P
^c Sales and leasing agencies for new and used passenger automobiles and commercial vehicles, and new and used bicycles/mopeds	P	P/ ^b SUP	X	P

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TABLE 1: SPI 12 BUCKHEAD/ LENOX STATIONS TABLE OF USES	Subarea 1	Subarea 2	Subarea 3	Subarea 4
Small discount variety stores, provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.	P	P/ ^b SUP	X	P
Tailoring, custom dressmaking, millinery and similar establishments	P	P/ ^b SUP	X	P
Non-Residential Uses (All Other Uses)				
^d Automobile repair garages, service stations and paint and body shops, provided that no service station may be located within 1,500 feet of another service station.	^d P	X	X	X
Banks, savings and loan associations and similar financial institutions	P	P/ ^b SUP	X	P
Business or commercial schools	P	X	X	P
Child care centers, kindergartens and special schools	P	X	X	P
Churches, synagogues, temples, mosques and other religious worship facilities	P	P/ ^b SUP	SUP	P
Clinics/labs, but not blood donor stations	P	X	X	P
Clubs and lodges	SUP	X	X	SUP
Commercial recreation establishments including bowling alleys, theatres, convention halls, places of assembly, and similar uses with primary activities conducted within fully enclosed buildings	P	X	X	P
Helicopter landing facilities or pick-up or delivery stations	SUP	X	X	SUP
Hotels	P	X	X	P
Market gardens	P			P
Museums, galleries, auditoriums, libraries and similar cultural facilities	P	P/ ^b SUP	X	P
Nursing homes, personal care homes and assisted living facilities	SUP	SUP	^e X/SUP	SUP
Offices, studios and similar uses	P	P/ ^b SUP	X	P

TABLE 1: SPI 12 BUCKHEAD/ LENOX STATIONS TABLE OF USES	Subarea 1	Subarea 2	Subarea 3	Subarea 4
Outdoor amusement enterprises, exhibits, entertainments, meetings, displays/sales areas, or outdoor areas for religious ceremonies	P (less than 90 days duration)/ SUP (90 days duration of more)		X	P (less than 90 days duration)/ SUP (90 days duration of more)
Parks, playgrounds, community centers	P	^b SUP	SUP	P
Parking structures (surface lots prohibited as a primary use)	P	P	SUP	P
Party houses provided that the use shall <u>will</u> be prohibited within 150 feet of a property zoned R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-4B, R-5, RG, MR or a property used for residential purposes measured from property line to property line	SAP	SAP	SAP	SAP
Public and private schools and institutions of higher learning, including colleges and universities	P	X	X	P
Structures required for public transit but not rail yards or maintenance shops	P	P	P	P
Urban gardens	P	P	P	P
Veterinary clinics, provided animals are kept within soundproof buildings and overnight boarding is prohibited. Overnight boarding of animals shall <u>will</u> be permitted in Subarea 4.	P	X	X	P
Utilities				
Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications and increasing the height of such existing broadcasting towers and line-of-site relay devices	SUP	SUP	SUP	SUP
Roof mounted antennas as provided for and described in <u>section 16-25.002(3)</u> and alternative design mounting structures and new or additional uses which do not increase the height of existing structures as contemplated by <u>section 16-25.002(3)(i)(iv)(k)</u> .	P	P	P	P

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TABLE 1: SPI 12 BUCKHEAD/ LENOX STATIONS TABLE OF USES	Subarea 1	Subarea 2	Subarea 3	Subarea 4
<p>Index/ Footnotes</p> <p>^a Eating and drinking establishments meeting the definition of "nightclub" set forth in Chapter 10 of the Code of Ordinances (Alcoholic Beverages) shall must be permitted only if at a distance greater than 200 feet from any other similarly defined "nightclub" and less than 10,000 square feet in area provided that a SUP is required for such establishment at a size between 5,000 and 10,000 square feet in area.</p> <p>^b Non-residential uses shall must not be located on floors stories above the building's sidewalk-level ground story, shall must be limited to a minimum ratio of one square foot of non-residential use for every two square feet of residential use within the same building and shall will require a SUP for individual uses greater than 8,000 square feet in floor area.</p> <p>^c See section 16-18L.011(7) for additional provisions for containing such uses within enclosed buildings.</p> <p>^d The number of such automobile related establishments in Subarea 1 shall must not exceed two.</p> <p>^e Personal care homes permitted by SUP. Nursing homes and assisted living facilities prohibited in Subarea 3</p>				

G. Development Controls Lot Standards and Building Heights (Sec. 16-18L.007.)

1. **Table 1:** SPI-12 Buckhead/Lenox Stations **Development Controls Lot Standards** Table **shall will** be used for purposes of regulating bulk and yards.
2. **Tables 3A and 3B:** SPI-12 Buckhead/Lenox Stations Building Height Table **shall will** be used for purposes of minimum building facade height and maximum building height.
3. **Building height in subareas 1, 2 and 4.** Building heights in subareas 1, 2 and 4 **shall will** be governed by the following provisions, subject to the transitional height limits set forth in subsection 5.
 - a. **Baseline height.** As a matter of right, a building height of 225 feet **shall will** be permitted.
 - b. Block area:
 - i. An additional building height of up to 225 feet may be permitted as determined by the following calculation formula: $((160,000/\text{block area square footage}) \times 225) = \text{additional building height in feet, not to exceed 225 feet.}$
 - ii. Once installed, the removal or alteration of private streets that function as public streets pursuant to an **SAP** granted under the provisions of **section 16-18L.015(4)** **shall must** not result in a reduction in height calculations for properties within adjoining blocks, nor shall such prior height calculations be deemed nonconforming under **Chapter 24**.
 - iii. The Director **shall will** create a block area map illustrating current blocks within the district that meet this district's block area definition. The Director **shall must** maintain public records of future block area alterations or recalculations authorized by **SAP** consistent with **SPI-12** requirements, and **shall will** periodically update the block area map to reflect said changes.
 - c. **Peachtree Frontage Area.** An additional building height of 75 feet **shall will** be permitted when located within the Peachtree Frontage Area as demarcated on Map Attachment "C".
 - d. **Transit Station Area.** An additional building height of 100 feet **shall will** be permitted when located within the Transit Station Area as demarcated on Map Attachment "C".
 - e. Combined height:

- i. Maximum total building height ~~shall will~~ be the sum of subsections 3(a), 3(b), 3(c) and 3(d) above, provided that said sum ~~shall must~~ not exceed 600 feet, except as provided below.
 - ii. Architectural features, with no habitable elements, may exceed the maximum total building height limitations. Such features ~~shall must~~ not exceed a maximum height of 60 feet above the height otherwise authorized in subsection 3(e)(i) above.
 - iii. Incentivized developments may exceed the maximum total building height limitations. Such features ~~shall must~~ not exceed a maximum height greater than the sum of subsections 3(a), 3(b), 3(c) and 3(d) above and those heights set forth for incentivized developments in section 16-18L.020.
4. Building heights in subarea 3: Building heights in subarea 3 ~~shall must~~ not exceed a maximum of 35 feet.
5. Transitional height planes:
 - a. No portion of any structure ~~shall must~~ protrude through a ~~height-limiting-plane maximum building height~~ beginning the specified number of feet above the point set forth in subsection 16-18L.007(5)(b) below and extending inward over the SPI-12 district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-18L.007(5):
 - i. R-1 through R-5;
 - ii. RG-1 and RG-2;
 - iii. MR-1, MR-2, and MR-MU; and
 - iv. Landmark, Historic, PD, and SPI districts and district subareas having uses and densities predominantly similar to those permitted in the district classifications listed in subsections (i) through (iii) above.
 - b. Proximity to districts and measurement applications:
 - i. For ~~parcels lots~~ in an SPI-12 district that are contiguous to a protected district, the transitional height plane ~~shall must~~ be measured beginning 35 feet above the required SPI-12 setback or ~~transitional-yard transitions~~ adjoining the common property line with such protected district.
 - ii. For ~~parcels lots~~ in an SPI-12 district that are not contiguous to but are within 150 feet of a protected district, the transitional height plane ~~shall will~~ be measured beginning 15 feet above the nearest lot line of the protected district, provided this transitional height plane ~~shall does~~ not extend more than 150 linear feet (measured along the ground) from the protected district up to and into the SPI-12 district. (See diagrams at section 16-29.001(62).)
 - c. The purpose and intent of this provision is to provide protection for the named protected districts from nearby looming structures regardless of the presence of an intervening public right-of-way or park or space, public or private street or alley, or any ~~lot or-parcel~~ remnant.
 - d. Transitional height plane measurements ~~shall will~~ be applied to parcels on a point-by-point basis and not average grade.

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6. **Future connectivity.** Any buildings ~~shall~~ **must** be designed so as not to prohibit or obstruct the ability for future inter-parcel access and connectivity notwithstanding the provisions of **section 16-28.006(10)** except where the director determines that such connectivity is impractical due to topographic or other site-specific constraints. This provision shall not be interpreted to prohibit or restrict that which would otherwise be permitted within this district or require inter-parcel rights to be granted to adjacent property owners.
7. **Sunlight preservation.** **Tower level** building footprints (for portions of buildings 125 feet in height or greater) ~~shall~~ **must** not exceed 65 percent of the **sidewalk-level ground story** building footprint. In no case, however, ~~shall~~ **must** these tower level building footprints be required to be less than 30,000 square feet.

TABLE 1: SPI 12 BUCKHEAD/ LENOX STATIONS DEVELOPMENT- CONTROLS LOT STANDARDS TABLE	Subarea 1	Subarea 2	Subarea 3	Subarea 4
Total FAR, maximum	^a NA	^a NA	0.40	^a NA
Front yard, minimum (feet)	^b NA	^b NA	^b NA	^b NA
Side and rear yard, minimum (feet)	No minimum	No minimum	20'	No minimum except where the property abuts R-1 through R-5 or PD-H zoning districts. Abutting R-1 through R-3 zoning districts the minimum side or rear yards shall must be a 50 foot transitional yard transition which shall must not be used for the purpose of parking, paving, loading, servicing or storage activity and shall be planted and/or maintained in natural state. Abutting R-4, R-5 and PD-H zoning districts the minimum side or rear yards shall must be a 20 foot transitional yard transition which shall not be used for the purpose of parking, paving (except for multi-purpose trails), loading, servicing or storage activity and shall must be planted and/or maintained in natural state. Pervious walking paths shall must be permitted in the transitional yard. Multi-purpose trails may be paved in the transitional yard abutting R-4, R-5 and PD-H zoned property.
Notes:				
^a Not Applicable in Subareas Subdistrict 1, 2 and 4. See Transitional heights, yards and screening Transition requirements.				

^b Not Applicable. See [Sidewalk Pedestrian Walk Zone](#) and Supplemental Zone requirements.

TABLE 2A: SPI-12 BUCKHEAD/LENOX STATIONS BUILDING HEIGHT TABLE

Street Type	Minimum Facade Height
Peachtree fronting facade height, minimum (feet)	35'
Primary Street-facing fronting building facade height, minimum (feet)	24'
All other streets, minimum (feet)	No minimum

TABLE 2B: SPI-12 BUCKHEAD/LENOX STATIONS BUILDING HEIGHT TABLE

Maximum Building Height	Subarea 1 and subarea 2	Subarea 3	Subarea 4
Baseline height, maximum (feet)	225'	35'	225' for all uses except office 100' for office use
Block area height, maximum (feet)	225'	Not Applicable	39' for all uses except office 0' for office use
Peachtree frontage area height, maximum (feet)	75'	Not Applicable	Not Applicable
Transit station area height, maximum (feet)	100'	Not Applicable	Not Applicable
Total buildable height, maximum (feet)	^a 600	35'	264' for all uses except office 100' for office use

Notes:

^a Maximum total building height in Subarea 1, 2 and 4 [shall must](#) be the sum of subsections [section 16-18L.007\(3\)\(a\) through \(3\)\(d\)](#), provided that said sum [shall does](#) not exceed 600 feet except for architectural features and incentivized development in Subarea 1 and 2 as regulated in [section 16-18L.007\(3\)\(e\)\(ii\) and \(iii\)](#).

H. Open Space Requirements ([Sec. 16-18L.008. -](#))

1. Required open space:
 - a. The minimum required open space [shall will](#) be as set forth in [Table 4 SPI-12 Buckhead/Lenox Stations](#) Open Space Table.
 - b. The required open space delineated in [Table 4](#) [shall must](#) be calculated as a percentage of either the gross floor area or the net lot area, whichever is less. For mixed-uses, required open space [shall must](#) be the sum of each calculation percentage as applied to each use.
 - c. The required open space delineated in [Table 4](#) [shall must](#) be satisfied only through the use of the following elements: yards, amenity zones, pedestrian [walk](#) zones, [supplemental](#) zones, outdoor dining, plazas, parks, landscaped areas, rooftops, public art and pet areas, and [shall must](#) not include any heated interior spaces and private drives or streets designed for predominate vehicular use.

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- d. The owner ~~shall~~ must provide maintenance all open space improvements including replacement of any dead plantings.
2. **Minimum open space standards.** The following minimum standard ~~shall~~ must apply to each element listed to the extent that element is used to meet required open space.
 - a. **Sustainability.** A minimum of 60 percent of landscaped areas ~~shall~~ must be in bio-diverse planting of native and adapted plants other than turf grass.
 - b. **Above ground stormwater ponds.** Stormwater ponds functioning as management facilities designed to control stormwater runoff from multiple buildings or properties according to current City of Atlanta Stormwater Design Manual requirements may be permitted to be counted towards required open space provided that the portion of such facilities being used for open space:
 - i. ~~shall~~ Must be permitted to utilize the stormwater pond portion of the facility, and all other related systems and infrastructure related to the stormwater pond, for the purposes of meeting required open space;
 - ii. ~~shall~~ Must contain pedestrian amenities that meet the minimum standards of this section as approved by the Director; and
 - iii. ~~shall~~ Must be integrated with adjacent pedestrian amenities when located adjacent to such amenities.
 - c. **Pedestrian ways.** Pedestrian ways may be credited towards required open space only when in conformance with section 16-18L.015(2).
 - d. **Public art.** No more than 1,500 square feet of the required open space area may be utilized for public art display areas.
 - e. **Outdoor dining.** No more than 30 percent of the required open space area may be utilized for outdoor dining areas.
3. **Transfer of open space.** Required open space may be transferred to an off-site ~~parcel~~ lot when meeting the following requirements:
 - a. In no case may the transfer of open space result in development that does not comply with the remaining regulations of this district;
 - b. The ~~parcel~~ lot receiving the open space ("receiving ~~parcel~~ lot") ~~shall~~ must contain the amount of open space otherwise required for development of said receiving ~~parcel~~ lot in addition to the transferred amount of open space;
 - c. Transferred open space ~~shall~~ must be located only on sites located within SPI-12;
 - d. Open space transferred to a receiving ~~parcel~~ lot ~~shall~~ must meet the following requirements:
 - i. Be accessible to the public from dawn to dusk;
 - ii. Be located, visible from and accessible (having no walls, fences, or other obstructions) along a minimum of 60 percent of any adjacent sidewalk;

- iii. Permit and encourage pedestrian access on a minimum of 60 percent of the surface of the open space including landscaped areas, fountains, pedestrian furniture, public art, and similar elements which are specifically listed in the application;
 - iv. Include documentation of the total amount of open space relocated and the location of the receiving **parcel lot** on the approved **SAP**; and
 - v. Once transferred to a receiving **parcel lot**, the square footage of such transferred open space **shall must** not be used or credited toward future open space transfers.
 - e. Sites that have transferred required open space to an off-site receiving **parcel lot shall must** be deemed conforming as to said open space for purposes of **Chapter 24 (Nonconformities)** provided the transferred open space is properly maintained as open space in accordance with the approved **SAP**.
 - f. Transfers of open space proposals **shall must** provide documentation confirming the receiving parcel's property owner consents to the open space arrangement.
4. **Pet-walk areas.** For residential uses with more than 40,000 square feet of floor area, a minimum of 500 square feet of designated pet-walking areas **shall must** be provided unless pets are prohibited from such development as confirmed by written documentation. Off-site locations may be utilized in lieu of meeting this requirement on-site, however, such off-site locations **shall must** be within 1,000 feet from any building's pedestrian entrance as measured along areas permitted for pedestrian access.

TABLE 3: SPI-12 BUCKHEAD/LENOX STATIONS OPEN SPACE TABLE	SUBAREA 1	SUBAREA 2	SUBAREA 3	SUBAREA 4
Residential and dwellings uses	20%	25%	65%	20%
Non-residential uses (commercial and retail uses)	15%	Not Applicable	Not Applicable	15%
Non-residential uses (all other uses)	10%	Not Applicable	Not Applicable	10%

I. Sidewalks (Sec. 16-18L.009.)

Public sidewalks **shall must** be located along all public streets and **shall must** consist of two zones: an amenity zone and a pedestrian **walk** zone. Public sidewalks **shall must** have the widths identified in **Table 5: SPI-12 Buckhead/Lenox Stations Sidewalk Table** and **shall must** meet the following requirements.

1. **Amenity zone.** The amenity zone **shall must** be located immediately adjacent to the curb. Width **shall must** be measured from back (building side) of curb to the **walk pedestrian** zone. Minimum width **shall must** be as specified for the applicable street type in **Table 5**. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, **shall must** be of a type specified by the Director in accordance with uniform design standards for placement of such objects in the **public** right-of-way.

2. **Pedestrian walk zone requirements.** The pedestrian walk zone shall must be located immediately contiguous to the amenity zone and shall must be a continuous hardscape for a minimum width as specified for the applicable street type in Table 5, with a consistent cross-slope not exceeding two percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall must be placed above ground in the walk pedestrian zone for a minimum height of eight feet.
3. **Paving.** All sidewalk paving shall must be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk pedestrian zones areas, shall must be retained as part of any new development or replaced with materials that match in size, shape, and color.
4. **Street tree planting requirements.** Street trees are required and shall must be planted in the ground within the amenity zone and spaced equidistant and on-center between street lights as specified for the applicable street type in Table 5. All newly planted trees shall must be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall must be a minimum of 12 feet in height at the time of planting and shall must be limbed up to a minimum height of seven feet. Trees shall must be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or liriope spicata. All tree plantings, replacement and removal shall must be approved by the City Arborist.
5. Pedestrian and street lights shall must be placed equidistant and on-center between required street trees within the amenity zone as specified for the applicable street type in Table 5.
6. **Outdoor dining.** Outdoor dining within the required public sidewalk shall must:
 - a. Be allowed to encroach into the pedestrian walk zone only when the amount of unobstructed sidewalk is provided as specified in the Table 5: SPI-12 Buckhead/Lenox Stations Sidewalk Table;
 - b. Be prohibited from containing any fixed or attached structure within such pedestrian walk zone encroachment area;
 - c. Be separated from the unobstructed pedestrian walk zone only with movable planters, movable fencing or similar non-fixed barriers provided they do not exceed a height of 42 inches including any plant material; and
 - d. Comply with all requirement of this chapter at such time as the outdoor dining use is discontinued for more than 30 days.
7. **Alternative transportation systems.** The location of transit stops for shuttles, buses or other similar forms of public transportation and paths, trails or similar forms of non-vehicular travel ways shall must be coordinated with the Buckhead Area Transportation Management Association (BATMA). The widths of amenity zone and pedestrian walk zones may be varied to accommodate such elements.
8. **Visibility at intersections.** Nothing shall must be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections, as measured from the curb, between the heights of two and one-half feet and eight feet above grade. See section 16-28.008(9) Visibility at Intersections.

9. **Overhead utilities.** Upon redevelopment of a parcel reasonable efforts shall must be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
10. **Peachtree Road lots parcels.** Parcels Lots shall must be permitted to credit new street tree planting and sidewalk areas created as a part of the Peachtree Corridor Project towards any required street tree planting and sidewalk requirements and any required open space requirements.
11. In recognition of the existing mature tree canopy, landscaping and topography located between the back of curb and the buildings on Piedmont Road in Subarea 4, properties in Subarea 4 shall will be exempt from compliance with Section 16-18L.009(1) through Section 16-18L.009(5) and Table 5: SPI-12 Buckhead/Lenox Stations Sidewalk Table on Piedmont Road unless the mature tree canopy and landscaped area on the applicable property is redeveloped. To the extent the exemption in this Section 16-18L.009(11) is utilized, the applicable property shall must retain the existing five foot walk zone located at back of curb on Piedmont Road and provide a separate eight foot multi-use path between the building and the back of curb on Piedmont Road.

TABLE 4: SPI-12 BUCKHEAD/LENOX STATIONS SIDEWALK TABLE	Amenity Zone Minimum	Pedestrian <u>Walk Zone</u> Minimum	Unobstructed Pedestrian <u>Walk Zone</u> With Dining Encroachment Minimum	Street Tress Spacing Maximum	Street Light Spacing Maximum
Peachtree Road, width (feet)	5'	15'	10'	40'	80'
Primary and local streets, width (feet)	5'	10'	6'	30'	60'
Private streets that function as a public street for determining block area per <u>section 16-18L.015(3)(b)</u> , width (feet)	Not Required	6'	6'	Not Required	Not Required

J. Supplemental Zone (Sec. 16-18L.010. -)

Supplemental zones shall must meet the dimensions identified in Table 6: SPI- 12 Buckhead/Lenox Stations Supplemental Zone Table, and shall must meet the following requirements.

1. **Elevation and grade.** The supplemental zone (including any porches and stoops associated with residential uses) shall must have a maximum elevation of 36 inches above finished-sidewalk-grade ground story elevation unless existing topographical considerations render this requirement unreasonable in the determination of the Director.
2. **Storefront windows.** Storefront display windows may project into the required supplemental zone but shall not cover more than two-thirds of its horizontal area and shall have a minimum depth of three feet, to be internally illuminated, serviced by electricity, and accessible from the interior of a building.
3. Additional requirements for supplemental zones:
 - a. **Adjacent to all uses.** shall Must provide a pedestrian walkway walk zone a minimum width of four 4 feet through said supplemental zone to connect to the adjacent required sidewalk. Said walkway pedestrian walk zone shall must be predominantly perpendicular to the street unless topography prohibits.

- b. **Adjacent to sidewalk-level ground story non-residential uses.** ~~shall~~ **Must** be hardscape for pedestrians to access a minimum of 75 percent of its area excluding fountains, pools, pedestrian furniture, public art, outdoor dining and similar elements. See **section 16-18L.008** when utilizing supplemental zones as part of open space calculations.
- c. Adjacent to ~~sidewalk-level ground story~~ residential units:
 - i. Said zone ~~shall must~~ be a minimum of 25 percent landscaped except when located on Peachtree Road which ~~shall must~~ have no minimum requirement.
 - ii. Buildings with more than four ~~sidewalk-level ground story~~ residential units ~~shall must~~ be permitted to share said required pedestrian ~~walkway walk zone~~ with one adjacent unit.
4. **Fences and walls.** Fences and walls ~~shall must~~ only be allowed within the supplemental zone when meeting the following regulations.
 - a. For all ~~sidewalk-level ground story~~ residential and outdoor dining uses:
 - i. Walls ~~shall must~~ not exceed 42 inches in height unless existing topography requires a retaining wall of greater height;
 - ii. Fences ~~shall must~~ not exceed 42 inches in height; and
 - iii. Any railings, balustrades, or enclosures around stoops, stairs, or porches ~~shall must~~ be a minimum of 60 percent open,
 - b. **For all other non-residential sidewalk-level ground story uses.** Fences and walls are prohibited.
 - c. Retaining walls ~~shall must~~ be finished poured concrete or ~~shall must~~ be faced with stone, brick or smooth stucco and ~~shall must~~ be architecturally compatible with the adjacent building's design.
5. **Cantilevered portions of buildings.** A building may cantilever over the supplemental zone, provided there is a minimum vertical clearance of 24 feet above the finished supplemental zone grade.
6. **Outdoor dining.** Outdoor dining locations ~~shall must~~ be designated within the approved **SAP** as available for such use and no encroachment by outdoor dining outside an area so designated ~~shall must~~ be permitted.
7. In recognition of the existing mature tree canopy, landscaping and topography located between the back of curb and the buildings on Piedmont Road in Subarea 4, properties in Subarea 4 ~~shall will~~ be exempt from compliance with **Section 16-18L.010(1)** through ~~(3)~~ **3** and **Table 6: SPI-12 Buckhead/Lenox Stations Supplemental Zone Table** on Piedmont Road unless the mature tree canopy and landscaped area on the applicable property is redeveloped.

TABLE 5: SPI-12 BUCKHEAD/ LENOX STATIONS SUPPLEMENTAL ZONE TABLE	SUPPLEMENTAL ZONES (those not designated as plaza areas)	SUPPLEMENTAL ZONES (those designated as plaza areas)
	Minimum/Maximum	Minimum/Maximum
Peachtree Road, width (feet)	15'/25'	35'/No maximum

Primary streets, width (feet)	10'/25'	30'/No maximum
Local streets, width (feet)	No minimum/25'	30'/No maximum

K. Relationship of Building to Street Lot Standards (Sec. 16-18L.011.)

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

1. General sidewalk-level ground story building facade requirements:
 - a. All buildings ~~shall~~ **must** have a minimum of one building facade meeting the major sidewalk-level ground story building facade requirements of this section. All other building facades ~~shall~~ **must** be considered as minor sidewalk-level ground story building facades.
 - b. For parcels lots with more than one street frontage, major sidewalk-level ground story building facades ~~shall~~ **must** be required according to **Table 7: SPI-12 Buckhead/Lenox Stations Primary Sidewalk-Level Ground Story Building Facades Hierarchy Table**. Only one street ~~shall~~ **must** be required to meet the major sidewalk-level ground story facade requirements, with the street with the table's highest assigned ranking being considered the major sidewalk-level ground story. In this way, streets with an order of priority of "1" ~~shall~~ **must** have a higher priority over streets with an order of priority of "2", and so on. If there are multiple streets with the same highest ranking the **SAP** applicant ~~shall~~ **must** choose their defined major sidewalk-level ground story designation.
 - c. Wherever the term sidewalk-level ground story is used elsewhere in this chapter, without further delineation between major or secondary status, it ~~shall~~ **must** apply to both major and minor sidewalk-level ground story building facades.
 - d. Active uses, where provided, ~~shall~~ **must** be serviced by plumbing, heating, and electricity and are limited to the residential uses and non-residential uses designated in **Table 1: SPI-12 Buckhead/Lenox Stations Use Table**, with the exception of the following non-residential uses which ~~shall~~ **must** be prohibited:
 - i. Helicopter landing facilities or pick-up or delivery stations;
 - ii. Parking structures; and
 - iii. Structures required for public transit.
2. **Major sidewalk-level ground story building facades.** Major sidewalk-level ground story building facades ~~shall~~ **must** meet the following requirements:
 - a. Major sidewalk-level ground story fenestration transparency and building massing:
 - i. Building facades greater than 100 continuous feet in horizontal length ~~shall~~ **must** include variety in facade treatment such as materials, textures, colors and/or window and door patterns.
 - ii. The length of facade without intervening fenestration transparency or entryways entry features ~~shall~~ **must** not exceed 20 feet.

- iii. ~~Fenestration transparency shall~~ **must** be provided for the horizontal length of the primary ~~sidewalk-level ground story~~ facade as listed below for the following street types:
 - a) Peachtree Road and primary streets: A minimum of 65 percent.
 - b) All other streets (including pedestrian ways): A minimum of 50 percent.
 - b. Major ~~sidewalk-level entrances ground story entry features~~:
 - i. Buildings with more than four residential units which are located at the major ~~sidewalk-level ground story~~, except those with either supportive housing, nursing homes, personal care homes or assisted living uses, ~~shall~~ **must** have individual ~~entrances entry features~~ to such units directly accessible from the public sidewalk and ~~shall~~ **must** open directly onto the adjacent public sidewalk, ~~supplemental~~ zone, terrace, porch, plaza, or park adjacent to the public sidewalk. Said buildings ~~shall~~ **must** have porches, stoops or wheelchair access at each ~~sidewalk-level entrance ground story entry feature~~.
 - ii. All residential uses located above or below the major ~~sidewalk-level ground story~~ ~~shall~~ **must** provide major ~~sidewalk-level ground story~~ access via a lobby or a similar space.
 - c. Major ~~sidewalk-level ground story~~ active uses:
 - i. Active uses ~~shall~~ **must** be provided within buildings and parking structures for the entire length of said building facade except ingress and egress points into parking structures or loading areas.
 - ii. Minimum ~~sidewalk-level ground story~~ to ceiling height for primary ~~sidewalk-levels ground story~~ fronting Peachtree Road and primary streets ~~shall~~ **must** be 18 feet, as measured vertically from the ground floor to the structural ceiling, not including drop ceilings or other interior ceiling treatments within the ~~sidewalk-level ground story~~ space.
- 3. **Minor ~~sidewalk-level ground story~~ building facades.** Minor ~~sidewalk-level ground story~~ building facades ~~shall~~ **must** meet the following requirements:
 - a. **Minor ~~sidewalk-level ground story fenestration transparency~~.** ~~Fenestration transparency shall~~ **must** be provided for the horizontal length of the minor ~~sidewalk-level ground story~~ facade as listed below for the following street types:
 - i. Primary streets: The requirements for major ~~sidewalk-level ground story~~ ~~shall~~ **must** apply when ~~sidewalk-level ground story~~ building facades are located along such streets.
 - ii. All other streets (including pedestrian ways): A minimum of 25 percent. Artistic wall murals, architectural treatments and other forms of building articulation that do not utilize glass ~~shall~~ **must** be permitted to account for a maximum of 50 percent of this requirement.
 - b. **Minor ~~sidewalk-level ground story entry features~~.** ~~Entrances Entry features shall~~ **must** only be required when active uses are provided and no other ~~entrance entry feature~~ is provided along another facade.
 - c. **Minor ~~sidewalk-level active uses ground floor active depth~~.** ~~Active-uses Active depth shall~~ **will** not be required.

4. **Additional fenestration transparency provisions.** Where sidewalk-level ground story fenestration transparency is required, the following additional provisions shall will apply:
- a. Windows and door glass shall must utilize clear glass or tinted glass. Tinted glass shall must have a transmittance factor of 50 percent or greater and shall must have a visible light reflectance factor of ten or less. Painted glass, reflective glass or other similarly treated or opaque windows are not permitted.
 - b. fenestration Transparency for display windows or cases shall must allow visibility into the window or case for a minimum depth of 18 inches, measured from the interior windowpane.
 - c. fenestration Transparency for all other non-residential storefront windows shall allow visibility into the building for a minimum depth of ten feet when located along Peachtree Road and primary streets, and five feet along all other streets, measured from the interior windowpane and shall be internally illuminated.
 - d. **Facade treatment measurement.** Fenestration and entrances shall must be provided as measured beginning at a point not more than 36 inches above the required public sidewalk to a height at least ten 10 feet above said sidewalk, with the following exceptions:
 - i. When the finished floor elevation is 36 or more inches above the public sidewalk, height shall must be measured beginning at the finished floor elevation to a height at least ten 10 feet above the finished-floor ground story elevation; or
 - ii. When the finished-floor ground story elevation is below said sidewalk, height shall must be measured beginning at a point not higher than the adjacent public sidewalk to a height at least ten 10 feet above the finished-floor ground story elevation.
5. **Additional pedestrian entrance entry feature provisions.** Where sidewalk-level ground story pedestrian entrances entry features are required, the following additional provisions shall apply:
- a. Entrances Entry features shall must be architecturally articulated, and face, be visible from, and be directly accessible from the adjacent public sidewalk. The use of fire-escape, entrance-only and exit-only doors as primary entrances entry features is prohibited.
 - b. Lobby doors and similar entrances entry features may be recessed a maximum depth of ten 10 feet and may have a maximum width of 20 feet. All other doors may be recessed a maximum depth of five 5 feet.
 - c. Entrances Entry features for non-residential uses shall must remain unlocked during business hours and shall must be at-grade with the closest portion of the adjacent required public sidewalk.
6. **Additional active use provisions.** Where sidewalk-level ground story active uses are required, the following additional provisions shall must apply:
- a. Sidewalk-level Ground story active depth active uses shall must not include parking, non-residential storage areas, driveways, or queuing lanes parallel to the adjacent street.
 - b. Active uses shall must be provided for a minimum depth of 20 feet, as measured from the sidewalk-level ground story building facade.

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7. **Specific uses in enclosed buildings.** The following uses **shall must** be placed within a building or parking structure and subject to the active-use requirement of this section, except at ingress and egress points.
 - a. Structures and features associated with fueling stations such as accessory fueling pumps, air pumps, repair garages, vehicular service areas and car washes, when within 300 feet of Peachtree Road or any primary street.
 - b. Drive-through service windows for any use, including structures and associated queuing, when within 300 feet of Peachtree Road or any primary street.
 - c. Sales and leasing agencies for new and used passenger automobiles and commercial vehicles. Such uses **shall must** only be permitted within mixed-use buildings and **shall must** not constitute the primary use of the building.
8. **Address.** A street address number **shall must** be clearly visible from the public sidewalk, and **shall must** have a minimum height of ~~six~~ **6** inches.
9. **Up-lighting.** All up-lighting **shall must** be located a minimum height of ~~eight~~ **8** feet above the required public sidewalk, driveway or **supplemental** zone.
10. External storefront security grilles, gates and security doors:
 - a. **Shall Must** be fully retractable during business hours and **shall must** permit visibility into the interior of protected space when in use;
 - b. Opaque systems are prohibited;
 - c. External housing and shields for such systems **shall must** be painted the same color as the frames of the storefront system they protect; and
 - d. Vehicular gates and doors may be recessed a maximum depth of 20 feet.
11. In recognition of the existing mature tree canopy, landscaping and topography located between the back of curb and the buildings on Piedmont Road in Subarea 4, properties in Subarea 4 **shall must** be exempt from compliance with **Section 16-18L.011(2)(b) (major sidewalk-level entrances)**, **Section 16-18L.011(2)(c) (major sidewalk-level active uses)**, **Section 16-18L.011(8) (address)** and **Section 16-18L.011(9) (up-lighting)** on Piedmont Road unless the mature tree canopy and landscaped area on the applicable property is redeveloped.

TABLE 6: SPI-12 BUCKHEAD/LENOX STATIONS PRIMARY SIDEWALK-LEVEL BUILDING FACADES HIERARCHY TABLE	ORDER OF PRIORITY
Peachtree Road	1
Primary streets	2
^a Local streets and private streets that function as local streets	3
^a Pedestrian ways	4
Notes:	
^a Georgia State Route 400, the MARTA northern concourse pedestrian bridge and the SPI-12 district boundary shall must not be considered streets for purposes of the sidewalk-level ground story building facade requirements of the section.	

L. Dumpsters, Loading, Loading Areas and Entrances, Mechanical and Accessory

Features, and Fences and Walls (Sec. 16-18L.012. -)

1. The ~~off-street~~ on-site loading requirements for this district are as shown in the table of loading requirements, section 16-28.015, off-street loading requirements.
2. Dumpsters, trash compactors, loading areas and loading docks ~~shall~~ must be located and oriented in a manner to minimize visibility from ~~public~~ rights-of-way or pedestrian ~~walk~~ zones. If such elements are otherwise visible screening via either opaque walls, gates or landscaping ~~shall~~ must be provided so such elements would not be visible. In addition, all external dumpsters and trash compactors ~~shall~~ must be enclosed with opaque walls a minimum of eight feet in height.
3. Building mechanical and accessory features (including satellite dishes):
 - a. ~~Shall~~ Must be located to the side, rear, or roof of the principal structure and within each such location ~~shall~~ must be in the location of least visibility from any public park, plaza, ~~public~~ right-of-way, private street, required sidewalk, or ~~sidewalk-level ground story~~ outdoor dining area and are prohibited between the building and any public street. When not located in an area of least visibility, said mechanical and accessory features ~~shall~~ must be screened.
 - b. When located on rooftops ~~shall~~ must be incorporated in the design of the building and screened with materials similar to the building.
4. Fences and walls:
 - a. No barbed wire, razor wire, chain link or similar elements ~~shall~~ must be visible from any public park, plaza, ~~public~~ right-of-way, private street, pedestrian way, required sidewalk or ~~sidewalk-level ground story~~ outdoor dining area.
 - b. Fences and walls are prohibited between a pedestrian ~~way zone~~ and a lot line.
 - c. For all locations not located between the building and the required sidewalk: the maximum height of all fences and walls ~~shall~~ must be ~~eight~~ 8 feet.

M. Signs (Sec. 16-18L.013.)

See section 16-28A.010(13) for SPI-12 Sign Regulations.

N. Driveway Curb Cuts, Driveways, Parking Facilities (Sec. 16-18L.014. -)

1. Driveways and curb cuts:
 - a. For all uses except for hotels, driveways ~~shall~~ must be predominantly perpendicular to any adjacent street and are not permitted between the required sidewalk and the adjacent building except to reach the side yard, rear yard or an on-site parking facility.
 - b. Notwithstanding the provisions of section 16-28.006(10), independent driveways are not required when access is provided by a common or joint driveway for adjacent lots that have direct vehicular access to a street, or a driveway from a private street which functions as a public street. Said shared arrangement may be authorized by the director of the office of planning, based on traffic considerations, when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such agreement is filed with the office of planning.

2. Street types:
 - a. Streets, private streets and private drives intersecting with Peachtree Road or primary streets:
 - i. **Shall Must** be designed to have the appearance of public streets and **shall must** meet the requirements of **sections 16-18L.009, 16-18L.010 and 16-18L.011** for a minimum distance of 50 feet from the Peachtree Road or primary street entryway, as measured along the center-line of the street or drive; provided, however, in recognition of the existing mature tree canopy, landscaping and topography located between the back of curb and the buildings on Piedmont Road in **Subarea Subdistrict 4**, properties in **Subarea Subdistrict 4** **shall must** be exempt from compliance with this **Section 16-18L.014(2)(i)** unless the mature tree canopy and landscaped area on the applicable property is redeveloped; and
 - ii. **Shall Must** have no limit of total curb cut width(s) along Peachtree Road or primary streets.
 - b. Streets, private streets and private drives intersecting with all other street types:
 - i. Curb cuts accessing parking areas **shall must** have a maximum combined width of 36 feet per street, private street or private drive; and
 - ii. Curb cuts accessing loading areas **shall must** have a maximum width of 14 feet per curb cut. The number of such curb cuts **shall must** not exceed the number of required loading spaces designated in **Table 8: SPI -12 Buckhead/Lenox Stations Loading Table**. Loading area curb cuts are permissible per building, not per street, and may be combined; and
 - iii. The total number and total width of curb cuts accessing parking areas and loading areas may be increased when documentation is provided from a certified traffic engineer proving the need for the increased number and/or dimensions. Developments granted such increases **shall must** meet the Transportation Management Plan requirements of **section 16-18L.018** regardless of the total square footage of the development.
3. **Sidewalks.** All sidewalk paving materials and widths **shall must** be continued across any intervening driveway curb cut at the prevailing grade and cross slope as the adjacent **sidewalk pedestrian walk zone**. Bands of textured concrete **shall must** also be installed which are:
 - a. Adjacent to the street and of equal width and alignment to the amenity zone; and
 - b. Adjacent to the back of the required pedestrian **walk** zone and in-line with the **supplemental** zone at a minimum width of five feet.
4. Parking structures:
 - a. In addition to **section 16-28.028**, parking structures **shall must** meet the **sidewalk-level ground story** building facades requirements as applicable in **section 16-18L.011**.
 - b. A minimum of **one (1) entrance 1 entry feature** to parking structures **shall must** have a minimum height of 90 inches for the ingress and egress of vanpool vehicles.
5. **Lighting.** All parking facility lighting **shall will** reduce light spillage onto adjacent properties by providing cutoff luminaries which have a maximum 90 degree illumination.
6. **Maintenance.** Parking spaces and driving lanes **shall must** be clearly defined and maintained as such. See **section 16-28.026** for additional requirements.

7. **Landscaping.** The requirements of City of Atlanta Code of Ordinances **section 158-30** including related cross-references thereto **shall must** apply.

O. Connectivity and Block Standards (Sec. 16-18L.015.)

1. **Block connectivity.** New development in Subareas 1, 2 and 3 proposing to contain a continuous block face greater than 600 feet in length without an intervening street or a private street that functions as a public street meeting the requirements of **section 16-18L.014(2)** **shall must** be traversed by streets which create block faces no more than 400 feet in length along a public street.
2. Pedestrian ways utilized to satisfy block connectivity or block area regulations **shall must**:
 - a. Provide a continuous minimum total width of 45 feet which **shall must** be unobstructed up to a minimum vertical clearance of 18 feet except for any structural columns. Also, within any such pedestrian way is a minimum 15 feet wide continuous pedestrian path(s) which is unobstructed by any vertical or overhead elements that is required in lieu of the **sidewalk pedestrian zone** requirements in **section 16-18L.009**;
 - b. Provide pedestrian directional signage for the pedestrian way when the pedestrian way intersects with public streets or private streets that function as public streets.
3. Any buildings adjacent to such a pedestrian way, whether located on-site or off-site, **shall must** meet the requirements for relationship of building to street in **section 16-18L.011**. Newly created streets. Newly created public streets and private streets that function as a public street, which are utilized to satisfy block connectivity or block area regulations, **shall must** meet the following regulations:
 - a. Provide such street types at a minimum distance of 100 feet from any other predominantly parallel street; and
 - b. All such street types **shall must** meet the requirements of **section 16-18L.014(2)** except that private streets that function as a public street **shall must** be permitted to utilize the following standards in lieu of the **section 16-18L.014(2)** regulations for a maximum of 40 percent of the permissible street types for determining block area:
 - i. An amenity zone and a **supplemental** zone **shall must** not be required; and
 - ii. A minimum pedestrian **walk** zone of **six 6** feet shall be provided on one side of the private street.
4. **Removal of private connectivity.** The following provisions **shall must** apply when private streets that function as a public street are utilized to satisfy block area calculations for any property within the district and are later removed or altered in part or in whole.
 - a. A **SAP** from the Director **shall will** be required. Such **SAP** **shall must** demonstrate that district access and connectivity will be provided to an equivalent or greater degree than provided prior to the removal of such elements.
 - b. Such removals or alterations **shall must** not result in a reduction in height calculations and **shall must** not be deemed nonconforming, per **section 16-18L.007(3)(b)(ii)**.

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5. **Restricted connections and intersections.** The following provisions shall must apply to streets which are unable to connect to or intersect with another street for purposes of meeting any related requirements of this district due to topographic or other physical restrictions.
 - a. Such streets shall must be permitted to be considered as connecting to or intersecting with other streets when:
 - i. Located a maximum distance of 25 feet apart; and
 - ii. Documentation of the topographic or physical features that prohibit the connection or intersection of such streets is provided.
 - b. For purposes of quantifying district block area calculations, these areas shall must be quantified by determining the total linear distance between the non-connecting or non-intersecting streets.
6. **Old Ivy Road access.** In Subarea 4, vehicular access to Old Ivy Road shall must be designed to prohibit vehicles from turning right out onto Old Ivy Road or turning left in from Old Ivy Road. Signage prohibiting the right out and left in movements shall must be posted at the intersection with Old Ivy Road. Vehicular access from Old Ivy Road shall must be closed with a physical barrier from 7:00 pm to 7:00 am daily and at all times on the weekend. In the event of significant or repeated illegal turns into or out of the Old Ivy Road curb cut, the owner shall must provide, at the discretion of the City of Atlanta Office of Transportation, at the owner's expense, an off-duty City of Atlanta police officer to direct traffic movements between 7:30 am to 9 am and 5:00 pm to 6:30 pm each weekday.

P. Off-Street On-Site Parking Requirements (Sec. 16-18L.016.)

Off-street On-site parking for all uses shall must be provided in accordance with the Table 9: SPI-12 Buckhead/Lenox Stations Parking Table and subject to the subsections below. See also sections 16-28.013 and 16-28.014.

1. **Minimum parking.** There shall must be no minimum off-street on-site parking required except that uses with alcohol beverage licenses shall must be required to meet the minimum parking requirements set forth in Chapter 10 of the Code of Ordinances (Alcoholic Beverages).
2. **Maximum parking.** Unless otherwise shown in Table 9: SPI-12 Buckhead/Lenox Stations Parking Table, the maximum allowable off-street on-site parking shall must be one space for each 200 square feet of floor area.
3. **Location.** With the exception of regional shopping centers, accessory off-street on-site surface parking lots shall must not be located between a building and an adjacent street without an intervening building.
4. **Screening.** Off-street On-site surface parking lots shall must be screened from adjacent streets and sidewalks. Only perpendicular driveway crossings and delineated pedestrian paths shall must be allowed through such screening. Screening shall must incorporate screen wall extensions, berms, and/or vegetative fences or screening between the parking lot and the sidewalk(s) at a minimum height of 36 inches. The following additional screening controls shall must apply:
 - a. Berms, vegetative fences or screening shall must have a maximum height of 42 inches.

- b. Screen wall extensions **shall must**:
 - i. Be located predominantly parallel and congruent with the adjacent building facade;
 - ii. Be a maximum height of 12 feet; and
 - iii. Be a minimum of 50 percent permeable or articulated to avoid blank walls.
5. Shared or transferred **off-street on-site** parking requirements:
- a. Parking allocations for uses not involving alcohol beverage licenses may be shared or transferred off-site at the discretion of the Director.
 - b. Parking allocations for uses with alcohol beverage licenses may be shared or transferred **off-street on-site** at the discretion of the Director upon a written determination that the applicant has established a valid shared or off-site parking arrangement which:
 - i. Meets all other criteria of **section 16.25.002(3)**;
 - ii. Provides safe and permissible pedestrian **circulation mobility** and access between the **principal primary** structure and off-site parking facilities at no more than 1,000 feet in horizontal walking distance as measured along areas dedicated to or permitted for pedestrian access;
 - iii. Shows that all shared or off-site parking spaces will be clearly marked and signed as reserved during specified hours; and
 - iv. Documentation include the following:
 - a) A map drawn to scale that indicates the location of proposed parking spaces; and
 - b) Copies of valid shared parking agreements. Renewed agreements **shall must** be filed with the office of planning.
6. **Office uses, additional requirements.** Any development providing more than 50,000 square feet of gross office space **shall must** reserve and designate carpool and vanpool parking spaces with notification of such spaces to be provided to the Buckhead Area Transportation Management Association (BATMA) at the minimum ratios as follows:
- a. Three percent of all parking spaces as “carpool only”, but **shall must** not be required to exceed seven such spaces, with a minimum of one such space to provide electrical conduit and infrastructure to encourage future access for electric vehicles.
 - b. Two percent of all parking spaces as “vanpool only”, but **shall must** not be required to exceed three such spaces.
7. **Transit station area.** Within the transit station area, **off-street on-site** parking spaces **shall must** be permitted to be reserved and designated as “transit access only” parking. The allocation of such spaces **shall must** be permitted without limit and **shall must** be coordinated with the Buckhead Area Transportation Management Association (BATMA).

TABLE 9: SPI-12 BUCKHEAD/LENOX

Station Parking Table	Maximum Allowable Parking Spaces
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Child care centers, kindergartens and other special schools	One space per 600 square feet of floor area; In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, approved by the department of transportation
Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly, and similar uses, with primary activities conducted within fully enclosed buildings	One space for each 100 square feet of floor area
Drive-in, drive-through establishments	See section 16-28.021
Tailoring, custom dressmaking, millinery and similar establishments	One space for each 300 square feet of floor area
Eating and drinking establishments—Indoor dining and covered outdoor dining	One space for each 200 square feet of floor area for uses without alcoholic beverage license; One space for each 100 square feet of floor area for uses with alcoholic beverage licenses
Eating and drinking establishments—Uncovered outdoor dining	If outdoor uncovered dining space is greater than 25 percent of the total gross floor area of the establishment, it shall provide a maximum of one additional space per 600 square feet for such accessory outdoor dining area
Hotels	One space per rental unit plus one-half space per employee and one space per 100 square feet of restaurant/lounge gross leasable area and one space per 300 square feet of other convention facilities
Nursing homes	One space for each four beds
Office uses	Two and one-half spaces for each 1,000 square feet of floor area
Parking structures (as a primary use)	No parking requirement
Personal care homes, assisted living facilities, continuing care retirement communities and rehabilitation centers with a residential component	See section 16-08.007 for applicable ratios according to the appropriate floor area ratio
Other recreation and entertainment uses	One space for each 400 square feet of floor area
Single-family dwellings, multi-family dwellings and supportive housing	Two spaces per unit plus one-half space for each unit with three or more bedrooms + one-third space per unit for guest parking
Retail establishments	One space for each 200 square feet of floor area
Public and private schools and institutions of higher learning, including colleges and universities	One space for each four fixed seats (with 18 inches of bench length counted as one seat); or One space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following: <ul style="list-style-type: none"> i. For elementary or middle schools: Two spaces for each classroom; ii. For high schools: Four spaces for each classroom; iii. For colleges and universities: Eight spaces for each classroom
Accessory uses	One space for each 300 square feet of floor area
All other uses	One space for each 200 square feet of floor area

Q. Minimum Bicycle Parking (Sec. 16-18L.017. -)

See section 16-28.014(6), Bicycle parking requirements.

R. Transportation Management Plans (Sec. 16-18L.018. -)

1. The office of buildings shall not issue any certificate of occupancy permits for any multi-family residential, office, or hotel development (including the sum of such uses in combination) having more than 25,000 square feet of gross floor area until such time the developer or their specified agent has submitted to the Office of Zoning a Transportation Management Plan (TMP). This TMP shall contain strategies to reduce single occupancy vehicle trips generated by the project and shall be in accordance with the Transportation Management Plant development guide, a document maintained by the Atlanta Department of Transportation.
2. Upon the face of the permit plans for improvement of real property subject to the TMP requirement, the applicant ~~shall~~ **must** acknowledge by signature, for itself and successors and assigns on the permit plans, that it will satisfy the requirements of 16-18L.018 and certify which strategies will be used to reduce single occupancy vehicle trips.
3. A summary report of ongoing implementation of the TMP ~~shall~~ **must** be submitted annually.

S. Roofs, Bridges and Tunnels (Sec. 16-18L.019. -)

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

T. Incentivized Developments (Sec. 16-18L.020. -)

1. **General.** Development bonuses specified in this section ~~shall~~ **must** be permitted for any development that meets the listed criteria for plaza areas or green development. However, no additional building height is permitted unless meeting all of the respective criteria for such plaza areas or green development as indicated below.
2. Plaza areas:
 - a. **Location.** Plaza areas eligible for the bonus provisions of this section are limited to one such location for each eligible plaza area delineated on Map Attachment "D" the SPI-12 Buckhead/Lenox Stations Incentivized Plazas Map.
 - b. Plaza areas as supplemental zones:
 - i. ~~shall~~ **Must** be designed and located in accordance with the requirements for supplemental zones in section 16-18L.010.
 - ii. ~~shall~~ **Must** have an overall scale and layout that delineates such areas as being unlike from the adjacent ~~sidewalk pedestrian zones areas~~.

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- iii. ~~shall~~ **Must** front the primary ~~sidewalk-level ground story~~ facade of at least one building.
 - iv. ~~shall~~ **Must** be provided in addition to the total square footage of supplemental zones that would otherwise be required in the **Table 6: SPI-12 Buckhead/Lenox Stations Supplemental Zone Table**.
- c. Size and incentives:
- i. Plaza areas at a minimum size of 2,500 square feet. For such plaza areas, all open space calculations ~~shall~~ **must** be fully satisfied in the required **supplemental** zones and Plaza area.
 - ii. Plaza areas at a minimum size of 5,000 square feet. In addition to the above plaza bonus for open space, for such plaza areas an additional building height of 50 feet ~~shall~~ **must** be permitted in excess of the total building height as regulated in **section 16-18L.007(3)(e)(i)** for portions of buildings which meet the following criteria:
 - a) Located within 800 feet of the plaza area as measured along a walkable path;
 - b) Immediately adjacent to the plaza area with no public streets separating them.
3. Green development:
- a. To qualify for the green development incentives, such development ~~shall~~ **must**:
 - i. Be in excess of 100,000 square feet of floor area;
 - ii. Utilize non-potable water sources for 100 percent of all outdoor water use;
 - iii. Provide verification of an Analysis of the City Energy Code that demonstrates ten percent reduction of energy use, in comparison to the City Energy Code requirements;
 - iv. Provide open space at least ~~ten~~ **10** percent above open space requirements;
 - v. Provide a minimum of three electric vehicle charging stations.
 - b. Developments meeting all of the above criteria ~~shall~~ **must** be entitled to either of the following opportunities:
 - i. An additional building height of 30 feet ~~shall~~ **must** be permitted in excess of the total building height as regulated in **section 16-18L.007(3)(e)(i)**.
 - ii. An expedited permitting process when in accordance with a formal "expedited permit program" as established by the Office of Buildings.

DIVISION 7.5. MIDTOWN

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Scope of Provisions (Sec. 16-18P.001.)

1. The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the regulations for the SPI-16 Midtown Special Public Interest (SPI) District. These regulations ~~shall~~ will supplant existing districts or portions of existing districts as shown on the attached map referenced in section 16-18P.003, except as provided herein.
2. All attachments referenced in these regulations are attached to the ordinance adopting these regulations. Said ordinance, including all exhibits and attachments, is a public record available for public inspection in the office of the Atlanta Municipal Clerk. The ordinance is also available for public inspection on "final action legislation" link on the City Council's website.
3. All existing categories of historic protection designated pursuant to chapter 20 of part 16 ~~shall~~ must continue in full force and effect and said existing historic protection regulations ~~shall~~ must be overlaid upon, and ~~shall~~ must be imposed in addition to, the regulations set forth in this chapter. Whenever the following regulations are at variance with said existing historic protection regulations, the historic protection regulations ~~shall~~ must apply. Whenever the following regulations conflict with provisions of Part 16 other than historic protection regulations, the more stringent regulation ~~shall~~ will apply.

B. Statement of Intent (Sec. 16-18P.002.)

The intent of the council in establishing and updating the SPI-16 Midtown Special Public Interest District is as follows:

1. Implement provisions of the Comprehensive Development Plan incorporating certain recommendations contained in studies of this area, including the initial comprehensive study known as Blueprint Midtown;
2. Implement provisions of subsequent supplemental plans and studies of this area including Blueprint Midtown II, Midtown Mile Market Overview & Retail Leasing Plan, Midtown Mile Market Research Study, Greenprint Midtown, I-75/85 Connector Transformation Study, Parking Study and Action Plan, Midtown Transportation Plan and Blueprint Midtown 3.0;
3. Create an urban environment where people can live, work, meet and play;
4. Encourage a compatible mixture of residential, commercial, cultural and recreational uses;
5. Improve the aesthetics of the built environment;
6. Facilitate safe, pleasant and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles;
7. Maximize opportunities for pedestrian amenities, including public art, safe accessible parks, plazas, and greenways for active and passive enjoyment;

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8. Provide appropriately scaled, continuous pedestrian oriented uses and activities adjacent to sidewalks along streets with identified pedestrian needs;
9. Provide a range of housing types and prices to meet different housing needs;
10. Preserve and protect Midtown's historic buildings and sites;
11. Encourage infill and rehabilitation development within traditionally commercial areas that include proportionately significant residential uses;
12. Provide for development compatible with existing surrounding residential areas and provide for appropriate transitions between new development toward residential neighborhoods;
13. Encourage the use of MARTA through the location of mixed-use development around MARTA rail stations;
14. Minimize the amount of vehicular parking provided by encouraging shared parking and access along with alternative modes of transportation, while continuing to provide sufficient parking in an unobtrusive manner to surrounding residential areas;
15. Encourage the increased use of alternative modes of transportation and mobility such as walking, biking, and public transportation.
16. Encourage opportunities for economic development where there is a planned relationship between transportation systems and development.

C. Boundaries of District Established (Sec. 16-18P.003.)

1. The boundaries of the **SPI-16 Midtown Special Public Interest District** are shown on **Attachment A SPI-16 Boundaries Map** which by this reference is incorporated into and made a part of this chapter. The Midtown Special Public Interest District is divided into ~~three (3)~~ **3** subareas as shown on said **Attachment A SPI-16 Boundaries Map**. The subareas are described as follows:

Subarea 1	Midtown Mixed Use
Subarea 2	Midtown Residential
Subarea 3	Juniper East

D. Application Procedures (Sec. 16-18P.004.)

2. A **Special Administrative Permit (SAP)** application and a specified number of copies each of a site plan, landscape plan, and elevation drawings of each exterior facade ~~shall~~ **must** be submitted, as applicable, and approved by the Office of Zoning and Development prior to filing for a building permit. All exterior demolition, new construction (including additions to existing buildings), new or expanded outdoor dining, or work which results in increased lot coverage, modification of the building footprint, or modification of building facades that would reduce the configuration of street facing openings, ~~shall~~ **will** be subject to said **SAP** approval. All applications for a SAP ~~shall~~ **must** be processed in accordance with the standards and procedures applicable to said SAP applications contained in **chapter 25 of part 16** except as otherwise modified by this **chapter 18P**. No **SAP** ~~shall~~ **will** be issued until after such time any other required Special Use Permit or Board of Zoning Adjustment action has been obtained.

3. **Administrative variations.** As part of general action when plans require approval of an SAP, the Office of Zoning and Development may authorize variations from regulations generally applying based on written findings, to be filed as a public record, that either:
 - a. A plan proposed by an applicant, while not strictly in accordance with regulations applying generally within the district, satisfies the public purposes and intent of such regulations, and provides public protection to an equivalent or greater degree than strict enforcement of such regulations would provide; or
 - b. In the particular circumstances of the case, strict application of a particular regulation or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at that time or in the future.
 - c. Notwithstanding any provision in this chapter or part to the contrary, no administrative variation shall be authorized for those listed in [section 16-18P.005](#) for the Board of Zoning Adjustments.
4. The Office of Zoning and Development may exempt certain classes of applications for [SAPs](#) from detailed review requirements as set forth upon written findings that generally within these districts, the actions proposed are of such a character or scale as to make detailed reviews and approval unnecessary. Where applications for special administrative permits are determined by reference to such findings to be thus exempted, the permit ~~shall~~ will be issued if otherwise lawful.
5. For the purposes of this chapter, a Unified Development Plan approved under a single SAP and meeting all floor area ratio requirements, open space requirements, and ~~off-street on-site~~ parking requirements, may be subdivided, even if the resultant parcels do not otherwise meet these requirements. Any changes from the approved SAP ~~shall~~ will require a new or amended SAP, which ~~shall~~ will be based on the geographic extent of the original SAP and shall meet floor area ratio requirements, open space requirements, and ~~off-street on-site~~ parking requirements of such; and ~~shall~~ will indicate built or planned improvements on the original ~~parcel(s)~~ lot(s). Where a single property owner no longer owns all ~~parcels~~ lots, the applicant ~~shall~~ will obtain authorization from all property owners prior to permit submittal.

E. Permitted Principal Uses and Structures ([Sec. 16-18P.005](#))

The permitted principal uses and special uses set forth in Table 1: SPI-16 Midtown Table of Uses ~~shall~~ will be permitted only as listed within each subarea with said Table of Uses ~~shall~~ will be permitted only as listed within each subarea within said Table of Uses and only in the manner so listed. See also [section 16-18P.014](#) for additional use location criteria.

1. **Permitted principal uses.** A building or premises ~~shall~~ will be used only for the principal uses indicated with a "P" in Table 1: SPI-16 Midtown Table of Uses.
2. **Special use permits.** Special use permits ~~shall~~ will be required as indicated with "SUP" in Table 1: SPI-16 Midtown Table of Uses. These uses are permissible subject to limitations and requirements set forth elsewhere in this chapter and in [section 16-25.001](#), et seq.
 - a. Eating and drinking establishments:

Location	Size Requiring Special Use Permit (SUP)
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East side of Peachtree St.	10,000 or more square feet
Both fronting along the west side of Juniper St. & South of 10th St.	5,000 or more square feet
Both east of Juniper St. & North of 10th St.	5,000 or more square feet
Both east of Juniper St. & South of 10th St.	2,000 or more square feet

- b. **Transfer of development rights.** Transfer of development rights is permissible provided meeting the following criteria in addition to those in [section 16-28.023](#).
 - i. Both the sending and receiving properties must be located within SPI-16 whereas for purposes of [section 16-28.023](#), properties shall be deemed to be closely proximate if both lie within this SPI-16 District;
 - ii. The sending property must either be considered as new public parking per the table in [section 16-18P.010](#) or new public park space per [section 16-18P.010\(3\)\(d\)](#) or designated under the City's historic preservation ordinance;
 - iii. Whenever the transfer of development rights regulations of this district are at variance with transfer of development rights provisions established in [section 16-28.023](#), the regulations of this district ~~shall~~ will apply.
3. **Board of Zoning Adjustments.** The following are permissible only when approved by the Board of Zoning Adjustments through variance or special exception, as applicable:
 - a. Accessory outdoor amplified music.
 - b. Alterations in transitional height planes or transitional ~~areas~~ yards.
 - c. Reduction or transfer of parking requirements for ~~parcels~~ lots east of Juniper Street whereas parking requirements may be reduced and/or transferred off-site.
4. **Prohibited uses and structures.**
 - a. All uses marked with an "X" in Table 1: SPI-16 Table of Uses ~~shall~~ will be prohibited in the subarea(s) identified. All other uses not listed in said Table 1: SPI-16 Table of Uses ~~shall~~ will be considered prohibited in all district subareas.
 - b. Pedestrian bridges and/or tunnels.
 - c. Pedestrian colonnades and/or arcades oriented parallel to the closest street.
5. **Use enclosure requirements.**
 - a. Unenclosed outdoor displays of merchandise are prohibited in ~~street furniture~~ amenity zones or ~~clear pedestrian~~ zones.
 - b. When located within a [supplemental](#) zone, unenclosed outdoor displays of merchandise must at the end of each business day be removed and placed inside a fully-enclosed structure.
6. **Exclusions.** No use or manner of operation ~~shall~~ will be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television communication, or is otherwise incompatible with the character of the district.

Table 1: SPI-16 Table of Uses				
Permitted Uses and Structures		Subarea 1: Midtown Commercial	Subarea 2: Midtown Residential	Subarea 3: Juniper East
Banks/Financial Institutions		P	X	X
Barber Shops and Beauty Shops		P	P	P
Broadcast Telecommunication Towers		P	P	P
Business/Commercial Schools		P	X	P
Childcare Centers		P	P	P
Churches/Religious Facilities		P	SUP	P
Clubs/Lodges	5,000 s.f. or less	P	SUP	P
	5,000 s.f.	P	X	P
Commercial Recreation Establishments		P	P	P
Dormitories/Fraternities/Sororities		P	X	X
Eating and Drinking Establishments (per size limitations in Sec. 16-18P.005) other than Nightclub or Lounge		P/SUP	P/SUP	P/SUP
Defined as a Nightclub or Lounge in Chapter 10 (Alcoholic Beverages) (6,000 s.f. limit)		SUP	SUP	SUP
Exterior drive-through and drive-in facilities		X	X	X
Farmers Markets		P	P	P
Fuel service stations (certain locations only)		P4 /X	X	X
Helicopter Landing Facilities		SUP	SUP	SUP
Hotels & Motels Lodging (*SA-3 less than 100 rooms)		P	X	P*
Institutions of Higher Learning		P	X	X
Laboratories and research facilities, including, but not limited to, wet labs and dry labs for scientific purposes, where the character of operations and emissions by- products does not create adverse effects beyond the boundaries of the facility		P	SUP	SUP
Laundry/Dry Cleaning (*2,500 s.f. limit)		P*	P*	P*
Market Gardens		P	P	P
Medical/Dental Office		P	P	P
Mortuary/Funeral Homes (certain locations only)		P ¹ /X	X	X
Multi-family/Duplexes/Single-family dwellings		P	P	P
Museums/Galleries/Libraries		P	SUP	SUP
Key: P=Permitted Principal Uses & Structures , SUP=Special Use Permit , X=Not Permitted, ¹ West of W. Peachtree St only, ² West of Spring St only, ³ Along Ponce de Leon only, ⁴ West of Spring St only.				

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Table 1: SPI-16 Table of Uses				
Permitted Uses and Structures		Subarea 1: Midtown Commercial	Subarea 2: Midtown Residential	Subarea 3: Juniper East
Nursing Homes/ Personal Care Homes / Assisted Living Facilities/ Rehabilitation Centers		SUP	SUP	SUP
Offices (other than Medical/Dental Office)		P	P	P
Outdoor amusement enterprises, entertainment, music venues, meetings or sales areas	90 days duration or less	SAP	SAP	SAP
	90 days duration or more	SUP	SUP	SUP
Park-for-hire surface parking lots		X	X	X
Park-for hire parking structures		SUP	SUP	SUP
Party houses provided that the use shall be prohibited within 150 feet of a property zoned R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-4B, R-5, RG, MR or a property used for residential purposes measured from property line to property line		SUP	X	SUP
Printing		P	P	P
Residential dwellings		P	P	P
Retail Establishments		P	P	P
Professional/Personal Services		P	P	P
Public and Private Schools		P	X	P
Sales and Repair Establishments		P	P	P
Service Stations- including fuel (certain locations only), provided that no service station may be located within 1,500 feet of another service station.		P ^{2,3} / X	X	P ³ / X
Shelters		SUP	X	X
Short-term rentals, subject to the regulations in Atlanta City Code section 20-1001.		P	P	P
Small Discount Variety Stores, provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.		P	P	P
Structures/Uses for MARTA		P	P	P
Supportive Housing		P	P	P
Telecommunication Switchboards/ Etc.		P	X	X
Urban Gardens		P	P	P
Key: P=Permitted Principal Uses & Structures , SUP=Special Use Permit , X=Not Permitted, ¹ West of W. Peachtree St only, ² West of Spring St only, ³ Along Ponce de Leon only, ⁴ West of Spring St only.				

F. Permitted Accessory Uses and Structures (Sec. 16-18P.006.)

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

G. Subdivision Including ~~Zero-Lot-Line~~ Sublot Development (Sec. 16-18P.007.)

1. In addition to the requirements of section 16-28.007, ~~zero-lot-line-subdivision is~~ sublots are permitted for residential uses provided a minimum of 1,000 square feet in lot area is provided. Other subdivisions ~~shall~~ must be allowed but ~~shall~~ must not modify the determination of the primary ~~sidewalk-level ground story~~ building facade(s) in section 16-18P.014.

H. Redevelopment Requirements (Sec. 16-18P.008)

1. Property ~~shall~~ must be redeveloped in accordance with the requirements of this chapter when 60 percent or greater of the ~~principal~~ primary building on the property is removed or destroyed by any means. This shall be construed as follows:
2. Any paving or other accessory structural elements within any required ~~transitional-yard~~ transition shall be removed and buffers provided as required herein, notwithstanding any other provisions in part 16 to the contrary.
3. If no development is proposed concurrent with proposed demolition, all adjacent rights-of-ways shall be repaired to provide ADA accessible public sidewalks within 180 days of completion of demolition. Further, within 18 months of the issuance of an SAP for such demolition, full streetscaping in accordance with section 16-18P.012 (including sidewalks and street trees) shall be installed.

I. Transitional Height Planes, ~~Transition Areas~~ Yards, Fences and Walls (Sec. 16-18P.009)

1. Transitional height planes:
 - a. No portion of any structure ~~shall~~ must protrude through a ~~height-limiting-plane~~ maximum 004 building height beginning the specified number of feet above the point set forth in subsection 16-18P.009(1)(b) below and extending inward over the SPI-16 district at an angle of 45 degrees. The following districts ~~shall~~ will be considered "protected districts" for purposes of this section 16-18P.009(1):
 - i. R-1 through R-5; 003
 - ii. RG-1 and RG-2;
 - iii. MR-1, MR-2, and MR-MU; and
 - iv. Landmark, Historic, PD, and SPI districts and district subareas having uses and densities predominantly similar to those permitted in the district classifications listed in subsections (i) through (iii) above.

#003

Posted by **Jennifer Friese** on **08/29/2025** at **8:13am** [Comment ID: 1546] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

These of course would change to House scale, Neighborhood scale districts etc.

Reply by **SiteAdmin** on **08/29/2025** at **12:14pm** [Comment ID: 1551] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thanks. Everything highlighted in yellow is a term or cross-reference that will be updated.

#004

Posted by **Jennifer Friese** on **08/29/2025** at **7:57am** [Comment ID: 1545] - [Link](#)

Question

Agree: 0, Disagree: 0

Why this change? Does it mean that a new building CAN protrude the THP so long as it doesn't exceed the "maximum building height"?

Reply by **SiteAdmin** on **08/29/2025** at **12:15pm** [Comment ID: 1552] - [Link](#)

Answer

Agree: 0, Disagree: 0

That is not the intention. We will specify that the Type A transition applies.

- b. Proximity to districts and measurement applications:
 - i. For parcels lots in an SPI-16 district that are contiguous to a protected district, the transitional height plane shall must be measured beginning 35 feet above the required SPI-16 setback or transitional yard adjoining the common property line with such protected district.
 - ii. For parcels lots in an SPI-16 district that are not contiguous to but are within 150 feet of a protected district, the transitional height plane shall must be measured beginning 15 feet above the nearest lot line of the protected district, provided this transitional height plane shall must not extend more than 150 linear feet (measured along the ground) from the protected district up to and into the SPI-16 district. (See diagrams at section 16-29.001(62).)
 - c. The purpose and intent of this provision is to provide protection for the named protected districts from nearby looming structures regardless of the presence of an intervening public right-of-way or park or space, public or private street or alley, or any lot or parcel remnant.
 - d. Transitional height plane measurements shall must be applied to parcels lots on a point-by-point basis and not average grade.
2. Transitional yards and screening Transition areas and Screening:
 - a. **Yards: Transition areas.** Where this district adjoins an R district, PD-H district, or SPI-17 (Subarea Subdistrict 4) district without an intervening street, a minimum 20-foot transition yard area is required which shall must not be used for the purpose of parking, loading, servicing or any other activity with the exception of private alleys or drives a maximum of ten feet in width. Such yards transition areas shall must be planted as approved by the City Arborist and maintained as a landscaped strip.
 - b. **Screening.** Permanent opaque walls six feet in height shall be provided within the transitional yard transition areas and shall must be maintained in good condition.
 3. Fences and walls located between the primary building and a side or rear lot line up to six feet in height may be erected. Barbed wire, razor wire, uncoated chain link fence or similar materials shall must be prohibited.

J. Development Controls Lot and Building Standards (Sec. 16-18P.010.)

Development Lot standards shall must comply with Table 2A entitled "SPI-16 Development Controls Lot Standards Table" and with subsections 1 through 7. Development Lot standards within Sub-areas Subdistricts 1 & 3 shall must be eligible for incentive(s) upon meeting the corresponding criteria set forth in Table 2B entitled "Bonus Incentives in Subarea 1 & 3".

Table 2A: SPI-16 Development Control Lot Standards Table	Subarea 1			Subarea 2		Subarea 3		
	FAR (by right)	Max FAR Bonus(es) See below	Max FAR (with Bonus(es) ¹	Juniper St. Transition Area	Non-Juniper St. Transition Area	FAR (by right)	Max FAR Bonus	Max. FAR (with Bonus)

Non-Residential FAR (times gross lot area)	5.0	5.2	10.2	On-street-level and Ground story and street frontage	On-street-level Ground story and street frontage 2,500 sf, max 5% residential floor area	2.0	0	2.0
Residential FAR (times gross lot area)	3.2	7.0	10.2	6.4	3.2	3.2	3.8	7.0
Max FAR	8.2		10.2	6.4	3.2	5.2		7.0
Minimum Façade Height	24'			24'		24'		
Maximum Height	None, except for transitional height plane ² adjacent to R districts, PH-D or SPI 17-SA 4			250' (400' in Juniper St. Transition Area)		100' (60' East of Piedmont Ave.)		
Side Yard Setback (Alleys permitted to 10' wide)	None ³ , except min. 10' for on-site residential uses with windows facing the side yard.			15' (of which 5' shall be landscaped)		None ² , except 20' with windows adj. to residential		
Rear Yard Setback (Alleys permitted to 10' wide)	None ³ , except min. 10' for on-site residential uses with windows facing the rear yard.			15'		20'		

¹ The only exceptions to the Max FAR is via the provision of certain bonuses described below for either: 'Affordable Housing'; 'Buried Parking'; or 'Public Park'; or via a special use permit for the transfer of development rights per [Sec. 16-18P.005\(3.b\)](#).

² Transitional height plane begins 35' above the buildable area **boundary** and extends at a 45 degree angle away. See [Section 16-18P.009\(1\)](#).

³ Subject to building code requirements.

Table 2B: Bonus Incentives in Subarea 1 & 3

	All uses (unless specified otherwise)	Criteria
Retail	2.0 FAR	- New street-fronting street-facing, sidewalk-level ground story retail or eating and drinking establishment(s) fronting on a type A street for a min. of 50% length of said facade.
Affordable Housing	Residential: 3.0 FAR	See Sec. 16-18P.010(3.a) below.
Buried Parking	3.0 FAR	- All on-site parking is located completely below sidewalk-level(s)-grade ground floor on all type A and B streets.
Transit Station Area	3.2 FAR	- When located within a transit station area as identified on Attachment D Midtown Bonus Map , which by this reference is incorporated into and made a part of this chapter.

Table 2B: Bonus Incentives in Subarea 1 & 3		
	All uses (unless specified otherwise)	Criteria
Public Parking	2.0 FAR	<ul style="list-style-type: none"> -New parking structures with 400 or more spaces that are not used to satisfy the parking requirements for any on-site or off-site uses. -Limited to one (1) <u>1</u> such location for each eligible area on Attachment D Midtown Bonus Map. -Meets the active use requirements of Section 16-18P.014(4.b). -Provides standard signage indicating public parking. -Shall Must be located a minimum distance of 1,000 feet from any other site utilizing this bonus.
Reduced Parking	0.8 FAR	<ul style="list-style-type: none"> -On-site parking provided less than 50% of the maximum parking allowed. -May only be applied to parking spaces provided for on-site uses and may not be allowed to be applied to park-for-hire parking spaces.
Green Building	0.5 FAR	<ul style="list-style-type: none"> -Professional documentation that all existing and new buildings in the project would achieve a minimum level of LEED Gold or equivalent. -Utilizes non-potable water sources for 100% of outdoor water use. -Demonstrates a 10% reduction of energy use in comparison to the City Energy Code requirements.
Connectivity	2.0 FAR	<ul style="list-style-type: none"> - New infrastructure meeting the requirements of Sec. 16-18P.010(3.c). -Documented perpetual easement or dedication recorded in the office of Superior Court, referenced to deed book with copy provided to the Office of Zoning and Development.
Building Reuse	1 s.f. reused = 2 s.f. bonus; and Reused building does not count toward floor area.	<ul style="list-style-type: none"> -Eligible for either City Landmark, Historic or National Register of Historic Places designation.
Public Park	1 s.f. public park = 8 s.f. bonus to a maximum 2.0 FAR	<ul style="list-style-type: none"> -Min. area of 20,000 square feet. -Limited to one (1) <u>1</u> such location for each eligible area on Attachment D Midtown Bonus Map. -Meeting the design criteria in Sec. 16-18P.010(3.c). -Shall be located a minimum distance of 1,000 feet from any other site utilizing this bonus.

1. Residential uses with more than 50 dwelling units ~~shall~~ **must** provide a minimum of five percent of such total dwelling units as units having three or more bedrooms.
2. **Attachment B Conventional Streets** and Pedestrian Ways ~~shall~~ **must** govern the following:
 - a. New conventional streets and new pedestrian ways ~~shall~~ **must** be constructed as shown in **Attachment B** in order to create pedestrian and vehicular connectivity.
 - b. New conventional streets created per **section 16-18P.010(2.a)** above, ~~shall~~ **must** meet the requirements of **section 16-18P.010(3.c)** below.
 - c. All other regulations within this district applicable to streets and street frontages ~~shall~~ **must** be applied to the new conventional streets and new pedestrian ways required in **Attachment B**.

- d. The area of any such new conventional streets or new pedestrian ways ~~shall~~ must be allowed to be included in the net or gross area calculation for density purposes and ~~shall~~ must be afforded a density bonus as specified in section 16-18P.010(3.c) below.
3. Density bonus opportunities:
- a. Whenever the affordable housing provisions of this district are in conflict with affordable housing established in section 19-1006, the regulations of this district ~~shall~~ must apply.
 - b. Affordable housing (new sales housing units or rental housing units) for the purposes of this chapter ~~shall~~ means residential units that are solely and actually provided to individuals and/or families as specified by the following measures:
 - i. A minimum of ten percent of the total number of units provided at or below 60 percent of area median income (AMI); or
 - ii. A minimum of 15 percent of the total number of units provided at or below 80 percent of area median income (AMI).
 - iii. In addition to the above each of the following criteria shall be met:
 - iv. Affordable requirements ~~shall~~ must be in place for a minimum of 30 years from the date of issuance of the occupancy permit and ~~shall~~ include deed restrictions governing the resale value or rental rate placed on the affordable units.
 - v. Parking for all such affordable dwelling units ~~shall~~ will be leased or sold separately from the rental or purchase price for such units for the life of the unit such that the renter or purchaser has an option to have the unit priced lower than if the price of the unit and parking space were combined.
 - vi. No certificate of occupancy ~~shall~~ will be issued until such time as a recorded land use restrictive covenant is provided to the City establishing that the affordable housing requirements are met.
 - c. **Connectivity.** ~~Shall~~ Must only be established via new conventional streets, shared streets, mid-block passages, or alleys, and shall be designed to meet the following criteria:
 - i. For new public or private conventional streets: A minimum 40' width without gates or similar barriers including a minimum of two travel lanes and along both sides of the street: granite curbing, ~~sidewalk-street~~ landscape zones at a minimum width of three feet and ~~sidewalk-clear~~ pedestrian walk zones at a minimum width of five feet.
 - ii. For new public or private shared streets: A minimum 20-foot width paved surface for pedestrians and/or vehicles without gates or similar barriers.
 - iii. For new public or private pedestrian ways: A minimum 20-foot width including a minimum 10-foot wide pedestrian-only pathway.
 - iv. For new public or private service streets: A minimum 20-foot width utilized for vehicles only.
 - d. **Public park space.** ~~Shall~~ Will be designed to meet the following criteria:

- i. **Shall Must** provide active and/or passive recreational amenities visible and accessible from any point along 90 percent of any adjacent sidewalk.
 - ii. **Shall Must** permit and encourage pedestrians to walk on a minimum of 80 percent of the surface of the **parcel** lot excluding fountains, pedestrian furniture, public art and similar elements.
 - iii. **Shall Must** be designed in accordance with the requirements for supplemental zones in **section 16-18P.013**.
 - iv. **Shall Must** be open to the public during all daylight hours.
 - v. **Shall Must** be continuously well maintained by a designated agent for such maintenance.
4. **Public facade materials.** Exterior Insulation Finishing System (EIFS) **shall is** not be allowed on any street-facing facade.
 5. **Roofing.** All building and structural roofs **shall must** be constructed of a heat-reflective material to achieve a minimum initial Solar SRI of 78 for a low-sloped roof (less than or equal to 2:12) and a minimum initial SRI of 29 for a steep-sloped roof (more than 2:12) except for those portions of roofing designated for vegetation.
 6. **Bridges and tunnels prohibition.** Pedestrian bridges and tunnels are prohibited when located above public streets or private streets which function as public streets.
 7. **Utility location.** Along existing and new type A and B streets shown on attachment B utilities within a sidewalk or supplemental zone shall be located below ground, provided that such utility is not in violation of the policies of utility regulated by the Public Service Commission or otherwise regulated by state law and/or franchise agreement.

K. **Open Outdoor Amenity Space Requirements (Sec. 16-18P.011.)**

1. **Required open outdoor amenity space.** The minimum required **open outdoor amenity** space, as defined in **section 16-18P.011(2)**, shall be a percentage of the gross lot area (GLA) and as set forth in **Table 3: SPI-16 Open Space Table below**. In the case of a mixed-use development the required **open outdoor amenity** space **shall must** be the greatest square footage of **open outdoor amenity** space applicable to that particular component so that any lesser square footage of **open outdoor amenity** space of any other component does not apply.
2. For the purposes of this **chapter**, **open outdoor amenity** space shall be defined as set forth in **section 16-28.010(5.a)** except that balconies for residential units above **sidewalk-level ground floor** shall not count toward **open outdoor amenity** space. Any of the following may count as **open outdoor amenity** space:
 - a. Any supplemental zone area(s) which meet **section 16-18P.013**;
 - b. Any new streets, new pedestrian paths or shared vehicular access which meet the criteria of **section 16-18P.010(3.c)**;
 - c. Any **sidewalk-level ground story** public park space per the criteria of **section 16-18P.010(3.d)**;
 - d. Any portion of a low-sloped roof (less than or equal to 2:12) designed for vegetation;

- e. Any new **on-street** parking if:
 - i. On-street parking currently does not exist in the public right-of-way adjacent to the project area for which credit is sought; and
 - ii. The new on-street parking is located where there is no existing street lane.

Table 3: SPI-16 open Outdoor Amenity Space Table	Subarea 1: Midtown Commercial	Subarea 2: Midtown Residential	Subarea 3: Juniper East
Residential & Lodging Uses	20%	25%	25%
Non-Residential Uses (Commercial & Retail Uses)	15%	20%	20%
Non-Residential Uses (All Other Uses)	10%	15%	15%

4. **Open Outdoor amenity space** incentives:

- a. **Public art.** Sidewalk level public art **shall will** be eligible for an **open outdoor amenity** space bonus in the amount of ten square feet for every square foot of the public art area, up to a maximum of 10,000 square feet of **open outdoor amenity** space bonus, provided that the public art is:
 - i. A minimum of 100 square feet in size and provides a level surface (less than a one percent slope) that is visible and accessible from any adjacent sidewalk or public park; and
 - ii. Programmed to provide for daily 3-D public art in coordination with the City's Office of Cultural Affairs.
- b. **Public park space.** **Sidewalk-level Ground story** public park space with a minimum size of 5,000 square feet and otherwise meeting the criteria of **section 16-18P.010(3.c)** **shall will** be eligible for an **open outdoor amenity** space bonus in the amount of four square feet toward meeting the **open outdoor amenity** space requirement for every square foot of public park space provided.

L. Sidewalks (Sec. 16-18P.012.)

Public sidewalks **shall must** consist of two zones. **a-street-furniture-zone An amenity** and a **pedestrian zone**. Each zone shall be located along all public streets as set forth in **Table 4: SPI-16 Sidewalk Table** and is subject to the following:

1. **Street furniture Amenity zone requirements.** Said zone **shall must** be continuously located immediately adjacent to granite curbing and **shall must** meet tree planting requirements of section **16-18P.012(2)**. The area between such tree planting areas **shall must** either be planted with evergreen ground cover such as mondo grass or a liriopse species or **shall must** be constructed in accordance with the Midtown Streetscape Plan. In addition, this zone may be used for street furniture specified by the Office of Zoning and Development in coordination with the department of transportation and accordance with the Midtown Streetscape Plan. This furniture may include trash receptacles, traffic signs, bus shelters, bicycle racks, benches, tree fencing, and utility poles (where allowed) or similar elements in accordance with uniform design standards

utilized for the placement of such objects in the **public** right-of-way in a manner that does not obstruct pedestrian access or motorist visibility.

2. **Street tree requirements.** Street trees are required to be planted within the **street furniture amenity** zone spaced equidistant between street lights as specified in the **Table 4: SPI-16 Sidewalk Table** above and in accordance with the **Midtown Streetscape Plan**. All newly planted trees **shall must** be a minimum of three inches in caliper measured 36 inches above ground, at a minimum of 12 feet in height and limbed up to a minimum height of seven feet. Trees **shall must** have a minimum planting area of 40 square feet planted with evergreen ground cover such as mondo grass or a liriope species. All plantings, planting replacement and planting removal shall be approved by the City Arborist. Tree grates are prohibited and tree fences **shall must** only be allowed along Peachtree Street.
3. **Street light requirements.** Street lights that meet a standard Atlanta type as approved by the Office of Zoning and Development are required to be installed within the **street furniture amenity zone** spaced equidistant between required street trees as specified in the **Table 4: SPI-16 Sidewalk Table** above and in accordance with the Midtown Streetscape Plan.
4. **Clear Pedestrian zone requirements.** Said zone **shall must** be continuous standard concrete hardscape located immediately contiguous to the **street furniture amenity** zone at widths specified in the **Table 4: SPI-16 Sidewalk Table** above. Said zone **shall must** be unobstructed by any permanent or non-permanent element to a minimum height of ten feet. No awning or canopy **shall must** encroach beyond the **clear pedestrian zone** into the **street furniture amenity zone**. Where property within this district abuts another district without an intervening street, the sidewalk **shall must** taper as necessary to provide a smooth transition to the abutting district sidewalk. If the abutting district has no existing sidewalk, the sidewalk **shall must** taper to a width of six feet.
5. Nothing **shall must** be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of 2½ feet and eight feet above grade. **See also section 16-28.009: Visibility at Intersections.**
6. **Outdoor dining within the street furniture and clear landscape and pedestrian walk zones.** Buildings existing prior to 2001 with sidewalks not meeting the requirements of this chapter may have new outdoor dining encroaching into such zones provided the following criteria are met:
 - a. Peachtree Street **shall must** have a minimum ~~nine-(9)~~ **9** feet of unobstructed sidewalk area adjacent to the curb. All other streets **shall must** have a minimum six feet of unobstructed sidewalk area adjacent to the curb;
 - b. No permanent structure or ornamentation **shall must** be located within the encroachment area and no element **shall must** be attached to the sidewalk in any way; and
 - c. At such time as the outdoor dining use is discontinued, sidewalks **shall must** comply with all requirements of this chapter.

Table 4: SPI-16 Sidewalk Table	Peachtree Street	Cypress Street, Peachtree Walk	All Other Streets in SA-1 & 3	All Other Streets in SA-2
Min. Street-Furniture Amenity Zone Width	5'	Varies (5'-20')	5'	5'

- Street Tree Planting Standards	40' on-center	Varies	30' on-center	30' on-center
- Street Lighting	40' on-center	Varies	60' on-center	60' on-center
Min. Clear <u>Pedestrian</u> Zone Width	15'	Varies (10'-15')	10'	10'
Min. Setback (from street curbing)	50' north of 14th St.; 25' south of 14th St.	20'	15'	15'
Min. Supplemental Zone width	30' north of 14th St./ 5' south of 14th St.	5'/0' ¹	5'/0' ¹	5'
Max Street-Facing Setback (from curb) - except for public parks and public art areas per <u>Sec. 16-18P.011(3)</u> .	70' north of 14th St./ 50' south of 14th St.	40'	30'	30'

¹ 5' min. supplemental zones for either 1) streets classified as an 'A' street in Attachment C Street Typology, which by this reference is incorporated into and made a part of this chapter; or having street-facing, sidewalk-level ground story residential units; otherwise no supplemental zone is required.

M. Supplemental Zone (Sec. 16-18P.013.)

For purposes of these regulations, the area between a sidewalk and in line with any building facade, or parking lot when no intervening building exists, ~~shall~~ must be defined as the supplemental zone. Supplemental zones ~~shall~~ must meet the widths as specified in the Table 4: SPI-16 Sidewalk Table above and the following requirements:

- When sidewalk-level ground story residential units are provided the supplemental zone ~~shall~~ must be landscaped with the exception of terraces, porches, stoops, stairs and walkways;
- The supplemental zone shall be no more than 30 inches above finished-grade, unless existing topographical considerations render this requirement unreasonable;
- Walls, as defined in Section 16-29.001(25), ~~shall~~ must not be allowed between the street and any building except for retaining walls which ~~shall~~ must be no more than three feet in height unless existing topography requires retaining walls of a greater height;
- Fencing and similar barriers, as defined in Section 16-29.001(25), ~~shall~~ must only be permitted up to 42 inches in height (including any plant material) in a supplemental zone only for either sidewalk-level ground floor residential uses or to separate authorized outdoor dining. Such outdoor dining may only be separated by non-fixed fencing (or similar barriers or movable planters). Other fencing is otherwise prohibited when located between the street and any building; and
- Within Midtown Residential Subarea 2: Supplemental zone(s) ~~shall~~ must be planted with tree(s) having a minimum mature height of 40 feet spaced at maximum 60 linear feet of street-fronting street-facing property lot line(s) as approved by the City Arborist.

N. Relationship of Building to Street Building Standards (Sec. 16-18P.014.)

1. For purposes of this chapter, ~~sidewalk-level~~ ground story ~~shall~~ **must** be defined as any ~~floor~~ story of a building with a ~~finished-floor ground story~~ elevation less than or equal to ~~five~~ **5** feet above and below the adjacent sidewalk (or street if no sidewalk is existing).
2. Building ~~floors~~ ~~stories~~ ~~shall~~ **must** be delineated from the third story above ~~sidewalk ground story level~~ down to each ~~sidewalk-level ground story~~ and shall be executed through windows, belt courses, cornice lines and/or similar architectural detailing.
3. General ~~sidewalk-level ground story~~ building facade requirements:
 - a. All buildings ~~shall~~ **must** have a minimum 24' facade height along the ~~public~~ right-of way and ~~shall~~ **must** have a minimum of one building facade meeting the primary ~~sidewalk-level ground story~~ building facade requirements of this Section;
 - b. Active uses along existing and new streets ~~shall~~ **must** be provided as delineated in Table 5: SPI-16 Street Activation Table, to a minimum active depth of 40 feet for non-residential uses and 20 feet for residential uses beginning at any ~~sidewalk-level ground story~~ street-facing building facade to a minimum height of 20' above ~~sidewalk-level ground story~~ except when topographical conditions prevent such treatment. These active uses ~~shall~~ **must** be internally illuminated and serviced by plumbing, heating, and electricity and are limited to uses set forth in **Table 5: SPI-16 Street Activation Table**, with the following exceptions which also ~~shall~~ **must** be allowed:
 - i. Fire command and transformer (or similar electrical) rooms, each not exceeding 10 feet of ~~street-facing fronting~~ facade length. For ~~parcels~~ lots with more than one street frontage, such room(s) ~~shall~~ **must** be located on the lesser classified street(s) according to **Attachment C Street Typology Map**; and
 - ii. Structures required for public transit.
 - c. The primary street-~~facing fronting~~ pedestrian ~~entrance entry feature~~ for ~~sidewalk-level ground story~~ uses:
 - i. ~~Shall Must~~ face, be visible and accessible from the ~~clear-zone-pedestrian~~ zone with a minimum of five feet wide pedestrian walkway; and
 - ii. ~~shall Must~~ have a minimum six inch high street address located directly near the primary building ~~entrance entry feature~~ clearly visible from the sidewalk;
 - d. Residential uses which do not have street frontage ~~shall~~ **must** be linked to the public sidewalk with a minimum four feet wide pedestrian walkway.
 - e. Accessory residential uses (such as lobbies, clubhouses, mail rooms and similar) at the ~~sidewalk-level ground story~~ along type A streets ~~shall~~ **must** be limited to the greater of either: 40 feet of street frontage; or 50 percent of the overall street-~~facing fronting~~ facade length.
4. **Fenestration Transparency requirements.** ~~Street-facing ground story building facades, -fronting-~~ ~~sidewalk-level building facades~~, except churches, fire stations & MARTA uses, ~~shall~~ **must** meet the following requirements :

- a. **Length.** Fenestration Transparency and entrances entry features shall must be provided for a minimum of the horizontal length of each street-fronting-sidewalk-level street-facing ground floor facade, as designated in the Table 5: SPI-16 Street Activation Table. The length of facade without intervening fenestration transparency or entryways entry features shall must not exceed 20 feet;
- b. **Surface treatment and visibility.** Windows and door glass shall must utilize clear glass or tinted glass. Tinted glass shall must have a transmittance factor of 50 percent or greater and shall must have a visible light reflectance factor of ten or less having visibility into the building for a minimum depth of ten 10 feet as measured from the interior windowpane. Painted glass, reflective glass or other similarly treated or opaque windows are prohibited;
- c. **Non-residential uses.** Fenestration Transparency and entrances entry features shall must be-measured beginning at a point not more than 36 inches above the required sidewalk to a height at least ten feet above said sidewalk unless:
 - i. When the finished floor elevation is 36 or more inches above the sidewalk: Beginning at the finished floor elevation to a height at least ten 10 feet above the finished floor elevation; or
 - ii. When the finished floor elevation is below said sidewalk: Beginning at a point not higher than six 6 inches above the adjacent sidewalk to a height at least ten 10 feet above the finished floor elevation.
- d. **Residential uses.** Fenestration Transparency and entrances entry features shall have windows at a minimum of four 4 feet in height.

Table 5: SPI-16 Street Activation Table			
Street Typology	Location	Permitted Active Uses (as further regulated in Table 1: SPI-16 Table of Uses)	Min. Fenestration (as % of <u>street-level</u> ground floor facade)
A1 Street	Peachtree St from 5th St to 15th St	Churches/Religious Facilities, Eating & Drinking Establishments, Hotels & Motels ¹ , Multi-family/ Duplexes/Single-Family Dwellings ¹ , Museums/Galleries/Libraries, Offices ¹ , Medical/Dental Office ¹ , Retail Establishments	75% for all uses
¹ Limited 40 feet of street frontage for each use, provided that the sum of all such uses shall not exceed 50% of the overall street- <u>facing fronting</u> facade length along a type A1 street.			

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Table 5: SPI-16 Street Activation Table			
A2 Street	North Ave, 5th St, 10th St, 12th St from Williams St to Juniper St, 14th St from Williams St to Juniper St, 17th St, Spring St from North Ave to 17th St, West Peachtree St from North Ave to 17th St, Crescent Ave, Peachtree St from North Avenue to 5th St, Peachtree St from 15th St to I-85	All uses allowed on type A1 Streets, Banks/Financial Institutions, Barber Shops & Beauty Shops, Business/Commercial Schools, Childcare Centers, Clubs/ Lodges, Commercial Recreation, Institutions of Higher Learning, Laboratories and Research Facilities, Laundry/Dry Cleaning, Professional/ Personal Services, Public & Private Schools, Sales & Repair Establishments	65% of all uses
B1 Street	Juniper St from 13th St to 14th St and Juniper St from North Ave to 10th St		
B2 Street	Ponce De Leon Ave, 3rd St, Biltmore Pl, 6th St, 7th St, Peachtree Pl, 12th St from Juniper St to Piedmont Ave, 14th St from Juniper to Piedmont Ave, 15th St from Spring St to Peachtree Cir, Spring St from 17th to Peachtree St, West Peachtree St from 17th St to Peachtree St, Beverly Rd to Inwood Cir, Peachtree Walk from 10th St to 13th St, Cypress St from 3rd St to Peachtree Pl, Piedmont Ave from Ponce de Leon Ave to 3rd St	All uses allowed on type A Streets, Dormitories/Fraternities/Sororities, Nightclub/Lounge, Fuel Service Stations, Mortuary/Funeral Homes, Nursing Homes/ Personal Care Homes/Assisted Living Facilities/ Rehabilitation Centers, Printing, Service Stations, Shelters, Supportive Housing	50% for nonresidential uses, 30% for residential uses
C Street	Other existing streets not listed above; and all alleys	Active Uses not required	30% for all uses
¹ Limited 40 feet of street frontage for each use, provided that the sum of all such uses shall not exceed 50% of the overall street- facing fronting facade length along a type A1 street.			

O. Signage Signs (Sec. 16-18P.015.)

Refer to **section 16-28A**: Sign Ordinance.

P. Lighting and Storefront Illumination (Sec. 16-18P.016)

1. All lighting, including all parking decks, surface parking lots and lit canopies **shall must** reduce light spillage onto adjacent properties by providing cutoff luminaries which have a maximum 90-degree illumination. See also **section 16-18P.020**.
2. All lighting that up-lights trees, buildings or other elements shall be located a minimum height of eight feet above an adjacent **sidewalk-level ground floor** when not located within completely landscaped areas.

Q. Off-Street Loading Requirements (Sec. 16-18P.017.)

The off-street loading requirements for this district are as shown in the table of loading requirements, **section 16-28.015, off-street loading requirements**. See **section 16-18P.018 for screening requirements**.

R. Dumpster and Loading Areas, Loading Dock Entrances and Building Mechanical

and Accessory Features (Sec. 16-18P.018)

1. **Dumpsters and trash areas.** Dumpsters and trash areas shall must be screened so as not to be visible from any public plaza, outdoor dining area, public sidewalk or public right-of-way and if otherwise visible shall must be enclosed with opaque walls six feet in height.
2. Loading areas:
 - a. Loading areas shall must be screened so as not to be visible from any public plaza, outdoor dining area, public sidewalk or public right-of-way with the exception of hotel uses. Hotel uses may utilize on-street loading if orientated predominately parallel to the adjacent right-of-way and located fully outside any existing public driving lane and at least partially on private property at a maximum length of 60 feet as permitted by the department of transportation.
 - b. Loading dock entrances shall must be screened so that loading docks and related activity are not visible from the public right-of-way when not in use.
3. **Building mechanical and accessory features.** shall Must be in the location of least visibility from the public right-of-way. If located to the side or rear of the principal primary structure, screening with plant or fence materials shall be required. When located on rooftops, said features shall must be incorporated in the design of the building and/or screened with building materials similar to those of the building.

S. Curb Cuts and Parking Structures (Sec. 16-18P.019.)

1. **Sidewalks at curbcuts and driveways.** All sidewalk paving materials shall must be continued across any intervening driveway. On each side of such continuous sidewalk a band of textured concrete shall must be provided located both in-line with and equal in width to the street-furniture amenity zone and in-line with the supplemental zone or building facade at a minimum five 5 feet width.
2. **Curbcut restrictions.** No vehicular entrances to properties with frontage on the east side of Peachtree Street shall be located on other public streets which connect Peachtree Street to the Ansley Park neighborhood. Otherwise, except for hotel uses, curb cuts shall must be allowed only as follows:
 - a. For a parcel lot with only one 1 street frontage: maximum one curbcut.
 - b. For a parcel lot with two 2 or more street frontages: maximum two 2 curbcuts, both located on the lesser classified street(s) according to Attachment C Street Typology Map. If the two 2 streets have the same classification such curbcut(s) may be on either street.
3. **Curbcut widths.** Curb cuts shall must be limited in width at the sidewalk to 12 feet for one-way entrances and 24 feet for two-way entrances, unless a greater width is approved by the department of transportation upon its finding of necessity of such a greater width.
4. Driveway and vehicular services configuration:
 - a. Driveways shall must be predominately perpendicular to any adjacent street, except for hotel uses which may have circular drives for the purpose of drop-off and pick-up. Driveways parallel to the street are prohibited between the street and a building.

- b. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between a building and the street.
 - c. Drive-through and drive-in facilities shall be prohibited.
5. **Drop-off lanes.** No drop-off lanes ~~shall~~ must be permitted along public streets except for hotel uses as approved by the Department of Transportation.
 6. **Parking orientation.** Entrances to garages and carports that serve one or more contiguous ~~sidewalk-level ground story~~ residential units only ~~shall~~ must share one common drive with any garages and carports facing rear or side yards having no street frontage.
 7. **Parking structure public screening.** In addition to section 16-28.028, parking structures ~~shall~~ must have the following additional requirements:
 - a. At a height of 20 feet or less above finished grade which faces any public or private street shall meet section 16-18P.014(3)(b) to provide an intervening building having conditioned habitable space along the length of such parking structure;
 - b. At a height of 20 feet or more above finished grade which faces any public or private street ~~shall~~ must provide either:
 - i. An intervening building at average depth of 20 feet having conditioned habitable space along the length of such parking structure; or
 - ii. All openings of the parking structure ~~shall~~ must be fully screened from view from adjacent public or private streets so that cars, sloped ramps, and interior deck lighting are not visible from adjacent streets. In addition, along type A streets, the facade design of said parking structure ~~shall~~ must be compatible with the ~~principal~~ primary building in terms of architectural style, texture, quality and material; and
 - iii. Side or rear yard facing parking deck facades that are exposed and visible from a public street, ~~shall~~ must screen such visible portions of the parking deck utilizing the parking deck screening regulations provided in section 16-28.028(1)(b)(ii).
 8. **Parking structure buffers.** Along all non street-facing sides of parking structures a minimum ten feet wide continuous landscaped strip ~~shall~~ must be provided between the structure and the ~~property lot~~ line(s). This landscaped strip ~~shall~~ must be planted with a combination of trees and evergreen ground cover such as mondo grass, liriopse species, ivy or shrubs with all plantings to be approved by the City Arborist.
 9. **Public parking signage.** Parking facilities providing either public parking spaces or more than 50 park-for-hire parking spaces ~~shall~~ must provide standard signage indicating public parking in accordance with the Midtown standard in coordination with the City of Atlanta.
 10. **Shared access.** Notwithstanding the provisions of section 16-28.006(10), a common or joint driveway may be authorized when adjacent lots have direct vehicular access to a publicly accessible street and a perpetual easement agreement is agreed upon by all affected property owners and included in the SAP application.

11. **Pedestrian walkways from parking.** All sidewalk-level ground story parking, including parking decks, shall must have walkways a minimum width of four feet connecting such parking to the public sidewalks and to building entry features entrances.

T. Vehicular off-street On-Site Parking Requirements (Sec. 16-18P.020)

In addition to the provisions of section 16-28.008(7), sections 16-28.013 and 16-28.014, the vehicular parking requirements set forth in Table 7: SPI-16 Off-Street On-Site Parking Requirements shall must apply and are further subject to subsections 1 through 6 below:

Table 7: SPI-16 Vehicular Off-Street <u>On-Site</u> Parking Requirements		
Use	Minimum Spaces	Maximum Spaces
Banks, business colleges, clubs & lodges, printing.	None	6.5 / 1,000 sq. ft.
Dorms, fraternities, sororities	None	1.0 per each 2 bedrooms
Eating & Drinking Establishments - Indoor and Outdoor (east of Juniper)	1 / 300 sq. ft.	8.0 / 1,000 sq. ft.
Hotels & Motels Lodging	None	1.0 per lodging unit
Medical Office	None	3.5 / 1,000 sq. ft.
Nursing homes, convalescent homes, and similar care facilities	None	1.0 per each 4 bedrooms
Office	None	2.0 / 1,000 sq. ft. (may be shared with other uses)
Residential*	None	1.1 per 1 bedroom and 2.1 per 2+ bedrooms
Retail (east of Juniper)	1 / 300 sq. ft.	6.5 / 1,000 sq. ft.
Shelter	1 per each on-duty staff member, plus 1.0 / 2,000 sq. ft.	1 each for first 2 bedrooms, plus 0.5 for each of 3 or more bedrooms plus 1/3 for each dwelling unit
Other non-residential uses except as specified in part 5 below.	None	3.5 / 1,000 sq. ft.
All non-residential greater than 25,000 sf	Must provide a transportation management plan (TMP) including commitment of TMA support.	
Note:		
All car share or carpool/vanpool (or similar) spaces shall <u>will</u> not count toward the above parking criteria.		
*Unbundling: Parking for all residential dwelling units may be leased or sold separately from the rental or purchase price for the life of the unit such that the renter or purchaser has an option to have the unit priced lower than if the price of the unit and parking space were combined.		

1. Off-street On-site surface parking:
 - a. shall Must not be located closer to a street than any on-site building facade and shall must not occupy more than 50 percent of any street-facing lot frontage parcel length.
 - b. shall Must be prohibited from being located within 30 feet of the back of the public sidewalk located along an "A" classified street.

- c. ~~shall~~ **Must** be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking as specified in section 16-18P.020(5) below.
 - d. Park-for-hire surface parking lot(s) as a principal use are prohibited.
- 2. **Parking structures.** Parking spaces provided in excess of the parking requirements of this section 16-18P.020 shall only be allowed as park-for-hire spaces located within a parking structure. Said excess spaces ~~shall~~ **must** be considered a principal use and ~~shall~~ **will** first require a special use permit as authorized in section 16-18P.005. Otherwise, when the number of parking spaces does not exceed the requirements of this section, said spaces ~~shall~~ **must** be permitted to be used as park-for-hire parking decks without a special use permit.
- 3. **Electric vehicle charging stations.** All parking facilities ~~shall~~ **must** include electric vehicle charging stations, or similar alternative fuel facilities, in a ratio of at least one station for every 100 automobile parking spaces to a maximum of 12 stations.
- 4. For specific non-residential uses:
 - a. Child care centers, day care centers, pre-kindergartens, play and other special schools or day care centers for young children. Such establishments ~~shall~~ **must** provide safe and convenient facilities for loading and unloading children, as approved by the Department of Transportation.
 - b. Schools, colleges, churches, recreation or community centers and other places of assembly. A minimum of one space for each six fixed seats with 18 inches of bench length counted as one seat or one space for each 50 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following maximums:
 - i. Public or private elementary or middle school: Two spaces for each classroom.
 - ii. High school. Four spaces for each classroom.
 - iii. Colleges and universities: Eight spaces for each classroom.
- 5. **Parking, lighting, security, landscaping and maintenance.** All surface parking lots and structures, whether a nonconforming principle use or accessory use, ~~shall~~ **must** meet the following requirements:
 - a. Lighting ~~shall~~ **must** be provided throughout all parking facilities to equal a minimum of one-half footcandle of light. For parking structures at points of ingress and egress such lighting ~~shall~~ **must** be a minimum of one footcandle of light. Where applicable, public street and other ambient lighting may be utilized to either partially or totally fulfill these lighting requirements; however, if removed it shall be required to independently provide these required levels of illumination.
 - b. **Surface parking lots.** The requirements of City of Atlanta Chapter 158 Vegetation, Article II Tree Protection, Section 30 Parking lot requirements ~~shall~~ **will** apply to this district regardless of the size of the lot.

- c. Parking facilities ~~shall~~ must be maintained in a clean, safe and sanitary condition with parking spaces and driving lanes clearly defined and maintained. See also section 16-28.014 for additional requirements.

U. Minimum Landscaping for Surface Parking Lots, Barrier Requirements (Sec. 16-18P.021)

See section 16-28.014(6), Bicycle parking requirements.

V. Office uses additional requirements (Sec. 16-18P.022)

1. **Showering facilities.** All office buildings containing over 25,000 square feet of gross office space ~~shall~~ must provide showering facilities including showers and lockers, in a ratio of at least one showering facility for every 25,000 square feet of gross office space, available to all building tenants and their employees, provided that no building ~~shall~~ must be required to exceed a maximum of eight showering facilities.
2. **Transportation management plans.** The Office of Buildings ~~shall~~ will not issue any certificate of occupancy permits for any multi-~~unit~~ family residential, office, or hotel development (including the sum of such uses in combination) having more than 25,000 square feet of gross floor area until such time the developer or their specified agent has submitted to the Office of Zoning a transportation management plan (TMP). This TMP ~~shall~~ must contain strategies to reduce single occupancy vehicle trips generated by the project and ~~shall~~ must be in accordance with the Transportation Management Plan Development Guide, a document maintained by the Atlanta Department of Transportation
3. Upon the face of the permit plans for improvement of real property subject to the TMP requirement, the applicant ~~shall~~ must acknowledge by signature, for itself and successors and assigns on the permit plans, that it will satisfy the requirements of 16-18P.022 and certify which strategies will be used to reduce single occupancy vehicle trips.
4. A summary report of ongoing implementation of the TMP ~~shall~~ must be submitted annually.

DIVISION 7.6. **GREENBRIAR**

Note: Edits to this Division are in progress and will only include minimal edits to align with new terms in the zoning ordinance.

A. Scope of Provisions (Sec. 16-18T.001)

1. The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the regulations for the SPI-20 Greenbriar Special Public Interest District. These regulations ~~shall~~ will supplant existing districts or portions of existing districts as shown on the attached map referenced in Section 16-18T.003, except that any existing categories of historic protection designated pursuant to Chapter 20 of Part 16 ~~shall~~ will continue in full force and effect and said existing historic protection regulations ~~shall~~ will be overlaid upon, and ~~shall~~ will be imposed in addition to, the regulations set forth in this Chapter. Whenever the following regulations are at variance with said existing historic protection regulations, the historic protection regulations ~~shall~~ will apply. Whenever the following regulations conflict with provisions of Part 16 other than historic protection regulations, the more stringent regulation ~~shall~~ must apply.
2. The regulations set forth in Sections 16-18T.001 through and including Section 16-18T.025 ~~shall~~ must apply to all properties located within the SPI-20 Greenbriar Special Public Interest District, including all subareas within the District. The remaining regulations set forth in Section 16-18T.026 through Section 16-18P.031 ~~shall~~ must apply only to the subareas identified therein.

B. Statement of Intent (Sec. 16-18T.002.)

The intent of the council in establishing SPI-20 Greenbriar Special Public Interest District as a zoning district is as follows:

1. Implement provisions of the Comprehensive Development Plan incorporating certain recommendations contained in studies of this area, including the comprehensive study known as Greenbriar Town Center Livable Centers Initiative Plan;
2. Create an urban environment where people can live, work, meet and play;
3. Improve the aesthetics of the built environment;
4. Encourage a compatible mixture of residential, commercial, cultural and recreational uses;
5. Provide a range of housing types and prices to meet different housing needs;
6. Provide appropriately-scaled, continuous pedestrian oriented uses and activities adjacent to sidewalks along streets with identified pedestrian needs;
7. Facilitate safe, pleasant and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles;
8. Provide for development within this area that is compatible with existing low-density development within surrounding residential areas;
9. Prevent encroachment of incompatible commercial uses into residential neighborhoods;

10. Ensure pedestrian-oriented building forms;
11. Encourage infill and rehabilitation development within traditionally commercial areas that include proportionately significant residential uses;
12. Provide sufficient parking in an unobtrusive manner;
13. Encourage the use of transit through the location of mixed-use development and regional entertainment and cultural facilities around a transit-oriented town center;
14. Encourage opportunities for economic development, both residential and commercial, where there is a planned relationship between the transportation system and development;
15. Maximize opportunities for pedestrian amenities, including parks, plazas, greenways and public art;
16. Provide sufficient, safe and accessible parks, plazas and greenways for active and passive enjoyment; and
17. Reduce parking requirements by encouraging shared parking and alternative modes of transportation.

C. Boundaries of District and Subareas Established (Sec. 16-18T.003.)

The boundaries of the **SPI-20 Greenbriar Special Public Interest District** are shown on maps in **Attachment B** which by this reference is incorporated into and made a part of this chapter and this part. **The Greenbriar Special Public Interest District** is divided into six main subareas and other designated areas as shown on said map Attachment B. The subareas are described as follows:

Subarea 1	Greenbriar Town Center
Subarea 2	Greenbriar Neighborhood Center
Subarea 3	Campbellton Road Mixed Use Corridor
Subarea 4	Greenbriar Residential/Commercial
Subarea 5	Greenbriar Medium Density Residential
Subarea 6	Greenbriar Single- Unit Family Residential

D. Application Procedures (Sec. 16-18T.004.)

A **special administrative permit** ~~shall~~ **will** be required for development in this district as set forth in this section. A **special administrative permit (SAP)** application and seven copies each of a site plan, landscape plan and elevation drawings of each exterior facade ~~shall~~ **must** be submitted and approved by the Director of ~~the bureau of~~ Planning prior to the applicant filing for a building permit. All new construction, including additions to existing buildings, expansions of existing outdoor dining, outdoor dining within required sidewalk areas, or any construction which results in increased lot coverage or a modification of the building footprint within this district, ~~shall~~ **will** be subject to said site plan review and approval. Before making application for a special administrative permit, a pre-application conference between the applicant and the ~~Director of the bureau of~~ Planning ~~or the~~ Director's designee is required to discuss the application and relevant requirements of these regulations. Said pre-application conference ~~shall~~ **must** be held within 14 days of the request by the applicant, unless a longer period is mutually agreed upon. All applications for a **Special administrative permit** ~~shall~~ **must** be processed in accordance with the standards and procedures applicable to said SAP applications

contained in chapter 25 of part 16 except as otherwise modified by this chapter 18T.

E. Permitted Principal Uses and Structures (Sec. 16-18T.005)

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

1. See Table SPI-20 Greenbriar - Permitted uses for permitted principal uses, permitted accessory uses and structures, and special permits.
2. Permitted principal uses:
 - a. A building or premises shall be used only for the principal purposes as indicated with a "P" in SPI-20 Greenbriar - Permitted uses.
 - b. Uses indicated with a "P(X)" shall not exceed X square feet of floor area.
 - c. Commercial uses in Subareas 4 and 5 are further restricted as indicated in sections 16-18T.029 and 16-18T.030.
 - d. Battery exchange stations ~~shall~~ **must** be permitted where service stations are permitted.
3. **Special permits.** The following uses are permissible only by special permits of the type indicated subject to limitations and requirements set herein or elsewhere in this part, and subject to the applicable procedures and requirements set forth in section 16-25.001 et seq.
 - a. Special use permits ~~shall~~ **must** be required as indicated with "SUP" in Table SPI-20 Greenbriar - Permitted uses.
 - b. Special administrative permits ~~shall~~ **must** be required as indicated with "SAP" in Table SPI-20 Greenbriar - Permitted uses.
 - c. Special exceptions shall be required as indicated with "SE" in table SPI-20 Greenbriar -Permitted uses.
4. All commercial sales and service ~~shall~~ **must** be conducted within enclosed permanent structures and there ~~shall~~ **must** be no unenclosed displays of merchandise with the exception of outdoor dining. Outdoor sales or displays are permissible only by special permit as set forth below.

SPI-20 GREENBRIAR - PERMITTED USES						
Uses	Subarea 1	Subarea 2	Subarea 3	Subarea 4	Subarea 5	Subarea 6
Residential						
Single- unit family dwellings	P	P	P	P	P	P
Two- unit family dwellings	P	P	P	P	P	X
Multi- unit family dwellings	P	P	P	P	P	X
Assisted living facilities	X	X	X	SUP	X	X
Dormitories ¹	X	X	X	X		X
Group homes ²	X	X	X	X	X	X
Rooming houses	X	X	X	X	X	X
Shelter	SUP	SUP	SUP	X	X	X

SPI-20 GREENBRIAR - PERMITTED USES						
Uses	Subarea 1	Subarea 2	Subarea 3	Subarea 4	Subarea 5	Subarea 6
Short-term rentals (see Atlanta City Code section 20-1001.)	P	P	P	P	P	P
Single room occupancy residences	X	X	X	X	X	X
Supportive housing	X	X	X	X	X	X
Transportation and Communications						
Automobile service stations including locations where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied, sold, or dispensed at retail in connection therewith or where general automotive servicing is performed	X	X	X	X	X	X
Automotive repair garages, paint tire and body repair shops, auto parts retail stores, or carwashes (handwashing or automated)	X	X	X	X	X	X
Broadcasting towers greater than 70feet in height ³	SUP	SUP	SUP	SUP	SUP	SUP
Broadcasting towers lower than 70 feet in height ³	P	P	P	P	P	P
Helicopter landing facilities	SUP	SUP	SUP	X	X	X
MARTA structures ⁴	P	P	P	P	P	P
Park-for hire decks	P	P	P	SUP	X	X
Park-for-hire surface lots	SUP	SUP	SUP	SUP	X	X
Telecommunications switchboards ⁵	P	P	P	X	X	X
Truck stops	X	X	X	X	X	X
Retail Goods and Services						
Any establishment offering check cashing services pursuant to a license issued pursuant to Article 4A of Title 7 of the Official Code of Georgia or that loans money to the public except for any state or federally chartered bank, trust company, credit union, savings and loan association, or savings bank with deposits that are federally insured <u>Alternative Financial Service</u>	X	X	X	X	X	X
Automatic teller machines	P	P	P	P	P	X
Bakeries and catering establishments	P	P	P	P(2,000)	P(2,000)	X
Banks ⁶	P	P	P	P(8,000)	X	X

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SPI-20 GREENBRIAR - PERMITTED USES						
Uses	Subarea 1	Subarea 2	Subarea 3	Subarea 4	Subarea 5	Subarea 6
Barber shops, beauty shops, beauty supply, manicure shops and similar personal service establishments	X	X	X	X	X	X
Convenience stores meaning a small retail establishment stocked to sell primarily prepackaged food items, but may also sell alcoholic beverages, periodicals, and other household supplies to customers who purchase relatively few items per visit.	X	X	X	X	X	X
Drive-through service windows	X	X	P ⁷	X	X	X
Dry cleaning collection stations	P	P	P	P(2,000)	P(2,000)	X
Dry cleaning facilities	P	P	P	X	X	X
Grocery stores	P	P	P	P(15,000)	X	X
Laundromats	P	P	P	P(2,000)	P(2,000)	X
Package store as defined in Sec. 10-1	P ¹⁸	X	X	X	X	X
Photocopying or blueprint shops	P	P	P	P(2,000)	X	X
Plumbing, air conditioning service and repair	P	P	P	X	X X	X
Retail establishments	P	P	P	P(8,000)	X	X
Sales and repair establishments ⁸	P	P	P	P(4,000)	P(4,000)	X
Small discount variety stores	X	X	X	X	X	X
Tailoring and dressmaking	P	P	P	P(4,000)	P(4,000)	X
Other Commercial						
Hotels	SUP	SUP	SUP	X	X	X
Mortuaries and funeral homes	SUP	SUP	SUP	X	X	X
New and used car sales	X	X	X	X	X	X
Nursing homes and convalescent centers	SUP	SUP	SUP	X	X	X
Entertainment						
Adult businesses	X	X	X	X	X	X
Bingo parlors	SUP	SUP	SUP	X	X	X
Bowling alleys	SUP	SUP	SUP	X	X	X
Eating and drinking establishments ¹¹	P	P	P	P(8,000)	P(4,000)	X
Museums, art galleries, libraries ⁹	P	P	P	P(8,000)	P(4,000)	X
Nightclubs	X	X	X	X	X	X
Outdoor enterprises of thirty days duration or less ¹⁰	SAP	SAP	SAP	SAP	X	X
Outdoor enterprises of more than thirty days duration ¹⁰	SUP	SUP	SUP	SUP	X	X

#005

Posted by **Kirsten** on **09/02/2025** at **12:34pm** [Comment ID: 1598] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

I suggest removing these prohibitions on barber shops, beauty shops, beauty supply, manicure shops and similar personal service establishments in all subareas. This appears to be racially inequitable. If the issue is excessive occupation of these uses in Greenbriar, it seems that another solution (such as a temporary moratorium) could more equitably solve for that without imposing such long-term impediments.

Reply by **SiteAdmin** on **09/16/2025** at **2:35pm** [Comment ID: 1716] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your feedback.

SPI-20 GREENBRIAR - PERMITTED USES						
Uses	Subarea 1	Subarea 2	Subarea 3	Subarea 4	Subarea 5	Subarea 6
Party houses provided that the use shall be prohibited within 150 feet of a property zoned R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-4B, R-5, RG, MR or a property used for residential purposes measured from property line to property line	SAP	SUP	SAP	SAP	X	X
Poolrooms and amusement arcades	SUP	SUP	SUP	X	X	X
Theaters ¹²	P	P	P	X	X	X
Offices						
Clinic ¹³	P	P	P	P(8,000)	X	X
Offices, studios	P	P	P	P(8,000)	P(4,000)	X
Professional or service establishments ¹⁴	P	P	P	X	X	X
Civic, Educational, Religious						
Business or commercial schools	P	P	P	X	X	X
Childcare centers and kindergartens	P	P	P	P	SUP	X
Churches, synagogues, [temples], and mosques having a lot area greater than 1 acre	SUP	SUP	SUP	SUP	SUP	SUP
Churches, synagogues [temples], and mosques having a lot area less than or equal to 1 acre	SE	SE	SE	SE	SE	SE
Clubs and lodges	P	P	P	X	X	X
Colleges and universities ¹⁵	SUP	SUP	SUP	X	X	X
Community centers ¹⁶	SUP	SUP	SUP	X	X	X
Private schools	P	P	P	X	X	X
Public schools	P	P	P	P	P	P
Industrial						
Commercial greenhouses	X	X	SUP	X	X	X
Light manufacturing	X	X	X	X	X	X
Security storage centers	X	X	SUP	X	X	X
Other						
Farmers' market	SAP	SAP	SAP	SAP ¹⁶	SAP ¹⁶	SAP ¹⁶
Hospitals	SUP	SUP	SUP	X	X	X
Market gardens	P	P	P	P ¹⁷	P ¹⁷	P ¹⁷
Mortuaries, funeral homes, cemeteries, and mausoleums	X	X	X	X	X	X
Urban gardens	P	P	P	SAP	SAP	SAP
Key: P = Permitted, P(X) = Permitted, up to X square feet, SE = Special Exception, SAP = Special Administrative Permit, SUP = Special Use Permit, X = Not Permitted						

SPI-20 GREENBRIAR - PERMITTED USES						
Uses	Subarea 1	Subarea 2	Subarea 3	Subarea 4	Subarea 5	Subarea 6
<p>Notes:</p> <p>¹ including fraternity and sorority houses</p> <p>² including family care homes and congregate care homes</p> <p>³ including line-of-sight relay devices for telephonic, radio or television communications</p> <p>⁴ defined as: structures and uses required for operation of MARTA or a public utility but not including uses involving storage, train yards, warehousing, switching, or maintenance shops</p> <p>⁵ including power generators and other telecommunications relay equipment</p> <p>⁶ including savings and loan associations, and other similar institutions - but not including any drive-in service window</p> <p>⁷ See Section 16-18T.028 for further restrictions in this Subarea.</p> <p>⁸ for home appliances, bicycles, lawn mowers, shoes, clocks, or similar household goods</p> <p>⁹ and similar profit or non-profit cultural facilities</p> <p>¹⁰ defined as outdoor amusement enterprises, exhibits, entertainment, meetings, displays or sales areas, or outdoor religious ceremonies</p> <p>¹¹ including restaurants, bars, coffee shops, delicatessens and taverns</p> <p>¹² including other commercial recreation establishments with primary activities conducted within fully enclosed buildings</p> <p>¹³ including veterinary (if animals are kept within soundproof buildings), laboratories, and similar uses, excluding blood donor stations</p> <p>¹⁴ but not hiring halls</p> <p>¹⁵ and other institutions of higher learning</p> <p>¹⁶ farmers' market limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools</p> <p>¹⁷ Market gardens are limited to parcels which are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.</p> <p>¹⁸ One wine specialty shop and one brewpub as defined in Section 10-1 is permitted in Subarea 1.</p>						

F. Permitted Accessory Uses and Structures (Sec. 16-18T.006.)

- Accessory uses and structures permitted within this district ~~shall~~ **must** include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically includes clubhouses, pools, and other recreation amenities, parking to serve authorized residential and non-residential uses within the district subject to the restrictions contained elsewhere in this chapter, and electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE.
- Accessory parking structures and lots for required parking are permitted within 300 feet of primary use as measured from the nearest property line, without a special exception.

G. Special Permits (Sec. 16-18T.007)

The following uses are permissible only by additional special permits of the type indicated subject to limitations and requirements set forth in this **chapter 18T** or elsewhere in this part, and subject to the applicable procedures and requirements set forth in **section 16-25.001, et seq.**

- Special administrative permits:

- a. Outdoor displays of merchandise or sales areas within the **supplemental** zone adjacent to commercial uses.
- b. Off-site parking and shared parking within 1,000 feet of a primary use as measured from the nearest property line.
- c. Retaining walls greater than two feet in height between the building facade line and the street, where existing topography does not require retaining walls of a greater height, and except where necessary to meet the provisions in **section 16-25.002(3)**.
- d. Reduction of parking requirements may be permitted by the ~~director of the bureau~~ Director of Planning subject to a shared parking arrangement under the following criteria:
 - i. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
 - ii. All shared parking spaces ~~shall must~~ be clearly marked; and
 - iii. An applicant ~~shall must~~ submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - a) A to-scale map indicating location of proposed parking spaces;
 - b) Hours of business operation of nonresidential parking users;
 - c) Written consent of property owners agreeing to the shared parking arrangement;
 - d) Copies of parking leases. Renewed leases ~~shall must~~ be filed with the ~~bureau~~ Department of Planning. Lapse of a required lease agreement ~~shall will~~ terminate the special administrative permit for shared parking.
 - e) Variations in width requirements for new streets when counted towards open space requirements when any of the following are provided:
 - f) Addition of bike lanes;
 - g) Addition of angled parking;
 - h) Addition of landscaped medians and roundabouts;
 - i) Elimination of on-street parking on one side of a one-way street.

H. Redevelopment Requirements (Sec. 16-18T.008)

Subject to the provisions in **Part 16, Chapter 24**, Nonconformities.

I. Transitional Uses and Yards (Sec. 16-18T.009.)

1. **Adjoining lot with same frontage.** Where a lot in this district abuts a lot in any **R-1 through R-G, MR, RLC or PD-H** district at the side along the same street frontage, and without an intervening street, such lot within this district, or the first 100 feet on such lot if it is wider than 100 feet, shall not be used for any drive-through service window or drive-in facility, car wash, service station, mortuary or funeral home, sales lot for automobiles, repair garage, or paint and body shop even where otherwise specifically authorized.

2. Transitional height planes:

- a. No portion of any structure shall protrude through a height limiting plane beginning the specified number of feet above the point set forth in **subsection 16-18T.009(2)(b)** below and extending inward over the SPI-20 district at an angle of 45 degrees. The following districts shall be considered "protected districts" for purposes of this **section 16-18T.009(2)**:
 - i. **R-1 through R-5;**
 - ii. **RG-1 and RG-2;**
 - iii. **MR-1, MR-2, and MR-MU; and**
 - iv. **Landmark, Historic, PD, and SPI** districts and **district-subareas subdistricts** having uses and densities predominantly similar to those permitted in the district classifications listed in subsections (i) through (iii) above.
- b. Proximity to districts and measurement applications:
 - i. For **parcels lots** in an **SPI-20** district that are contiguous to a protected district, the transitional height plane shall be measured beginning 35 feet above the required SPI-20 setback or transitional yard adjoining the common property line with such protected district.
 - ii. For **parcels in** an **SPI-20** district that are not contiguous to but are within 150 feet of a protected district, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of the protected district, provided this transitional height plane shall not extend more than 150 linear feet (measured along the ground) from the protected district up to and into the **SPI-20** district. (See diagrams at **section 16-29.001(62).**)
- c. The purpose and intent of this provision is to provide protection for the named protected districts from nearby looming structures regardless of the presence of an intervening public right-of-way or park or space, public or private street or alley, or any lot or parcel remnant.
- d. Transitional height plane measurements shall be applied to parcels on a point-by-point basis and not average grade.

3. **Transitional yards Transitions:**

- a. Where any subarea of this district adjoins an **R-1 through R-5, R-G, MR, RLC or PD-H district**, or Subareas 5 or 6 within this district without an intervening street, a minimum of 20 feet is required which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of private alleys or drives up to ten feet in width. Such **yards transitions** shall be planted as approved by the City Arborist and maintained as a landscaped strip.
- b. **Screening.** In addition to the above **transitional yard** transition requirements, permanent opaque walls 6 feet in height **shall must** be provided and **shall must** be maintained in sightly condition.

J. Development Controls Lot Standards (Sec. 16-18T.010.)

See **Table SPI-20 Greenbriar** - **Development-controls Lot Standards** and site limitations for **bulk**

limitations, maximum building coverage, public space requirements, minimum **open outdoor amenity** space requirements, and maximum height.

For purposes of this chapter, and notwithstanding the provisions of Code section 16-29.001(24), mixed-use development is defined as any development which contains as principal uses both residential and non-residential uses on the same development site, and in which both of such uses are at least 20 percent of the total floor area, excluding accessory uses.

1. **Bulk limitations:**

a. Maximum permitted floor areas without bonuses:

- i. For nonresidential uses, the ratio of floor area to lot area shall not exceed the amount indicated under "Maximum Nonresidential FAR" in Table SPI-20 Greenbriar - Development controls and site limitations for each subarea (See section 16-18T.010(2)).
- ii. For residential uses, the ratio of floor area to net lot area shall not exceed the amount indicated under "Maximum Residential FAR" in Table SPI-20 Greenbriar - Development controls and site limitations for each subarea.
- iii. For developments that combine residential and non-residential uses, the ratio of floor area to net lot area shall not exceed the sum of the amounts indicated under "Maximum Residential FAR" and "Maximum Nonresidential FAR" in Table SPI-20 Greenbriar - Development controls and site limitations for each subarea, but not greater than the maximum floor areas permitted for each (See **section 16-29.001(24)**).

b. **Maximum permitted floor area with bonuses.** Under no circumstances shall the ratio of floor area to gross lot area of any development with bonuses exceed the amount indicated under "Maximum Combined FAR With Bonuses" indicated in **Table SPI-20 Greenbriar - Development controls Lot standards** and site limitations for each subarea.

5. Residential uses may use net lot area or gross lot area when calculating maximum permitted residential floor area, provided that usable open space requirements (UOSR) are calculated based on the same lot area.

Table SPI-20 Greenbriar - Development Controls Lot Standards and Site Limitations						
	Subarea 1: Greenbriar Town Center	Subarea 2: Greenbriar Neighborhood Center	Subarea 3: Campbellton Rd Mixed- Use Corridor	Subarea 4: Greenbriar Residential/ Commercial	Subarea 5: Greenbriar Medium Density Residential	Subarea 6: Greenbriar Single- Family
Nonresidential FAR (base) or Maximum Percentage of Development	2.5	1.5	1.0	20%	5%	None
Residential FAR (base)	0.696	0.696	0.696	2.0	0.696	0.5
Combined Maximum FAR without bonuses	3.196	2.196	1.696	2.0	0.696	0.5

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Additional Open Space Bonus	YES	YES	YES	YES	NO	NO
Ground Floor Commercial Bonus	YES	YES	YES	YES	NO	NO
Civic Space Bonus	YES	YES	YES	YES	NO	NO
New Streets Incentive	YES	YES	YES	YES	YES	YES
On-street Parking Incentive	YES	YES	YES	YES	YES	NO
Combined Maximum FAR with bonuses	3.696	2.696	2.0	2.696	0.696	0.5
Maximum Building Coverage (percent of net lot area)	85%	85%	85%	85%	85%	50%
Residential Usable Open Space Requirement (UOSR)	LUI	LUI	LUI	LUI	LUI	LUI
Non-residential Public Space Requirement, as a % of net lot area	10%	10%	10%	10%	None	None
Minimum Lot Size	None	None	None	2,000 sf/ None*	2,000sf/ None*	3,000sf
Minimum Street Frontage	None	None	None	40'/25'**	40'/25'**	40'
Minimum Facade Height	24'	24'	24'	None	None	None
Maximum Height	80 feet	52 feet	52 feet	80 feet	52 feet	35 feet
*Minimum lot size is none for townhouse development, 2,000 square feet otherwise.						
**Minimum street frontage is 25' for townhouse development, 40' otherwise.						

6. **Minimum open outdoor amenity space requirements.** When either the residential or non-residential component of the development is a minor use of less than 20 percent of the total floor area minimum open outdoor amenity space requirements do not apply to such minor use. .
- For residential uses, including all residential components of mixed-use developments.** Open Outdoor amenity space requirements as indicated on **Table I, "Land Use Intensity Ratios"** shall be required for **useable open space (UOSR)** only.
 - For non-residential uses, including all non-residential components of mixed-use developments.** Public space requirements shall be as indicated in **Table SPI-20 Greenbriar - Development controls Lot Standards and site limitations.** (See **Section 16-28.012** for definitions and measurements. Required **yards transitions** and requirements for sidewalk and supplemental zone widths that are constructed on private property may be counted towards this requirement. Such public space may include planted areas, fountains, community

gardens, parks plazas, hardscape elements related to sidewalks and plazas, and similar features which are located on private property.)

- b. **For mixed-uses.** The sum of minimum open outdoor amenity space requirements specified in subsections a. and b. above for non-residential and residential shall be met.
8. **Residential balconies.** Balconies for residential units, which are enclosed on not more than three sides, may be counted towards HOOR outdoor amenity space requirements for a maximum depth of six feet.
9. **Additional open outdoor amenity space bonus.** If indicated for a subarea in Table SPI-20 Greenbriar - Development-controls Lot standards and site limitations, developments in that subarea shall must be permitted a residential bonus of two square feet of residential floor area for each one square foot of open space provided above the minimum required herein. Said bonus shall be permitted provided that open outdoor amenity space:
 - a. Shall provide active or passive recreational amenities;
 - b. Shall be no greater than 24 inches above or below the adjacent public sidewalk for a minimum distance of 15 feet from the beginning of the adjacent sidewalk;
 - c. Shall be visible and accessible from any point along 90 percent of any adjacent sidewalk; and
 - d. Shall permit and encourage pedestrians to walk on a minimum of 80 percent of the surface of the parcel excluding fountains, pedestrian furniture, public art and similar elements.
10. **Ground floor commercial bonus.** If indicated for a subarea in Table SPI-20 Greenbriar - Development-controls Lot standards and site limitations, developments that provide street-fronting, sidewalk level retail establishments or eating and drinking establishments that comprise a minimum of 20 percent of the building foot print and meet all of the requirements of section 16-18T.015(1) shall be permitted a residential floor area bonus of three additional square feet for every one square foot of said space built.
11. **Civic space bonus.** If indicated for a subarea in Table SPI-20 Greenbriar - Development-controls Lot standards and site limitations, developments which provide recreational centers, community centers and community service facilities which are available to the general public during normal city recreational center, community center or community service hours shall be permitted a residential floor area bonus of one square foot for every one square foot of said space built.
12. **New streets incentive.** New public streets, or private streets which function as public streets may be counted towards outdoor amenity space requirements provided the following criteria are met:
 - a. The new streets connect two other public streets or private streets; and
 - b. The new streets meets the requirements of Section 16-18T.012; and
 - c. The maximum width of said streets shall be 38 feet; and
 - d. The new streets shall include two on-street parallel parking lanes, two travel lanes and sidewalk extensions at intersections; and
 - e. When adjacent to a park area, new streets shall meet all above requirements along each park edge.

f. Gates shall not be permitted across said streets.

13. **On-street parking incentive.** ~~New on-street parking may be counted towards UOSR or public-space outdoor amenity~~ space requirements provided the following criteria are met:

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

K. Site limitations (Sec. 16-18T.011.)

2. **Minimum building façade heights.** Buildings shall have a minimum façade height along each façade adjacent to any sidewalk or supplemental zone as shown in Table SPI-20 Greenbriar - ~~Development controls~~ Lot Standards and site limitations.
3. **Maximum building heights.** In addition to the requirements of transitional height planes specified in section 16-18T.009(2), buildings shall have a maximum height as shown in Table SPI-20 Greenbriar - ~~Development controls~~ Lot Standards and site limitations.
4. New development or redevelopment proposing to contain an entire block face greater than 600 feet in length shall be traversed by streets which create block faces no more than 400 feet in length, except when topographical conditions prevent the introduction of new streets as required, or to allow new streets to coincide with an existing street grid. For the purposes of this chapter, a block face shall be measured from the back of ~~sidewalk-clear pedestrian~~ zones or required supplemental zones. Such streets shall function as public streets and shall connect two other public streets or private streets that meet the requirements of section 16-18T.010(8).
5. **Requirement for continuation of existing street network.** Properties adjacent to the right-of-way of existing public streets which dead-end or cul-de-sac shall provide a street connection to the existing right-of-way and shall meet the requirements of section 16-18T.010(8) and section 16-18T.012, unless existing site topography does not permit such a connection to be made as determined by the commissioner of the department of transportation, or his/her designee.

L. Streetscapes (Sec. 16-18T.012.)

Public streetscapes shall be located along all public streets and all private streets that function as public streets and shall have minimum widths as specified herein. Streetscapes shall consist of two zones: ~~a street furniture and tree planting zone~~ amenity zone, and a clear pedestrian zone.

Table SPI-20 Greenbriar - Development Controls <u>Lot Standards</u> and Site Limitations						
	Subarea 1: Greenbriar Town Center	Subarea 2: Greenbriar Neighborhood Center	Subarea 3: Campbellton Rd Mixed-Use Corridor	Subarea 4: Greenbriar Residential/ Commercial	Subarea 5: Greenbriar Medium Density Residential	Subarea 6: Greenbriar Single- family
Minimum Street-Furniture and Tree-Planting-Amenity Zone Width	5'	5'	5'	5'	5'	5'
Minimum Clear <u>Pedestrian Walk Zone</u> Width	10'	10'	10'	10'	6'	6'
Minimum Supplemental Zone Width	5' or None*	5' or None*	5' or None*	9' or 5'***	9' or 5'***	None
Minimum Side Yard - not adjacent to street	20' or None^	20' or None^	20' or None^	15' or None^	15'/5' or None^^	5'
Minimum Side Yard - adjacent to street	see supplemental zone	see supplemental zone	see supplemental zone	see supplemental zone	see supplemental zone	10'
Minimum Rear Yard	20' or None^	20' or None^	20' or None^	20'	15'	15'
Minimum Front Yard <u>Setback</u>	see supplemental zone	see supplemental zone	see supplemental zone	see supplemental zone	see supplemental zone	20'
*Minimum supplemental zone width is 5' on streets that function as arterial and collector streets, none otherwise.						
**Minimum supplemental zone width is 9' on streets that function as arterial and collector streets, 5' otherwise.						
^Nonresidential uses: None. Residential use: Setback may be reduced to zero when no residential windows are adjacent to such yard.						
^^Nonresidential uses: None. Multi-family residential use: 15' setback may be reduced to zero when no residential windows are adjacent to such yard. Single-family residential uses: 5'.						

The following regulations shall apply to all public sidewalks:

1. **~~Street furniture and tree-planting Amenity zone~~ requirements.** The ~~street furniture and tree-planting amenity zone~~ shall have a minimum width as specified in **SPI-20 Greenbriar** - Sidewalk and setback requirements. Said zone ~~shall~~ **must** be located immediately adjacent to the curb and shall be continuous. Said zone ~~shall~~ **must** meet the tree planting requirements of **section 16-18T.012(3)**. In addition to the required planting of trees, this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does

not obstruct pedestrian access or motorist visibility and as approved by the Director ~~of the bureau~~ of Planning.

2. **Clear Pedestrian walk zone requirements.** The ~~clear pedestrian walk~~ zone shall be a minimum width as specified in **SPI-20 Greenbriar** - Sidewalk and setback requirements. Said zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be continuous. Said zone ~~shall~~ **must** be hardscape, and shall be unobstructed for a minimum height of eight feet except as authorized in **section 16-18T.014(7)**.
3. **Street tree planting requirements.** Street trees are required and shall be planted in the ground a maximum of 50 feet on center within the **street furniture and tree planting landscape zone** and spaced equal distance between streetlights. All newly planted trees shall be a minimum of two and one-half inches in caliper measured six inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven feet. Trees shall have a minimum planting area of 40 square feet. All plantings, planting replacement and planting removal shall be approved by the City Arborist. The area between required plantings shall either be planted with evergreen ground cover such as mondo grass or liriop spicata or shall be paved as approved by the director of planning.
4. **Tree grates.** Tree grates are not required where all sidewalk width requirements are met. Where tree grates are required or otherwise installed, they shall be a minimum of five feet by eight feet, shall be a type specified by the Director of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way, and shall be placed within the **street furniture and tree planting landscape zone**. Where tree grates are not required or otherwise installed, tree planting areas shall be permitted to be planted with evergreen ground cover such as mondo grass or liriop spicata.
5. **Paving.** All paving within the **street furniture and tree planting amenity zone** ~~shall~~ **must** be a type specified by the Director of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way.
6. Nothing ~~shall~~ **must** be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of ~~two and one-half 2~~ **and 1 ½** feet and ~~eight 8~~ **8** feet above grade. See **section 16-28.008(9)**, Visibility at intersections.
7. No awning or canopy ~~shall~~ **must** encroach beyond the ~~clear~~ pedestrian walk zone. Metal awnings are prohibited.
8. Where property within this district abuts an R, **R-G, MR, PD-H, or LW** district without an intervening street, the sidewalk area within ~~twenty (20) 20~~ feet of such districts ~~shall~~ **must** taper as necessary to provide a smooth transition to the existing **R, R-G, MR, PD-H, or LW** districts sidewalk. In the event that the abutting **R, R-G, MR, PD-H or LW** district has no existing sidewalk, the sidewalk ~~shall~~ **must** taper to a width of ~~six 6~~ feet.
9. Decorative pedestrian lights, where installed, ~~shall~~ **must** be placed a maximum of 50 feet on center and spaced equal distance between required trees along all streets. Where installed, said lights shall be located within either the **street furniture and tree planting amenity zone** or the **supplemental** zone. All said lights shall be Atlanta Type "C" as approved by the Planning **Director Bureau**.

10. Every commercially reasonable effort ~~shall~~ must be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
11. Trash receptacles or similar elements, where installed, ~~shall~~ must be a type specified by the Director of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the ~~public~~ right-of-way and ~~shall~~ must be placed within the ~~street-furniture-and-tree-planting~~ amenity zone.

M. Supplemental Zone Landscaping (Sec. 16-18T.013.)

For purposes of these regulations, the area between any building, parking garage, or parking lot and the required sidewalk, when no intervening building exists, shall be defined as the supplemental zone. Supplemental zones shall meet the following requirements. Except as otherwise specified below, the square footage contained within a supplemental zone which meets all the following supplemental zone requirements may be counted towards ~~UOSR or public space~~ outdoor amenity space requirements.

1. **Supplemental zone** general requirements:
 - a. When sidewalk level residential units are provided, supplemental zone ~~shall~~ must be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of two-thirds of the supplemental zone area;
 - b. Terraces, porches and stoops ~~shall~~ must have a maximum finished floor height of 24 inches above finished-grade, unless existing topographical considerations render this requirement unreasonable, subject to the provisions in **section 16-25.002(3)**;
 - c. The supplemental zone ~~shall~~ must be no more than 24 inches above the adjacent public sidewalk for a minimum linear distance of 15 feet from the nearest edge of the adjacent public sidewalk, unless existing topographical considerations render this requirement unreasonable; and
 - d. Any authorized walls surrounding landscaped and grassed areas shall not exceed a maximum height of 24 inches, except retaining walls, which ~~shall~~ must not exceed a maximum height of 36 inches unless existing topography requires a retaining wall of greater height.
 - e. Fencing permitted only when:
 - i. The supplemental zone is located between ~~sidewalk-level ground floor~~ residential units and the adjacent street; or
 - ii. Said fencing is used to separate authorized outdoor dining from the required sidewalk.
2. **Supplemental zone widths.** Along front and side façades shall be a minimum width as specified in SPI-20 Greenbriar - Sidewalk and setback requirements.
3. **Supplemental** zones containing a depth of 15 feet or less shall meet the following additional requirements:
 - a. No balcony ~~shall~~ must encroach more than ten feet into the supplemental zone area.

- b. ~~Shall~~ Must not be counted towards UOSR or public space requirements unless visible and accessible to the general public from the adjacent public sidewalk, with the exception of areas adjacent to ~~sidewalk-level ground floor~~ residential units.
4. Supplemental zones containing a depth greater than 15 feet shall be counted towards UOSR or public space requirements only when the following additional requirements are met:
 - a. ~~Shall~~ Will permit and encourage pedestrians to walk on a minimum of ~~eighty (80)~~ 80 percent of the surface of the supplemental zone excluding fountains, pedestrian furniture, public art and similar elements.
 - b. When adjacent non-residential ground floor uses are provided, ~~shall~~ must be visible and accessible from any point along 90 percent of any adjacent sidewalk.
 - c. When adjacent non-residential ground floor uses are provided, all sides of buildings fronting said zone meet the requirements of section 16-18T.015(1).
 - d. When adjacent residential ground floor uses are provided, ~~shall~~ must provide a pedestrian walkway from said space to the adjacent public sidewalk. Said pedestrian walkway shall be perpendicular to the street and shall connect directly to the public sidewalk and shall be uncovered and open to the sky along its entire length.
 5. Developments of greater than one acre in area and adjacent to existing transit stops which have no shelters ~~shall~~ must provide a shelter within the supplemental zone for a minimum of one such stop. The design and location of such stop ~~shall~~ must be approved by the Director ~~of the bureau~~ of Planning.

N. Relationship of Building to Street Building Standards (Sec. 16-18T.014.)

1. For purposes of this chapter, ~~sidewalk-level ground floor~~ ~~shall~~ must be defined as any floor of a building with a ~~finished-floor~~ ground floor elevation less than or equal to five feet above the adjacent sidewalk or less than or equal to five feet below the adjacent sidewalk.
2. Building floors shall be delineated at third story above ~~sidewalk-level ground floor~~ and lower and shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
3. The primary pedestrian ~~entrance~~ entry feature for pedestrians to access all ~~sidewalk-level ground floor~~ uses and business establishments with street frontage:
 - a. ~~Shall~~ Must face and be visible from the street. When located adjacent to a Storefront Street, said ~~entrance~~ entry feature ~~shall~~ must face and be visible from such street.
 - b. ~~Shall~~ Must be directly accessible and visible from the sidewalk.
 - c. ~~Shall~~ Must remain unlocked during business hours for non-residential uses.
 - d. ~~Shall~~ Must be connected with the sidewalk by a pedestrian pathway that is perpendicular to the sidewalk and is a minimum of ~~four~~ 4 feet in width.
4. A street address number ~~shall~~ must be located directly above the primary building ~~entrance~~ entry feature, ~~shall~~ must be clearly visible from the sidewalk and shall be a minimum of ~~six~~ 6 inches in height.

5. Buildings with residential uses at the ~~sidewalk-level ground floor~~ shall must meet the following regulations:
 - a. All primary pedestrian ~~entrances entry features~~ not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of ~~five~~ 5 feet wide for commercial, mixed-use, and multi-family residential development (excluding townhouse development), and ~~three~~ 3 feet wide for townhouse, single-family, and two-family development. Said pedestrian walkway shall be perpendicular to the street and ~~shall must~~ be permitted to share said walkway with one adjacent unit.
 - b. Buildings ~~shall must~~ have windows at ~~sidewalk-level ground floor~~ on each street frontage façade that are substantially similar in size to the sidewalk level front façade windows.
6. Along all streets, parking, storage or digital industry switchboards, power generators and other relay equipment and rooms housing such equipment ~~shall must~~ be permitted, with the exception that such uses ~~shall must~~ not occupy a minimum depth of 20 feet of the ground floor street frontage beginning at any building façade along the public sidewalk. Said buildings ~~shall must~~ meet the following additional requirements:
 - a. ~~Shall Must~~ meet the requirements of section 16-18T.015(1) except at ingress and egress points into the structure and when topographical conditions prevent such treatment; or
 - b. ~~Shall Must~~ meet the requirements of section 16-18T.014(5) except at ingress and egress points into the structure and when topographical conditions prevent such treatment.
7. **Sidewalk arcades.** Buildings with nonresidential uses at the ~~sidewalk-level-ground floor~~ may have sidewalk arcades, which ~~shall must~~ meet the following regulations:
 - a. ~~Shall Must~~ provide an at grade sidewalk surface.
 - b. Arcade supports ~~shall must~~ be a maximum width of five feet.
 - c. ~~Shall Must~~ provide a minimum of 25 feet of clear unobstructed space between arcade supports.
 - d. A building with a sidewalk arcade ~~shall must~~ meet the requirements of section 16-18T.015.
 - e. ~~Shall Must~~ provide a minimum clear zone width of 15 feet and when located on streets which function as arterial streets or storefront streets, ~~shall must~~ provide a minimum supplemental zone width of ~~five~~ 5 feet.
9. Fences and walls ~~shall must~~ meet the following regulations:
 - a. For residential uses adjacent to the sidewalk, fences ~~shall must~~ not exceed 42 inches in height when located between the primary ~~building-structure~~ and the street or between any supplemental zone and the adjacent street. For non-residential uses adjacent to the sidewalk, fences are prohibited when located between the building and the sidewalk except where specifically authorized elsewhere in this Chapter for outdoor dining.
 - b. Retaining walls located adjacent to a sidewalk along a public street ~~shall must~~ not exceed a height of ~~two~~ 2 feet and the combined height of a fence where otherwise authorized and retaining wall ~~shall must~~ not exceed a height of ~~five~~ 5 feet, unless existing topography prohibits retaining walls of a lesser height. Retaining walls ~~shall will~~ be finished with poured

concrete or ~~shall~~ will be faced with stone, brick or smooth stucco. See also **section 16-29.001(25)(b).**

- c. No walls, except retaining walls, ~~shall must~~ be located between the street and any building, with the exception of screening for authorized ~~off-street~~ on-site loading areas.
 - d. Fences and walls located between the primary building structure and the lot line and not exceeding ~~six~~ 6 feet in height may be erected, but ~~shall must~~ not be permitted between the primary building and the street.
 - e. Where wood fences are constructed the finished side ~~shall must~~ be toward all property lines that front the public right of way or property zoned R-1 through R-5, MR, PD-H or used for residential purposes.
 - f. Wood fencing other than cedar or redwood must be stained or painted.
 - g. Fencing ~~shall must~~ have a horizontal top and bottom trim. Bright or fluorescent colors are prohibited.
 - h. Chain link fencing ~~shall can~~ be black or dark green vinyl coated.
10. No barbed wire, razor wire, chain link fence or similar elements ~~shall will~~ be visible from any public plaza, ~~ground level or sidewalk level~~ ground floor or ground story outdoor dining area or public right-of-way.
 11. Vending machines, paper stands, and other similar devices ~~shall must~~ be located interior to all buildings.
 12. On non-residential structures shingled slanted roof lines are prohibited. Metal roofs are permitted. Exposed gutters are prohibited for use with flat roofs. All flat roofs ~~shall must~~ have a parapet and cornice and shall be continuous on all building elevations.

O. Specific Regulations for Storefront Streets (**Sec. 16-18T.015**)

Properties which front streets indicated in Exhibit B as Storefront Streets shall meet the following regulations:

1. ~~Street-fronting~~ Street-facing buildings including parking decks shall meet the following ~~sidewalk-level ground floor~~ requirements:
 - a. The length of façade without intervening fenestration or ~~entryway~~ entry feature ~~shall must~~ not exceed 20 feet.
 - b. For buildings with ground floor commercial uses, fenestration ~~shall must~~ be provided for a minimum of 65 percent of the length of the frontage. For buildings with ground floor residential uses, fenestration ~~shall must~~ be provided for a minimum of 51 percent of the length of the frontage excluding gables, windows, doors, and related trim.
 - i. Beginning at a point not more than ~~three~~ 3 feet above the sidewalk, to a height no less than ~~ten~~ 10 feet above the sidewalk or,

- ii. Beginning at the ~~finished floor~~ ground floor elevation to a height no less than ten feet above the finished floor elevation when the ~~finished floor~~ ground floor elevation is ~~three~~ 3 or more feet above the sidewalk or,
 - iii. Beginning at a point not more than ~~sidewalk level~~ ground floor, to a height no less than ~~ten (10)~~ 10 feet above the ~~finished floor~~ ground floor elevation when the ~~finished floor~~ ground floor elevation is below the sidewalk.
 - c. Fenestration ~~shall~~ must not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances Entry features may be counted towards fenestration requirements.
 - d. For parking decks, commercial uses ~~shall~~ must occupy a minimum depth of 20 feet of the ground floor street frontage beginning at any building façade along the public sidewalk, except at ingress and egress points. Such commercial uses located in this area ~~shall~~ must meet the requirements of section 16-18T.015.
2. **Minimum building façade height.** Twenty-four feet along each façade visible from the public right-of-way.
 3. **Horizontal change of materials.** A horizontal change of materials from one material to another ~~shall~~ must include a cast stone cap or masonry sill. The cap sill ~~shall~~ must project from the face of the building.
 4. **Building entrances entry features.** The primary pedestrian entrance entry feature facing the street and sidewalk shall be articulated and differentiated from other components of the façade with two or more of the following elements: Transom windows; awnings or canopies.

P. **Signage Signs** (Sec. 16-18T.016)

Refer to section 16-28A, Sign Ordinance.

Q. **Loading Areas, Loading Dock Entrances Entry Features and Building Mechanical and Accessory Features** (Sec. 16-18T.017)

1. Dumpsters and loading areas:
 - a. ~~Shall~~ Must be paved with impervious materials and ~~shall~~ must be screened so as not to be visible from any public plaza, ~~ground level or sidewalk level~~ ground story or ground floor outdoor dining area, public sidewalk or public right-of way.
 - b. When serving residential uses, ~~shall~~ must be enclosed with opaque walls ~~six (6)~~ 6 feet in height.
 - c. When serving non-residential uses and located within ~~three hundred (300)~~ 300 feet of single-family residential uses, ~~shall~~ must be located immediately adjacent to the side or rear of the principal structure or ~~shall~~ must be in the location of least sound and visual impact to nearby single-family residential uses.
 - d. Dumpsters ~~shall~~ must be screened with brick opaque walls and a self-closing opaque gates along one side which matches the brick color. Gate material ~~shall~~ must be wood, metal or

vinyl. Screening ~~shall~~ must be 12 inches above the dumpster at a maximum height of ~~seven~~ 7 feet.

2. Loading dock ~~entrances~~ entry features for non-residential uses ~~shall~~ must be screened so that loading docks and related activity are not visible from the public right-of-way.
3. Building mechanical and accessory features:
 - a. ~~Shall~~ Must be located to the side or rear of the principal structure and ~~shall~~ must be in the location of least visibility from the public right-of-way. Screening with plant or fence materials ~~shall~~ will be required if the equipment is otherwise visible from the public right-of-way.
 - b. When located on rooftops ~~shall~~ must be incorporated in the design of the building and screened with building materials similar to the building.
 - c. ~~Shall~~ Must not be permitted between the building and any public street.
 - d. Building mechanical and accessory features not located on rooftops ~~shall~~ must provide landscaping. Shrubbery ~~shall~~ will consist of a continuous hedge of evergreen shrubbery and ~~shall~~ must be a minimum height of three feet at the time of planting and reach a minimum height of ~~six~~ 6 feet at maturity.

R. Off-Street Loading Requirements (Sec. 16-18T.018.)

See Table of Loading Requirements, Section 16-28.015 Off-street Loading Requirements.

S. Curb Cuts and Parking Structures (Sec. 16-18T.019.)

1. All sidewalk paving materials ~~shall~~ must be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent ~~sidewalk-clear~~ pedestrian walk zone.
2. For mixed-use, commercial, and multi-family residential development (excluding townhouses), driveways ~~shall~~ must have a band of textured concrete adjacent to the street that is in-line with and equal in width to the ~~street furniture~~ landscape zone and shall have a textured band of concrete adjacent to the sidewalk which is in-line with the supplemental zone and a minimum width of ~~five~~ 5 feet from the sidewalk.
3. Driveway and curb cut widths ~~shall~~ must be a maximum of 24 feet for two-way ~~entrances~~ entry features and 12 feet for one-way ~~entrances~~ entry features, unless otherwise permitted by the Commissioner of Transportation.
4. No circular drives ~~shall~~ will be located between any building and any public street with the exception of hotels, childcare facilities, kindergartens, and special schools.
5. Curb cuts and driveways ~~shall~~ must not be permitted on any street that functions as an arterial street or collector street when access may be provided from a side or rear street located immediately adjacent to a contiguous property, with the exception of hotel patron drop-off drives.
6. Unless authorized by section 16-18T.019(4), driveways, except for a driveway in place to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and ~~shall~~ must be perpendicular to any adjacent street.

7. No more than ~~one~~ 1 curb cut ~~shall~~ must be permitted for each development, provided that properties with more than ~~one~~ 1 street frontage may have one curb cut located on each street frontage.
8. ~~Entrances~~ Entry features to garages and carports that serve a single residential unit ~~shall~~ must face the rear yard or a side yard that has no street frontage, or ~~shall~~ must have a front yard setback of at least 50 percent of the property depth.
9. All contiguous ground floor residential units ~~shall~~ must share ~~one~~ 1 common drive, located in rear yards or side yards without street frontage, to serve garages, carports and parking areas.
10. Parking deck façades ~~shall~~ must conceal automobiles from visibility from any public right-of-way or private drive or street that are open to the general public, and ~~shall~~ must have the appearance of a horizontal storied building.
11. Notwithstanding the provisions of section 16-28.006(10), a common or joint driveway may be authorized by the Director ~~of the Bureau~~ of Planning when adjacent lots have direct vehicular access to a street, and a driveway from a private street which functions as a public street may be authorized by the Director ~~of the Bureau~~ of Planning, based on traffic considerations, when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such agreement is provided to the ~~Bureau of Planning~~ Director.
12. All developments, including parking decks, ~~shall~~ must have sidewalks a minimum width of ~~four~~ 4 feet connecting ground-level ground floor parking to the public sidewalks and to all building ~~entrances~~ entry features. See section 16-18T.021, Minimum landscaping for parking lots, barrier requirements.
13. No drop-off lanes ~~shall~~ must be permitted along public streets.

T. Lighting, Security, and Maintenance Requirements (Sec. 16-18T.020.)

1. All lighting including all parking decks and lots and lit canopies ~~shall~~ must reduce light spillage onto residentially used properties by providing cutoff luminaries that have a maximum 90-degree illumination.
2. All lighting that up-lights trees, buildings or other elements, ~~shall~~ must be located a minimum height of eight feet above the sidewalk, driveway or pedestrian area when not located within completely landscaped areas.
3. All surface parking lots and structures, whether a nonconforming principal use or accessory use, and whether commercial or noncommercial, shall have the following minimum requirements:
 - a. Lighting shall be provided throughout all parking facilities to equal a minimum of two footcandles of light. A footcandle of light is a uniformly distributed flux of one lumen on a surface of one square foot in area. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it shall be the responsibility of the parking facility to independently provide these required levels of illumination.
 - b. Parking facilities ~~shall~~ must be maintained in a clean, safe and sanitary condition. Parking spaces and driving lanes ~~shall~~ must be clearly defined and maintained as such. Parking lots

~~shall~~ must not be operated when any damage impairs the drivability of the parking lot. See Section 16-28.014 for additional requirements.

- c. Parking facilities operating before the effective date of this section ~~shall~~ will have 24 months to comply herewith.
4. Burglar bars, street gates, and steel roll down doors or shutters are prohibited on the exterior of a structure when visible from any public or private street. Interior security burglar bars, steel gates and roll down doors shall allow 80 percent visibility into the tenant space and ~~shall~~ must be fully retractable during business operational hours.
5. Vacant buildings or storefronts shall must not have burglar bars, street gates, and steel roll down doors or shutters visible from a public or private street 30 days from the passage of this Ordinance.
7. Lights outlining, or detailing buildings or windows are prohibited.

U. Minimum Landscaping for Surface Parking Lots, Barrier Requirements (Sec. 16-18T.021.)

The requirements of City of Atlanta Code of Ordinances, Chapter 158 Vegetation, Article II Tree Protection, Section 30 Parking Lot Requirements ~~shall~~ will apply to this district except as modified as follows:

1. Said parking lot requirements ~~shall~~ will apply to all lots regardless of size;
2. All parking bays ~~shall~~ must be terminated with a landscaped strip a minimum width of ~~five~~ 5 feet and equal to the length of the parking bay.
3. All required landscaped areas ~~shall~~ must be planted with evergreen ground cover or shrubs with a maximum mature height of 30 inches.
4. All required landscaped buffer areas and strips, regardless of length, ~~shall~~ have a minimum of ~~one~~ 1 tree with a minimum caliper of ~~two-and-one-half~~ 2 and 1 ½ inches.
5. Parking lot landscaping:
 - a. **Applicability.** Parking lot landscaping is required on all on-site surface parking lots created after the effective date of this chapter. Multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.
 - b. **Perimeter screening.** All surface parking areas as well as drive aisles and other related vehicular use areas must be screened from view from the adjacent street using one of the options below. A required landscape strip must be located at the outer perimeter of the parking area and must be provided along the entire parking area, excluding breaks for pedestrians, bicycles, and driveways.
 - i. For screening options that include shrubs, those must be 30 inches tall at the time of planting and 70 percent of them must be evergreen.
 - ii. Landscape strip with shrubs. A minimum ten-foot-wide landscape strip planted with shrubs. Shrubs must be provided to fully screen paved areas and parking lots from the right-of-way within three years of planting.

- iii. Landscape strip with screening wall. A 2.5-foot-high screening wall located within a minimum ~~four-foot~~ 4-foot planting strip. Screening walls must be closed and be constructed of high-quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; stucco over standard concrete masonry blocks; glass block; or other material approved by the director of the office of zoning and development.
 - iv. Landscape strip with berm. An earth berm a minimum of 2.5 feet higher than the finished elevation of the parking area, planted with ~~five~~ 5 shrubs for every 35 linear feet of street frontage, excluding driveway openings. The berm must contain a rounded crown suitable for planting, and a stabilized side slope of no greater than 3:1.
 - v. Landscape strip with grade change. A ~~six~~ 6-foot landscaped strip with a minimum three-foot grade drop from the street to the parking area, planted with five shrubs for every 35 linear feet of street frontage, excluding driveway openings.
- c. Interior islands:
- i. A landscaped interior island must be provided every ~~eight~~ 8 parking spaces. Interior islands must be distributed evenly throughout the parking area. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.
 - ii. An interior island abutting a single row of parking spaces must be a minimum of ~~nine~~ 9 feet in width and 200 square feet in area. Each island must include one shade tree.
 - iii. An interior island abutting a double row of parking spaces must be a minimum of ~~nine~~ 9 feet in width and 400 square feet in area. Each island must include ~~two~~ 2 shade trees.
- d. Median islands:
- i. A landscaped median island must be provided between every ~~six~~ 6 single parking rows. Intervals may be expanded to preserve existing trees on the lot.
 - ii. A landscaped median island must be at least ~~six~~ 6 feet wide.
 - iii. At least ~~three~~ 3 shrubs must be planted in the median island for every 80 feet in length.
- e. Island plantings:
- i. All required shade trees species must be approved by the Arborist Division.
 - ii. All required shade trees must have a minimum caliper of ~~three~~ 3 inches and be at least ~~ten~~ 10 feet tall at time of planting.
 - iii. Islands must be installed below the level of the parking lot surface and designed to allow for runoff capture.

V. Off-Street On-Site Parking Requirements (Sec. ~~16-18T.022~~)

In addition to the provisions of section 16-28.008(7), which ~~shall~~ will apply and are incorporated herein, the following parking requirements ~~shall~~ must apply to all uses approved by special permits. (See also sections 16-28.013 and 16-28.014):

1. ~~Off-street~~ On-site surface parking ~~shall~~ must not be located between a building and the street without an intervening building.
2. Parking facilities ~~shall~~ must be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking during non-normal business hours by compliance with subsection (7) below.
3. For office uses minimum requirements unless otherwise stated:
 - a. All developments shall reserve and designate at least five 5 percent of the employee parking spaces "Carpool Only." Carpool spaces ~~shall~~ must be used only by carpool vehicles in which at least ~~two 2~~ of the persons are employees or tenants of the building. Such spaces ~~shall will~~ be located near the building's employee entrance or other preferable locations within the employee parking areas as approved by the ~~Director of the Bureau of Traffic and Commissioner of Atlanta Department of Transportation~~.
 - b. All new parking structures ~~shall~~ must be built to accommodate vanpool access. The minimum ceiling height for vanpools is eight 8 feet ~~two 2~~ inches.
4. **For residential uses.** See Table I, "Land Use Intensity Ratios", for minimum "parking requirements under appropriate FAR for the development.
5. For non-residential uses minimum requirements unless otherwise stated:
 - a. Banks, savings and loan institutions, and the like: ~~One (1)~~ 1 space for each 200 square feet of floor area.
 - b. Business colleges, trade schools, conservatories, dancing schools, and the like: ~~One (1)~~ 1 space for each 200 square feet of floor area.
 - c. Child care centers, day care centers, prekindergartens, play and other special schools or day care centers for young children: ~~One (1)~~ 1 space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the ~~Director of the Bureau of Traffic and Commissioner of Atlanta Department of Transportation~~.
 - d. Clubs, lodges, and commercial recreational establishments: ~~One (1)~~ 1 space for each ~~two-hundred (200)~~ 200 square feet of floor area.
 - e. **Dormitories.** No parking requirements.
 - f. Eating and drinking establishments:
 - i. Within Subarea 1: ~~One (1)~~ 1 parking space for each 300 square feet of floor area. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area. Floor area ~~shall~~ must include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.
 - ii. Within Subareas 2-6: ~~One (1)~~ 1 parking space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it ~~shall~~ will be required to

- have ~~One (1)~~ 1 space for each 100 square feet of floor area. Floor area ~~shall~~ must include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.
- g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds 25 percent of total gross floor area of the building or business shall have the following requirements: ~~One (1)~~ 1 space for each 600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor space. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it ~~shall~~ will be required to have ~~one (1)~~ 1 space for each 450 square feet of floor area.
 - h. **Fraternities, sororities.** ~~One (1)~~ 1 space for ~~two~~ 2 beds plus one space for each 200 square feet of floor area designated or occupied other than for sleeping purposes.
 - i. **Hotels and motels.** ~~One (1)~~ 1 space per rental unit plus one-half space per employee; ~~one (1)~~ 1 space per 100 square feet of restaurant/lounge gross leasable area; ~~one (1)~~ 1 space per 300 square feet of other convention facilities (GLA).
 - j. **Nursing homes, convalescent homes, and similar care facilities.** ~~One (1)~~ 1 space for ~~four~~ 4 beds.
 - k. **Office uses.** No minimum. A maximum of ~~two-and-one-half~~ 2 and ½ spaces for each 1,000 square feet of floor area. Parking during off-peak hours (after 6:00 p.m.) may be shared for other uses.
 - l. **Photocopying shops.** ~~One (1)~~ 1 space for each 200 square feet of floor area.
 - m. **Schools, colleges, churches, recreation or community centers and other places of assembly.** ~~One (1)~~ 1 space for each ~~four~~ 4 fixed seats (with 18 inches if bench length counted as ~~one (1)~~ 1 seat or ~~one (1)~~ 1 space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - i. Public or private elementary or middle school: ~~Two (2)~~ 2 spaces for each classroom.
 - ii. High school: ~~Four~~ 4 spaces for each classroom.
 - iii. Colleges and universities: ~~Eight~~ 8 spaces for each classroom.
 - n. **For all other non-residential uses located in Subareas 1 and 2.** ~~One (1)~~ 1 parking space for each 600 square feet of floor area ~~shall~~ must be provided on the site.
 - o. **For all other non-residential uses located in Subareas 3, 4, and 5.** ~~One (1)~~ 1 parking space for each 300 square feet of floor area ~~shall~~ must be provided on the site.
 - p. **Shelter.** ~~One (1)~~ 1 parking space for each on duty staff member, whether paid or unpaid. In addition to staff parking, a space of sufficient size is required for each van, bus or other vehicle used by the facility and one additional parking space ~~shall~~ must be provided for each 2,000 square feet of the facility.

W. Minimum Bicycle Parking Requirements (Sec. 16-18T.023.)

See section 16-28.014(6), Bicycle parking requirements.

X. Pedestrian Bridges and Tunnels (Sec. 16-18T.024.)

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

Y. Zero-Lot-Line Sublot Development (Sec. 16-18T.025.)

~~Zero-lot-line subdivision Sublots~~ are ~~is~~ permitted for residential uses in ~~Subareas Subdistricts~~ 1, 2, 3, 4, and 5, provided a minimum of 1,000 square feet in lot area is provided. The additional requirements of section 16-28.007 ~~shall will~~ also apply.

Z. Specific Regulations for Subarea 1—Greenbriar Town Center (Sec. 16-18T.026.)

Building façade materials ~~shall must~~ consist of the following:

1. **Single and two-family.** All exterior façades shall be brick, wood, or hardiplank, (cementitious siding). Hardiplank siding shall be a maximum of ~~six 6~~ inches in width.
2. Multi-family and non-residential:
 - a. All exterior facades adjacent to and/or visible from a public street ~~shall must~~ be predominately at least 51 percent face brick (thin brick prohibited) per vertical wall plane. Natural stone, split-faced concrete masonry units or integrally colored split-faced concrete masonry units, cast stone trim or three-part stucco (true stucco) may comprise the remaining 49 percent of each building façade.
 - b. All exterior facades not adjacent to and/or visible from a public street shall include the above list with the addition of synthetic stone and synthetic stucco.

AA. Specific Regulations for Subarea 2—Greenbriar Neighborhood Center (Sec. 16-18T.027.)

Building façade materials ~~shall must~~ consist of the following:

1. **Single and two-family.** All exterior facades ~~shall must~~ be brick, wood, or hardiplank, (cementitious siding). Hardiplank siding ~~shall will~~ be a maximum of ~~six 6~~ inches in width.
2. Multi-family and non-residential:
 - a. All exterior facades adjacent to and/or visible from a public street ~~shall must~~ be predominately at least 51 percent face brick (thin brick prohibited) per vertical wall plane. Natural stone, split-faced concrete masonry units or integrally colored split-faced concrete masonry units, cast stone trim or three-part stucco (true stucco) may comprise the remaining 49 percent of each building facade.
 - b. All exterior facades not adjacent to and/or visible from a public street ~~shall must~~ include the above list with the addition of synthetic stone and synthetic stucco.

AB. Specific Regulations for Subarea 3—Campbellton Road Mixed-Use Corridor (Sec. 16-18T.028.)

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

AC. Specific Regulations for Subarea 4—Greenbriar Residential/Commercial (Sec. 16-18T.029.)

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

AD. Specific Regulations for Subarea 5—Greenbriar Medium Density Residential (Sec. 16-18T.030.)

All non-residential permitted uses listed in Table Greenbriar SPI - Permitted uses ~~shall~~ must be restricted in floor area to a maximum of ~~five~~ 5 percent of the total development, ~~shall~~ must be

GREENBRIAR

located within a building that contains street frontage and ~~shall~~ must be located on the ~~street-level~~ ground story only. No occupancy permit for such uses ~~shall~~ must be issued until a minimum of 50 percent of the total dwelling units are occupied.

AE. Specific Regulations for Subarea 6—Greenbriar Single-Family (Sec. 16-18T.031.)

Reserved.

DIVISION 7.7. **AIRPORT (CHAPTER 22)**

A. Application of Supplementary Controls in Airport Districts (Sec. 16-22.001.)

~~Within any airport district designated on the official zoning map, in addition to other zoning regulations, requirements or restrictions applying therein, the following special limitations and requirements shall must apply.~~

B. Height Limitations, Structures and Trees (Sec. 16-22.002.)

~~Above a height of 30 feet, no structure shall will be erected or maintained, and no tree shall will be allowed to grow or remain, at such height as to protrude through height-limiting planes maximum building height established by Standards and Specifications for Airports, as prepared by the Atlanta-Fulton County Joint Planning Board in 1956 and as subsequently officially revised, except where letters of certification, as provided at section 16-22.004, authorizes erection or maintenance in connection with higher structures for governmental or public utility uses in such locations, subject to such requirements for making other conditions and safeguards as are appropriate in the case.~~

C. Uses and Characteristics of Use Prohibited (Sec. 16-22.003.)

~~The following uses or characteristics of use shall are be prohibited in airport districts:~~

- ~~1. Substantial concentration of persons: In locations hazardous to life because of potential accidents during takeoffs and landings, uses regularly involving substantial concentrations of persons (as residents, workers, shoppers, visitors at sport or entertainment centers, inmates of institutions, or the like) shall be are prohibited.~~
- ~~2. Uses adversely affected by airport operational characteristics: Uses likely to be adversely affected to a substantial extent by noise, air pollution or other environmental influences related to airport uses shall be are prohibited except where structural or other measures are taken to counter such effects to a satisfactory degree.~~
- ~~3. Characteristics of use adversely affecting airport operations: Uses which create interference with aircraft or airport communications or navigational equipment, create confusion with or impair visibility of airport lights, create glare in the eyes of pilots, impair visibility in the vicinity of the airport, create emissions dangerous to aircraft or passengers, or in any manner endanger the landing, taking off or maneuvering of aircraft shall be are prohibited.~~

D. Letters of Certification Required Before Issuance of Permits, Certificates of Occupancy (Sec. 16-22.004.)

~~Before any building permit or any certificate of occupancy may be issued for any structure or use in any area designated as an airport district on the official zoning map, letters of certification shall will be required as follows:~~

- ~~1. From Federal Aviation Administration: A letter of certification shall will be required from the Federal Aviation Administration or its successor in title or function, indicating compliance with any federal regulations applying to such uses and structures within such zone.~~

2. ~~From Atlanta City Department of Aviation: A letter of certification shall will also be required from the Atlanta City Department of Aviation or its successor in title or function, indicating compliance with any officially adopted regulations or policies of the department.~~

DIVISION 7.8. ~~MARTA AND CHATTAHOOCHEE~~ ~~CORRIDORS (CHAPTER 23)~~

A. ~~Authority for Special Requirements and Procedures (Sec. 16-23.001.)~~

~~Georgia Laws 1971, Act No. 5, "An Act To Create a Metropolitan Area Planning and Development Commission," as amended, establishes special plan review requirements and procedures in connection with the Atlanta Regional Commission Area Plans, which include MARTA Corridors and the Chattahoochee Corridor as designated on the official zoning map. With respect to the Chattahoochee Corridor, Georgia Laws 1973, Act No. 66, the Metropolitan River Protection Act, establishes additional requirements and procedures. Therefore, in addition to other regulations, requirements and procedures set forth generally or for specific districts in this part, no building permit shall will be issued in a MARTA Corridor or the Chattahoochee Corridor except in accord with the provisions of this chapter.~~

B. ~~MARTA Corridors (Sec. 16-23.002.)~~

~~(Code 1977, § 16-23.002)~~

C. ~~Preliminary Determinations by Director, Bureau of Planning (Sec. 16-23.003.)~~

~~With MARTA Corridors, applications for building permits shall will be referred to the Planning Director, who shall will make a preliminary determination as to whether the action proposed is of a character or magnitude requiring review by the Atlanta Regional Commission, as affecting the area plan.~~

- ~~1. Applications not requiring referral to Atlanta Regional Commission: Where applications are found not to be for actions of character or magnitude or regional significance, affecting the area plan, and are in accord with development guides relating to the MARTA Corridor, the Director, Bureau of Planning shall will certify that referral is not required; and the permit shall will be issued if otherwise lawful.~~
- ~~2. Applications requiring referral to Atlanta Regional Commission: Where applications are found by the Director, Bureau of Planning to be for actions of character or magnitude of regional significance, affecting the area plan, the Planning Director shall will make a preliminary determination as to whether the proposal is in accord with and would support, or is in conflict with and would adversely affect, the area plan and relevant development guides of the Atlanta Regional Commission, with particulars in either case, and shall will transmit his their preliminary determinations to the commission for their recommendations.~~

~~Upon receipt of such recommendations, or at the end of 60 days after date of submission of the preliminary determination, the Director, Bureau of Planning Director shall will proceed to make his their final determination, giving due consideration to the recommendations of the commission. Where no recommendations have been received from the commission within 60 days, the Director, Bureau of Planning shall will proceed as though the commission had concurred in his their preliminary determination.~~

D. ~~Final Determinations by Planning Director (Sec. 16-23.004.)~~

~~Final determinations by the Director, Bureau of Planning Director may be made on the action as originally proposed or as modified, and may confirm, modify or reverse his their preliminary~~

~~determination. Such determination shall will consist of approval of the application, approval conditioned on specified modifications, or disapproval.~~

E. Effect of Final Determination by ~~Director, Bureau of Planning Director~~ (Sec. 16-23.005)

~~On final approval of the application, the Director, Bureau of Planning Director shall will certify such approval; and the building permit shall will be issued, if otherwise lawful. On conditional approval, the Director, Bureau of Planning Director shall will so certify; and the building permit may be issued only if the applicant agrees to the specified modification. On disapproval, the Director, Bureau of Planning Director shall will so certify; and no building permit shall will be issued based on the application.~~

F. Chattahoochee Corridor (Sec. 16-23.006.)

~~(Code 1977, § 16-23.006)~~

G. Summary of Provisions of Metropolitan River Protection Act Affecting Local Zoning (Sec. 16-23.007.)

~~The Metropolitan River Protection Act (MRPA), Georgia Laws 1973, Act No. 66, establishes requirements and procedures supplementary to those set forth generally or for specific districts in this part as follows:~~

MRPA Section	Subject Matter
5(b)(1)	Matters subject to control and manner of control, generally.
5(b)(2)	Material to be provided by applicants seeking certificates of compliance with area plans.
5(b)(3)	Requirements for conformity of actions with certificate, and for new certificates for substantial change of land or water use.
5(c)	Requirement for hearings by local governing authority before determination on issuance or denial of certificates.
6(a)	Requirement that within ten days after issuance of certificate, the governing authority shall transmit a copy of its findings thereon and all supporting information filed by applicant, with the Atlanta Regional Commission.
6(b)	Requirement that no certificate shall <u>will</u> become effective until 60 days after submission to the Commission, which may recommend modification, for cause, within such period. If the Commission fails to recommend modification within such period, the certificate shall <u>will</u> become effective as issued.
6(c)	Provides that where the Commission has recommended modification, the governing authority may adopt such modification as a condition of the certificate, override the recommendation by majority vote of a full membership of the governing body, or request reconsideration by the Commission at a public hearing. If the governing authority fails to take one of these actions within 45 days of the submission of the recommendations of the commission to it, the certificate shall <u>will</u> not become effective.
7	To simplify procedures, the commission may itself issue a certificate permitting a land or water use where the applicant and the local government have consented to such certificate, if the use permitted is in compliance with the plan and the purpose of the Act, following public notice and hearings as specified.

MRPA Section	Subject Matter
8	Except as exempted at Section 12 or 15, MARTA, certificates or recommendations shall comply with the following limitations. <ul style="list-style-type: none"> No land or water use shall will be permitted in the floodplain; and No land or water use shall will be permitted within 150 horizontal feet of the watercourse unless the proposed use is not harmful to the water and land resources of the stream corridor, will not significantly impede the natural flow of floodwaters, and will not result in significant land erosion, stream bank erosion, siltation or water pollution.
9	Providing for appeals from final determination of the commission of governing authority to superior court of the county, in the manner provided for appeals from boards of zoning appeals in Code, Chapter 69-12.
10	Provides that requirements of the Act are in addition to and do not supersede other requirements of law, including zoning and building regulations of the local government.
12	Exempts the following uses from application of the Act: <ul style="list-style-type: none"> No land or water use for agricultural or animal husbandry; Ordinary maintenance and landscaping operations; Land or water uses under specified circumstances and limitations during a 36-month transitional period after the effective date of the Act.
13	Provides for enforcement and penalties of a nature additional to or differing from those which might be applicable under this part.
15	Exempts removal of sand from the watercourses from the application of the Act when such removal returns no greater effluent than that removed, and when no erosion occurs along the banks of the watercourse.

H. Application of MRPA Provisions in Full (Sec. 16-23.008.)

~~To the extent that the provisions set forth in abbreviated form above, or other MRPA provisions, supplement or alter procedures or requirements on use of land or construction and use of buildings in the Chattahoochee, such sections or subsections shall must apply as though set forth in full herein.~~

CHAPTER 8.

DEVELOPMENT STANDARDS

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#001

Posted by **steele145@comcast.net** on **09/02/2025** at **5:43pm** [Comment ID: 1660] - [Link](#)
Agree: 0, Disagree: 0

Administration Variations should remain subject to public review and the NPU process. NPUs should be able to weigh in more, to review and make recommendations for Administration Variations.

Reply by **SiteAdmin** on **09/03/2025** at **4:25pm** [Comment ID: 1671] - [Link](#)

Answer

Agree: 0, Disagree: 0

Currently, the Director has the authority approve 100% relief in many zoning districts. This new code generally limits it to 30% - anything more requires NPU and BZA review.

#002

Posted by **erinp** on **09/01/2025** at **8:00pm** [Comment ID: 1570] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

From Garden Hills Zoning Committee:

Allowing 8-ft fences by right is inconsistent with the open, historic character of Garden Hills. Current standards (6-ft) better reflect the scale and aesthetics of our neighborhood. Increasing fence heights risks creating a “walled off” appearance that conflicts with Garden Hills’ architectural and cultural identity.

Reply by **SiteAdmin** on **09/16/2025** at **3:08pm** [Comment ID: 1735] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

#003

Posted by **erinp** on **09/01/2025** at **8:01pm** [Comment ID: 1571] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

From Garden Hills Zoning Committee:

One of the most concerning provisions in the draft is the allowance for up to 30% administrative variances to be approved without neighborhood or NPU review. This level of discretionary approval could result in substantial changes to height, setbacks, or lot coverage that directly affect neighbors and the character of the community—without any input from those most impacted. Such variances should remain subject to public review and NPU process.

Reply by **SiteAdmin** on **09/16/2025** at **3:08pm** [Comment ID: 1734] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your input. This was also noted in the letter received from NPU B.

#004

Posted by **Kirsten** on **09/02/2025** at **7:33pm** [Comment ID: 1662] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Not sure where to add this, but I recommend adding somewhere as a voluntary option within the zoning ordinance or the Tree Protection Ordinance:

In return for conservation of no less than 25% of a proposed development's land area containing certain predetermined environmental assets with public value such as mature tree canopy-- applicable to any parcel having residential or mixed-use zoning, and of no less than 0.5 acres in net lot area--Provide by-right neutral development capacity (equal to the development capacity of the full parcel) on the remaining un-conserved land area. Normal development controls shall remain, with the exception of height limitations, when necessary to accommodate neutral development.

Reply by **SiteAdmin** on **09/03/2025** at **5:53pm** [Comment ID: 1673] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you. Several others have made similar comments.

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DIVISION 8.1. GENERAL PROVISIONS

Sec. 8.1.1. Applicability

- A. Development standards apply based on the proposed project activity, as specified in the table below. The development standards apply to all zoning districts as conveyed in the table below:

Development Standards		Project Activity						
		New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance and Repair
Development Bonuses	<i>Div. XX.</i>							
Affordable Housing	<i>Sec. XX.</i>	●	●	○	○	○	○	○
Open Space	<i>Sec. XX.</i>	●	●	○	○	○	○	○
Inter-Parcel Connectivity	<i>Sec. XX.</i>	●	●	○	○	○	○	○
Small Commercial Space	<i>Sec. XX.</i>	●	●	○	○	○	○	○
Transit-Oriented Development	<i>Sec. XX.</i>	●	●	○	○	○	○	○
Site Access and Parking	<i>Div. XX.</i>							
Blocks and Connectivity	<i>Sec. XX.</i>	●	○	○	○	○	○	○
Vehicle Access	<i>Sec. XX.</i>	●	○	●	○	○	○	○
Pedestrian Access	<i>Sec. XX.</i>	●	●	●	○	○	●	○
Vehicle Parking	<i>Sec. XX.</i>	●	●	●	○	●	○	○
Vehicle Parking Design	<i>Sec. XX.</i>	●	●	●	○	●	○	○
Vehicle Use Areas	<i>Sec. XX.</i>	●	●	●	○	●	○	○
Bicycle Parking	<i>Sec. XX.</i>	●	●	●	○	●	○	○
Transitions and Landscaping	<i>Div. XX.</i>							
Transitions	<i>Sec. XX.</i>	●	●	●	○	●	○	○
Frontage Screening	<i>Sec. XX.</i>	●	●	●	○	●	○	○
Site Element Screening	<i>Sec. XX.</i>	●	●	●	○	●	○	○
Fences and Walls	<i>Sec. XX.</i>	●	○	●	○	●	○	○
Retaining Walls	<i>Sec. XX.</i>	●	○	●	○	●	○	○
Plants and Plant Material	<i>Sec. XX.</i>	●	●	●	○	○	○	○
Signs	<i>Div. XX.</i>	●	●	○	●	●	●	○
Lighting	<i>Div. XX.</i>	●	○	●	○	○	○	○

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

- B. Where a standard is listed as applying, all applicable standards must be met. The applicable standards may be further modified by the applicability provisions for each development standard. For existing buildings and uses, applicability may also be modified by [Chapter 9. Nonconformities](#).
- C. Project activity is defined in [Chapter 10. General Standards and Definitions](#).

#005

Posted by **Kirsten** on **09/02/2025** at **12:37pm** [Comment ID: 1601] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Development in flood-prone areas should follow clear guidelines that require the use of permeable paving. I also suggest adding bonuses or incentives for projects that use permeable pavement materials more generally across the city. Without these requirements, flooding risks may get worse in neighborhoods that already face environmental hazards and where residents have the fewest resources to recover.

To make sure these rules are applied where they are most needed, the city could use existing tools such as FEMA-designated flood zones or the Atlanta Department of Watershed Management's floodplain maps.

Reply by **SiteAdmin** on **09/16/2025** at **2:31pm** [Comment ID: 1714] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

DIVISION 8.2. **DEVELOPMENT BONUSES**

Sec. 8.2.1. **General Provisions**

A. Intent

To incentivize property owners to provide development that aligns with the goals and objectives of Plan A, the City of Atlanta’s Comprehensive Development Plan, and other public purposes.

B. Applicability

1. Development bonus standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Development bonus standard apply in any zoning district with a base and bonus Floor Area Ratio (FAR).

C. Standards

1. A project must meet all of the applicable requirements of this Division to be eligible for a development bonus.
2. An eligible project may use one or more development bonuses up to the maximum allowed bonus FAR for the zoning district. A project is not permitted to exceed the maximum bonus FAR for the zoning district using development bonuses.
3. The following table summarizes the development bonuses available to eligible projects:

Bonus Type	Bonus Density	Description
Affordable Housing	Up to max bonus FAR, varies by zoning district	Additional FAR for the provision of affordable housing units meeting the requirements of Sec. XX. Affordable Housing Bonus
Open Space	0.25 FAR	Additional FAR for each additional 5% of open space meeting the requirements of Sec. XX. Open Space Bonus
Inter-Parcel Connectivity	0.25 FAR	Additional FAR for each inter-parcel access meeting the requirements of Sec. XX. Inter-Parcel Connectivity Bonus
Small Commercial Space	0.1 FAR	Additional FAR for each small commercial space in a project meeting the requirements of Sec. XX. Small Commercial Space Bonus
Transit-Oriented Development	1.0 FAR	Additional FAR for projects on sites located near transit providing reduced parking meeting the requirements of Sec. XX. Transit-Oriented Development Bonus

Sec. 8.2.2. **Affordable Housing Bonus**

A. Intent

To create opportunities for applicants to contribute to housing affordability in exchange for increased density. This bonus program seeks to provide a diverse range of housing options at varying price points, ensuring accessibility for residents across all income levels. By promoting affordability and

#006

Posted by **jessicahilltroutman** on **08/22/2025** at **2:55pm** [Comment ID: 1500] - [Link](#)

Agree: 0, Disagree: 0

Changing the commercial bonus currently available in MRC-3 to the proposed small space commercial bonus will have a significant detrimental impact on mixed use projects zoned MRC-3 that relied on achieving the 2.0 commercial bonus for sidewalk level commercial use. That combined with reducing the base density in for MRC-3 in UG25 will prohibit certain project that relied on the 7.2 base FAR and bonus options during zoning and acquisition. Recommend accommodating the 2.0 bonus in UG25 and/or revisiting the 5.0 base FAR in UG25.

Reply by **SiteAdmin** on **08/24/2025** at **11:05am** [Comment ID: 1505] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for bringing this to our attention.

inclusivity, the City will remain a vibrant and livable environment for people to live and work.

B. Standards

1. A project meeting the requirements of this Section may increase the FAR of the project to the maximum bonus FAR permitted by the zoning district.
2. A project must provide a minimum number of affordable units meeting one of the following amounts:
 - a. 10% of the bonus FAR to be affordable at 60% AMI; or
 - b. 15% of the bonus FAR to be affordable at 80% AMI.
3. To be considered an affordable unit, the unit must meet one of the following standards:
 - a. An affordable rental unit that is actively marketed for lease to households having an income, as certified by the prospective tenant at the time of execution of the applicable lease agreement, that does not exceed 60% AMI or 80% AMI for the family size having the same number of persons as the subject household for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area (as published by HUD as of the date of the tenant's application). The monthly rent amount (not including utilities and mandatory fees) for each affordable workforce housing unit must be no more than 30% of the household's monthly gross income as published periodically by HUD; or
 - b. An affordable ownership unit that is actively marketed for sale to households having an income, as certified by the prospective tenant at the time of execution of the applicable lease agreement, that does not exceed 80% AMI for the family size having the same number of persons as the subject household for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area (as published by HUD as of the date of the tenant's application). The monthly rent amount (not including utilities and mandatory fees) for each affordable workforce housing unit must be no more than 30% of the household's monthly gross income as published periodically by HUD.
4. The affordable unit requirements must be in place for a minimum of 20 years.
5. The percentage mix of affordable studio, one-bedroom, two-bedroom, and three-bedroom units must be proportionally similar to the percentage mix in the overall project.
6. No housing unit associated with a development project for which bonus FAR calculations are applied will be issued an occupancy permit until such time as documentation is provided to the Office of Buildings establishing that the affordable housing standards have been met.

Sec. 8.2.3. Open Space Bonus

A. Intent

To create opportunities for property owners to build high-quality accessible open spaces in exchange for increased density. This bonus program seeks to improve the quality of life of residents while providing them with access to the natural environment and increase opportunities for tree preservation.

#007

Posted by **grace212** on **09/02/2025** at **2:27pm** [Comment ID: 1639] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

There are a couple typos in here:

- "lease agreement" should be "sale" or "purchase contract"
- sub "tenant" for "homebuyer"
- "monthly rent amount .." should be the purchase price and should be tied to the HUD Homeownership maximums

#008

Posted by **jessicahilltroutman** on **08/14/2025** at **8:26am** [Comment ID: 1423] - [Link](#)

Agree: 0, Disagree: 0

Should this be called the outdoor amenity space bonus rather than "open space" since open space is not a defined term or standard used in 2.0?

Reply by **SiteAdmin** on **08/14/2025** at **4:07pm** [Comment ID: 1457] - [Link](#)

Answer

Agree: 0, Disagree: 0

We will discuss this. Thanks

#009

Posted by **grace212** on **09/02/2025** at **2:33pm** [Comment ID: 1641] - [Link](#)

Question

Agree: 0, Disagree: 0

Are occupancy permit and certificate of occupancy interchangeable?

Reply by **SiteAdmin** on **09/16/2025** at **1:46pm** [Comment ID: 1685] - [Link](#)

Answer

Agree: 0, Disagree: 0

Yes

#010

Posted by **grace212** on **09/02/2025** at **2:33pm** [Comment ID: 1640] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

Please add language (similar to the overlays) that the quality standards will be comparable to market rate!

B. Standard 011

1. A project meeting the requirements of this Section may increase the FAR of the project by 0.25 FAR for each additional 5% of open space provided, up to the maximum bonus FAR permitted by the zoning district.
2. To receive the Open Space Bonus, a project must meet one of the following requirements:
 - a. Build a multi-use path adopted from an approved Master Plan; or
 - b. Meet the requirements of Sec. XX. Pedestrian Outdoor Amenity Space. 012

Sec. 8.2.4. Inter-Parcel Connectivity Bonus

A. Intent

To create opportunities for applicants in the City to increase inter-parcel connectivity by permitting shared vehicle access between driveways and parking areas in adjoining properties in exchange for increased density. This bonus program seeks to facilitate seamless connections between properties on neighboring parcels or along shared corridors by enhancing mobility, reducing traffic congestion, and improving overall accessibility.

B. Standards

1. A project meeting the requirements of this Section may increase the FAR of the project by 0.25 FAR for each inter-parcel access provided, up to the maximum bonus FAR permitted by the zoning district.
2. To receive the Inter-Parcel Connectivity Bonus, the inter-parcel access must meet the following standards:
 - a. The inter-parcel access easement must be recorded in the Office of the Clerk of Superior Court of Fulton or DeKalb County, and reference to the deed book. A copy of the recorded easement must be provided to the Director of the Office of Zoning and Development.
 - b. The inter-parcel access must permit vehicle and pedestrian access from adjoining property to driveways and parking areas intended for customer, tenant, or resident use at all times.
 - c. The location of the inter-parcel access must be mutually determined by the adjoining property owners.
 - d. Once access is granted to driveways and parking areas of the adjoining lot, the pavement or other surfacing of the owner's driveways and parking areas must be extended to the point of access on the property line to complete the inter-parcel access.

Sec. 8.2.5. Small Commercial Space Bonus

A. Intent

To create opportunities for applicants to foster a diverse and vibrant business environment by integrating small commercial spaces in buildings in exchange for increased density. This bonus program seeks to encourage entrepreneurship, stimulate economic growth, and deliver convenient

#011

Posted by **Forrest** on **07/18/2025** at **1:53pm** [Comment ID: 1296] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Consider adding back some of the incentives from the existing BLO (connectivity and on-street parking).

Reply by **SiteAdmin** on **07/20/2025** at **8:57am** [Comment ID: 1298] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your feedback. The intent of the new code is to require blocks within projects and only provide an incentive for the challenging piece - the connection to adjacent sites (see Sec. 8.2.4). We will explore restoring the on-street parking open space bonus.

#012

Posted by **dimnickph** on **09/01/2025** at **2:01pm** [Comment ID: 1560] - [Link](#)

Question

Agree: 0, Disagree: 0

I still do not understand why the public should grant an open space bonus without requiring some specified portion of that bonus to be placed on the ground floor for public access and enjoyment.

Reply by **SiteAdmin** on **09/02/2025** at **8:23am** [Comment ID: 1576] - [Link](#)

Answer

Agree: 0, Disagree: 0

Pedestrian Amenity Space is at grade and adjacent to the sidewalk. Please see page 3-15.

commercial services to residents and visitors by supporting small businesses anchored in the local community.

B. Standards

1. A project meeting the requirements of this Section may increase the FAR of the project by 0.10 FAR for each small commercial space provided, up to the maximum bonus FAR permitted by the zoning district.
2. To receive the Small Commercial Space Bonus, the space must meet the following standards:
 - a. The space must be reserved for a commercial use, as defined in **Sec. XX Use Districts**.
 - b. The space must have a floor area of 1,200 square feet or less for each business establishment.
3. The City of Atlanta's Office of Buildings will enforce the requirements of this Section prior to issuance of the Certificate of Occupancy. The Office of Zoning and Development will enforce the requirements after issuance of the Certificate of Occupancy.

Sec. 8.2.6. Transit-Oriented Development Bonus

A. Intent

To create opportunities for applicants in the City to reduce the parking footprint of development near transit stations in exchange for increased density. This bonus program supports sustainable development and multi-modal transportation by incentivizing walkable, mixed-use development with improved access to public transportation for residents and visitors. Transit-oriented development is a means to foster a more accessible, efficient, and pedestrian-friendly urban environment.

B. Standards

1. A project meeting the requirements of this Section may increase the FAR of the project by 1.0 FAR, up to the maximum bonus FAR permitted by the zoning district.
2. To be eligible for the Transit-Oriented Development Bonus, the project must be located within a 1/2 mile walking distance of a high-capacity transit station lot or entry.
3. To receive the Transit-Oriented Development Bonus, the project must meet one of the following standards:
 - a. Allocate at least 50% of the on-site parking to be available to the general public. The parking may be considered publicly accessible whether or not a fee is charged; or
 - b. Provide no on-site parking.

DIVISION 8.3. **SITE ACCESS AND PARKING**

Sec. 8.3.1. **Blocks and Connectivity**

A. Intent

To provide a well-connected street network with safe and convenient vehicular and pedestrian access within developments and between adjacent developments.

013

B. Applicability

1. Blocks and connectivity standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Blocks and connectivity standards apply to any development site meeting one of the following standards:
 - a. Development sites greater than 2 acres.
 - b. Development sites greater than 600 feet in any dimension.
3. The Director may waive block perimeter and block length standards for portions of the site that abut and are located within 600 feet of obstructions to the street network that are permanent and inaccessible. Inaccessible obstructions include steep slopes in excess of 25%, freeways, railroads, sensitive utility easements, and other similar obstructions where pedestrian access to the obstructing land use is detrimental or prohibited, and the future provision of a complete block is infeasible.
4. The Director may increase maximum block length standards up to 1,200 feet for portions of the site that abut and are located within 600 feet of obstructions to the street network that are permanent and accessible. Accessible obstructions include public school campuses, public parkland, waterways, stream buffers, cemeteries, and other similar obstructions.

C. Standards

1. Block Perimeter and Length

- a. A block must be bound by streets on all sides. The Director may allow one side of the block to abut a park or similarly accessible open space.
- b. No development is permitted on an applicable site having a block perimeter greater than 1,600 feet or a block length greater than 600 feet.
- c. Where the existing block perimeter is greater than the maximum allowed block perimeter or block length, development projects must provide new streets and street rights-of-way to comply with the maximum block standards.
- d. Where all lots on a block have alley access, the maximum block perimeter and block length may be increased by 25%.

#013

Posted by **ng1012** on **08/04/2025** at **8:22am** [Comment ID: 1364] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

The way to measure block size is unclear. Make sure that we push the onus of designating what a block face is on the developer. How do the blocks correspond to phases. Do alleys also count as block breaks? If so how wide do the alleys need to be to count? Interior alleys in large site projects need to be named and thresholds for when an alley becomes a street need to be defined in regard to what is part of a block length/perimeter. What do we do when a single huge lot is one site plan with no legal lot subdivision?

Reply by **SiteAdmin** on **08/04/2025** at **4:52pm** [Comment ID: 1366] - [Link](#)

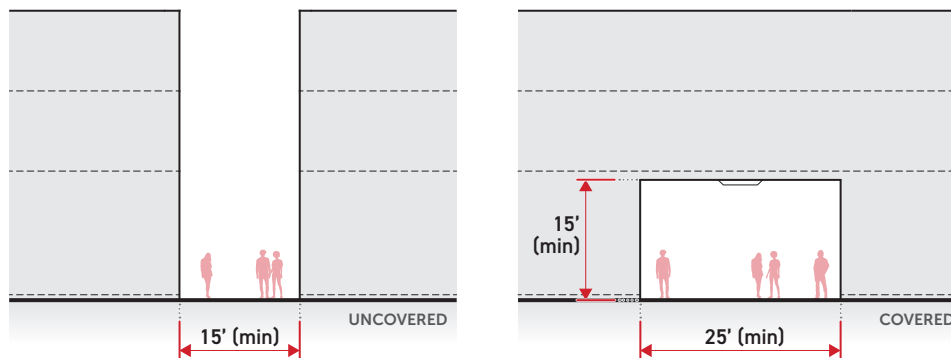
Answer

Agree: 0, Disagree: 0

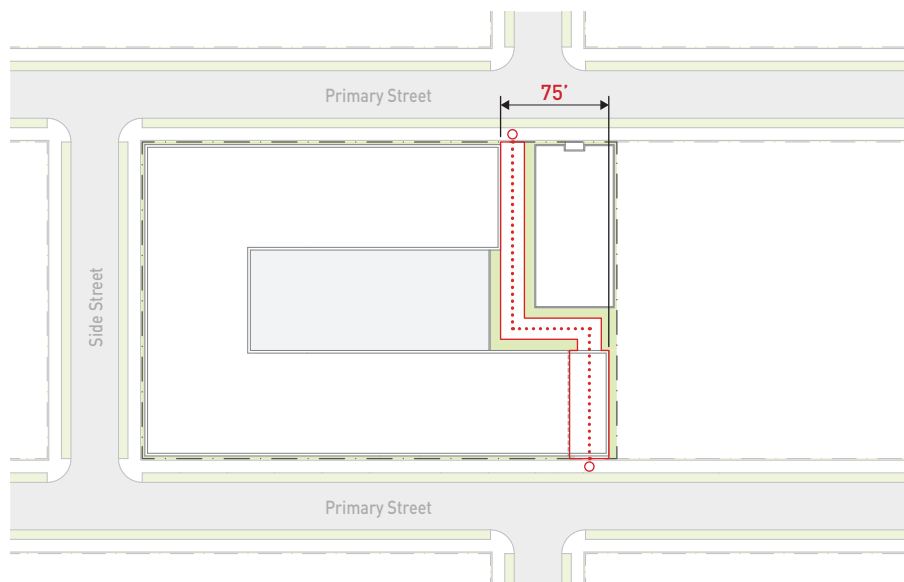
Please see Measurements beginning on page 8-11. Only new streets built to ATLDOT standards may be used to define a block perimeter; the streets may be public or private. Block standards even apply when no subdivision is proposed, such as in the case of a large multifamily development broken up into blocks.

2. Mid-Block Pedestrian Passageways

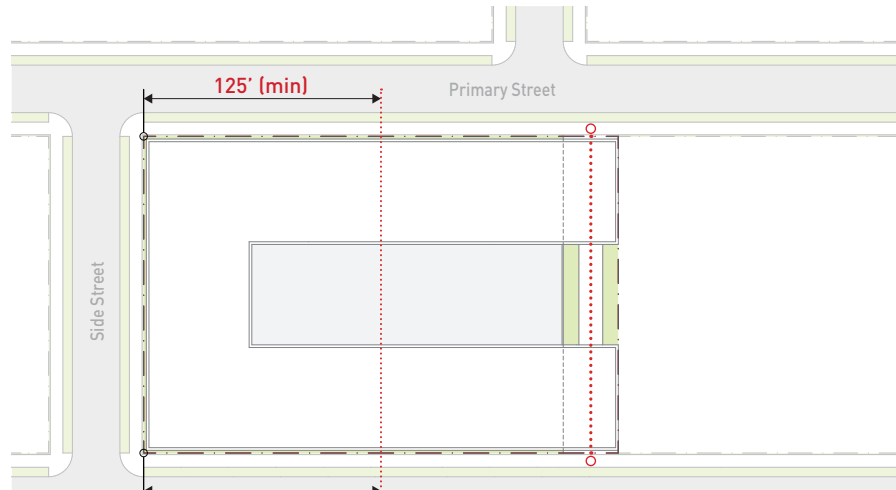
- a. Where the block is bisected by a pedestrian connection that meets the following standards, the maximum block perimeter and block length may be increased by 25%:
 - i. The pedestrian passageway must connect from the public sidewalk on the primary street through the lot to either the public sidewalk, alley, other public way, or easement abutting the opposing lot line.
 - ii. The pedestrian passageway must be a minimum width of 15 feet for uncovered portions and a minimum width of 25 feet for covered portions.
 - iii. The pedestrian passageway must have a minimum clear height of 15 feet, with the exception of required luminaries and trees.



- iv. The centerline of the pedestrian passageway cannot vary laterally more than 75 feet from the access point on the primary street, measured parallel to the primary street lot line.



- v. Access to the pedestrian passageway must be a minimum of 125 feet from the street intersection, measured along the primary street.

SITE ACCESS AND PARKING

- vi. The pedestrian passageway must be physically separated from and uninterrupted by motor vehicle use areas except where required to cross a drive-aisle. Drive-aisle crossings must be the shortest practical distance.
 - vii. The pedestrian passageway must be illuminated in accordance with **Div. XX - Lighting**.
 - viii. The pedestrian passageway must be made permanently available to the general public, at no cost, between sunrise and sunset daily, or during the operating hours of the building, whichever would result in a longer period of time. No gates or other barriers may block any portion of the pedestrian passageway from pedestrian access during the required available hours.
- b. Pedestrian passageways may count towards required outdoor amenity space if they meet the requirements of **Sec. XX - Outdoor Amenity Space**.

3. New Streets

Where a new street is provided, it must meet the following standards:

- a. New streets may be public or private, but must function as public streets.
- b. New streets must connect two other streets.
- c. New streets are not permitted to be gated.
- d. New streets must be coordinated with other existing or planned streets, and must intersect with existing streets at existing intersections, wherever practical, as determined by the Director.
- e. Where land ownership prevents a through street, a street stub must be provided to enable a future through street connection. The street stub must be located at the elevation of existing grade along abutting parcels, as determined by the Director.
- f. If a street stub exists on an abutting parcel, the street network provided by any new development abutting the street stub must connect to the stub street and complete the alignment as a through street wherever practical, as determined by the Director.

- g. Cul-de-sacs are only allowed only where the Director determines that topographical, ownership, or other challenges beyond the land developer's control prevent the creation of a regular street grid.
- h. New streets must be developed in accordance with the standards in **Div. XX - Streetscapes and Atlanta Department of Transportation standards** in the *Streets Atlanta: A Design Manual for Multimodal Streets* and *City of Atlanta Public Right-of-Way Manual*.

4. Cross-Access

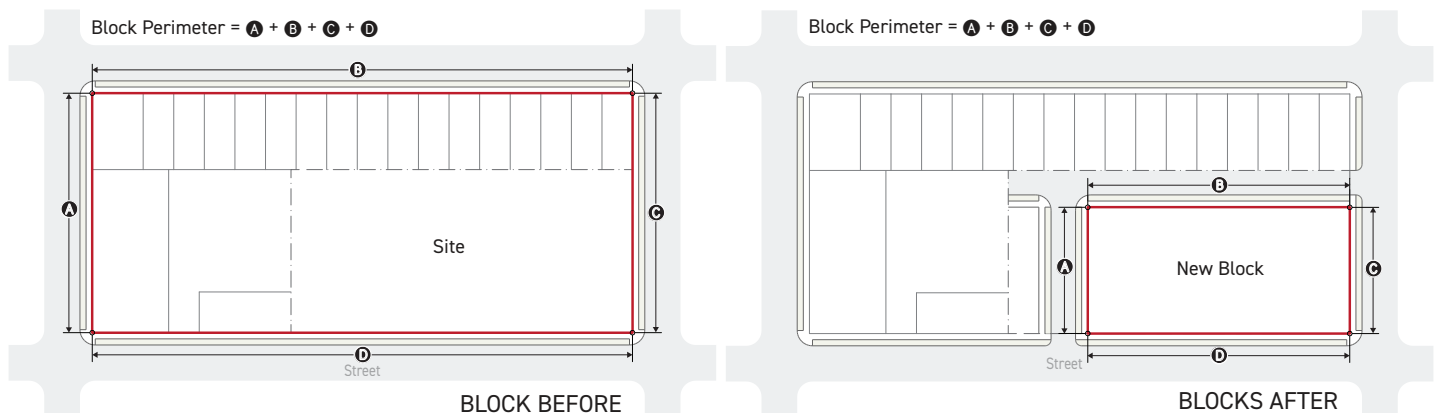
Where no new streets are provided, and abutting lots have compatible adjacent uses, as determined by the Director, the following standards for cross-access are required:

- a. Projects must design internal vehicular circulation to allow for future cross-access between abutting lots, wherever practical, as determined by the Director.
- b. No project is allowed to prohibit or obstruct the ability to provide future vehicle, bicycle, and pedestrian access and connectivity to adjacent properties, unless the Director determines it is impracticable due to legal, topographic, or other site-specific constraints.
- c. Cross-access standards do not require inter-parcel access to be granted to adjacent property owners.

D. Measurement

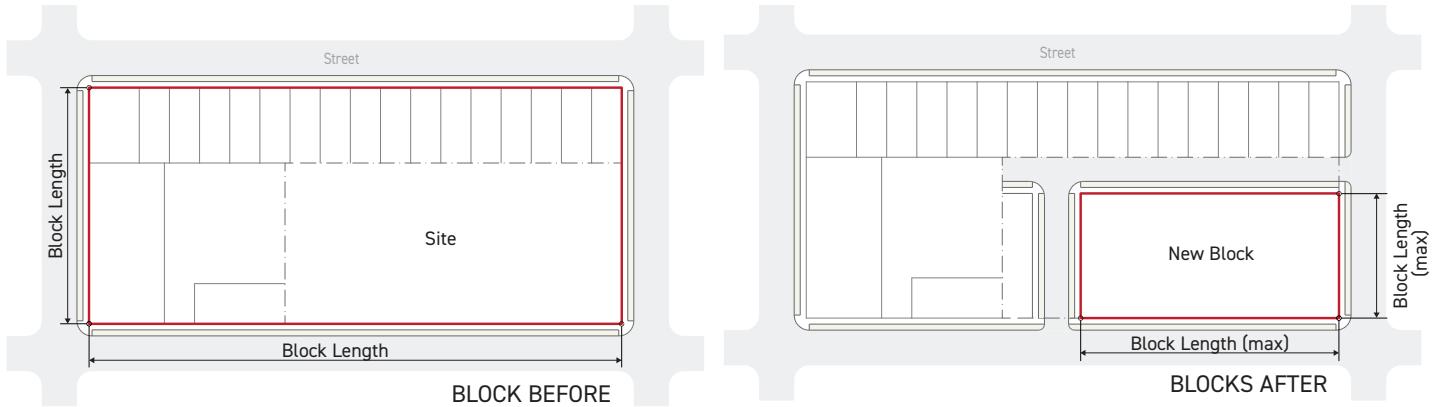
1. Block Perimeter

Block perimeter is measured along all lot lines abutting a street.



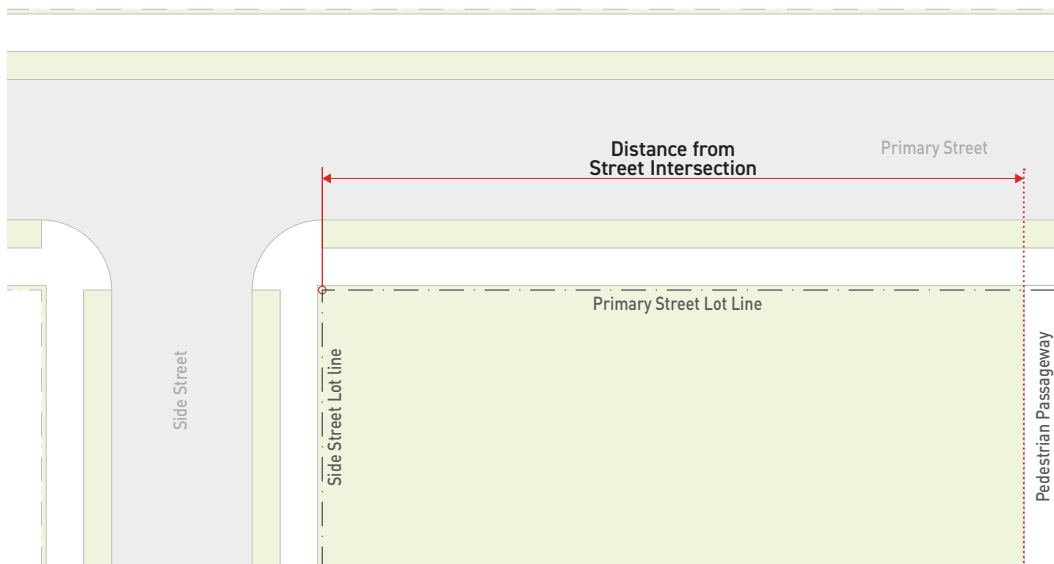
2. Block Length

Block length is the length of each side of the block, measured along each street lot line along the block face.



3. Pedestrian Passageways

- Pedestrian passageway width is measured from one edge of the designated passageway perpendicularly to the opposite edge of the passageway.
- Pedestrian passageway distance from street intersection is measured from the point where two street lot lines intersect adjacent to a street corner to the nearest edge of a required pedestrian passageway, measured along the street lot line.



- Variation in a pedestrian passageway is measured parallel to the primary street lot line from one edge of the passageway access point to the furthest edge of the opposing passageway access point.

E. Relief

1. A change of up to 10% from the blocks and connectivity standards may be granted in accordance with **Sec. XX. Administrative Modification.**
2. A change of up to 30% may be granted in accordance with **Sec. XX. Administrative Variation.**
3. A change beyond 30% may be granted in accordance with Sec. XX. Variance.

Sec. 8.3.2. Vehicle Access

A. Intent

To ensure motor vehicle access to sites is designed to support the safety of all users by minimizing conflicts with pedestrians, cyclists, transit vehicles, micro-mobility devices, and motor vehicles on the abutting public right-of-way and to avoid detrimental effects on the surrounding public realm, while providing sufficient access to vehicle parking and other motor vehicle use areas.

B. Applicability

1. Vehicle access standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Vehicle access standards apply to all lots that provide access to motor vehicles.

C. Standards

1. General

- a. All existing and proposed development that provides on-site parking or loading must provide a means of vehicle access to and from a street or alley.
- b. Driveways must be perpendicular to the street. Driveways are not permitted parallel to the street between the sidewalk and a building.
- c. Circular driveways or drop-off lanes are not permitted between any building and the street, with the exception of general lodging and hospital uses in any district and general household living uses in Residential (R-) Form Districts.
- d. When a lot is adjacent to a primary and side street without an alley, vehicle access must be placed along the street with the lower road classification unless otherwise permitted by the Director. For example, local streets should be prioritized over collector or arterial streets for curb cuts and driveways.
- e. When an improved alley exists or is proposed by the development project, vehicle access must take place from the alley unless otherwise permitted by the Director.
- f. Where vehicle access is proposed from an alley, the Director must determine that the alley is suitable to accommodate the expected traffic volume and type of use. Suitability must be based on factors including but not limited to the width, surface condition, accessibility, and connectivity of the alley.
- g. Access may be shared between abutting lots, provided an easement, deed restriction or other similar agreement acceptable to the City is provided.
- h. All vehicle access designs must be approved by the Atlanta Department of Transportation and conform with the *Streets Atlanta: A Design Manual for Multimodal Streets*, and *City of Atlanta Public Right-of-Way Manual*.

#014

Posted by **Kathy Evans** on **08/18/2025** at **1:18pm** [Comment ID: 1469] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Suggest to include explicit provision for saving trees, consistent with TPO requirements, - "or required to preserve existing trees per City Arborist."

Reply by **SiteAdmin** on **08/18/2025** at **4:59pm** [Comment ID: 1475] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your suggestion.

#015

Posted by **grace212** on **09/02/2025** at **2:36pm** [Comment ID: 1642] - [Link](#)

Question

Agree: 0, Disagree: 0

Does this value vehicular convenience (on the primary street) over pedestrian quality (on the local street)?

Reply by **SiteAdmin** on **09/16/2025** at **1:46pm** [Comment ID: 1684] - [Link](#)

Answer

Agree: 0, Disagree: 0

Not necessarily. Major streets are where the City and GDOT are investing in bike lanes and transit. Excessive driveways conflict with these.

2. Driveway Design

- In House-Scale (H-) Form Districts, every platted lot is permitted at least one driveway, ~~unless otherwise modified by the Director.~~
- In all other zoning districts, each site is permitted at least one driveway.
- Where feasible, driveways must be at least 100 feet from the nearest adjacent intersection or driveway along the same block face unless otherwise permitted by the Director.
- The maximum number of permitted driveways are as follows:

# of Abutting Streets	Street Lot Line Length	Curb Cuts per Street (max)	Driveway Spacing (min)
1	Up to 300'	1	N/A
1	Above 300'	2	200'
2	Any	1 per street	N/A
3 or more	Any	1 per street	N/A

- Driveway widths must meet the following standards:

	Number of Lanes per Driveway (max)	Lane Width (min/max)	
		Primary Street	Side Street
Driveway serving up to 6 on-site parking spaces			
<u>House-Scale District</u>	<u>1</u>	<u>10' / 20'</u>	<u>10' / 20'</u>
All other districts	1	8' / 10'	8' / <u>12'</u>
Driveway serving an Industrial Use	2	12' / 20'	12' / 20'

#016

Posted by **Forrest** on **07/21/2025** at **2:38pm** [Comment ID: 1306] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Ensure these align with ATLDOT standard details. Typical CoA driveway with dustpan, etc. Suggest removing the ADA tactile pads at driveways if the sidewalk is to cross the driveway at the same prevailing grade. Ensure driveways have delineation at the isle and dustpan so drivers know they're crossing pedestrian path/sidewalk. Propose to keep some of the elements from 16.36.17.

Reply by **SiteAdmin** on **07/22/2025** at **1:17pm** [Comment ID: 1325] - [Link](#)

Answer

Agree: 0, Disagree: 0

We have been coordinating with ATL DOT to ensure this. All design specifications will not be in the zoning code. Rather, they will remain in the City's standard engineering details.

#017

Posted by **jessicahilltroutman** on **08/12/2025** at **5:16pm** [Comment ID: 1394] - [Link](#)

Agree: 0, Disagree: 0

The chart does not address driveways accessing more than 6 spaces that are not industrial uses. Presumably commercial uses are permitted one two way driveway per street with a max width of 24' for two way.

Reply by **SiteAdmin** on **08/13/2025** at **7:17am** [Comment ID: 1395] - [Link](#)

Answer

Agree: 0, Disagree: 0

Correct. We are aware of this typo and will correct it on the next draft. The existing standards you cite will remain.

#018

Posted by **Redowan Kaushik** on **08/13/2025** at **11:56am** [Comment ID: 1409] - [Link](#)

Agree: 0, Disagree: 0

*at least

Reply by **SiteAdmin** on **08/14/2025** at **1:04pm** [Comment ID: 1438] - [Link](#)

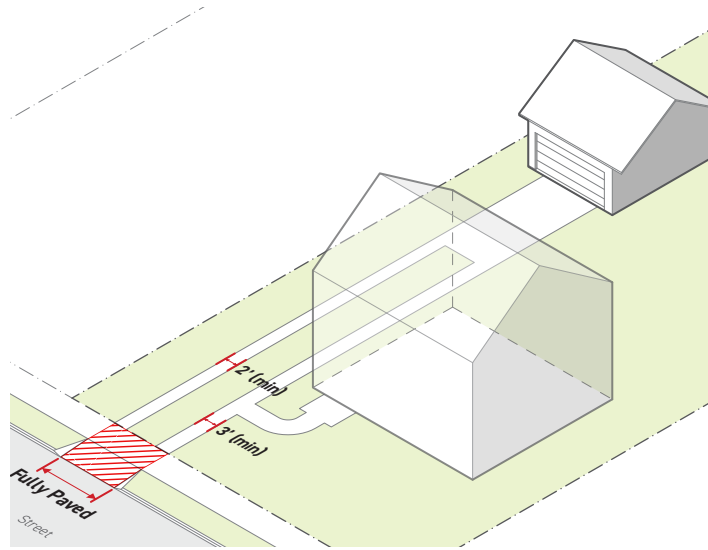
Answer

Agree: 0, Disagree: 0

Thanks. We will correct this.

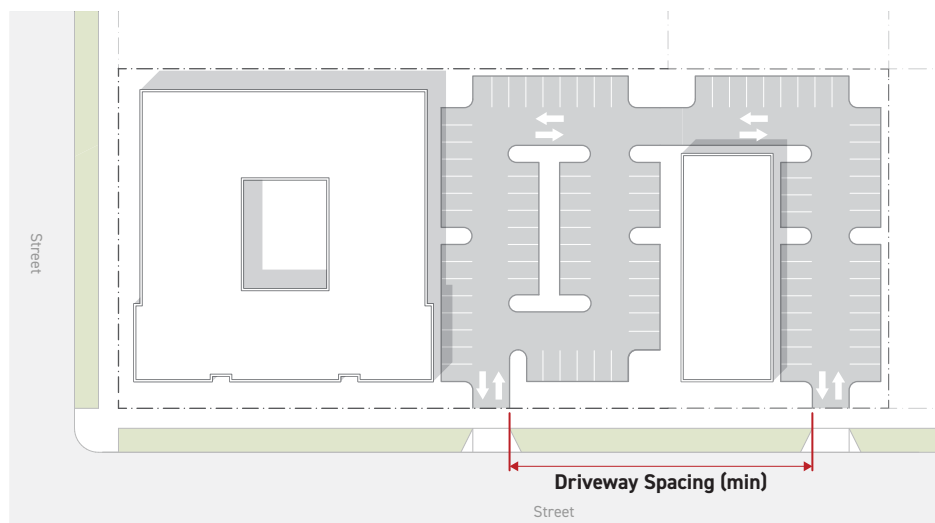
3. Ribbon Driveways

- a. For driveways serving up to 6 on-site parking spaces, a ribbon driveway is allowed as an alternative to a fully paved driveway.
- b. The concrete strips in a ribbon driveway must be at least 2 feet in width. When the ribbon is also used as a walkway, the width of the strips must be increased to at least 3 feet.
- c. Within the right-of-way, the driveway must be fully paved along its total width.



D. Measurement

1. Driveway spacing is measured along the primary or side street boundary line from edge of pavement to edge of pavement from all existing and proposed driveways located on-site and any adjacent driveway or intersection.



2. Lane width is measured separately for each driveway lane.

3. Lane width is measured for each driveway lane from edge of designated lane to edge of designated lane along the street boundary line.

E. Re 019f

1. An administrative modification may be granted under the following circumstances, in accordance with Sec. XX. Administrative Modification:
 - a. A change of up to 10% from the vehicle access standards may be approved.
 - b. Where two-way driveways are permitted, the Director may authorize the installation of two one-way driveways in lieu of a single two-way driveway.
2. A change of up to 30% may be granted in accordance with Sec. XX. Administrative Variation.
3. A change beyond 30% may be granted in accordance with Sec. XX. Variance.

#019

Posted by **Forrest** on **07/21/2025** at **2:49pm** [Comment ID: 1307] - [Link](#)

Question

Agree: 0, Disagree: 0

Can 30% width relief be granted administratively? (i.e. a 10' one-way driveway increases to 13', or 20' driveway increases to 26')

Reply by **SiteAdmin** on **07/22/2025** at **1:18pm** [Comment ID: 1326] - [Link](#)

Answer

Agree: 0, Disagree: 0

Yes, as drafted. Today the code allows an unlimited increase in width in much of the city via the SAP process.

Sec. 8.3.3. Pedestrian Access

A. Intent

To promote walkability by:

1. Improving pedestrian access from the public realm to the interior of buildings;
2. Ensuring that required entrances are conveniently and effectively accessible to pedestrians; and
3. Activating the public realm with building access points and improve convenient pedestrian circulation through large sites to an extent and frequency appropriate to the context.

B. Applicability

1. Pedestrian access standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Pedestrian access standards apply to all street-facing entries required by the zoning district, based on requirements in **Sec. XX. Windows and Doors.**
3. Pedestrian access standards do not apply to non-required entries.
4. Pedestrian access standards apply to public parks, plazas, and multi-use trails, including the Beltline, as specified in **Sec. XX. Beltline Overlay District.**

C. Standards

1. General

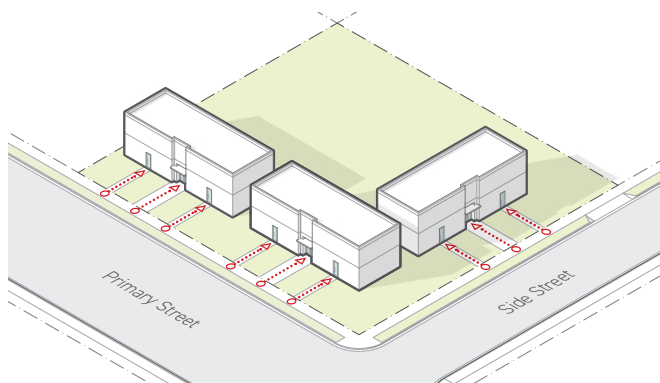
Pedestrian access meeting the following standards must be provided based on the zoning district.

Zoning District	Pedestrian Access Type
House-Scale Form Districts	
All uses	None Required
Neighborhood-Scale Form Districts	
Residential uses	Type 2
All other uses	Type 1
Urban General Form Districts	
<u>Residential uses</u>	<u>Type 2</u>
All other uses	Type 1
Urban Core Form Districts	
<u>Residential uses</u>	<u>Type 2</u>
All other uses	Type 1
Workplace Flex Form Districts	
<u>Residential uses</u>	<u>Type 2</u>
Industrial uses	Type 3
All other uses	Type 1
Workplace Form Districts	
All uses	Type 3
Special Form Districts	
All uses	Type 2

2. Pedestrian Access Types

PEDESTRIAN ACCESS TYPE 1

Intended to ensure buildings are highly integrated with the surrounding public realm and to promote walking as a safe and convenient mobility option to improve connectivity through large sites.

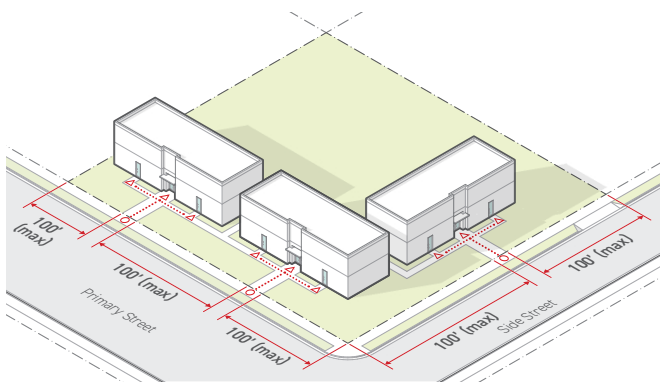


DIMENSIONAL STANDARDS

Pedestrian connection type	Direct
Pedestrian connection spacing (max)	1 per street-facing entry

PEDESTRIAN ACCESS TYPE 2

Intended to ensure buildings are conveniently accessible from the public realm and to promote walking as a safe and convenient mobility option to improve connectivity through very large sites.

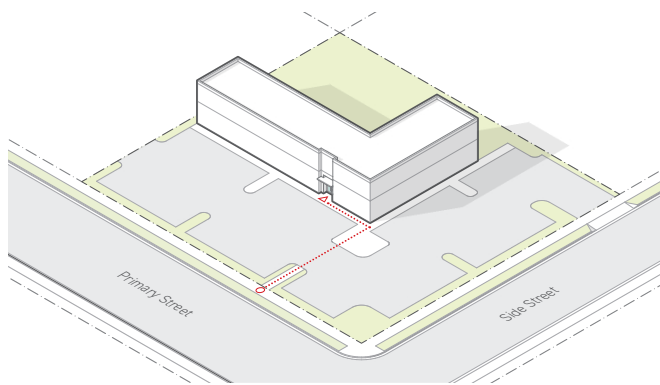


DIMENSIONAL STANDARDS

Pedestrian connection type	Linked
Pedestrian connection spacing (max)	100'

PEDESTRIAN ACCESS TYPE 3

Intended to ensure buildings are accessible from the public realm by requiring physical connection between the public realm and the interior of a building.



DIMENSIONAL STANDARDS

Pedestrian connection type	Linked
Pedestrian connection spacing (max)	1 per lot

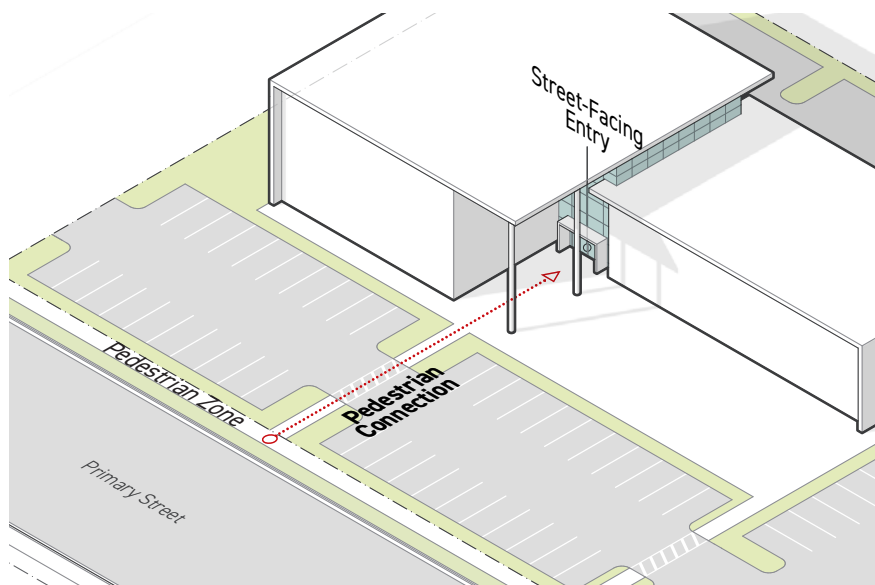
SITE ACCESS AND PARKING**3. Pedestrian Connection****a. General**

Pedestrian connections provides pedestrian access from the public right-of-way to street-facing building entries. The pedestrian access type requires either a direct or linked pedestrian connection.

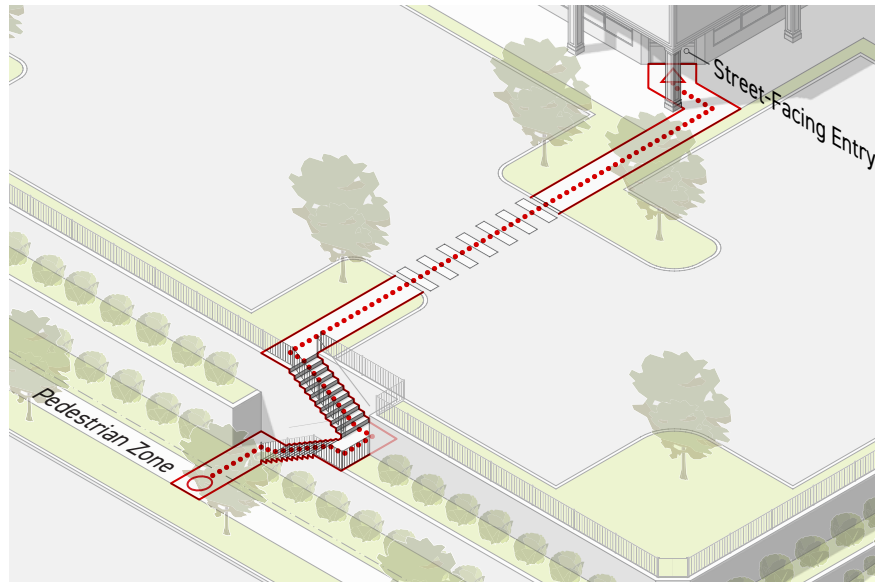
b. Linked Pedestrian Connection

Where the pedestrian access type requires a linked pedestrian connection, the pedestrian connection must meet the following standards:

- i. Linked pedestrian connections must connect to the sidewalk, multi-use trail, or other publicly accessible pedestrian-facility along the street lot line, to a required street-facing entrance.
- ii. A minimum of 1 pedestrian connection must be provided for each street lot line where a street-facing entry is required.
- iii. The pedestrian connection must be at least 3.5 feet wide.
- iv. The finished surface must be stable, firm, and slip resistant in accordance with Americans with Disabilities Act (ADA) Accessibility Standards for floor surfaces.
- v. The pedestrian connection must be physically separated from and uninterrupted by motor vehicle use areas except where required to cross a drive-aisle. Drive-aisle crossings must be the shortest practical distance.



- vi. If a retaining wall, open drainage, or similar obstacle interrupts a required connection, the connection must be designed to facilitate passage through or over the obstacle. If the connection is not ADA compliant, a separate, compliant connection must be provided.

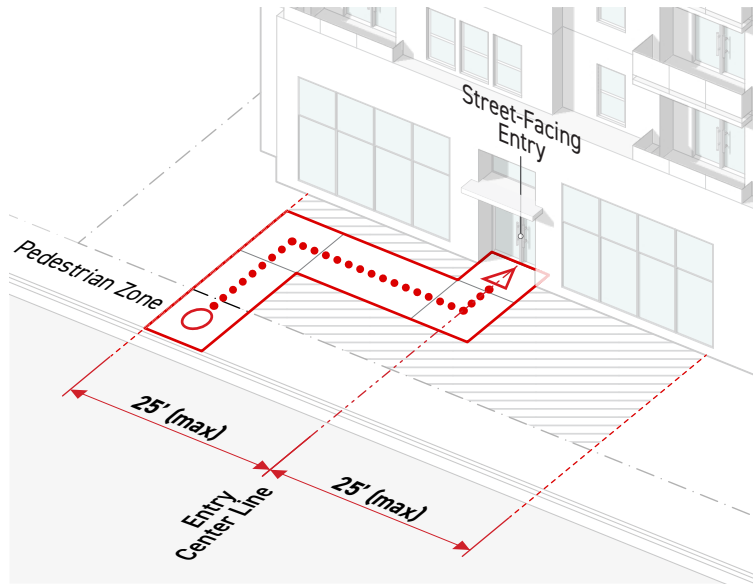


- vii. If a linked pedestrian connection exceeds 30 feet in length through a parking lot, trees spaced at 30 feet on-center must be provided adjacent to the pedestrian connection.

c. Direct Pedestrian Connection

Where the pedestrian access type requires a direct pedestrian connection, the pedestrian connection must comply with all linked pedestrian connection standards, in addition to the following standards:

- i. A minimum of 1 pedestrian connection must be provided to each street-facing entry required by the zoning district.
- ii. The connection to the public sidewalk must be within 25 feet of the center of the street-facing entry, measured parallel to the applicable lot line.

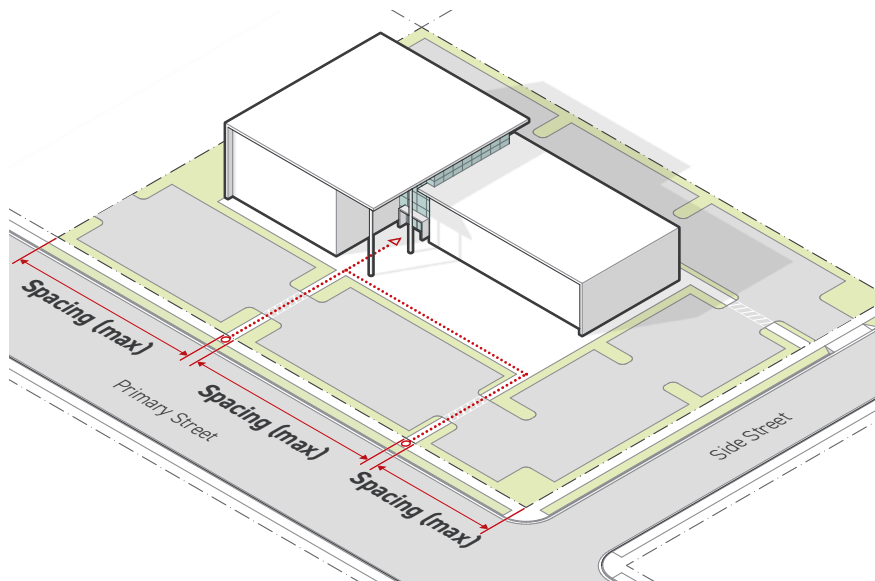


4. Pedestrian Connection Spacing

A required pedestrian connection must not be separated from another pedestrian connection or the end of a street lot line by a distance greater than the maximum allowed pedestrian connection spacing.

D. Measurement

1. Pedestrian accessway width is measured from one edge of the accessway perpendicularly to the opposite edge.
2. Pedestrian accessway spacing is measured as the distance between pedestrian accessways measured following the geometry of the street lot line from the end of the lot line to the edge of the pedestrian accessway and from the edge of the pedestrian accessway to the edge of the adjacent pedestrian accessway.



E. Relief

1. A change of up to 10% from the pedestrian access standards may be granted in accordance with **Sec. XX. Administrative Modification.**
2. An Administrative Variation may be granted under the following circumstances, in accordance with **Sec. XX. Administrative Variation**:
 - a. Where the Director determines the existing site conditions make compliance impractical or unreasonable; or
 - b. A change of up to 30%.
3. A change beyond 30% may be granted in accordance with Sec. XX. Variance.

Sec. 8.3.4. Vehicle Parking



A. Intent

To reduce parking demand, support the use of alternative forms of transportation, promote reuse and redevelopment of existing buildings, reduce the overall cost of construction and development, and increase the overall efficiency and use of taxable land within the City.

B. Applicability

1. Vehicle parking standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Vehicle parking standards apply to all lots and the allowed uses in **Ch. XX. Use Districts.**
3. Buildings built before 1965 are not required to meet minimum parking requirements unless the building contains a use over 1,200 square feet and holds an alcohol license, according to **City of Atlanta Code of Ordinances, Chapter 10**, in which case only that use is required to meet the minimum parking requirement.

C. Standards

1. Required Vehicle Parking

- a. Vehicle parking standards are determined by the parking zone applied to the lot according to the Parking Zone Map (**Appendix X**), in accordance with the required vehicle parking table.
- b. Where a minimum parking standard is provided, all uses must, at a minimum, provide the required number of parking spaces.
- c. Where a maximum parking standard is provided, uses cannot exceed the maximum allowed number of parking spaces on-site, unless otherwise permitted.
- d. Where there are multiple uses on a lot, the parking requirements are calculated separately for each use.
- e. The vehicle parking requirement for a use not specifically listed in the table will be as required for the closest similar use, as determined by the Director.
- f. Vehicle parking must be provided as follows:

#020

Posted by **EzraKlein** on **07/22/2025** at **11:36am** [Comment ID: 1315] - [Link](#)

Suggestion

Agree: 2, Disagree: 0

Please strengthen § 8.3.5 by making Parking Zone 1 the default city-wide standard and converting today's minimums into context-based maximums.

What the draft does now - § 8.3.5.A(1) sets up three parking zones, with PZ-1 (no minimums) applied only inside limited areas shown on Map 8.3.5-A (primarily MARTA rail walksheds and a few core districts). Everywhere else, Table 8.3.5-1 still requires 0.5–2.0 spaces per dwelling and up to 1 per 200 ft² of retail.

Why the current approach still leaves money on the table -

Cost discipline: A 2021 national construction survey puts the median cost of a structured stall at \$25.7 k and an underground stall at \$35–\$50 k per space .

Source:

<https://f.hubspotusercontent20.net/hubfs/9476621/2021%20Parking%20Structure%20Cost%20Outlook.pdf>

USDOT's 2025 white paper on land-use strategy tallies per-unit LIHTC cost increases of \$56 k (-27 %) when parking podiums are mandated .

Source:

<https://www.transportation.gov/sites/dot.gov/files/2025-01/Land%20Use%20as%20a%20Strategy.pdf>

Documented local surplus: At least 25 % of Downtown Atlanta's land area is already devoted to parking lots — more than in Boston or Seattle .

Source:

<https://www.axios.com/local/atlanta/2023/04/20/downtown-atlanta-parking-surplus>

Peer-city evidence: Since Minneapolis and St. Paul abolished minimums in 2021, developers cut structured-parking ratios 30 % while apartment rents city-wide remained flat (2021-24 CPI-adjusted) .

Source:

<https://minnesotareformer.com/2023/08/31/ending-minimum-parking-requirements-was-a-policy-win-for-the-twin-cities/>

California's AB 2097 shows that a state-level ban on minimums within ½ mile of transit is legally and administratively straightforward .

Source:

<https://www.latimes.com/california/story/2022-09-23/newsom-bill-banning-parking-requirement-transit-housing-climate-change>

Recommended redlines –

Map 8.3.5-A: Re-label all parcels “PZ-1 — No Minimum Off-Street Parking.” Retain your existing loading-berth and curb-management sections so essential freight and ADA access are preserved.

Table 8.3.5-1: Delete the “Minimum” column; retain the “Maximum” ratios now proposed for PZ-1 and apply them city-wide.

§ 8.3.5.D Alternative Compliance: Add a new ¶ 4 allowing any required stall (where a maximum still applies) to be met through either
+ a 10-year MARTA pass (1 stall = 1 pass/year) or
+ a secure, on-site Class A bicycle space (3 bike spaces = 1 stall).
This mirrors the “fee-in-lieu of stalls” language already used for EV-charger substitutions in § 8.3.5.E.

Outcome metrics and adaptive feedback – Pair this change with the production dashboard proposed for Ch. 9. If total permitted housing dips below Comprehensive Development Plan targets for three consecutive years, the Director could temporarily cap structured-parking ratios at 0.5 stall/unit city-wide until supply catches up. In other words, rules should tighten only where data show that excess parking is still suppressing unit yield.

Bottom line: Expanding PZ-1 city-wide turns the draft’s elegant three-zone framework into a true “permission to build housing, not parking” policy. It keeps Atlanta consistent with its 2023 BeltLine reforms, aligns with USDOT guidance, and can shave \$10 k–\$50 k off the cost of every market-rate or income-restricted unit the City hopes to see over the next decade.

Reply by **SiteAdmin** on **07/23/2025** at **9:35am** [Comment ID: 1335] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thanks for your comments. The standards in PZ 2 were recently adopted by Mayor and City Council within the BeltLine Overlay and have been incorporated. Expanding PZ 1 citywide would conflict with this recent legislation.

Parking Zones

022

Use	Zone 1 (PZ1)	Zone 2 (PZ2)	Zone 3 (PZ3)	Zone 4 (PZ4)
Residential Uses				
Household Living				
General Household Living				
Up to 2 dwelling units	Min: -- Max: --	Min: -- Max: --	Min: 0.5 per dwelling unit Max: --	Min: 1 per dwelling unit Max: --
Above 2 dwelling units	Min: -- Max: 2 per dwelling unit	Min: -- Max: 2 per dwelling unit	Min: 0.5 per dwelling unit Max: --	Min: 1 per dwelling unit Max: --
Live-work	Min: -- Max: 2 per dwelling unit	Min: -- Max: 2 per dwelling unit	Min: 0.5 per dwelling unit Max: --	Min: 1 per dwelling unit Max: --
Purpose-built student housing	Min: -- Max: 1 per 2 bedrooms	Min: -- Max: 1 per 2 bedrooms	Min: 1 per 4 bedrooms Max: --	Min: 1 per 2 bedrooms Max: --
Group Living				
General supervised group living	Min: -- Max: 1 per 2 bedrooms	Min: -- Max: 1 per 2 bedrooms	Min: 1 per 4 bedrooms Max: --	Min: 1 per 2 bedrooms Max: --
General unsupervised group living	Min: -- Max: 1 per 2 bedrooms	Min: -- Max: 1 per 2 bedrooms	Min: 1 per 4 bedrooms Max: --	Min: 1 per 2 bedrooms Max: --
Dormitory, fraternity, or sorority	Min: -- Max: 1 per 2 bedrooms	Min: -- Max: 1 per 2 bedrooms	Min: 1 per 4 bedrooms Max: --	Min: 1 per 2 bedrooms Max: --
Emergency shelter	Min: -- Max: 1 per 1,000 SF	Min: -- Max: 1 per 1,000 SF	Min: 1 per 2,000 SF Max: --	Min: 1 per 1,000 SF Max: --
Maternity supportive housing	Min: -- Max: 1 per 2 bedrooms	Min: -- Max: 1 per 2 bedrooms	Min: 1 per 4 bedrooms Max: --	Min: 1 per 2 bedrooms Max: --
Public and Institutional Uses				
Civic				
Religious assembly	Min: -- Max: 1 per 400 SF	Min: -- Max: 1 per 400 SF	Min: 1 per 600 SF Max: --	Min: 1 per 300 SF Max: --
All other civic uses	Min: -- Max: 1 per 400 SF	Min: -- Max: 1 per 400 SF	Min: 1 per 600 SF Max: --	Min: 1 per 300 SF Max: --
Private Education				
Day care, private	Min: -- Max: 1 per 400 SF	Min: -- Max: 1 per 400 SF	Min: 1 per 600 SF Max: --	Min: 1 per 300 SF Max: --
All other private education uses	Min: -- Max: 1 per 400 SF	Min: -- Max: 1 per 400 SF	Min: 1 per 200 SF Max: --	Min: 1 per 100 SF Max: --

023

#021

Posted by **EzraKlein** on **07/22/2025** at **1:28pm** [Comment ID: 1329] - [Link](#)

Question

Agree: 0, Disagree: 0

Why have PZ2 at all if it's so similar to PZ1?

Are lounge, party house, and bar parking minimums so important that we need a whole separate parking zone category for it?

Reply by **SiteAdmin** on **07/23/2025** at **9:40am** [Comment ID: 1338] - [Link](#)

Answer

Agree: 0, Disagree: 0

The standards in PZ 2 were recently adopted around the BeltLine following a failed proposal to adopt what are effectively PZ 1 standards in that area. As such, PZ 2 standards reflect the approved legislation.

#022

Posted by **Kirsten** on **09/02/2025** at **12:28pm** [Comment ID: 1595] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Adding maximum parking in zones 3 and 4 would contribute more towards the stated intent around vehicle parking.

Reply by **SiteAdmin** on **09/16/2025** at **2:39pm** [Comment ID: 1718] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

#023

Posted by **Laurel David** on **08/15/2025** at **3:28pm** [Comment ID: 1464] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

These parking requirements for private schools seem very excessive. The Galloway School is in the Type 4 parking area and would be required to provide over 1,750 parking spaces after its new building is complete. Current code requires 244 spaces. Even though 244 spaces might arguably not be enough, 1,750 is just unreasonable. There are lots of other private schools that would be in the same situation

Reply by **SiteAdmin** on **08/16/2025** at **4:55pm** [Comment ID: 1465] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for pointing out this transcription error. We will fix it.

Reply by **Laurel David** on **08/17/2025** at **3:36pm** [Comment ID: 1466] - [Link](#)

Agree: 0, Disagree: 0

So what will the correct minimum be?

Reply by **SiteAdmin** on **08/18/2025** at **4:51pm** [Comment ID: 1472]

- [Link](#)

Answer

Agree: 0, Disagree: 0

It will not exceed the current SPI 26 minimum, which is also reflected in many other districts today.

SITE ACCESS AND PARKING

Use	Parking Zones			
	Zone 1 (PZ1)	Zone 2 (PZ2)	Zone 3 (PZ3)	Zone 4 (PZ4)
Parks and Open Space				
All parks and open space uses	Min: -- Max: 1 per 500 SF	Min: -- Max: 1 per 500 SF	Min: -- Max: --	Min: -- Max: --
Utility				
All utility uses	Min: -- Max: 1 per 500 SF	Min: -- Max: 1 per 500 SF	Min: -- Max: --	Min: -- Max: --
Wireless Telecommunication				
All wireless telecommunication uses	Min: -- Max: 1 per 500 SF	Min: -- Max: 1 per 500 SF	Min: -- Max: --	Min: -- Max: --
Commercial Uses				
Adult Businesses				
All adult business uses	Min: -- Max: 1 per 400 SF	Min: -- Max: 1 per 400 SF	Min: 1 per 600 SF Max: --	Min: 1 per 300 SF Max: --
Agriculture				
All agriculture uses	Min: -- Max: 1 per 400 SF	Min: -- Max: 1 per 400 SF	Min: -- Max: --	Min: -- Max: --
Entertainment and Recreation				
Lounge or night club	Min: -- Max: 1 per 400 SF	Min: 1 per 200 SF Max: 1 per 400 SF	Min: 1 per 200 SF Max: --	Min: 1 per 100 SF Max: --
Party house	Min: -- Max: 1 per 400 SF	Min: 1 per 200 SF Max: 1 per 400 SF	Min: 1 per 200 SF Max: --	Min: 1 per 100 SF Max: --
All other entertainment and recreation uses	Min: -- Max: 1 per 650 SF	Min: -- Max: 1 per 650 SF	Min: 1 per 600 SF Max: --	Min: 1 per 300 SF Max: --
Food and Beverage				
General food and beverage	Min: -- Max: 1 per 400 SF	Min: -- Max: 1 per 400 SF	Min: 1 per 400 SF Max: --	Min: 1 per 200 SF Max: --
Bakery	Min: -- Max: 1 per 400 SF	Min: -- Max: 1 per 400 SF	Min: 1 per 600 SF Max: --	Min: 1 per 300 SF Max: --
Bar	Min: -- Max: 1 per 400 SF	Min: 1 per 200 SF Max: 1 per 400 SF	Min: 1 per 200 SF Max: --	Min: 1 per 100 SF Max: --
Catering establishment	Min: -- Max: 1 per 400 SF	Min: -- Max: 1 per 400 SF	Min: 1 per 500 SF Max: --	Min: 1 per 250 SF Max: --
Delivery-based commercial kitchen	Min: -- Max: 1 per 400 SF	Min: -- Max: 1 per 400 SF	Min: 1 per 500 SF Max: --	Min: 1 per 250 SF Max: --
Microbrewery, microdistillery, or winery	Min: -- Max: 1 per 400 SF	Min: -- Max: 1 per 400 SF	Min: 1 per 600 SF Max: --	Min: 1 per 300 SF Max: --
Lodging				

Parking Zones				
Use	Zone 1 (PZ1)	Zone 2 (PZ2)	Zone 3 (PZ3)	Zone 4 (PZ4)
Short-term rental	Min: -- Max: 2 per lodging unit	Min: -- Max: 2 per lodging unit	Min: 0.5 per dwelling unit Max: --	Min: 1 per dwelling unit Max: --
All other lodging uses	Min: -- Max: 1 per lodging unit	Min: -- Max: 1 per lodging unit	Min: 0.5 per lodging unit Max: --	Min: 1 per lodging unit Max: --
Medical				
All medical uses	Min: -- Max: 1 per 400 SF	Min: -- Max: 1 per 400 SF	Min: 1 per 600 SF Max: --	Min: 1 per 300 SF Max: --
Office				
All office uses	Min: -- Max: 1 per 500 SF	Min: -- Max: 1 per 500 SF	Min: 1 per 600 SF Max: --	Min: 1 per 300 SF Max: --
Parking				
All parking uses	Min: -- Max: --	Min: -- Max: --	Min: -- Max: --	Min: -- Max: --
Personal Service				
All personal service uses	Min: -- Max: 1 per 400 SF	Min: -- Max: 1 per 400 SF	Min: 1 per 600 SF Max: --	Min: 1 per 300 SF Max: --
Retail				
Grocery store	Min: -- Max: 1 per 400 SF	Min: -- Max: 1 per 400 SF	Min: 1 per 1,000 SF Max: --	Min: 1 per 500 SF Max: --
All other retail uses	Min: -- Max: 1 per 400 SF	Min: -- Max: 1 per 400 SF	Min: 1 per 600 SF Max: --	Min: 1 per 300 SF Max: --
Transportation				
All transportation uses	Min: -- Max: --	Min: -- Max: --	Min: -- Max: --	Min: -- Max: --
Vehicle Sale and Service				
All vehicle sale and service uses	Min: -- Max: 1 per 400 SF	Min: -- Max: 1 per 400 SF	Min: 1 per 1,000 SF Max: --	Min: 1 per 500 SF Max: --
Wholesale Trade				
All wholesale trade uses	Min: -- Max: 1 per 500 SF	Min: -- Max: 1 per 500 SF	Min: 1 per 1,000 SF Max: --	Min: 1 per 500 SF Max: --
Industrial Uses				
Industrial and Manufacturing				
All industrial and manufacturing uses	Min: -- Max: 1 per 500 SF	Min: -- Max: 1 per 500 SF	Min: 1 per 2,000 SF Max: --	Min: 1 per 1,000 SF Max: --
Warehouse and Distribution				

SITE ACCESS AND PARKING

Use	Parking Zones			
	Zone 1 (PZ1)	Zone 2 (PZ2)	Zone 3 (PZ3)	Zone 4 (PZ4)
All warehouse and distribution uses	Min: -- Max: 1 per 500 SF	Min: -- Max: 1 per 500 SF	Min: 1 per 2,000 SF Max: --	Min: 1 per 1,000 SF Max: --
Waste-Related Service				
All waste-related service	Min: -- Max: 1 per 500 SF	Min: -- Max: 1 per 500 SF	Min: 1 per 2,000 SF Max: --	Min: 1 per 1,000 SF Max: --

KEY: -- = no requirement SF = square feet of gross floor area

2. Location of Parking

- Where on-site parking is provided, parking lots and parking structures must adhere to the standards in **Sec. XX. Vehicle Parking Design**.
- Where the Director determines on-street parking is abutting the lot, on-street parking spaces may count toward the minimum parking requirements.
- ~~Tandem parking is permitted for residential uses provided that both parking spaces in tandem are assigned to the same dwelling unit. Tandem parking spaces may be applied toward the minimum and maximum parking requirements specified in the table above.~~
- ~~Parking lots and loading areas are not allowed between streets and public parks, plazas, or multi-use trails, including the Beltline, as specified in **Sec. XX.024 Beltline Overlay District**.~~

3. Electric Vehicle Charging

- Where a parking lot or structure with **10** or more spaces is provided, **10%** of the parking spaces must be equipped with conduit and electrical capacity to accommodate future installation of electrical vehicle charging equipment.
- Where electrical vehicle charging equipment is provided, each space may count as 2 spaces toward the minimum parking requirement. Spaces must be marked and reserved for electric vehicle parking only.

4. Transportation Management Plan (TMP)

~~All nonresidential development greater than 25,000 square feet in floor area must submit a transportation management plan (TMP) to the City, including commitment of Transportation Management Association (TMA) support.~~

5. Alternative Parking Allowance

A reduction in minimum parking required may be authorized by the Director through one or more of the following alternative parking strategies.

a. Senior Housing

A residential use specifically for seniors 55 and older or persons with disabilities may reduce the minimum required parking to 0.25 spaces per dwelling unit or bedroom.

#024

Posted by **Forrest** on **07/21/2025** at **2:28pm** [Comment ID: 1304] - [Link](#)

Question

Agree: 0, Disagree: 0

The entire section 16.036. P Loading Area, Loading Docks... was removed.

Reply by **SiteAdmin** on **07/22/2025** at **1:09pm** [Comment ID: 1321] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thanks. We will clean this up.

b. Affordable Housing

A residential use providing development that includes affordable housing meeting the requirements of **Sec. XX. Affordable Housing** may reduce the minimum required parking to 0.25 spaces per dwelling unit.

c. Small Commercial Spaces**025**

Commercial uses with a footprint of less than 1,200 square feet are exempt from minimum parking requirements.

d. Mixed Use

The Director may grant a reduction of the minimum parking requirement in a mixed use development provided one of the followings standards is met:

- i. The development includes uses with different peak hour parking demands or operating hours; or
- ii. The development includes commercial uses that serve on-site residents or employees.

e. Shared Parking

Shared off-site parking facilities may be used to meet the minimum parking requirement for multiple uses that are located near one another with different peak demands or operating hours provided that the following standards are met:

- i. The shared parking facility is within 1,200 feet walking distance from the primary entry of each participating use;
- ii. Participating uses have mutually exclusive periods of peak parking demand; and
- iii. The applicant provides a written agreement between the property owners, to be recorded with City, guaranteeing the use of the shared parking area.

f. Remote Parking

Remote parking facilities, which provide vehicle storage and off-site parking for nearby uses, may be used to satisfy or reduce the minimum parking requirements for those uses, provided the following standards are met:

- i. The Director may approve an alternative parking allowance utilizing a remote parking facility, provided the facility is located no more than 600 feet from the associated use.

g. Proximity to Transit

When a lot is within 1/2 mile walking distance of a high-capacity transit station lot or entry, the lot may apply the parking requirements of Parking Zone 1 (PZ1).

h. Shuttle Services

For temporary events, such as construction or special events, reduced parking requirements may be permitted if a shuttle service or other equivalent transportation alternative is provided to ensure reasonable access and minimize parking demand on-site.

#025

Posted by **grace212** on **09/02/2025** at **2:43pm** [Comment ID: 1643] - [Link](#)

Agree: 1, Disagree: 0

This is a great addition.

SITE ACCESS AND PARKING**i. Location-Specific Parking Requirements**

The following additional minimum parking standard applies to Neighborhood-Scale Form Districts in the area bounded by Fowler Street NW, 14th Street NW, Mecaslin Street NW, and State Street NW.

- i. All household living units must provide at least 1 vehicle parking space per bedroom.

D. Measurement

1. Required parking spaces are calculated as the sum of all required spaces for each principal use on a lot, accounting for all floor area on a site.
2. When the application of these regulations results in a fraction, fractions of 1/2 or more are counted as 1 space.
3. Walking distance is measured according to **Sec. XX. Walking Distance**.

E. Relief

1. A reduction of up to 10% from the vehicle parking standards may be granted in accordance with **Sec. XX. Administrative Modification**.
2. A reduction of up to 30% may be granted in accordance with **Sec. XX. Administrative Variation**.
3. A reduction beyond 30% may be granted in accordance with Sec. XX. Variance.

Sec. 8.3.5. Vehicle Parking Design

A. Intent

To ensure parking lots are designed to create safe, comfortable, and attractive environments for users and pedestrians, while also mitigating negative environmental effects through landscaping and surface design.

B. Applicability

1. Vehicle parking design standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. All parking lots or parking structures, when parking is provided, must meet the vehicle parking design standards.

C. Standards

1. General

- a. All portions of a parking lot or parking structure must be accessible by vehicles to all other portions of the parking lot or structure without requiring the use of a street, except for an alley.
- b. Each parking space must be located so that no vehicle is required to back onto any sidewalk or street, except for an alley, or sidewalk to leave the parking space.
- c. Full and permanent parking space delineation is required. Delineation may include striping, wheel stops, curbing, or other similar permanent material which can clearly define and delineate parking spaces. Full parking space delineation means clear markings for all 3 sides of a space.
- d. All parking lots must meet the design and landscape standards of *City of Atlanta Chapter 158, Article II - Tree Protection*.

2. Spaces and Drive Aisles

- a. Parking spaces and drive aisles must meet the following minimum dimensions:

Angle	Standard Space		Compact Space		One-Way Drive		Two-Way Drive	
	Width	Length	Width	Length	Drive Aisle	Bay Width	Drive Aisle	Bay Width
0°	<u>7.5'</u>	20'	8'	18'	10'	18'	20'	36'
60°	9'	20'	8'	20'	14'	54'	--	--
90°	9'	18'	8'	18'	--	--	22'	58'

- b. Compact parking spaces may be used in place of a standard size space if the following requirements are met:
 - i. The total number of compact car spaces cannot exceed 25% of the total number of required parking spaces.
 - ii. All compact parking spaces must be clearly and visibly designated and striped.

3. Lighting

Parking lot and parking structure lighting must meet the standards in **Div. XX. Lighting**.

4. Electric Vehicle Charging

- a. Electric vehicle charging equipment, including pedestals, bollards, or cables cannot encroach into drive aisles or pedestrian walkways.
- b. Electric vehicle charging equipment cannot contain advertising signage that is visible from a public right-of-way.
- c. Transformers and other utility equipment associated with electric vehicle chargers must be screened from the public right-of-way according to **Sec. XX. Frontage Screens**.

5. Parking Lot Landscaping

a. Perimeter Landscaping

- i. A transition screen may be required between the vehicle use area and a common lot line, see **Sec. XX. Transition Screens** for requirements.
- ii. A frontage screen may be required between the vehicle use area and street lot line, see **Sec. XX. Frontage Screens** for requirements.

b. Median Islands

- i. A landscape median island must be provided between every 4 single parking rows. Intervals may be expanded to preserve existing trees.
- ii. A median island must be at least 6 feet wide. A median island with a pedestrian walkway must be a minimum of 12 feet wide.
- iii. A median island must contain shrubs or ground cover plantings for full coverage of the island at the time of maturity.

#026

Posted by **Forrest** on **07/21/2025** at **2:55pm** [Comment ID: 1309] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

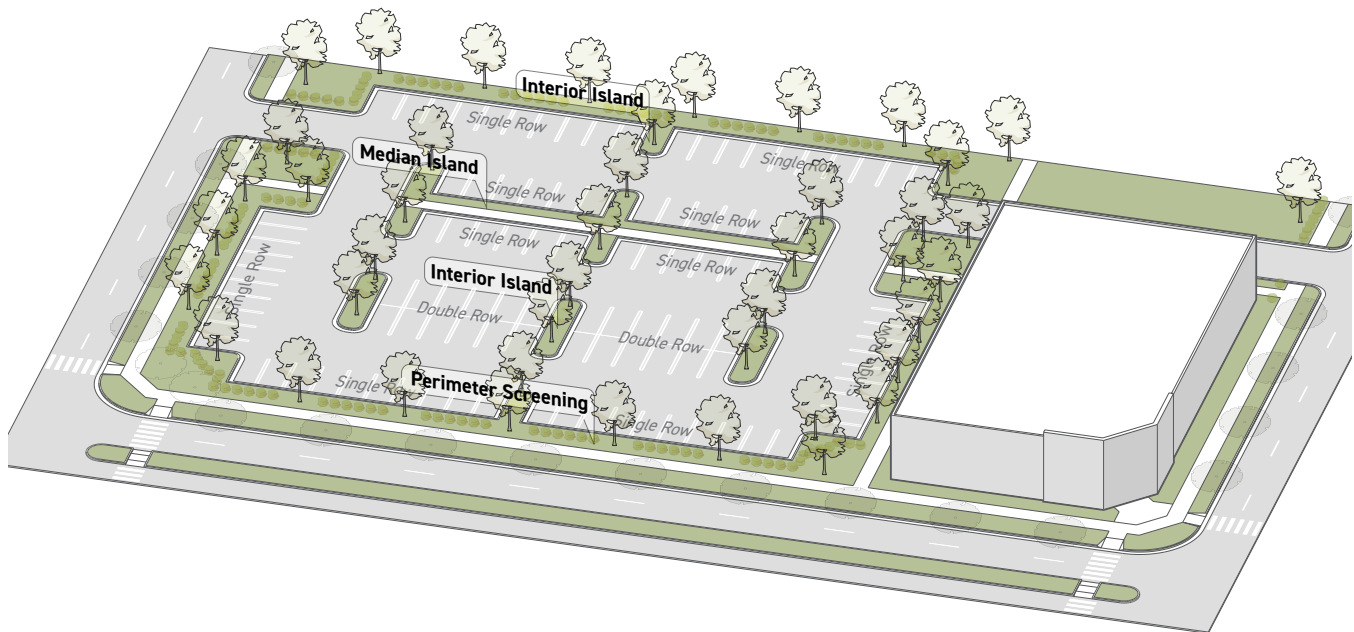
Ensure adherence to current BLO code section 16-36.019.

Reply by **SiteAdmin** on **07/22/2025** at **1:20pm** [Comment ID: 1327] - [Link](#)

Answer

Agree: 0, Disagree: 0

That is the intention, with a few caveats: The TPO has increased the landscape zone width to 6 feet (from 5 feet) and updated standards for tree size and spacing. The provision that the requires apply to parking lots of ANY size will be retained in the BLO. Thanks!



6. Parking Structure Screening

Where a parking structure is visible from a public right-of-way or residential⁰²⁷ property, it must be screened with permanent screening material that meets the following standards:

- The screen cannot have an opacity less than 60 percent;
- The screening material must be similar in character to the architectural character of building. Chain link fencing is prohibited;
- Openings in the screen must be 4 inches or less in one dimension, except for openings providing pedestrian or vehicular access;
- Screen openings accommodating vehicle access can be no wider than the maximum allowed driveway width allowed by the zoning district; and
- Screen openings accommodating pedestrian access can be no wider than 8 feet for each pedestrian passageway. Where an opening accommodates both pedestrians and vehicles, the maximum allowable opening is 8 feet greater than the maximum allowed driveway width.
- For the purposes of this Code, the Beltline is considered a public right-of-way. Accordingly, all parking structures, particularly parking decks, facing the Beltline must be screened in compliance with the standards of this section.

D. Measurement

1. Parking Angle

The angle measured from the long edge of a parking space to the drive aisle.

2. Parking Space Width

The distance measured between opposite sides of the shortest dimension of a parking space.

#027

Posted by **jessicahilltroutman** on **08/14/2025** at **9:01am** [Comment ID: 1426] - [Link](#)

Agree: 0, Disagree: 0

Define "residential" property. Is a high rise residential building a "residential" property?

Reply by **SiteAdmin** on **08/14/2025** at **12:26pm** [Comment ID: 1430] - [Link](#)

Agree: 0, Disagree: 0

Yes, a high-rise residential building is a residential property. This provision is an update of Sec. 16-28.028. - Parking structures.

SITE ACCESS AND PARKING**3. Parking Space Length**

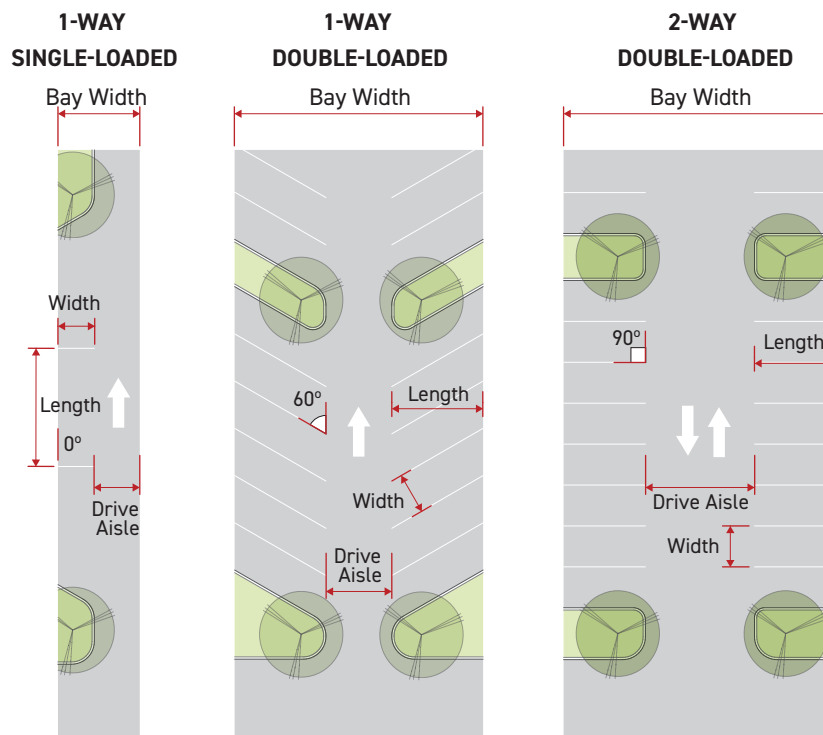
The distance measured between opposite ends of the longest dimension of a parking space.

4. Bay Width

The distance measured between 2 rows of parking spaces and the drive aisle in-between, or for a single row, the distance between a row of parking spaces and the end of the drive aisle.

5. Drive Aisle

The distance measured from the edge of one row of parking to the edge of the opposite row of parking. If there is only one row of parking spaces, then the paved surface for a vehicle to drive on must meet the minimum drive aisle width.

**6. Interior and Median Island Width**

Interior and median island width is measured as the narrowest horizontal dimension from one edge of an island to the opposite edge.

E. Relief

1. A change of up to 10% from the vehicle parking design standards may be granted in accordance with **Sec. XX. Administrative Modification.**
2. A change of up to 30% may be granted in accordance with **Sec. XX. Administrative Variation.**
3. A change beyond 30% may be granted in accordance with **Sec. XX. Variance.**

Sec. 8.3.6. Vehicle Use Areas

A. Intent

To ensure vehicle use areas are designed in a manner that does not detract from the safety, comfort, or enjoyment of users of neighboring lots or the public realm.

B. Applicability

1. Vehicle use area standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Vehicle use area standards apply to all portions of a lot designed and intended for use by vehicles, including areas used for circulation, maneuvering, loading, staging, queuing, service, and areas to be used for the sale or storage of vehicles.
3. Parking lots and structures are excluded from the vehicle use area requirements; see **Sec. XX. Vehicle Parking Design** for parking lot and structure standards.
4. Loading standards apply to any lot that includes on-site loading areas.
5. Stacking space standards apply to any lot that includes an on-site drive-thru or control gate.

C. Standards

1. General

- a. Vehicle use area surfacing must meet the standards in **Sec. XX. Vehicle Parking Design**.
- b. A transition screen may be required between the vehicle use area and a common lot line, see **Sec. XX. Transition Screens** for requirements.
- c. A frontage screen may be required between the vehicle use area and street lot line, See **Sec. XX. Frontage Screens** for requirements.
- d. Vehicle use area lighting must meet the standards in **Div. XX. Lighting**.

2. Loading

- a. Adequate space must be made available on-site for the unloading and loading of goods, materials, items, or stock for delivery and shipping. Unless otherwise modified by the Director, off-street loading spaces must be provided as follows:

Use	Loading Spaces (min)
Residential Uses	
Up to 50 dwelling units	None
51 to 200 dwelling units	1
Above 200 dwelling units	2
All other uses	
Up to 15,000 SF of gross floor area	None

#028

Posted by **Forrest** on **07/21/2025** at **2:30pm** [Comment ID: 1305] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

paved with impervious material?

Reply by **SiteAdmin** on **07/22/2025** at **1:13pm** [Comment ID: 1324] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your suggestion. We will discuss this with the appropriate city agency. There is currently no such requirement - pervious paving is allowed.

SITE ACCESS AND PARKING

15,001 - 250,000 SF of gross floor area	1
Above 250,000 SF of gross floor area	2

- b. Loading spaces must be a minimum of 35 feet in length and 12 feet in width.
- c. Where possible, loading spaces must be located to the rear or side of buildings.
- d. Loading and unloading activities cannot encroach on or interfere with sidewalks, multi-modal paths including bike lanes, driveways, ~~drive aisles~~, stacking spaces, or parking lots, but may occur within drive aisles, provided they do not impede traffic flow.
- e. Where the Director determines on-street loading space is abutting the lot, on-street loading spaces may count toward the minimum loading requirements.
- f. Buildings built before 1965 are not required to meet minimum loading requirements.

3. Stacking

- a. Unless otherwise expressly modified by the Director, off-street stacking spaces must be provided as follows:

Activity Type	Stacking Spaces (min)
Food and beverage drive-thru	
On-site ordering	8
Off-site ordering (pick-up only)	5
ATM or banking service	3
Pharmacy	3
Any other drive-thru	5

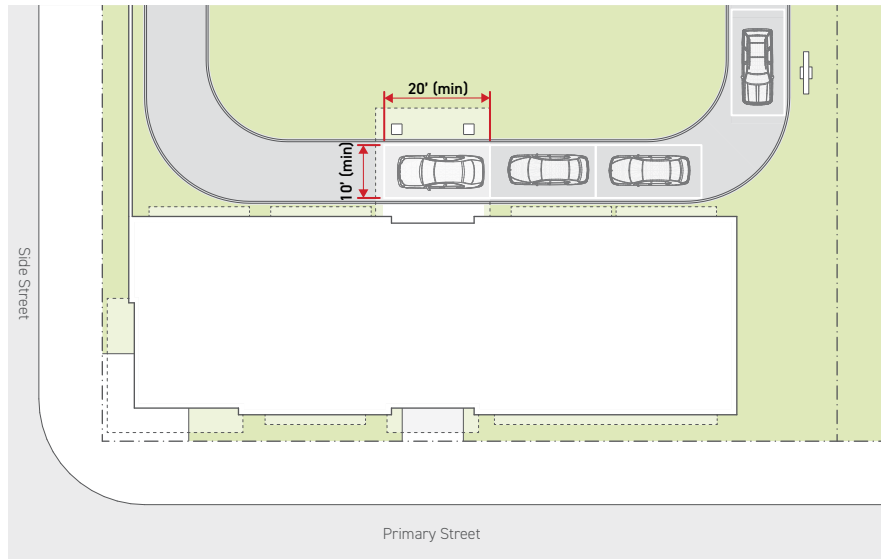
- b. Each stacking space must be a minimum of 20 feet in length and 10 feet in width.
- c. Stacking spaces are not permitted between the building and a street lot line.
- d. Stacking spaces cannot encroach on or interfere with sidewalks, multi-modal lanes, driveways, drive aisles, loading areas, or parking lots.
- e. Where deemed necessary by the Director for traffic movement and safety, stacking spaces must be separated from other internal driveways by raised medians or other fixed barriers.
- f. An “escape lane” or aisle, measuring 10 feet in width, must be provided adjacent to the stacking lane where deemed appropriate by the Director.

D. Measurement**1. Stacking Space Length**

Stacking space length is measured parallel to the drive-thru lane from one end to the opposite end of the queuing space.

2. Stacking Space Width

Stacking space width is measured perpendicularly to the queuing space length from one end to the opposite end of the queuing space.



E. Relief

1. A change of up to 10% from the vehicle use area standards may be granted in accordance with **Sec. XX. Administrative Modification.**
2. **A reduction of 1 loading space and a change of up to 30% may be granted in accordance with Sec. XX. Administrative Variation.**
3. A change beyond 30% may be granted in accordance with Sec. XX. Variance.

Sec. 8.3.7. Bicycle Parking

A. Intent

To promote bicycling as an alternative to automobile transportation and help ensure safe, secure, accessible, and convenient storage of bicycles for all users.

B. Applicability

- 1. Bicycle parking standards apply based on the requirements of the applicable zoning district and the proposed project activity.
- 2. Bicycle parking standards apply to all lots and the allowed uses in Ch. XX. Use Districts.
- 3. Buildings with up to 4 dwelling units are not required to provide short or long-term bicycle parking.
- 4. Dwelling units with individually accessed private garages are not required to provide long-term bicycle parking.

C. Standards

1. Required Bicycle Parking

Bicycle parking must be provided in accordance with the following table:

Uses	Spaces Required (min)	
	Short-Term Spaces	Long-Term Spaces
Residential		
All residential uses	1 per 5 dwelling units, 2 min	1 per 10 dwelling units, 2 min
Nonresidential		
Office uses	1 per 8,000 SF, 2 min	1 per 8,000 SF, 2 min
All other uses	1 per 4,000 SF, 2 min	None

2. Bicycle Facilities

a. General

- i. Bicycle parking must be directly accessible from a street lot line without the use of an elevator or stairs.
- ii. Bicycle parking must consist of bicycle racks that support the bicycle frame at two points.
- iii. Racks must allow for the bicycle frame and at least one wheel to be locked to the rack.
- iv. If bicycles can be locked to each side of the rack, each side can be counted as a required space.
- v. Spacing of bicycle racks must provide clear and maneuverable access.

- vi. Bicycle parking spaces must be located on paved or pervious, dust-free surface with a slope no greater than 3 %. Racks must be securely anchored to a permanent surface.
- vii. Bicycle parking must be provided in a well-lit area.
- viii. When bicycle parking is located adjacent to the pedestrian zone, the bicycle parking space cannot obstruct or encroach into the minimum required pedestrian zone.

b. Short-Term Bicycle Parking

- i. Short-term bicycle parking must be publicly accessible and located inside or in an area within 100 feet from the building it serves.
- ii. Short-term bicycle parking may be located within the public right-of-way subject to approval of an encroachment permit for use of the public right-of-way.
- iii. Business operators or property owners who choose to install bicycle parking within the public right-of-way are responsible for maintaining the racks.
- iv. Any site located within 500 feet of a publicly-funded bicycle corral may count up to 2 bicycle parking spaces within the bicycle corral toward their required short-term bicycle parking.

c. Long-Term Bicycle Parking

- i. Long-term bicycle parking offers a secure and weather protected place to park bicycles for employees, residents, commuters, and other visitors who generally stay at a site for several hours.
- ii. Long-term bicycle parking is required to be covered and must include use of one of the following:
 - a) A locked room;
 - b) A bicycle locker;
 - c) An area enclosed by a fence with a locked gate;
 - d) An area within view of an attendant or security guard or monitored by a security camera; or
 - e) An area visible from employee work areas.
- iii. Long-term bicycle parking must provide electrical outlets to serve at least 10% of the required number of spaces.
- iv. The bicycle parking area must be located inside or in an area within 200 feet of the building it serves.

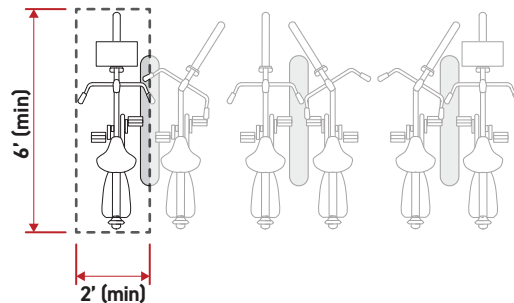
d. Showering Facilities

- i. Buildings containing 50,000 square feet of office uses must provide showering facilities and lockers at a ratio of 2 showering facilities for every 50,000 square feet of gross floor area.

- ii. The showering facilities must be available to office tenants and employees.

D. Measurement

1. When the application of these regulations results in a fraction, fractions of 1/2 or more are counted as 1 space.
2. Distance is measured in walking distance from the nearest point of the bicycle rack to the primary entrance of the use served.
3. Bicycle parking spaces must be a minimum of 2 feet wide and 6 feet long.



E. Relief

1. A change of up to 10% from the bicycle parking standards may be granted in accordance with **Sec. XX. Administrative Modification**.
2. A change of up to 30% may be granted in accordance with **Sec. XX. Administrative Variation**.
3. A change beyond 30% may be granted in accordance with **Sec. XX. Variance**.

DIVISION 8.4. **TRANSITIONS AND LANDSCAPING**

Sec. 8.4.1. **Transitions**

A. Intent

To improve the compatibility of new development with its surrounding context by managing the scale of development between adjacent lots with different zoning districts.

B. Applicability

1. Transition standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Transition standards apply to any portion of a lot within 150 feet of a protected district.
3. Transition standards apply along common lot lines where abutting lots have different zoning district designations.
4. Transition standards apply along lot lines that are within 150 feet of a lot with a different zoning district designation.
5. Transition standards do not apply within a lot where a lot has a split zoning designation, where various areas of the same lot have different zoning district designations.

C. Standards

1. General

- a. Where a lot shares a common lot line with a protected district, the contiguous transition standards apply.
- b. Where a lot line is within 150 feet of a protected district but does not share a common lot line, the noncontiguous transition standards apply.
- c. A district is considered protected anywhere a transition is required according to this Section.
- d. Transition standards consist of requirements for yards and building heights near protected districts. Standards for yards include transition screening and building setbacks. Standards for building height include either transitional height planes (THP) or setbacks to push the mass of the building away from protected districts.
- e. Where more than one transition type is listed in the table, the applicant may choose which transition type to provide.
- f. Where a use standard in **Sec. XX. Use Standards** requires screening that conflicts with transition screening requirements, the more intensive requirement must be met.
- g. Transitions are required as specified in the following table:

#029

Posted by **jessicahilltroutman** on **08/14/2025** at **8:46am** [Comment ID: 1425] - [Link](#)

Agree: 0, Disagree: 0

Replace "different" with "protected."

#030

Posted by **jessicahilltroutman** on **08/14/2025** at **8:45am** [Comment ID: 1424] - [Link](#)

Agree: 0, Disagree: 0

Replace different with "protected" otherwise the transition requirements apply more broadly (i.e., where UG25 abuts UG15).

Reply by **SiteAdmin** on **08/14/2025** at **4:09pm** [Comment ID: 1458] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thanks for the suggestion.

District of Subject Lot	Protected District		
	House-Scale (H-031)	Neighborhood-Scale (N-)	All Other Districts
House-Scale (H-)			
All districts	--	--	--
Neighborhood-Scale (N-)			
All districts	--	--	--
Urban General (UG-)			
UG-3, UG-5	Type A	Type A or Type B	--
UG-8	Type A	Type A or Type C	--
UG-15, UG-25	Type A	Type A or Type D	--
Urban Core (UC-)			
All districts	Type A	Type A or Type D	--
Workplace Flex (WX-)			
WX-5	Type A	Type A or Type B	--
WX-15	Type A	Type A or Type D	--
Workplace (W-)			
All districts	Type A	Type A or Type D	Type A or Type D
Special			
All districts	Type A	Type A or Type B	--

#031

Posted by **Jennifer Frieze** on **08/29/2025** at **9:51am** [Comment ID: 1547] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

Neighborhood Scale 1 should be included here with the House Scale lots because N1 is still SINGLE FAMILY homes. Type A should always be implemented when a denser district is contiguous or noncontiguous to an N1 District

Reply by **SiteAdmin** on **08/29/2025** at **12:03pm** [Comment ID: 1550] - [Link](#)

Answer

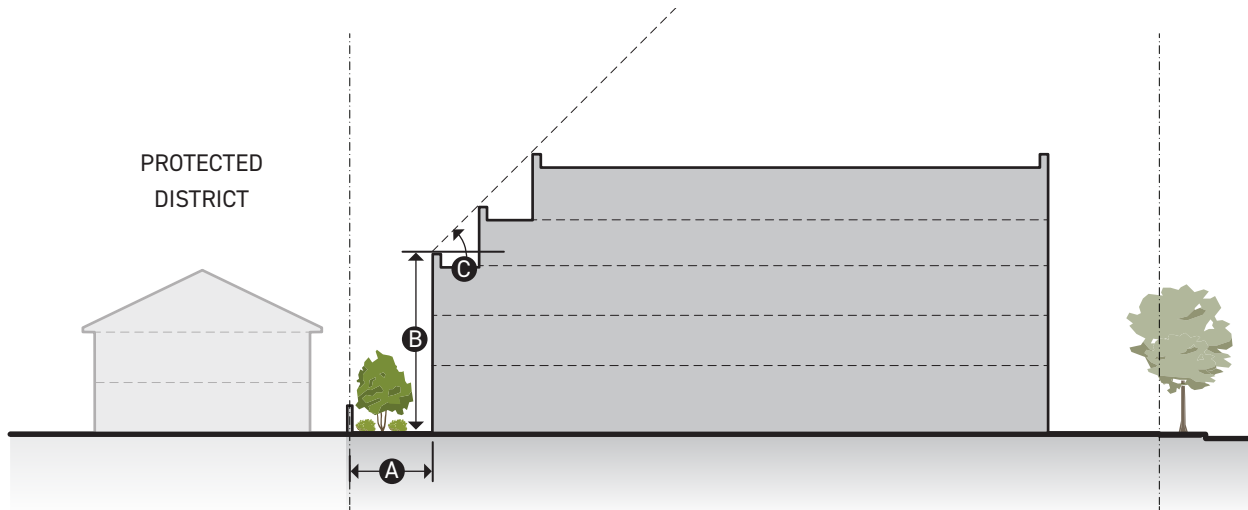
Agree: 0, Disagree: 0

Thank you for your comment.

2. Transition Types

TRANSITION TYPE A

CONTIGUOUS

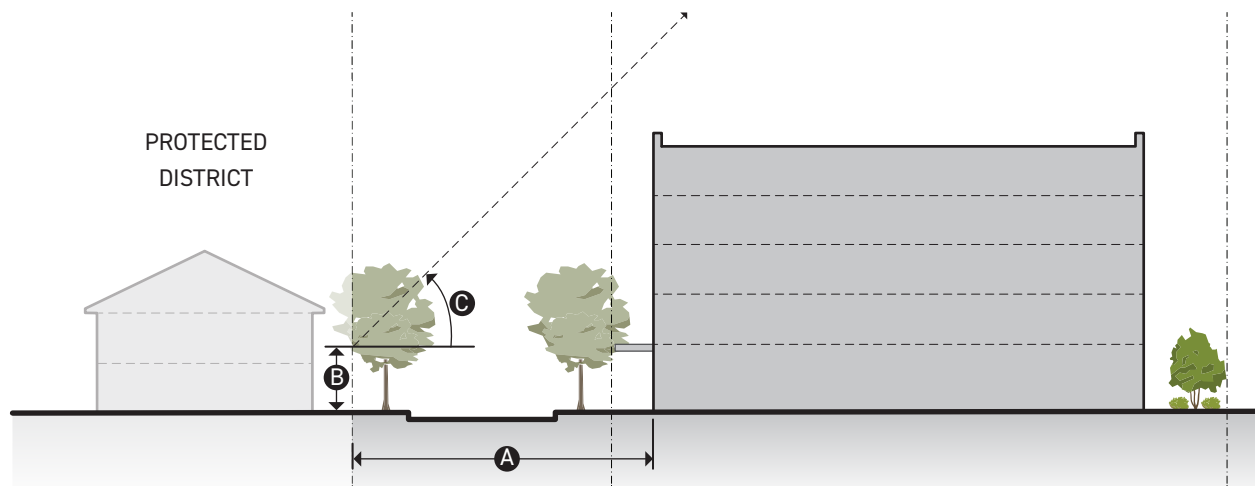


TRANSITION YARD	
Transition screening	Medium
(A) Building setback (min)	20'

TRANSITION HEIGHT	
(B) THP height (min)	35'
(C) THP angle	45°

TRANSITION TYPE A

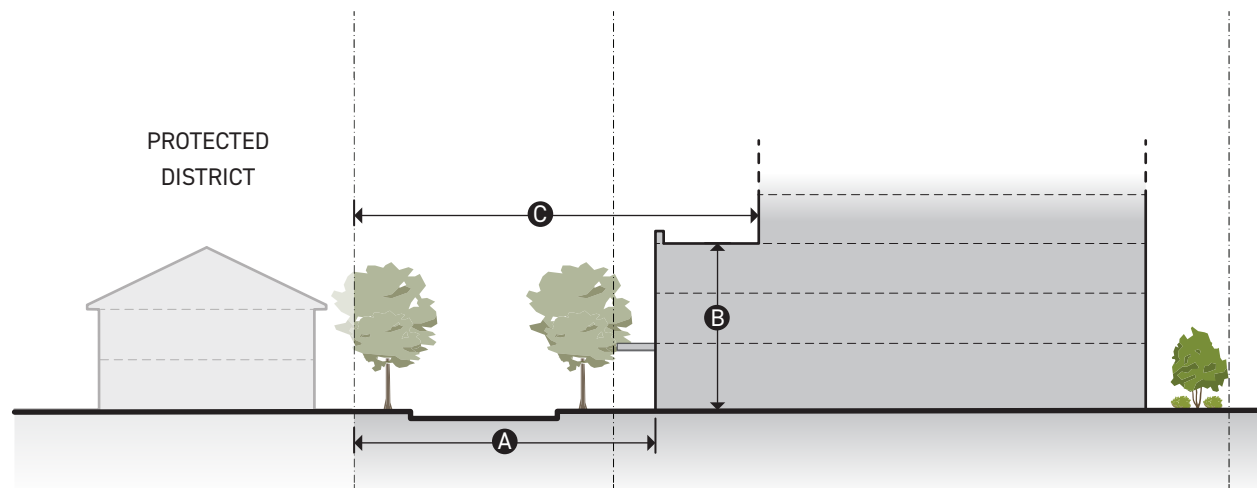
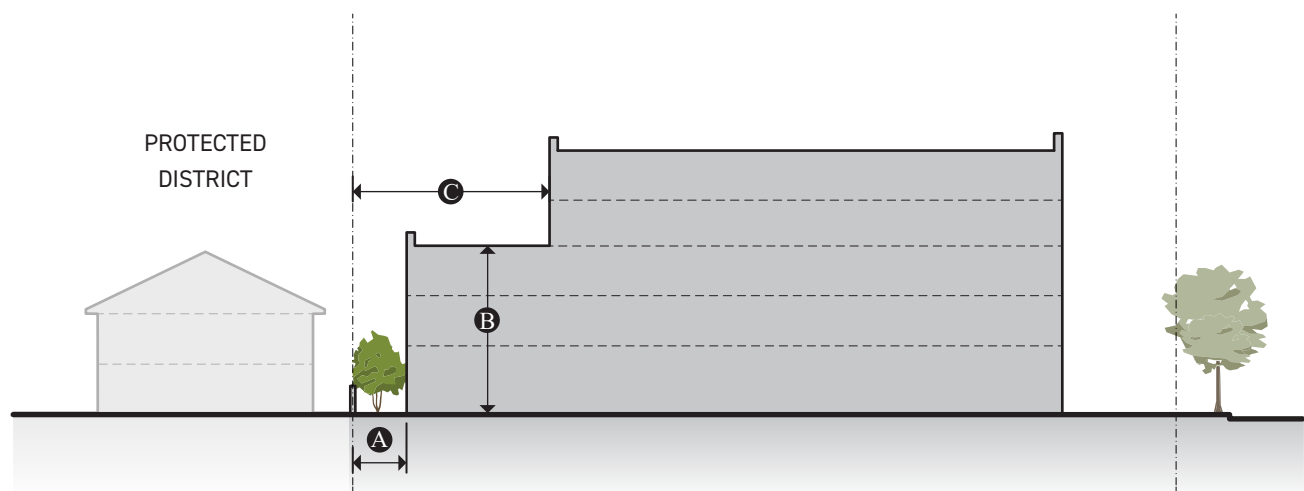
NONCONTIGUOUS



TRANSITION YARD	
Transition screening	None
(A) Building setback (min)	20'

TRANSITION HEIGHT	
(B) THP height (min)	15'
(C) THP angle	45°

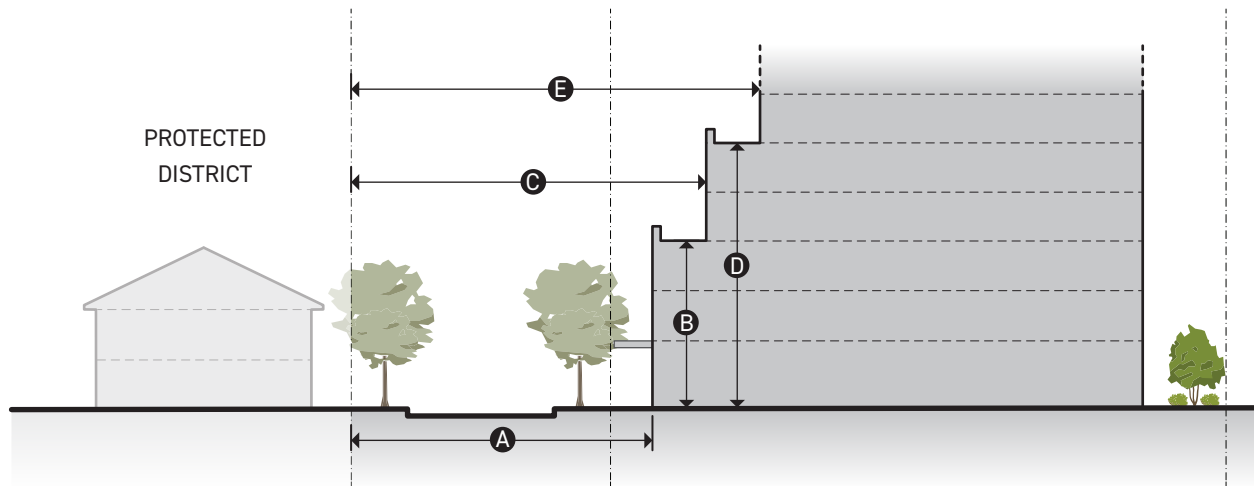
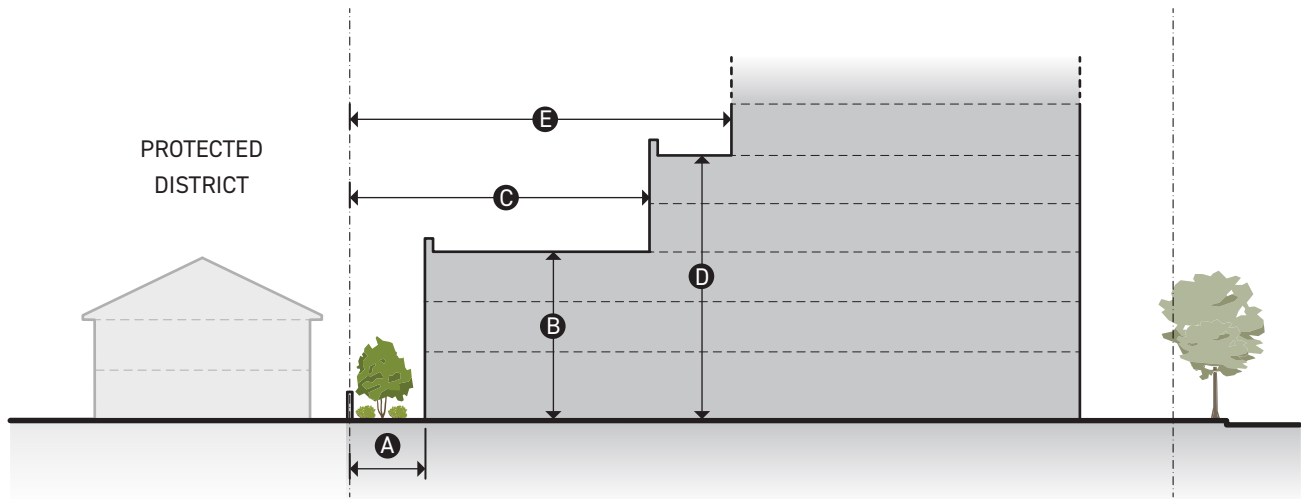
TRANSITION TYPE B



TRANSITION YARD	
Transition screening	Low
A Building setback (min)	
Contiguous	10'
Noncontiguous	20'

TRANSITION HEIGHT	
B Height before stepback (max stories/feet)	3 / 40'
C Stepback depth (min)	40'

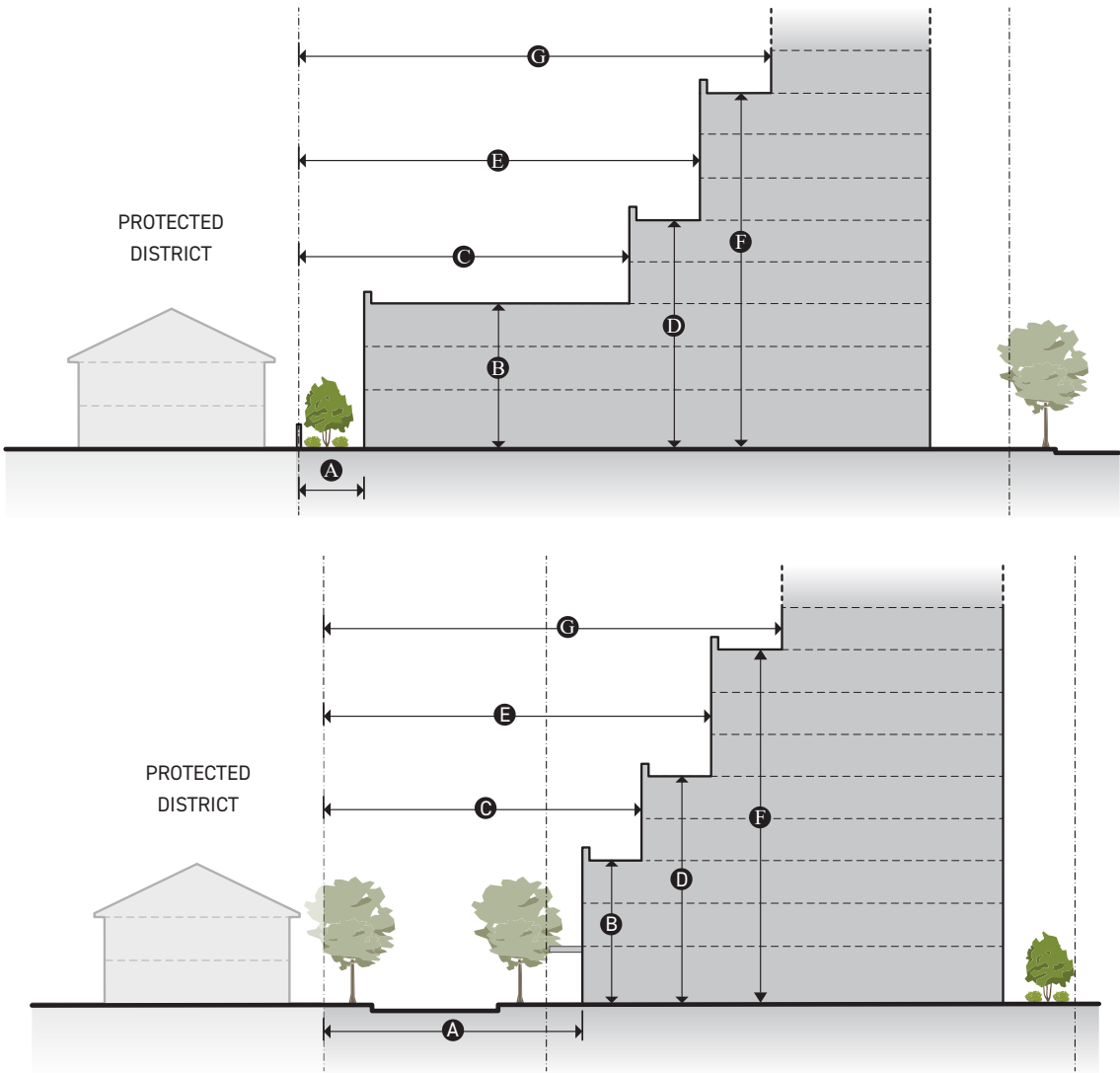
TRANSITION TYPE C



TRANSITION YARD	
Transition screening	Medium
A Building setback (min)	
Contiguous	20'
Noncontiguous	20'

TRANSITION HEIGHT	
B Height before first stepback (max stories/feet)	3 / 40'
C Stepback depth (min)	60'
D Height before second stepback (max stories/feet)	5 / 70'
E Stepback depth (min)	80'

TRANSITION TYPE D



TRANSITION YARD	
Transition screening	High
A Building setback (min)	
Contiguous	20'
Noncontiguous	20'

TRANSITION HEIGHT	
B Height before first stepback (max stories/feet)	3 / 40'
C Stepback depth (min)	80'
D Height before second stepback (max stories/feet)	5 / 70'
E Stepback depth (min)	100'
F Height before third stepback (max stories/feet)	8 / 115'
G Stepback depth (min)	120'

3. Transition Screening

The transition screening standards are determined by the requirements of [Sec. XX. Transition Screens](#). Each category of transition screening (low, medium, and high) includes multiple options for meeting the requirement. The option of which transition screen to use within the required category is at the discretion of the applicant.

4. Matching Setback and Height Allowance

Instead of meeting the building setback, stepback, or transitional height plane requirements of the transition type, projects may choose to meet the height and building setbacks standards of the protected district within 100 feet of the protected district lot line. Transition screening requirements still apply.

D. Measurement

1. Transitional Height Plane (THP)

- a. For contiguous transitions, the transitional height plan (THP) is measured from average existing grade along the minimum building setback line.
- b. For noncontiguous transitions, the transitional height plan (THP) is measured from average existing grade along the lot line of the protected district.
- c. The THP starts at the height specified by the transition type and continues at an angle into the higher-intensity district.

2. Building Setback

- a. The building setback is measured perpendicular to the protected district lot line. See [Div. XX. Building Setbacks](#) for measuring building setbacks.
- b. For projects abutting a [legacy alley](#), the building setback is measured from the [legacy alley](#) centerline instead of the rear or side lot line.

3. Height Before Stepback

Height before stepback is measured as the maximum building height in stories and feet from average existing grade for any portion of a building near a protected district before an additional stepback is required. See [Sec. XX. Average Grade](#) for measuring average grade and [Sec. XX. Building Height](#) for measuring building height in stories and feet.

4. Stepback Depth

- a. The step-back depth is measured perpendicularly as a horizontal distance from the protected district lot line to the exterior of the building before an additional stepback is required.
- b. For projects abutting an alley, the stepback depth is measured from the alley centerline instead of the rear or side lot line.

E. Relief

1. A change of up to 10% [excluding building height](#), from the transition standards may be granted in accordance with [Sec. XX. Administrative Modification](#).
2. [Any change to building height and beyond 10% may be granted in accordance with Sec. XX. Variance.](#)

Sec. 8.4.2. Transition Screens

A. Intent

To mitigate impacts from uses, activities, or site elements with significant impact on abutting lots.

B. Applicability

1. Transition screens standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Transition screens standards apply to common lot lines as specified by **Sec. XX. Transitions** and **Div. XX. Use Standards**.

C. Standards

1. General

- a. Required transition screens, including sub-grade elements such as footings or foundations, must be located entirely on-site.
- b. Breaks in required transition screens for pedestrian, bicycle, and vehicular access are allowed, provided the break in the screen is the minimum practical width. Driveways or walkaways must cross at or near a perpendicular angle.
- c. No buildings or structures, except for fences and walls, are allowed in the screening area.
- d. No vehicle use areas are allowed in the screening area, including fire lanes.
- e. To allow for maintenance access, required plantings must be located on the inside of the fence and wall.
- f. All fences and walls must meet the fence and wall design and installation standards, see **Sec. XX. Fences and Walls**.
- g. All required trees and shrubs must meet **Sec. XX. Plants and Plant Material**.

#032

Posted by **Forrest** on **07/18/2025** at **1:33pm** [Comment ID: 1295] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

This is transitional yards? If so, suggest allowing pedestrian walkways and trails.

Reply by **SiteAdmin** on **07/20/2025** at **9:09am** [Comment ID: 1299] - [Link](#)

Answer

Agree: 0, Disagree: 0

Yes, this replaces it. Walkways and trails may traverse a yard perpendicular to it (see C.1.b before) but the transition is primarily a visual screen. Thank you for your feedback.

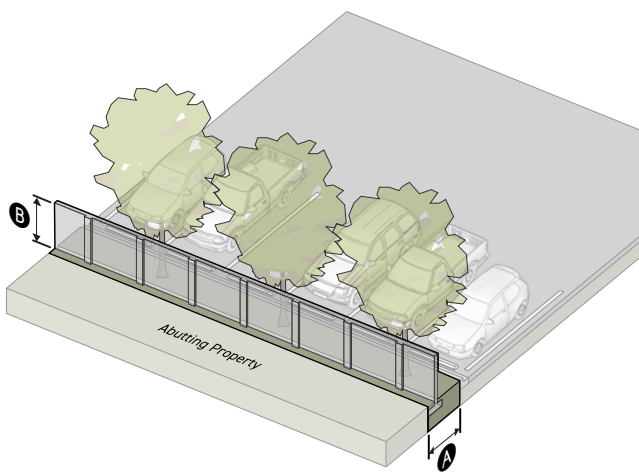
2. Transition Screen Types

a. Low Transition Screens

A required “low” transition screen must meet the standards of one of the following options:

TRANSITION SCREEN - LOW 1

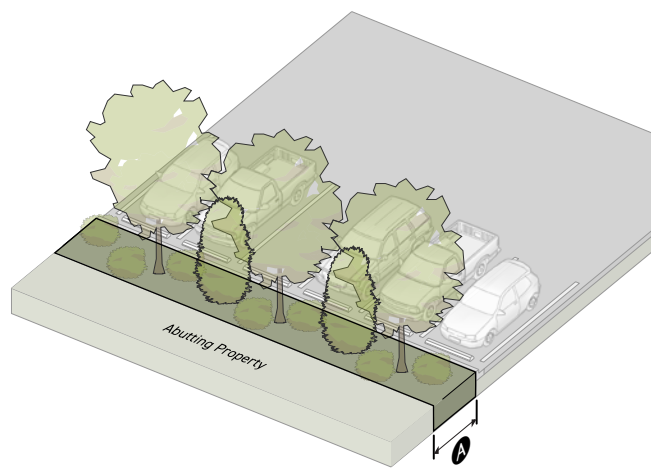
Narrow landscape screening with a wall or fence intended for screening low impact transitions and uses.



SCREENING AREA	
A Screening area depth (min)	6'
Canopy trees (min per 50')	2
FENCES AND WALLS	
B Height (min)	6'
Opacity (min)	90%
Setback from lot line (min)	0'

TRANSITION SCREEN - LOW 2

Moderate depth landscape buffer with no wall or fence intended for screening low impact transitions and uses.



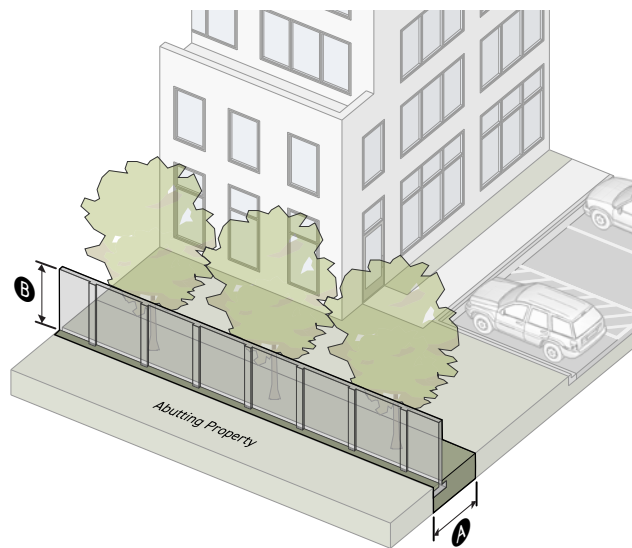
SCREENING AREA	
A Screening area depth (min)	12'
Canopy trees (min per 50')	2
Understory trees (min per 50')	2
Shrubs (min per 50')	8
FENCES AND WALLS	
Not required	

b. Medium Transition Screens

A required “medium” transition screen must meet the standards of one of the following options:

TRANSITION SCREEN - MEDIUM 1

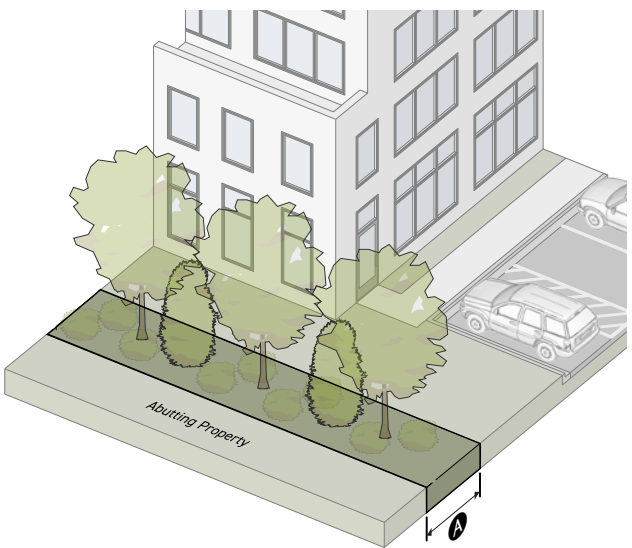
Moderate depth landscape screening with a wall or fence intended for screening medium impact transitions and uses.



SCREENING AREA	
A Screening area depth (min)	10'
Canopy trees (min per 50')	2
FENCES AND WALLS	
B Height (min)	8'
Opacity (min)	100%
Setback from lot line (min)	0'

TRANSITION SCREEN - MEDIUM 2

Deeper landscape buffer with no wall or fence intended for screening medium impact transitions and uses.



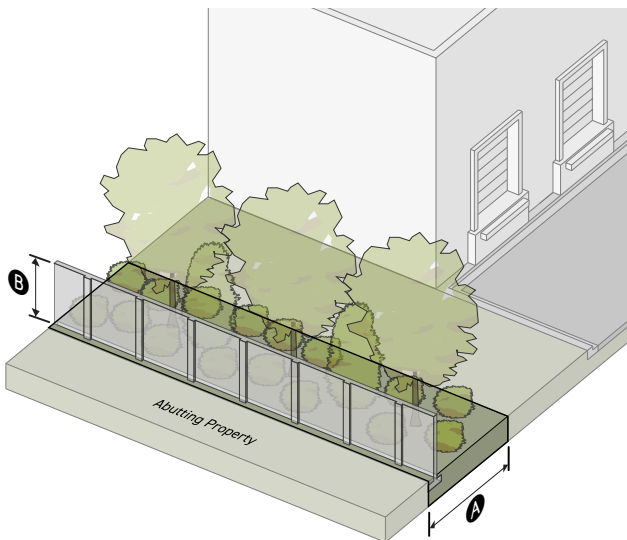
SCREENING AREA	
A Screening area depth (min)	20'
Canopy trees (min per 50')	2
Understory trees (min per 50')	2
Shrubs (min per 50')	16
FENCES AND WALLS	
Not required	

c. High Transition Screens

A required "high" transition screen must meet the standards of one of the following options:

TRANSITION SCREEN - HIGH 1

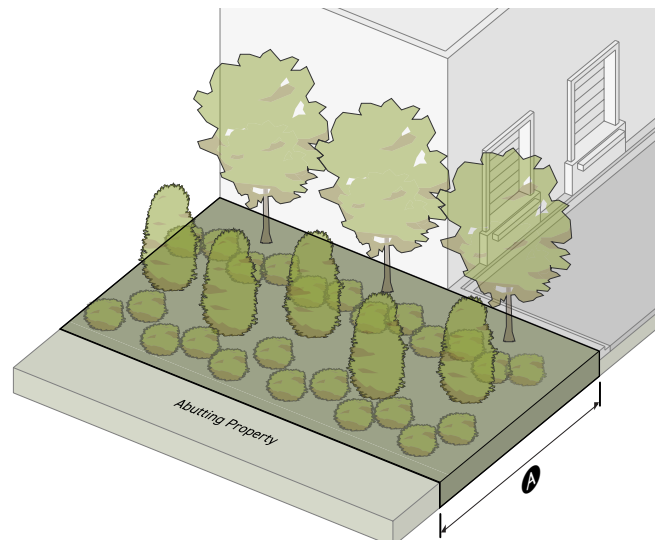
Deeper landscape screening with a wall or fence intended for screening high impact transitions and uses.



SCREENING AREA	
A Screening area depth (min)	15'
Canopy trees (min per 50')	2
Understory trees (min per 50')	2
Shrubs (min per 50')	16
FENCES AND WALLS	
B Height (min)	<u>8'</u>
Opacity (min)	100%
Setback from lot line (min)	0'

TRANSITION SCREEN - HIGH 2

Deep landscape buffer with no wall or fence intended for screening high impact transitions and uses.



SCREENING AREA	
A Screening area depth (min)	30'
Canopy trees (min per 50')	3
Understory trees (min per 50')	5
<u>Shrubs</u> (min per 50')	24
FENCES AND WALLS	
Not required	

D. Measurement

1. Screening Area Depth

Screening area depth is measured perpendicular to the lot line at the narrowest horizontal dimension from one side of the screening area to the opposite side.

2. Planting Frequency

Planting frequency is measured as the total number of trees, shrubs, or plants within any 50-foot segment of screen area.

3. Fence or Wall Height

For measurement of fence or wall height and opacity, see **Sec. XX. Fences and Walls**.

E. Relief

1. A change of up to 10% from the transition screen standards may be granted in accordance with **Sec. XX. Administrative Modification**
2. A change beyond 10% may be granted in accordance with Sec. XX. Variance.
3. All changes to plant and landscaping material standards must be reviewed by the City Arborist.

Sec. 8.4.3. Frontage Screens

A. Intent

To screen the negative impacts of uses on the public realm, promoting visual interest and increasing comfort for uses of the adjacent streetscape.

B. Applicability

1. Frontage screen standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Frontage screen standards apply along street lot lines adjacent to vehicle use, storage, and utility areas.

C. Standards

1. General

- a. Frontage screens are required as specified in the following table:

Frontage Screen Type	
Outdoor Storage	
All outdoor storage areas	High
Vehicle Use Areas	
Parking lots or structures	Low
Drive-thrus	Low
Vehicle storage	Medium
Loading docks or service areas	High
Other vehicle use areas	Low
Utility Areas	
All utility areas	Medium

- b. Public utility facilities are exempt from frontage screen requirements where such screening may hinder safe access, operation, or maintenance. Alternative visual mitigation measures may be used where feasible.
- c. Required screens, including their sub-grade elements, such as footings or foundations, must be located entirely on-site.
- d. Breaks for pedestrian, bicycle, and vehicular access are allowed, provided the break in the screen is the minimum practical width. Driveways or walkaways must cross at or near a perpendicular angle.
- e. No buildings or structures, except for walls and fences, are allowed in the screening area.
- f. No vehicle use areas are allowed in the screening area, including fire lanes.
- g. All fences and walls must meet the fence and wall design and installation standards, see **Sec. XX. Fences and Walls.**
- h. All required trees and shrubs must meet **Sec. XX. Plants and Plant Material.**

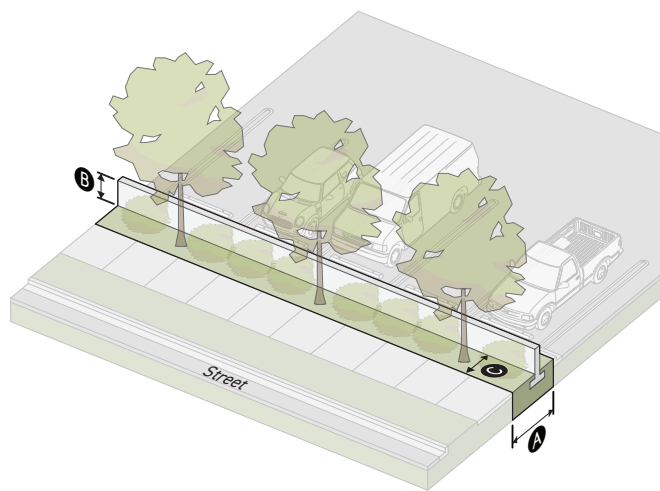
2. Frontage Screen Types

a. Low Frontage Screens

A required “low” frontage screen must meet the standards of one of the following options:

FRONTAGE SCREEN - LOW 1

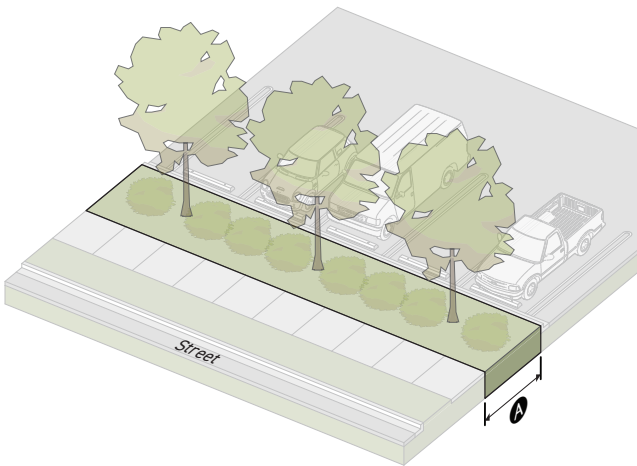
Narrow landscape screening with a wall or fence intended for screening low impact vehicle use areas.



SCREENING AREA	
A Screening area depth (min)	6'
Canopy trees (min per 50')	2
Shrubs (min per 50')	8
FENCES AND WALLS	
B Height (min)	3'
Opacity (min)	50%
C Setback from lot line (min)	6'

FRONTAGE SCREEN - LOW 2

Moderate depth landscape buffer with no wall or fence intended for screening low impact vehicle use areas.



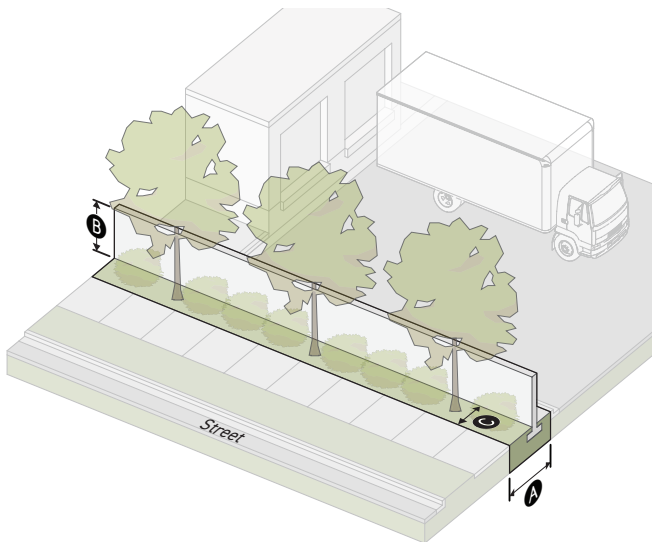
SCREENING AREA	
A Screening area depth (min)	6'
Canopy trees (min per 50')	2
Shrubs (min per 50')	12
FENCES AND WALLS	
Not required	

b. Medium Frontage Screens

A required “medium” frontage screen must meet the standards of one of the following options:

FRONTAGE SCREEN - MEDIUM 1

Moderate depth landscape screening with a wall or fence intended for screening moderate impact vehicle use and utility areas.



SCREENING AREA

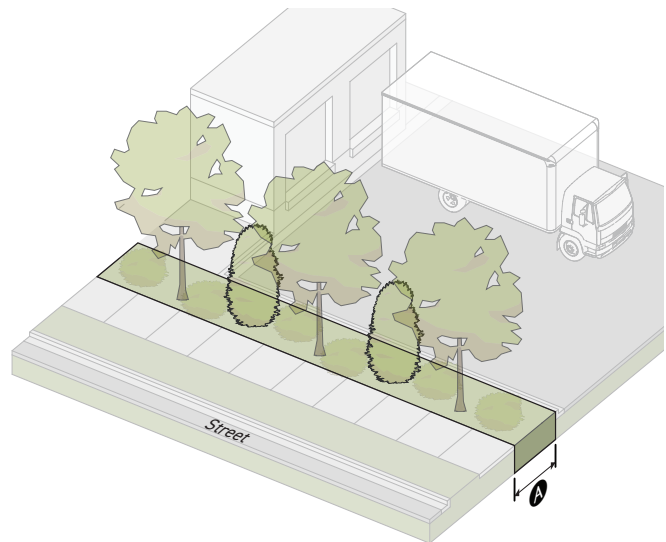
A Screening area depth (min)	8'
Canopy trees (min per 50')	2
Shrubs (min per 50')	10

FENCES AND WALLS

B Height (min)	6'
Opacity (min)	100%
C Setback from lot line (min)	6'

FRONTAGE SCREEN - MEDIUM 2

Deeper landscape buffer with no wall or fence intended for screening moderate impact vehicle use and utility areas.



SCREENING AREA

A Screening area depth (min)	16'
Canopy trees (min per 50')	2
Understory trees (min per 50')	2
<u>Shrubs</u> (min per 50')	16

FENCES AND WALLS

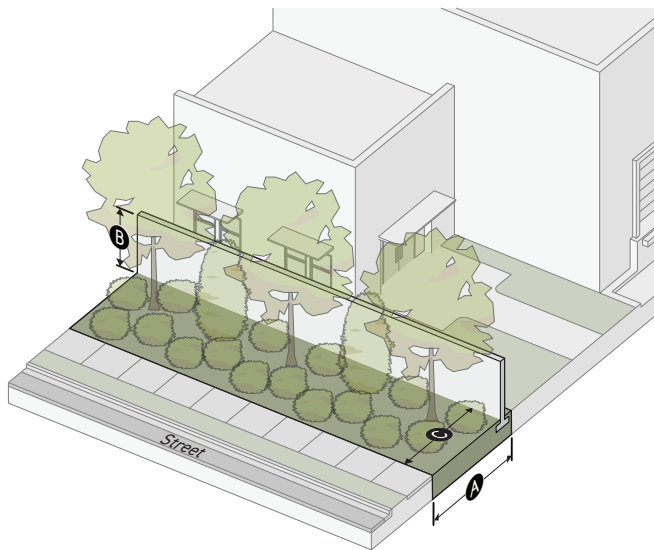
Not required

c. High Frontage Screens

A required “high” frontage screen must meet the standards of one of the following options:

FRONTAGE SCREEN - HIGH 1

Deeper landscape screening with a wall or fence intended for screening high impact vehicle use and outdoor storage areas.



SCREENING AREA

A Screening area depth (min)	15'
Canopy trees (min per 50')	2
Shrubs (min per 50')	16

FENCES AND WALLS

B Height (min)	6'
Opacity (min)	100%
C Setback from lot line (min)	6'

FRONTAGE SCREEN - HIGH 2

Deep landscape buffer with no wall or fence intended for screening high impact vehicle use and outdoor storage areas.



SCREENING AREA

A Screening area depth (min)	30'
Canopy trees (min per 50')	3
Understory trees (min per 50')	5
Shrubs (min per 50')	24

FENCES AND WALLS

Not required

D. Measurement

1. Screening Area Depth

Screening area depth is measured perpendicular to the lot line at the narrowest horizontal dimension from one side of the screening area to the opposite side.

2. Planting Frequency

Planting frequency is measured as the total number of trees, shrubs, or plants within any 50-foot segment of screen area.

3. Fence or Wall Height

For measurement of fence or wall height and opacity, see **Sec. XX. Fences and Walls**.

E. Relief

1. A change of up to 10% from the frontage screen standards may be granted in accordance with **Sec. XX. Administrative Modification**.
2. A change of up to 30% may be granted in accordance with **Sec. XX. Administrative Variation**.
3. A change beyond 30% may be granted in accordance with Sec. XX. Variance.

Sec. 8.4.4. Site Element Screens

A. Intent

To minimize the visibility and impact of certain site elements, such as mechanical, electrical, or utility equipment and waste receptacles, on surrounding properties and the public realm.

B. Applicability

1. Site element screen standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Site element screen requirements apply to all outdoor waste receptacles and all outdoor mechanical or electrical equipment located on the roof of a building, attached to the wall of a building, or on the ground.
3. Site element screen requirements do not apply to the following:
 - a. Electric vehicle chargers;
 - b. Solar panels;
 - c. Phone or cable boxes;
 - d. Electrical meters; and
 - e. Gas meters, where there are 3 or fewer meters in a row.

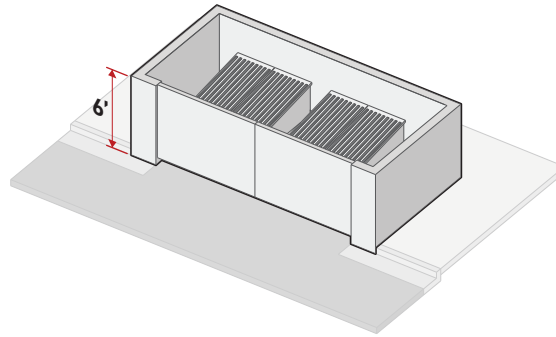
C. Standards

1. General

- a. All site element screens must meet the fence and wall design and installation standards, see **Sec. XX. Fences and Walls.**
- b. Upon parcel redevelopment, utilities must be located underground or at the rear of structures wherever practicable, in order to minimize visual impacts and enhance site aesthetics.

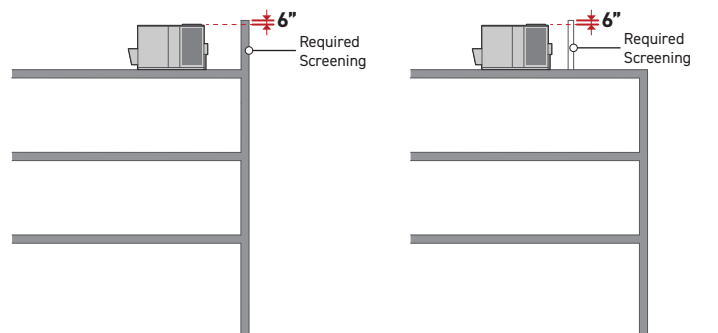
2. Waste Receptacle Screening

- a. Waste receptacles, including in-ground waste receptacles, cannot be located between a street lot line and the building. Waste receptacles must be located in the side or rear yard and meet the encroachment requirements of **Div. XX. Building Setbacks.**
- b. Outdoor waste receptacles with any above ground element must be screened on 3 sides by a fence or wall with a minimum height of 6 feet.
- c. Access gates must be provided on the fourth side and must also be a minimum height of 6 feet.
- d. The fence or wall and access gate must be at least 90% opaque.



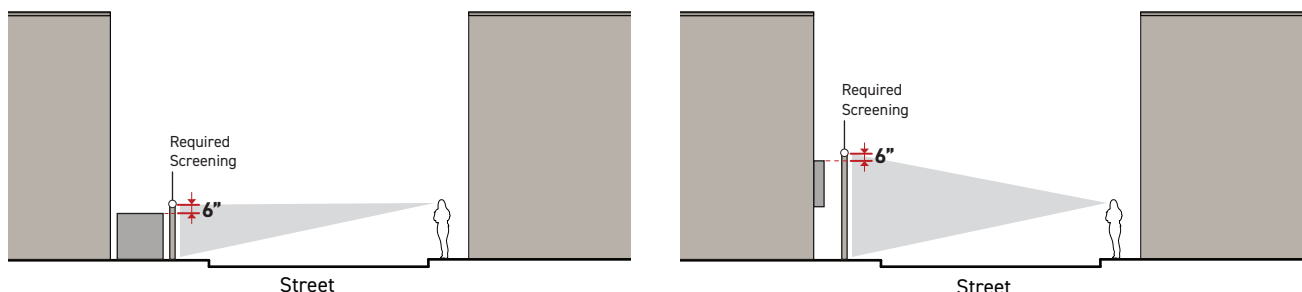
3. Roof-Mounted Equipment Screening

- a. Equipment visible from a street lot line must be screened on the roof edge side by a parapet wall or other type of screen that is at least 6 inches higher than the topmost point of the screened equipment.
- b. The screening must be at least 75% opaque.



4. Ground and Wall-Mounted Equipment Screening

- a. Equipment cannot be located between a street lot line and the building. Equipment must be located in the side or rear yard and meet the encroachment requirements of **Div. XX. Building Setbacks**.
- b. Equipment visible from a street lot line must be fully screened by an opaque fence or wall that is at least 6 inches higher than the topmost point of the screened equipment.
- c. The screening must be at least 75% opaque.



D. Relief

1. A change of up to 10% from the site element screen standards may be granted in accordance with **Sec. XX. Administrative Modification.**
2. A change beyond 10% may be granted in accordance with Sec. XX. Variance.

Sec. 8.4.5. **Fences and Walls**

A. Intent

To facilitate natural surveillance and visual interest along the public realm while ensuring security and privacy for ground story uses in a manner appropriate to the context.

B. Applicability

1. Fence and wall standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Permitted fence and wall types for each lot are set out in **Ch. XX. Form Districts**.
3. Fence and wall standards apply to required street and lot line setbacks in House-Scale (H-) districts, and to yards in all other Form Districts.
4. Where a transition, frontage, or site element screening requirement requires a taller fence or wall, the screening requirement supersedes the standards in this Section.
5. Where a fence is required to function as a guardrail under the Building Code, the requirements of the Building Code supersedes the standards in this Section.

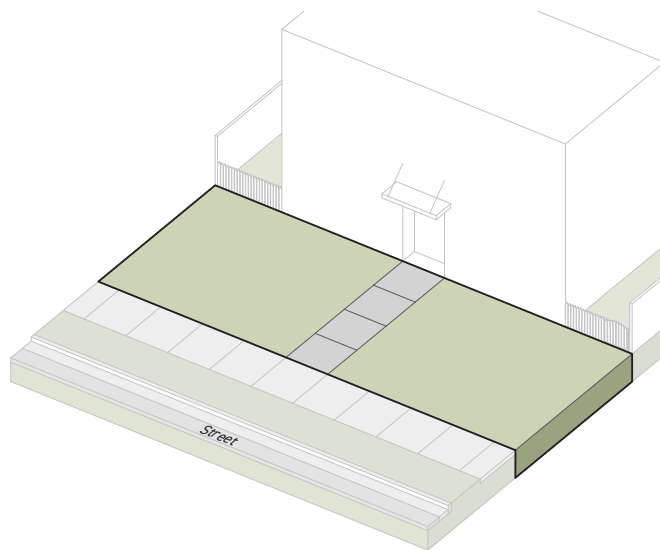
C. Standards

1. Front or Side Street Yard Fence Types

The following fence types are intended for front or side street yards, along street lot lines:

FENCE TYPE A1

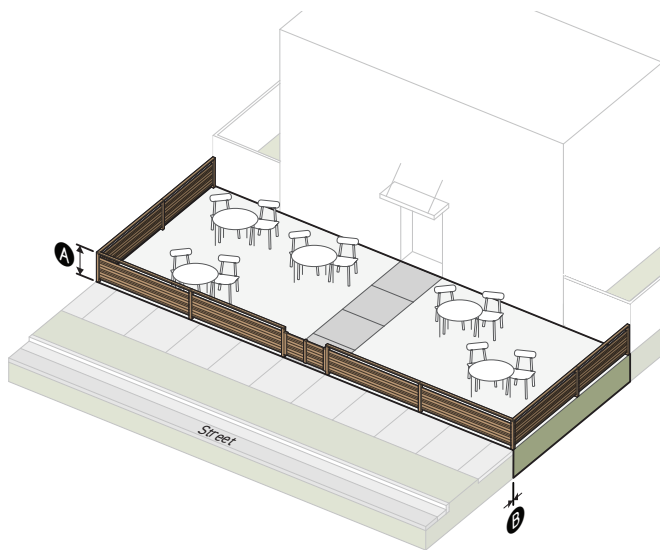
Intended for front and side street yards where buildings engage directly with sidewalks to provide natural surveillance and visual interest, especially where ground floor uses are commercial.



DIMENSIONAL STANDARDS	
Height (max)	Not allowed

FENCE TYPE A2

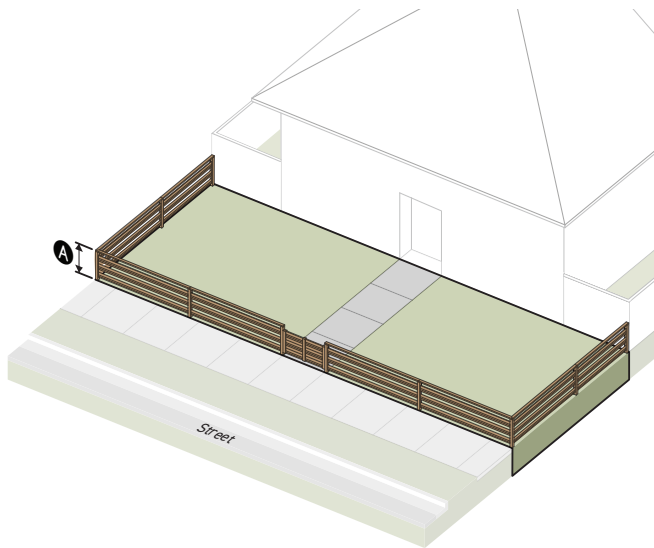
Intended for front and side street yards where buildings engage directly with sidewalks and a fence or wall is required for the on-site consumption of alcohol.



DIMENSIONAL STANDARDS	
A Height (max)	3.5'
B Setback from lot line (min)	0'
Opacity (max)	50%

FENCE TYPE A3

Intended for front and side street yards where the need for natural surveillance and visual interest is balanced with the need for separation between private ground floor uses and sidewalks.

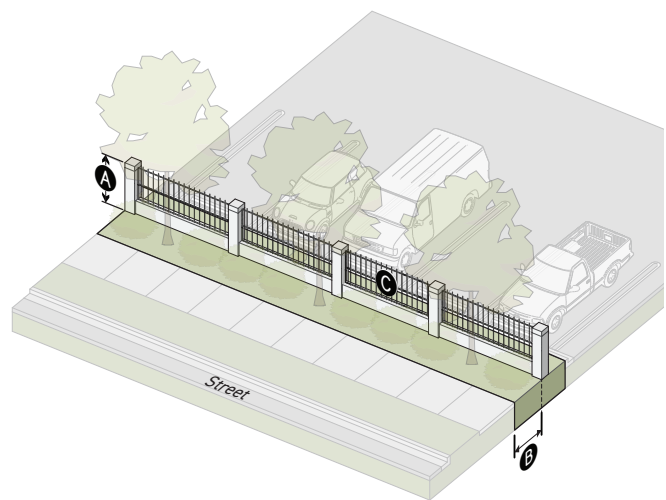


DIMENSIONAL STANDARDS

A Height (max)	3.5'
B Setback from lot line (min)	0'
Opacity (max)	
Up to 2' in height	100%
Above 2' in height	50%

FENCE TYPE A4

Intended for front and side street yards where the need for natural surveillance and visual interest along the public realm is balanced with the need for security between private uses and the public realm.



DIMENSIONAL STANDARDS

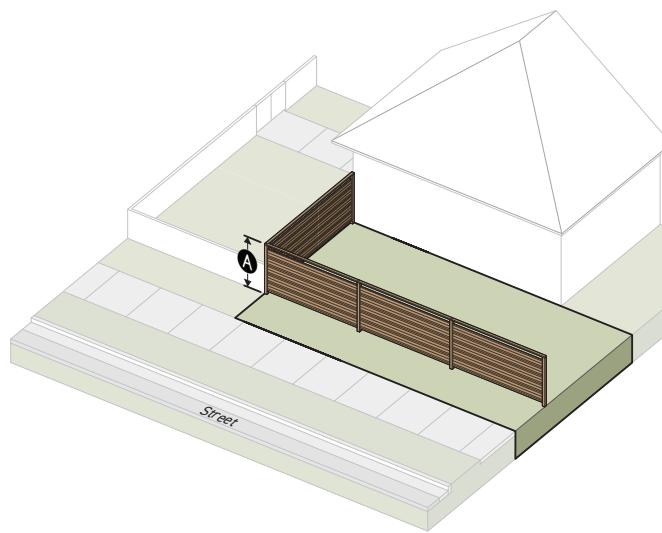
A Height (max)	8'
B Setback from lot line (min)	3'
C Opacity (max)	
Up to 2' in height	100%
Above 2' in height	50%

2. Side Street Yard Fence Types

The following fence types are intended for side street yards, along side street lot lines:

FENCE TYPE B1

Intended for side street yards where natural surveillance and visual interest along the public realm is less critical than the need to mitigate impacts on private ground floor uses.



DIMENSIONAL STANDARDS

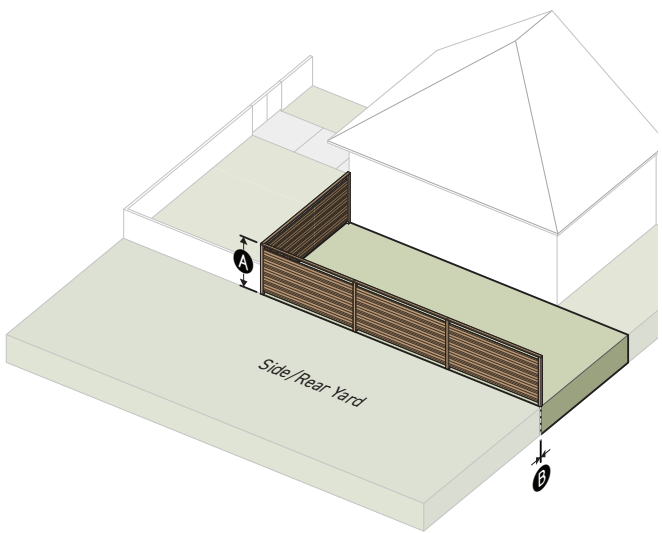
A Height (max)	
Within 3' of lot line	3.5'
More than 3' from lot line	6'

3. Side or Rear Yard Fence Types

The following fence types are intended for side or rear yards, along common lot lines:

FENCE TYPE C1

Intended for ~~residential~~ side and rear yards.



DIMENSIONAL STANDARDS

A Height (max)	8'
B Setback from lot line (min)	0'

4. General

- a. In Urban General (UG-) and Urban Core (UC-) Form Districts, Fence Type A4 is permitted on lots where commercial parking is the principal use and the lot has no principal structure.
- b. In Form Districts where Fence Type A1 is required, Fence Type A2 is also permitted where required for the on-site consumption of alcohol.

5. Material

- a. Fences and walls must be constructed of durable, low maintenance material that has a long life expectancy.
- b. No fence or wall may be constructed of tires, junk, or other discarded materials.
- c. Fences and walls constructed of materials with a finished side must face the finished side toward the adjacent property.
- d. Chain-linked fences are not allowed in front or side street yards except in Workplace (W) and Park (PK) Form Districts. Where permitted, chain-linked fences must be vinyl-coated ~~and are not allowed in a front yard or side street yard.~~
- e. In all zoning districts, chain-link fences are permitted only during active construction and must be removed upon project completion. It is intended solely for temporary security and safety, and may not be used as a permanent enclosure.
- f. Barbed wire or razer wire is not permitted.

6. Location

- a. Fences and walls must be set back from the lot line in accordance with Sec. XX. Frontage Screens and Div. XX. Fences and Walls.
- b. No fence or wall is allowed within any required drainage or utility easement.
- c. All fences and walls, including their sub-grade elements such as footings or foundation, must be located on-site.
- d. No fence or wall can obstruct the visibility of motorists, cyclists, and pedestrians at intersections or driveways.

7. Maintenance

All fences and walls must be maintained in good repair and must be kept vertical, structurally sound, and protected from deterioration.

D. Measurement

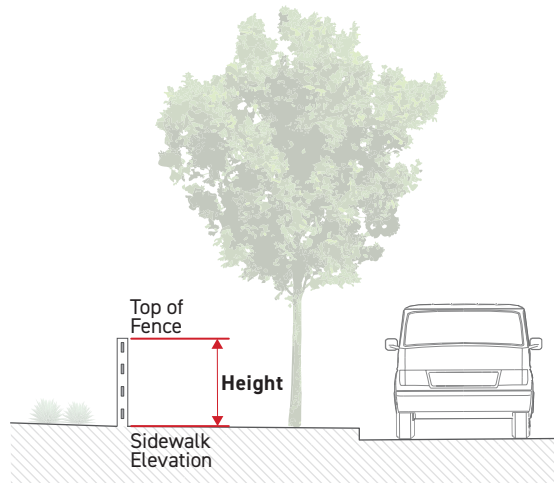
1. General

The allowable height of fences and walls is measured from existing grade.

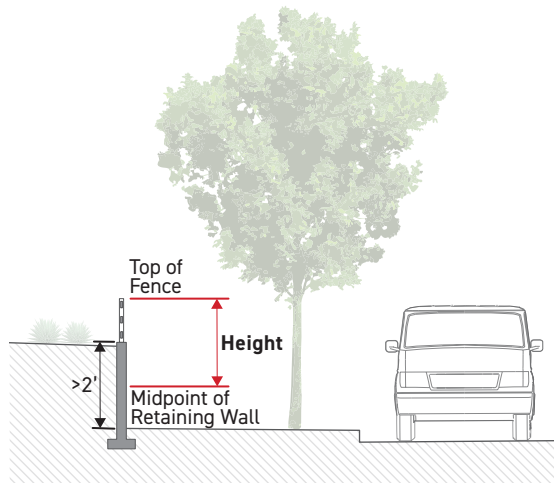
2. Front and Side Street Yards

For fences or walls in a front or side street yard, height is measured as follows:

- a. Fence or wall height is measured from the adjacent sidewalk to the topmost point of the fence or wall.



- b. Where no sidewalk exists within 20 feet of the fence or wall, height is measured from the base of the fence or wall to the topmost point of the fence or wall, on the exterior side of the fence or wall.
- c. Where a fence or wall is located within 3 feet of the exterior face of a retaining wall and the retaining wall is 2 feet in height or greater, the height is measured from the top of the fence or wall to the midpoint of the retaining wall.

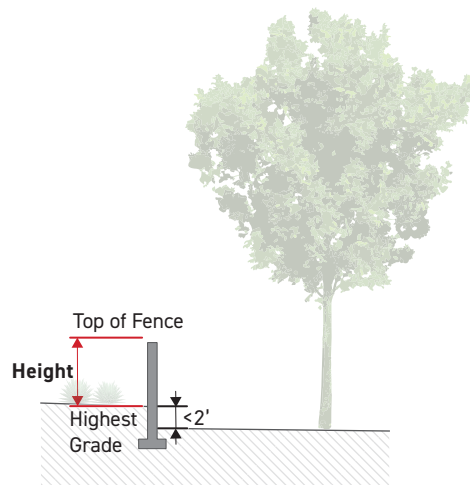


- d. In House-Scale (H-) Form Districts, if no retaining wall is present, fences up to 4 feet in height are permitted within required primary and side street setbacks.

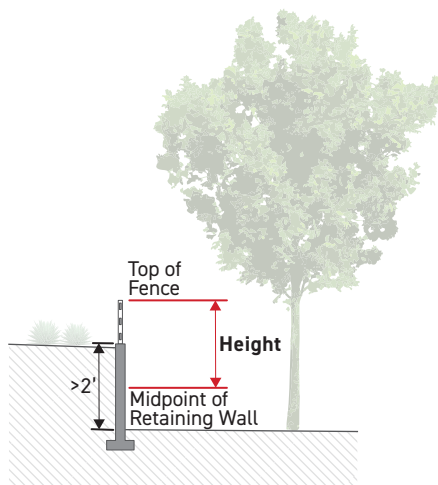
3. Side and Rear Yards

For fences or walls in a side or rear yard, height is measured as follows:

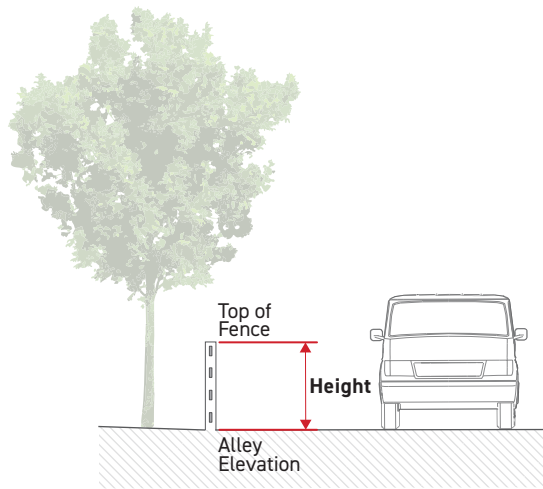
- a. Where the difference in grade on either side of a fence or wall is less than 2 feet, height is measured from the base of the wall on the side with the highest grade.



- b. Where a fence or wall is located within 3 feet of the exterior face of a retaining wall and the retaining wall is 2 feet in height or greater, the height is measured from the top of the fence or wall to the midpoint of the retaining wall.

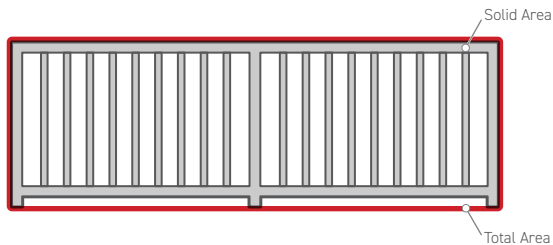


- c. Fences and walls abutting a legacy alley in the rear or side yard are measured from existing grade at the adjacent legacy alley and vertically to the topmost point of the fence or wall.



4. Opacity

- a. Opacity is measured as a percentage, calculated by dividing the solid portion of the fence or wall by the total area of the fence or wall.
- b. The total area of the fence or wall is measured as the smallest regular shape containing all elements of the fence or wall, excluding the top portions of finials or posts.



$$\frac{\text{Solid Area}}{\text{Total Area}} = \text{Opacity (\%)}$$

- c. If the opacity requirement applies to a portion of the fence or wall, the total area to be measured is limited to that specified portion.

E. Relief

1. A change of up to 10% from the fence and wall standards may be granted in accordance with **Sec. XX. Administrative Modification**.
2. A change **of up to 30%** may be granted in accordance with **Sec. XX. Administrative Variation**.
3. Any change to fence height beyond 10% and all other change beyond 30% may be granted in accordance with **Sec. XX. Variance**.

Sec. 8.4.6. Retaining Walls

A. Intent

To prevent retaining walls from looming over neighboring properties and public rights-of-way while improving the aesthetic quality of large retaining walls.

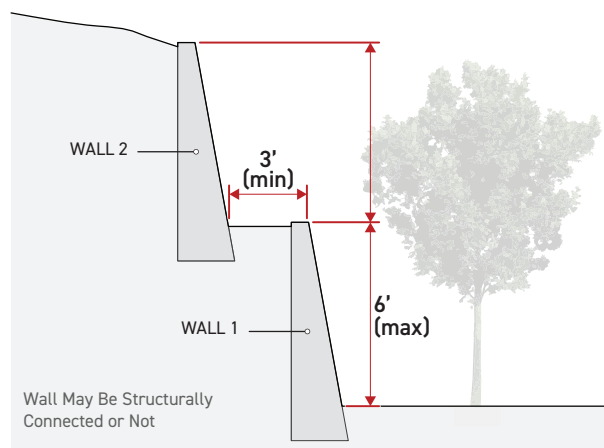
B. Applicability

Retaining wall standards apply based on the requirements of the applicable zoning district and the proposed project activity.

C. Standards

1. General

- a. Retaining walls must not exceed a maximum height of 6 feet. However, two or more retaining walls can be built if they comply with the following standards:
 - i. The minimum horizontal distance between the walls is 3 feet; and
 - ii. None of the walls can exceed a height of 6 feet.



- b. Retaining walls located in a front or side street yard must not exceed a height of 2 feet.
- c. Retaining walls located in a rear or side yard must not exceed the height of a fence or wall type specified by the zoning district.
- d. No land-disturbing activity to construct a retaining wall may begin until a pre-construction meeting has taken place on-site between the City and the responsible party overseeing the installation and maintenance of erosion and sedimentation control measures.

2. Materials and Landscaping

- a. Retaining walls must be constructed from finished poured concrete, concrete block with a finished surface, or be faced with stone, brick, decorative block, or smooth stucco.
- b. All retaining walls 5 feet or greater in height must be landscaped to be screened from view with shrubs, planted in accordance with Div. XX. Plants and Plant Material.

D. Measurement

1. The allowable height of retaining walls is measured from existing grade.
2. The height of retaining walls is measured from the top of the wall to the lower side of the adjacent lowest existing grade on the outside of the wall.

E. Relief

1. A change of up to **10%** from the retaining wall standards may be granted in accordance with **Sec. XX. Administrative Modification.**
2. A change beyond **10%, excluding standards related to flood zones,** may be granted in accordance with **Sec. XX. Variance.**

Sec. 8.4.7. Plants and Plant Material

A. Intent

To support a healthy urban ecological system and provide the necessary supplemental information for all applicable planting and landscaping requirements in the Zoning Ordinance.

B. Applicability

1. The plants and plant material standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. The plants and plant material standards apply to any plant material used to meet a requirement of the Zoning Ordinance.

C. Standards

1. General

- a. All plants and plant material must meet the standards in **City of Atlanta Code, Chapter 158, Article II - Tree Protection.**
- b. Plant materials must be suited to the local environmental conditions of their specific planting location.
- c. Plant materials must be able to survive on natural rainfall once established with no loss of health, or an irrigation system must be provided.
- d. A natural-appearing dispersion and spacing of trees and shrubs throughout the site is encouraged.

2. Plant Materials Not Allowed

The Director may deem any plant material inappropriate because it is an invasive species or because the plant material is not well suited for the specific planting location. The planting of the following species are not allowed, except upon special review and approval by the Director:

- a. All plants identified as invasive or undesirable by the City Arborist in **City of Atlanta Code, Chapter 158, Article II - Tree Protection** are not permitted.
- b. Columnar or fastigate species or cultivars cannot be used to meet landscape requirements unless the City Arborist determines that site conditions are unsuitable for a broad canopy tree.
- c. Larger shrub varieties can only be used to meet shrub landscape requirements and cannot be used to meet tree landscape requirements.
- d. No artificial trees or plants may be installed. Artificial turf is permitted.

#033

Posted by **Kathy Evans** on **08/18/2025** at **2:24pm** [Comment ID: 1470] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

Artificial turf conflicts with tree growth. Recommend: does not count as landscaping. Counts against lot coverage.

Reply by **Kirsten** on **09/02/2025** at **12:35pm** [Comment ID: 1599] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

I agree with this suggestion.

Reply by **grace212** on **09/02/2025** at **2:48pm** [Comment ID: 1644] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

I agree with this suggestion as well.

3. Planting Requirements

a. Planting Size

All landscape planting materials must conform to the minimum size or height standards in the following table, and meet the standards of the *American Standard for Nursery Stock (ANSI Z-60.1)* at the time of planting.

Planting Material	Min. Size and Height	
	Planting	Maturity
Trees		
Canopy trees	3" caliper / <u>14' to 16'</u> height	30' canopy spread
Understory trees	2" caliper / 10' height	15' to 30' canopy spread
Multi-stemmed trees	5 canes max / 10' height	15' to 30' canopy spread
Shrubs		
Evergreen shrubs	18" height	3' height
Deciduous shrubs	2' height	3' height
Other <u>shrubs</u> (evergreen)	4' height	10' max width / 8' height

b. Trees

- i. All planting areas must meet the minimum soil volume requirements for tree size as specified in the *Chapter 158, Article II – Tree Protection*. Only trees with adequate soil volumes will be counted toward the minimum tree canopy cover requirement.
- ii. Trees in planting areas less than 135 square feet must be of a species known to thrive in low soil volume areas.
- iii. Unless approved by the Director, only trees with a mature height of less than 20 feet may be installed under overhead utility lines.

4. Installation

- a. Plant material must be installed according to *American National Standards Institute ANSI A300 tree care standards*. This includes the removal of straps, burlap wraps, cutting of wire baskets, and proper mulch techniques.
- b. All planting areas must be protected from vehicle damage by the installation of curbing or other methods approved by the Director. Alternative barrier designs which provide improved infiltration or storage of stormwater are strongly encouraged.
- c. The plant materials used in and around parking lots and adjacent to public rights-of-way and pedestrian ways must have a height at maturity designed to maintain visibility at intersections to ensure the safety of pedestrians.
- d. All planting areas must be stabilized with ground covers, mulches, or other materials approved by the Director to prevent soil erosion and to allow rainwater infiltration. Rubber mulch is not acceptable.

5. Maintenance

- a. Plant materials must be maintained in good and healthy condition.

- b. Planting areas must be kept free of weeds and trash.
- c. All plants and materials used to comply with this section must be arranged to ensure easy access for maintenance, maintain clear sight lines, avoid encroaching on neighboring properties, and consist of species appropriate for the proposed location, taking into account any conflicts with utility easements and rights-of-way.

D. Measurement

For the measurement of caliper, height, and canopy spread, refer to the Atlanta Tree Protection Ordinance (TPO) and “Methods of Measurement” section of the latest version of the *American Standard for Nursery Stock (ANSI Z-60.1)*.

E. Relief

1. A change of up to 10% from the plants and plant material standards may be granted in accordance with Sec. XX. Administrative Modification
2. A change beyond 10% may be granted in accordance with Sec. XX. Variance.
3. All changes to plant and landscaping material standards must be reviewed by the City Arborist.
4. An alternative landscape plan designed by a licensed Landscape Architect that meets the intent of the landscape standards to an extent equal to or better than the specified design standards may be considered by the City Arborist.

DIVISION 8.5. **LIGHTING**

Sec. 8.5.1. **Outdoor Lighting**

A. Intent

To provide exterior lighting standards that support a variety of environments and minimize the negative impacts of lighting on adjacent uses and users of the public realm.

B. Applicability

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

2. New Fixtures

Outdoor lighting standards apply to all exterior lighting fixtures on any lot installed after the effective date of the Zoning Ordinance.

3. Existing Fixtures

- a. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is allowed for all existing fixtures.
- b. The installation of new site lighting, replacement of existing lighting, and any modifications to light fixture wattage, fixture type, mounting, or fixture location must comply with the outdoor lighting standards.

4. Exemptions

Lighting required by the Federal Aviation Administration does not have to comply with the outdoor lighting standards.

C. Standards

1. Prohibited Lighting Sources

The following light fixtures and sources cannot be used:

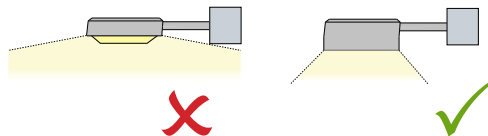
- a. ~~Cobra-head-type fixtures with dished or drop lenses or refractors, which contain sources that are not LED.~~
- b. Temporary searchlights and other high-intensity narrow-beam moving fixtures that shine light directly up to the sky.
- c. Blinking, flashing, or fluttering lights or other illuminated device that has a changing light intensity, brightness, or color, except for temporary holiday displays or as allowed under **Sec. XX. Signs**.
- d. Any lights directed, reflected, or with colors that may create a hazard to operators of motor vehicles or to operators of aircrafts.

2. Design and Installation

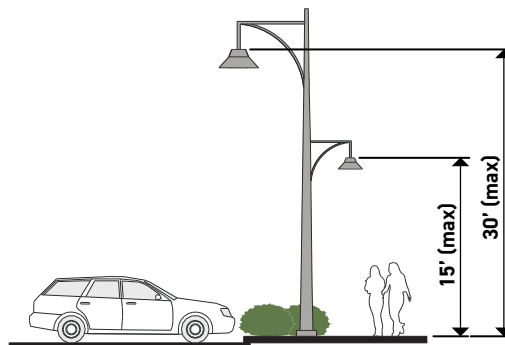
- a. Light sources must be concealed or shielded to minimize the potential for direct glare and lighting trespassing onto adjacent properties and rights-of-way.
- b. The maximum light level of any light fixture measured at a lot line cannot exceed an average of 2.0 footcandles. The uniformity ratio should be no more than 4:1.
- c. Light sources must use a color temperature of no more than 4,500 Kelvin, with a Color Rendering Index (CRI) value of 80 or higher.
- d. Lighting must not be oriented onto adjacent properties, sidewalks, or streets.
- e. Service connections for all freestanding lighting fixtures must be installed underground.

3. Parking and Pedestrian Area Lighting

- a. All light fixtures must be full cutoff or shielded, except as listed below.



- b. Light fixtures within parking lots and vehicle use areas can be no higher than 30 feet.
- c. Light fixtures within pedestrian areas can be no higher than 15 feet.



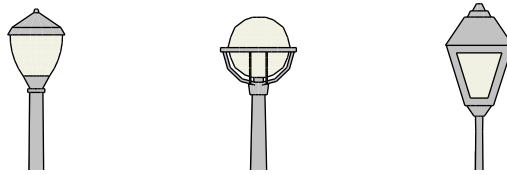
- d. All parking lots and structures must provide a minimum illumination of 2.0 footcandles.
- e. Non-cutoff or un-shielded fixtures can be used if the maximum initial lumens generated by each fixture is less than 9,500. These fixtures generally feature globes or vertical glass planes and must be coated with an internal white frosting to diffuse light.

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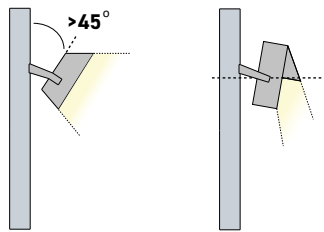
Posted by **grace212** on **09/02/2025** at **2:52pm** [Comment ID: 1645] - [Link](#)

Agree: 0, Disagree: 0

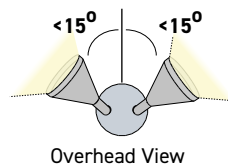
Please reduce the color temperature for bird migration!! (less than 3000 Kelvin):
<https://www.fws.gov/story/threats-birds-collisions-nighttime-lighting>

LIGHTING**4. Flood Lights and Flood Lamps**

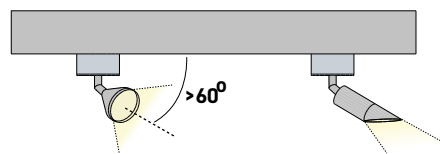
- a. Flood light fixtures must be aimed down at least 45 degrees from a vertical plane or the front of the fixture must be shielded so that no portion of the light bulb extends below the bottom edge of the shield.



- b. Floodlight fixtures within 50 feet of a public right-of-way must be mounted and aimed perpendicular to the right-of-way, and fully shielded to prevent light from being visible from adjacent properties.



- c. All flood lamps emitting 1,000 or more lumens must be shielded or aimed at least 60 degrees down from the horizontal plane so that the main beam is not visible from adjacent properties or the public right-of-way.

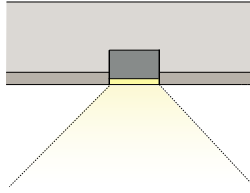
**5. Awnings and Canopies**

Lighting under awnings or canopies must be less than 24 maintained footcandles and be designed to prevent glare off-site. Acceptable lighting designs include the following:

a. Recessed

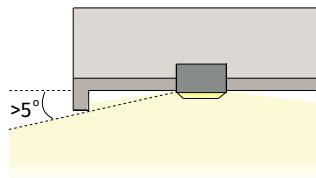
Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom

surface of the awning or canopy.



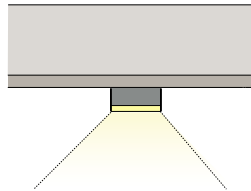
b. Shielded

Light fixture incorporating shields or is shielded by the edge of the awning or canopy itself, so that light is restrained to 5 degrees or more below the horizontal plane.



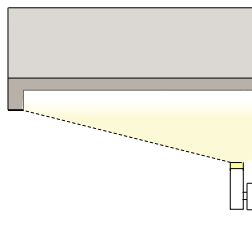
c. Surface Mounted

Surface mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution.



d. Indirect

Indirect lighting where light is beamed upward and then reflected down from the underside of the awning or canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the underside of the awning or canopy.



LIGHTING**6. Building Lighting**

- a. Lighting fixtures must be selected, located, aimed and shielded so that direct illumination is focused exclusively on the building facade, plantings and other intended site features and away from adjoining properties and the public right-of-way.
- b. All wall pack fixtures must be full cutoff fixtures.



- c. Only lighting used to accent architectural features, landscape, or art may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky.

D. Measurement

1. Light levels are specified, calculated and measured in footcandles. All footcandles values are maintained footcandles.
2. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

E. Relief

1. A change of up to 10% from the lighting standards may be granted in accordance with **Sec. XX. Administrative Modification.**
2. A change **of up to 30%** may be granted in accordance with **Sec. XX. Administrative Variation.**
3. **A change beyond 30% may be granted in accordance with Sec. XX. Variance.**

DIVISION 8.6. **SIGNS**

Sec. 8.6.1. **General Provisions**

A. Title

This Division will be known and may be referred to as the “Atlanta Sign Ordinance.”

B. Authority

This Division is enacted pursuant to the City of Atlanta’s exclusive zoning and planning authority granted by the Constitution of the State of Georgia, including but not limited to article IX, section 2, paragraph IV, and article IX, section 2, paragraph III, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. section 36-70-3, the City of Atlanta Charter, sections 1-102(b) and 1-102(c)(16), (20), (21), (24), (29), (41), (42), and (56) as well as the general police powers of the City of Atlanta and other authority provided by federal, state and local laws.

C. Intent

The City of Atlanta finds that the number, size, design characteristics, and locations of signs in the City directly affect the public health, safety, and welfare. The City finds that signs have become excessive, and that many signs are distracting and dangerous to motorists and pedestrians, are confusing to the public, and substantially detract from the beauty and appearance of the City. The City finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations. The purpose and intent of the governing authority of the City of Atlanta in enacting this Division are as follows:

1. To create a safe, attractive, and economically vibrant environment that respects constitutional rights and generates public benefits for the community;
2. To safeguard the public health, safety, and welfare of residents and implement the City’s comprehensive development plan through detailed sign regulations;
3. To regulate sign design and placement to ensure safe pedestrian and vehicular traffic conditions, minimizing distractions along public right-of-ways;
4. To preserve property values on and around sign locations;
5. To sustain an aesthetically attractive City with signage that complements developments patterns in specific Form Districts;
6. To protect tree coverage throughout the City;
7. To balance business development needs with the City’s commitment to safety and visual appeal;
8. To support business identification and the display of available goods and services, promoting local economic vitality;
9. To protect free speech rights under the State and U.S. Constitutions, ensuring no restrictions are based solely on sign content;

SIGNS

10. To create a permit system that allows specific sign types in zoning districts in alignment with district intent and standards;
11. To permit certain small, safe, and discreet signs incidental to the principal lot use without requiring a permit, subject to this Division;
12. To allow temporary signs in limited cases, without content-based restrictions;
13. To apply reasonable controls, including eventual removal, on nonconforming signs, balancing public welfare with the constitutional rights of sign owners;
14. To encourage public art as an integral part of the built environment while preventing misuse of art exemptions to circumvent sign regulations;
15. To prohibit unauthorized signs, ensure proper maintenance, and enforce Division provisions; and
16. To prohibit obscenity in all signage.

D. Applicability

1. Sign standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Sign standards apply to all signs erected, installed, structurally altered, or otherwise modified after the effective date of the Zoning Ordinance, whether a Sign Permit is required or not, according to **Sec. XX. Sign Permits.**
3. Nonconforming signs are subject to the provisions of **Sec. XX. Nonconforming Signs.**

E. Severability

Should any section or provision of this Division, or the application of the requirements to any person or circumstance, be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of this Division as a whole or any section other than the section or provision, or application of the requirements, specifically declared to be invalid.

Sec. 8.6.2. Prohibited Signs

All signs not expressly permitted under this Division are prohibited. Certain exceptions may apply if approved according to Sec. XX. Alternate Design Sign Plan. Prohibited signs include but are not limited to:

- A. Banners, except as authorized in **Sec. XX. Public Right-of-Way Signs.**
- B. Beacons.
- C. Pennants.
- D. Strings of lights not permanently mounted to a rigid background, except as authorized in **Sec. XX. Sign Permit Not Required.**
- E. Inflatable signs.
- F. Balloons.

- G. Roof signs.
- H. Rotating signs.

Sec. 8.6.3. **Construction and Maintenance**

All signs must be constructed and maintained in accordance with the following standards:

- A. All signs must comply with all applicable provisions of the City of Atlanta Building Code at all times, provided that if any provision of said code directly conflicts with a provision in this Division, this Division will control.
- B. All signs must comply with all applicable provisions of the City of Atlanta Electrical Code at all times, provided that if any provision of said code directly conflicts with a provision in this Division, said electrical code will control.
- C. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Division, all signs must be constructed of permanent materials and must be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame or structure.
- D. All signs must be erected and maintained in good structural condition and in conformance with this Division and all other applicable regulations of the City of Atlanta at all times. Except as provided in Subsections above, should any provision of this Division be in conflict with another regulation of the City, the more restrictive or that imposing the higher standard will govern.

Sec. 8.6.4. **Public Right-of-Way Signs**

A. General

1. No sign is allowed in the public right-of-way except as follows or as otherwise permitted by the City of Atlanta Code of Ordinances, and all other prohibitions and regulations governing signs in public rights-of-way and upon public property in the City of Atlanta Code of Ordinances, including but not limited to section 138, also will apply:
 - a. Signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
 - b. Transit stop signs erected by a public transit authority.
 - c. Informational signs of a public utility identifying its poles, lines, pipes or other facilities.
 - d. Awning, projecting and suspended signs projecting over a public right-of-way when in conformity with all other requirements of this Division.
 - e. Banners within the public right-of-way that are authorized by and approved under of the City of Atlanta Code of Ordinances section 138-60.
 - f. Temporary emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
 - g. Signs that are attached to transit shelters subject to the provisions of the City of Atlanta Code of Ordinances section 138-43. Signs attached to street furniture such as trash cans, benches,

SIGNS

kiosks, and streetcar shelters owned and/or operated by governmental units or public authorities.

- h. Temporary changing signs, not to exceed 30 days, as part of a City-sponsored program in connection with entertainment events meeting the criteria set forth for Wrap or Projection Signs (Sec. XX).
 - i. Newspaper vending devices that are authorized by and approved under City of Atlanta Code of Ordinances division V of Article II of section 138.
 - j. Building identification signs required by building or fire code.
 - k. Neighborhood identification signs meeting the requirements for Entrance Signs (Sec. XX), limited to 2 such signs per street entrance, are permitted.
2. Any sign installed or placed on public property or right-of-way except in conformance with the requirements of or references in this Section will be deemed to be an illegal sign and must be immediately removed by the owner or be subject to immediate removal by the City. In addition to other remedies hereunder, the City will have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign. This Section, and all code sections referenced in this Section, will be enforced by the Commissioner of Transportation or that Commissioner's designee.

B. Liability Insurance

All permits for projecting or pedestrian signs that are suspended or project above a public street or public sidewalk or other public vehicular or pedestrian thoroughfare will be conditioned upon:

- 1. The obtaining and continuous maintenance of liability insurance by the owner for such sign in an amount not less than \$1,000,000.00 per occurrence per sign. Said insurance policy must not contain a deductible in excess of \$1,000.00. The owner of such sign must maintain said liability insurance for the life of the sign, and any sign not so insured by the owner will automatically be deemed illegal as of the date of said insurance lapse and be immediately removed by the owner.
- 2. The owner of such sign executing a statement appearing on the face of the permit or affixed thereto, agreeing to indemnify the City and holding the City harmless from any and all claims of any kind relating to said sign, which indemnification will not be limited to the terms of liability insurance required herein.
- 3. An application for a permit for projecting or pedestrian signs that are suspended or project above a public street or public sidewalk or other public vehicular or pedestrian thoroughfare must include a form signed by the Chief Risk Officer or their designee that the liability insurance and indemnification requirements above are met. The owner must provide to the Chief Risk Officer or their designee a certificate of insurance that names the City of Atlanta as an additional named insured and that requires notice to the City of Atlanta at least 30 days prior to cancellation or termination. The owner of such sign must provide proof of these insurance requirements in a form acceptable to the Chief Risk Officer or their designee prior to issuance of a Sign Permit.

Sec. 8.6.5. Nonconforming Signs

A. General Standards

1. A sign is a use of property. It can also be a structure, as defined in this Ordinance.
2. It is the policy of the City that nonconforming signs be removed or replaced with conforming signs within a reasonable period of time.
3. A nonconforming sign in use may remain subject to the requirements of this Division.
4. The substitution or modification of panels or faces on nonconforming signs and repainting, refacing, or re-postering nonconforming signs is permitted to the extent authorized by this Division.
5. Repairs and normal maintenance of nonconforming signs, such as repainting, electrical repairs, and neon tubing repairs, is permitted to the extent authorized by this Division, provided it does not enlarge or expand the degree of nonconformity.

B. Loss of Nonconforming Sign Status and Removal

1. Demolition of Principal Structure

Any nonconforming freestanding sign, including the sign structure, for a business establishment must be removed at the time of the demolition of the primary structure.

2. Cessation of Sign Use

Any nonconforming sign which is not used or leased for a continuous period of 1 year, regardless of the intent of the owner or tenant to abandon the use of the sign, will be deemed abandoned and the sign will not thereafter be reused for sign purposes unless and until it fully conforms with the requirements of this Division.

3. Cessation of Business Use

- a. Where no business establishment occupies the premise for a continuous period of 1 year, any nonconforming sign previously used by such business establishment, regardless of the intent of the owner or tenant to abandon the sign, will be deemed abandoned and may not be reused until the sign is made to conform.
- b. Where no business establishment occupies the premise for a continuous period of 2 years, any nonconforming sign previously used by such business establishment, regardless of the intent of the owner or tenant to abandon the sign, will be deemed abandoned and must be removed, including the sign structure.
- c. Vacancy, water disconnect or expiration of a current business license is a rebuttable presumption of non-occupancy which will be measured from the earlier date of the vacancy, water disconnect date or the date of the expiration of the last business license associated with the premise.

C. Vacant Lots

Any nonconforming sign except for Entrance Signs (Sec. XX) existing on the date of the adoption

SIGNS

of this Ordinance on a vacant lot must be removed, including the sign structure, within 2 years of adoption. Vacant means there is no active use or habitable structure on the lot, other than the sign.

D. Window Signs

1. Any window sign in excess of the allowed number existing on the date of the adoption of this Sign Ordinance must be removed within a reasonable period of time so as to allow recoupment of cost to the sign owner. Cost will be evidence by receipts or other evidence of actual cost in procuring the window sign. Removal will be as follows:
 - a. Any window sign with a cost of \$100.00 or less must be removed within 30 days of the effective date of the Sign Ordinance.
 - b. Any window sign with a cost of greater than \$100.00 and less than \$5000 must be removed within 120 days of the effective date of the Sign Ordinance.
 - c. Any window sign with a cost of equal to or greater than \$5000.00 must be removed within 1 year of the effective date of the Sign Ordinance.

E. Exceptions

1. The above requirements of subsection (B) or (C) do not apply to signs that require a state sign permit.
2. The above requirements of subsection (B) do not apply to signs in Landmark or Historic Districts or to historic iconic signs.
3. The BZA may grant a variance extending the time to comply with subsection (B)(3) upon a finding that the time frame has not expired and upon a showing of financial hardship in complying with the time frame. Any time extension must be reasonable in relation to the circumstances of the case.

Sec. 8.6.6. General Sign Standards

The following general regulations apply to all signs located in the City:

A. Messages

Any sign allowed in this Division may contain any lawful non-obscene message so long as the sign complies with the size, height, area and other requirements of this Division and of the Zoning Ordinance.

B. Signs Not to Constitute Traffic Hazard

No animated flashing or changing sign is permitted to be located adjacent to an Interstate highway or be visible from any portion of the highway unless the sign is otherwise permitted by state law and complies with the following:

1. Any sign which is directly or indirectly illuminated, including electronically changed signs, will be reviewed by the Commissioner of the Atlanta Department of Transportation prior to the issuance of a Sign Permit for compliance with this subsection.

2. No sign may be erected, and there may be no lighting of signs or premises in such a manner and location so as to obstruct the view of, or be confused with any authorized traffic signal, notice or control device, or with lights on any emergency vehicle, or so to create hazards or distractions to drivers because of direct or reflected natural or artificial light, flashing, intermittent or flickering lighting or real or apparent movement.
3. No flashing or animated sign may extend over a public right-of-way.
4. If any sign is found to constitute a traffic hazard, the owner of the sign may be required to reduce the intensity of the condition or effect which caused the hazard to a level acceptable to the Atlanta Department of Transportation. The Commissioner may through the issuance of a stop work order cause an immediate cessation of such conditions or effects where an imminent danger to the traveling public is found.

C. Sign Lighting

1. Any sign erected after the effective date of this Division that is externally illuminated must use full cutoff luminaires. Lighting must be mounted above the sign and directed downward to prevent light spill and glare onto adjacent properties, rights-of-way, or the night sky.
2. Lighting associated with a sign must be directed at the sign face.
3. All sources of light associated with a sign must be effectively shielded from adjacent residential uses and streets.
4. Lighting associated with a sign may not exceed 1.1 foot candles in intensity when measured within any portion of a lot with a residential use.
5. Sign lighting must comply with the requirements set in Section XX: Lighting.

D. Prohibited Materials

1. Neon

Neon lighting is prohibited, except in the following districts:

- a. Urban General (UG-) Form Districts paired with any Use District except Residential (R-);
- b. Urban Core (UC-) Form Districts;
- c. Workplace (W-) Form Districts;
- d. Cabbagetown Landmark District:
 - i. Subarea 1 - Mill
 - ii. Subarea 5 - Transitional Commercial / Industrial
- e. Martin Luther King, Jr. Landmark District:
 - i. Subarea 4 - Auburn Commercial Corridor
 - ii. Subarea 5 - Edgewood Commercial Corridor
- f. Hotel Row Landmark District;

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- g. Adair Park Historic District:
 - i. Subarea 2 - Transitional Commercial
 - ii. Subarea 3 - Transitional Industrial
- h. Castleberry Hill Landmark District; and
- i. Briarcliff Plaza Landmark District

E. Maximum Height of Signs

1. No portion of any sign is permitted to extend above the top of the building upon which it is located.
2. For all sign types except for crown signs, or as otherwise provided in this Division, when attached to buildings over 30 feet in height, no portion of a sign is permitted to be located more than 30 feet in height above ground level, provided that when the ground level is lower than the level of the adjoining street pavement, said sign may be raised so as to be not more than 20 feet above the level of the pavement.

F. Protection of Trees

No removal, destruction, topping, pruning or cutting of any trunk, branch, roots or other vital section of any priority tree is allowed, whether or not such priority tree may interfere with the visibility of or otherwise affect a sign, without a permit obtained from the City Arborist. In deciding whether or not to issue such permit, the City Arborist will consider the following factors:

1. Conformance with the City of Atlanta tree ordinance.
2. Whether the priority trees involved are historic or specimen trees as defined by City of Atlanta Code, Chapter 158, Article II - Tree Protection.
3. The degree to which the proposed cutting or pruning is likely to damage the priority trees.
4. The impact of the proposed cutting or pruning on Atlanta's urban forest environment.

G. Signs Inside of a Building

Notwithstanding the provisions of **Sec. XX. Signs Not Requiring a Permit**, certain signs inside of a building may require a permit to demonstrate that such signs conform with the zoning district regulations where said signs function in a manner that is substantially equivalent to signs that would require a permit if placed on the outside of that building. Specific examples of signs that function in a manner that is substantially equivalent to signs placed on the outside of a building include the types of signs regulated by this Subsection. However, a sign that is not specifically regulated by this Subsection may still be considered to function in a manner that is substantially equivalent to a sign placed on the outside of a building. This Subsection will be considered authority to require that such sign apply for and receive a Sign Permit that complies with this Division.

1. Illuminated and changing signs may not exceed 30% of the area of any window or door where such sign is installed and must be less than 12 square feet in total size regardless of the size of the window; provided however that no one sign may exceed 6 square feet and further provided that where district regulations impose stricter controls on signs inside of a building or window signs,

that the district regulations control. Illuminated or changing signs exceeding these limits will not be considered signs inside of a building and require a Sign Permit.

2. No sign installed in any enclosed space on a roof or rising above the level of a roof in that enclosed space will be considered a sign inside of a building; provided however that where such signs are permitted by the zoning district regulations they will not be considered to be in conflict with this Subsection.
3. Window coverings of any type being used for the purpose of shielding interior construction activity or a vacant tenant space on the ground level of commercial or multi-family buildings will be considered signs inside of a building and no Sign Permit is required and will be subject to the following limitations:
 - a. In House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, signs posted inside of a building must not exceed 6 square feet in surface area.
 - b. In Campus (CM) Form District or where the district regulations do not otherwise specify, signs posted inside of a building must not exceed 25 square feet in surface area.
 - c. Urban General (UG-) and Urban Core (UC-) Form District signs posted inside of a building may not exceed 50 square feet.
 - d. One sign of the size specified above is allowed for each 400 feet of street frontage or portion thereof, for each separate street on which the property faces, provided however that the posting of an exterior sign will count against the square footage of signs allowed inside of a building.

H. General Clearance Requirements

1. No sign otherwise permitted in a particular district may project any closer than 18 inches from the inner curbline of a street or driveway.
2. All signs must be so located and must provide such vertical clearance as to provide for safe, convenient and unobstructed passage for pedestrians and vehicles.
3. Above sidewalks or any other public pedestrian ways, vertical clearance to the lower portion of any canopy or marquee sign, projecting sign or wall sign, or freestanding sign must be at least 10 feet.
4. Above parking areas and driveways, other than for large trucks, such vertical clearance must be at least 14 feet.
5. Above service and other driveways for large trucks, such vertical clearance must be at least 14 feet.
6. Signs may not be erected or maintained which obstruct any fire escape, any means of egress or ventilation, or prevent free passage from one part of a roof to any other part thereof; nor may any sign be attached in any manner to a fire escape.

I. Signs in Historic and Landmark Districts

Signs in a Historic and Landmark District must meet the following standards:

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1. The size, scale, and design of the sign must be compatible with the size, scale, and design of the property, building, or site upon which it is to be located.
2. The sign's materials must be compatible with the period and style of the property, building, or site.
3. The sign's location must not obscure any significant architectural features of the building or site.
4. The sign's installation must not irreparably damage any cornice, ornament or similar architectural detail and must be the least damaging method feasible for the property, building, or site.
5. On buildings with masonry facades, signs must be anchored to the exterior face of the building at mortar joints.

J. Regulations for Changing Signs

Where changing signs are allowed, they must meet the following standards:

1. Each message displayed on any changing sign display must remain static for at least 10 seconds following the completion of its transition from the previous message. As used in this Subsection "static" must mean a display that is fixed in one position with no portion of the display being in motion or changing in color or light intensity.
2. When a message is changed mechanically, the transition between a complete static display of the previous message and a complete static display of the next message must be accomplished in 3 seconds or less. The transition period will be measured as that period between any movement of any part of the display of the previous message and the time that the display of the next message is fully static.
3. When a message is changed electronically, the transition between a complete static display of the previous message and a complete static display of the next message must be accomplished in 2 seconds or less. The transition period will be measured as that period between the time that the previous message is static and fully illuminated and the next message is static and fully illuminated.
4. No changing sign may include animated, flashing, full-motion video or other intermittent elements. The transition period between two fully illuminated static messages displays in an electronically changed sign will not be considered an intermittent element so long as the purpose of the changing light intensity is to fade or dissolve into the next message.
5. No changing sign may have any type of changing effect on the border of the sign that is not fully integrated with a static message display and which does not transition to the next static message display in the same manner as the rest of the display.
6. No display or other effect from any electronically changed sign is allowed to cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle. Such display or effect will be considered an acute traffic hazard and will be subject to the regulations contained in this Division.
7. An electronically changed sign using the scrolling of letters, numbers, or symbols onto the sign face to form words or messages must appear on the sign face from only one direction for each static display. Messages transitions achieved by means of the scrolling of the letters, numbers

or symbols must be completed within 2 seconds and must remain static for at least 10 seconds following the completion of the transition from the previous message.

8. All signs must appropriately adjust display brightness as ambient light levels change so that the brightness of the display does not cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle. The failure of an electronically changed sign to appropriately adjust display brightness as ambient light levels change will be considered an acute traffic hazard and will be subject to the regulations contained in this Division.
9. No malfunction of a changing sign may cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle. Any such condition resulting from a malfunction will be considered an acute traffic hazard and will be subject to the regulations contained in this Division.
10. A sign which is not permitted to be a changing sign and employing any changing sign technology must contain only static messages and is not allowed to change more than once every 24 hours.
11. Permit applications for electronically changed signs must also include a certification from the owner or operator of the sign stating that the sign will at all times be operated in accordance with these standards and that the owner or operator must provide proof of such conformance upon request of the Director.
12. Any existing changing sign must comply with these standards. If an existing changing sign currently cannot meet these requirements due to the limitations of the technology being employed, the owner of the sign is allowed to continue the existing use upon a showing, satisfactory to the Director, that these standards cannot be met.
13. Due to the limitation on distances between certain electronic changing signs, an approved application to employ changing sign technology must be acted upon within the time frames stated on the Sign Permit. After expiration of the permit, a new application for the location is required and the expired permit will be not be considered to bar location of other changing signs due to distance requirements. The Director may issue one extension of 60 days for good cause as shown in writing by the permit holder.

SIGNS**Sec. 8.6.7. Sign Type Standards****A. District Permissions**

1. Sign types are permitted based on the zoning district, as outlined in the table below. A sign must meet all of the standards for that particular sign type and any additional sign standards for the zoning district.

Sign Types	House-Scale (H-)	Neighborhood-Scale (N-)	Urban General (UG-)	Urban Core (UC-)	Workplace Flex (WX-)	Workplace (W-)	Special	Definition and Standards
Building Signs								
Canopy	--	■	■	■	■	■	■	Sec. XX
Crown	--	--	■	■	■	■	■	Sec. XX
Marquee	--	--	■	■	■	■	■	Sec. XX
Painted Wall	--	■	■	■	■	■	■	Sec. XX
Pedestrian	--	■	■	■	■	■	■	Sec. XX
Projecting	--	--	■	■	■	■	■	Sec. XX
Wall	■	■	■	■	■	■	■	Sec. XX
Window	--	■	■	■	■	■	■	Sec. XX
Freestanding Signs								
Entrance	■	■	■	■	■	■	■	Sec. XX
Monument	--	--	■	■	■	■	■	Sec. XX
Suspended	--	--	■	■	■	■	■	Sec. XX
Special Signs								
Approved Historic Marker	■	■	■	■	■	■	■	Sec. XX
Billboard	--	--	--	--	--	■	--	Sec. XX
Feather	--	--	■	■	■	■	■	Sec. XX
Flag	■	■	■	■	■	■	■	Sec. XX
Landmark	■	■	■	■	■	■	■	Sec. XX
Portable	--	--	■	■	■	■	--	Sec. XX
Temporary	■	■	■	■	■	■	■	Sec. XX

KEY: ■ = Sign type allowed ■ = Sign type allowed for nonresidential uses only -- = Sign type not allowed

2. See each sign type for sign standards and see **Sec. XX. Form District Sign Standards, Sec. XX. Legacy District Sign Standards, Sec. XX. Historic and Landmark District Sign Standards, and Sec. XX. Sign Overlay District Standards** for additional sign standards and permissions for each zoning district.

B. Sign Type Categories

1. Building Signs

Building signs are attached to any part of a building. Building signs include canopy, crown, marquee, painted wall, pedestrian, projecting, wall, and window sign types. The requirements for building signs can be found in **Sec. XX. Building Signs**.

2. Freestanding Signs

Freestanding signs are not attached to a building or any structure other than its own support, supported by one or more columns, uprights or braces in or upon the ground, and does not extend over any portion of a building. Freestanding signs include entrance, monument, and suspended sign types. The requirements for freestanding signs can be found in **Sec. XX. Freestanding Signs**.

3. Special Signs

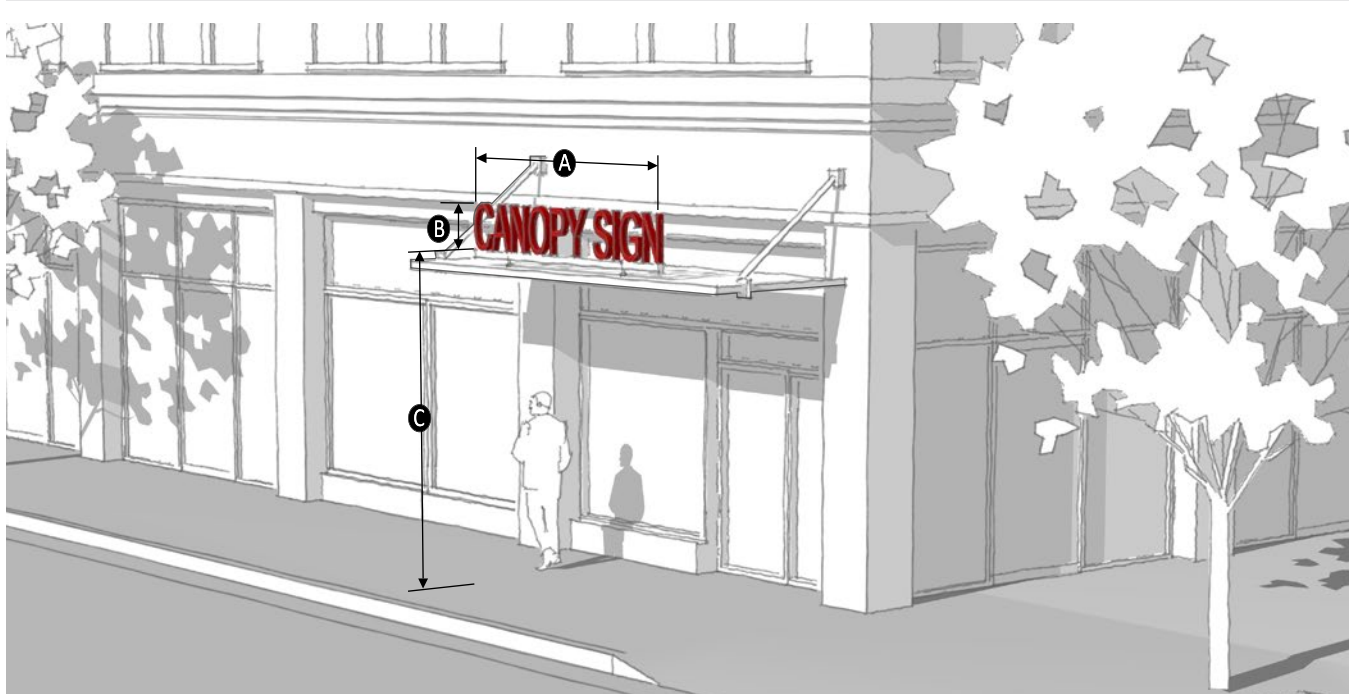
Special signs are unique signs with limited application. Special signs include approved historic marker, billboard, feather, flag, landmark, portable, and temporary sign types. The requirements for special signs can be found in **Sec. XX. Special Signs**.

4. Alternate Sign Plans

Alternate Sign Plans allow for City Council to approve sign types that do not readily adhere to typical sign types on sites with unique design considerations. The requirements for Alternate Sign Plans can be found in **Sec. XX. Alternate Sign Plans**.

Sec. 8.6.8. Building Signs

A. Canopy Sign



1. Description

A building sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

2. General Standards

- a. Only canopies or awnings over ground-story entries or windows may contain a sign.
- b. A canopy sign may be externally and internally illuminated.

3. Number of Signs

Total number of building signs (max)	See zoning district sign standards
Number of canopy signs (max)	1 per business establishment

4. Individual Sign Dimensions

Area per sign (max)	30 SF
A Width (max)	60% of the canopy or awning width
B Height (max)	3 feet
C Clear height above sidewalk (min)	10 feet
Clear height above vehicle area or driveway (min)	14 feet

B. Crown Sign



1. Description

A building sign attached to the exterior wall at the top of a building facade on a building 4 or more stories in height and actually occupied by a principal occupant.

2. General Standards

- a. Must be located on the fourth story or above.
- b. No part of a parking deck may be counted towards meeting the height requirement for this sign type.
- c. Crown signs are permitted only for a building's owner or principal occupant.
- d. Must not extend above the top of the building.
- e. A crown sign may be externally and internally illuminated.

3. Number of Signs

Total number of building signs (max)	See zoning district sign standards
Number of crown signs (max)	1 per street-facing facade

4. Individual Sign Dimensions

A Area per sign (max)	
4 story building	5% of total facade
Above 4 story building	350 SF

5. Additional Standards

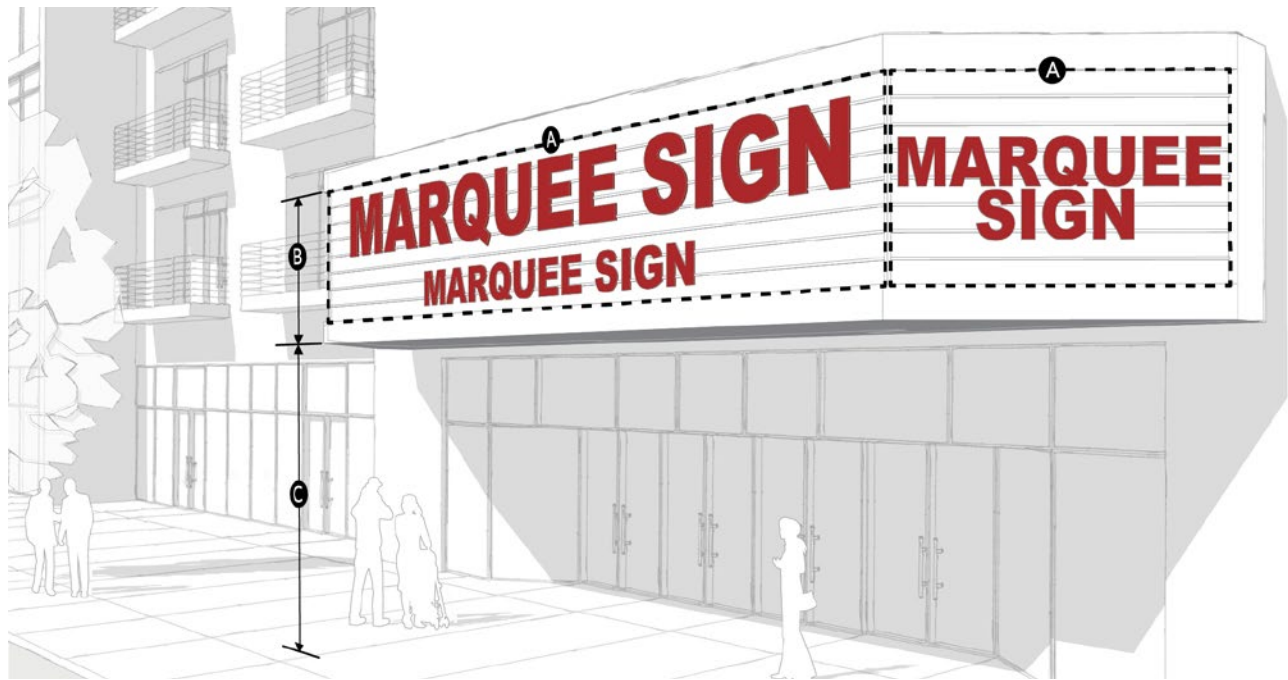
Crown signs where permitted by district regulations are subject to the following conditions unless otherwise modified by a more specific district regulation:

- a. Crown signs may supersede the more restrictive height limit set forth in **Sec. XX. General Sign Standards** including the 200 square foot area limitation imposed by the applicable Form District.
- b. Crown signs will not be included in computing the total area of signage imposed by each zoning district for other signs.
- c. Crown signs are allowed only for an owner or principal occupant as defined in **Sec. XX. Sign Definitions**. Changes in ownership or occupancy that result in non-compliance with this Division requires the removal of the subject sign.
- d. Crown signs are subject to the prohibition against roof signs. Walls erected on the roof of a building regardless of whether such wall projects above its top are not parapet walls and no such wall may be used as a crown sign or to support a crown sign.
- e. An applicant seeking permission to erect a crown sign must provide notarized documentation that it has an ownership interest in the building or that it meets the conditions required to be considered a principal occupant and has permission from the owner to make the application. In determining the level of ownership necessary to qualify as an owner, the City presumes, based on the documentation required to be produced, that the applicant has made such arrangements with other claiming ownership interest as may be necessary to allow the applicant to claim that it may apply for the sign as an owner. As a part of the documentation, which may be, but is not required to be on a form supplied by the City, the applicant will acknowledge and agree:
 - i. That neither the City nor its administrative officials are confirming whether the application is in conflict with the rights of others claiming ownership rights or others claiming to be principal occupants regardless of whether such claims are known or unknown;
 - ii. That the applicant has made the statements in the application subject to the state law penalties which apply to false, fictitious, or fraudulent statements or entries in a matter within the jurisdiction of a department or agency of the government of a city;
 - iii. That the City and its administrative officials are relying on the sworn statements in the application in making its determination that the application meets the criteria set forth in this Division;
 - iv. That the City and its administrative officials are authorized to audit the leases for a principal occupant to verify that the level of occupancy and length of the lease term meets the requirements of this Subsection and that the applicant agrees to cooperate when requested to produce such documents.
- f. The issuance of a Sign Permit pursuant to this Subsection is limited to a determination that the application included the required documentation, that the building on which the sign is to be erected met the requirements of this Subsection and that the sign erected or to be erected met the requirements of this Subsection. Those determinations are, in part, based on the

notarized documentation provided by the applicant concerning the allocation of private rights subject to contracts or leases with other parties and therefore the City's issuance of such permit:

- i. Will not be considered to be the decision of the City or any administrative official that such permit has the effect to determine, supersede, amend or modify private rights of ownership in any sign or in any building where such sign may be legally erected in that the City and its administrative officials are relying on the sworn representations of the applicant in issuing the permit; and
- ii. Will not be considered to be the decision of the City or any administrative official that such permit has the effect to determine, supersede, amend or modify the private rights created in or by any lease or contract between any parties in that the City and its administrative officials are relying on the sworn representations of the applicant in issuing the permit; and
- iii. Will not give standing to another party to request that the Board of Zoning Adjustment determine whether ownership rights in the building or a contractual right or leasehold right gives such party the right to control the erection of or the content of the sign for which the permit was issued. While no crown sign may be erected without a Sign Permit, the allocation of the right between private parties as to which party has the right to apply for and erect a permitted crown sign on a building where such sign could otherwise be erected will at all times be determined by the contractual, leasehold or ownership rights of the qualifying principal occupants and the owners, such that in the case of this type of dispute, the parties will be obligated to settle such dispute between them in a court of competent jurisdiction in that the Board of Zoning Adjustment is not empowered to make such determinations.

C. Marquee Sign



1. Description

A building sign painted on or attached across the face of a marquee, including reader-boards, located above a building entrance.

2. General Standards

- a. A marquee sign may be internally illuminated in accordance with **Sec. XX. Sign Lighting**.
- b. A marquee sign cannot encroach over any public right-of-way, including, without limitation, any pedestrian zone.

3. Number of Signs

Total number of building signs (max)	See zoning district sign standards
Number of marquee signs (max)	1 per street-facing facade

4. Individual Sign Dimensions

A Area, all faces (max)	60 SF
B Height above bottom of marquee (max)	5 feet
C Clear height above sidewalk (min)	10 feet

D. Painted Wall Sign



1. Description

A building sign painted on the exterior wall of a building or structure.

2. General Standards

- a. If a painted wall sign is located within a mural, only areas including text count toward the sign area.

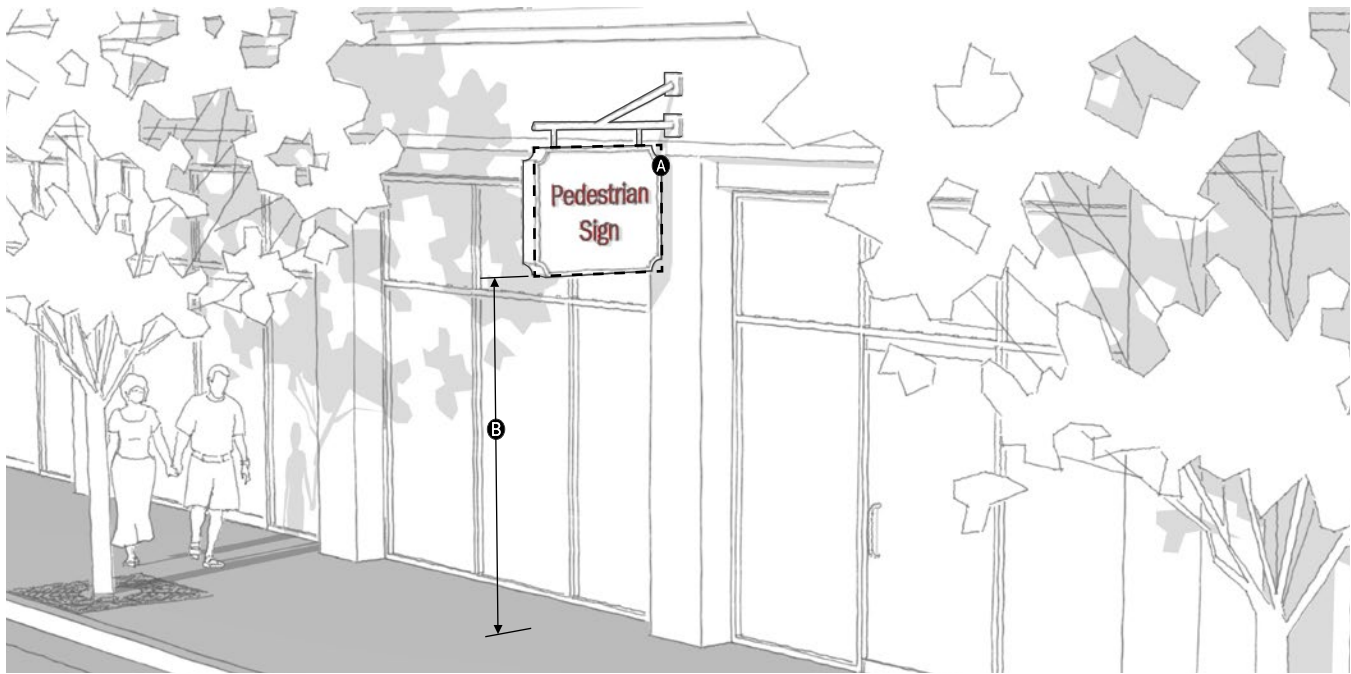
3. Number of Signs

Total number of building signs (max)	See zoning district sign standards
Number of painted wall signs (max)	1 per building or per 50 feet of street-facing facade, whichever is greater

4. Individual Sign Dimensions

A Area per sign (max)	
Ground story	50 SF
Upper story	100 SF

E. Pedestrian Sign



1. Description

A building sign that is attached perpendicular to the exterior wall of a building, typically extending 12 inches or more from the wall.

2. General Standards

- a. Must be located below the window sills of the second story on a multi-story building or below the roof line on a single story building.
- b. Must be located within 5 feet of a ground story tenant entrance.
- c. Must be located at least 15 feet from any other pedestrian or projecting sign.
- d. Pedestrian signs that are not internally illuminated do not count toward the total combined building sign area.

3. Number of Signs

Total number of building signs (max)	See zoning district sign standards
Number of pedestrian signs (max)	1 per business establishment

4. Individual Sign Dimensions

A Area per sign (max)	10 SF
B Clear height above sidewalk (min)	10 feet
Clear height above vehicle area or driveway (min)	14 feet

F. Projecting Sign



1. Description

A building sign that is attached perpendicular to the exterior wall of a building, typically extending 12 inches or more from the wall that does not meet the standards for a pedestrian sign.

2. General Standards

- a. Not allowed above roof line or parapet.

3. Number of Signs

Total number of building signs (max)	See zoning district sign standards
Number of projecting signs (max)	1 per business establishment

4. Individual Sign Dimensions

A Area per sign (max)	50 SF
B Clear height above sidewalk (min)	10 feet
Clear height above vehicle area or driveway (min)	14 feet

G. Wall Sign



1. Description

A building sign attached flat and parallel to the exterior wall of a building, extending no more than 12 inches from the wall.

2. General Standards

- a. Not allowed above roof line or parapet.
- b. May only be displayed on facades that include a customer entrance or the appearance of display windows.

3. Number of Signs

Total number of building signs (max)	See zoning district sign standards
Number of wall signs (max)	1 per business establishment

4. Individual Sign Dimensions

A Area per sign (max)	50 SF
B Projection depth (max)	1 foot

H. Window Sign



1. Description

A building sign which is painted on, applied to, attached to or projected upon the glass area of a building facade, including doors, or located within 12 inches of the interior of a window.

2. General Standards

- a. Window signs may be displayed in ground floor windows only.
- b. No combination of temporary and permanent window signs may cover more than 20% of any window panel.

3. Number of Signs

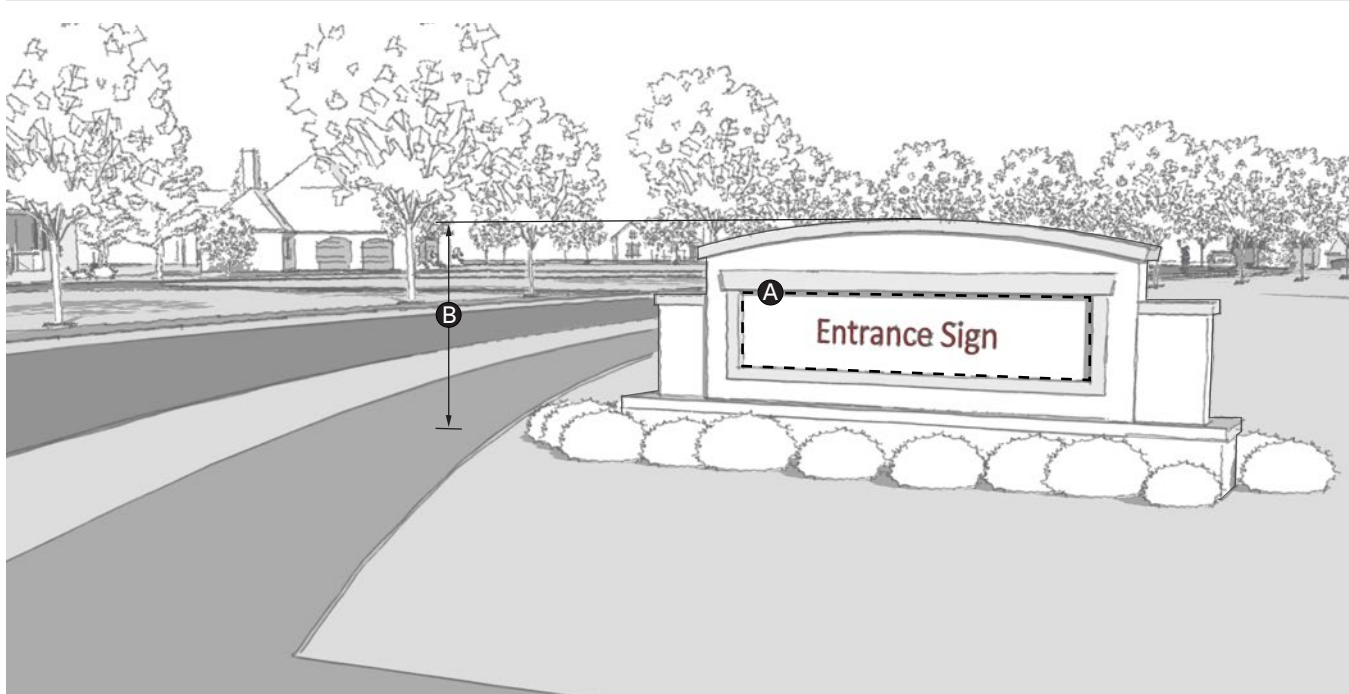
Total number of building signs (max)	See zoning district sign standards
Number of window signs (max)	2 per lot or 1 per business establishment, whichever is greater

4. Individual Sign Dimensions

A Area per sign (max)	
With opaque background	10 SF
With no background	None
With illumination or exposed neon	4 SF

Sec. 8.6.9. Freestanding Signs

A. Entrance Sign



1. Description

A freestanding sign that is securely mounted to the ground along its entire length, typically with a solid base, positioned near a driveway or pedestrian access point leading into a development from a public right-of-way.

2. General Standards

- a. Cannot extend within 2 feet of a public right-of-way.
- b. Cannot obstruct vision within the sight triangle.
- c. Must be located 10 feet or more from the principal structure, where possible.
- d. Signs may be illuminated internally, provided the background is opaque allowing only the letters and logo to light, or with a shielded spot light located at the base of the sign.
- e. Not permitted in one- and two-dwelling unit districts except at the entrance to a subdivision or on a lot with a public and institutional use.
- f. Letters must have a minimum height of 9 inches.
- g. Landscaping is required around the base of the sign.

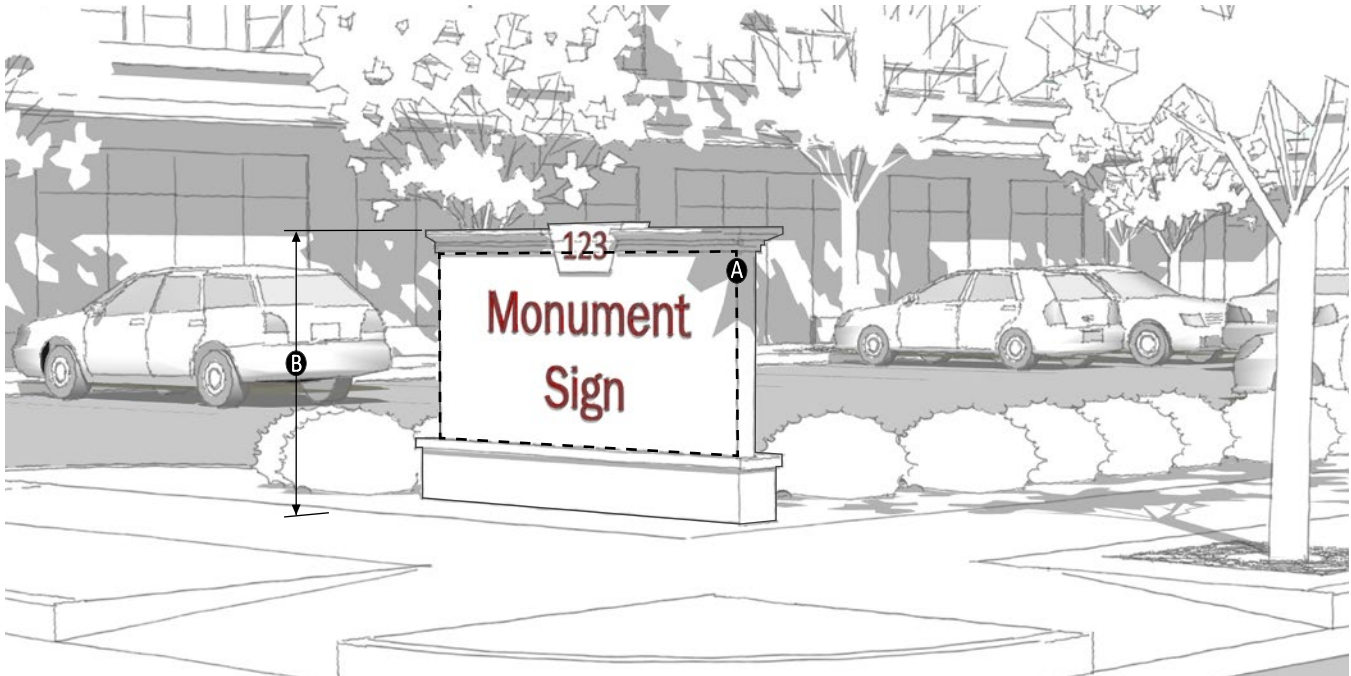
3. Number of Signs

Total number of freestanding signs (max)	See zoning district sign standards
Number of entrance signs (max)	
Lots with 1 street frontage	1 per site
Lots with more than 1 street frontage	1 per street frontage

4. Individual Sign Dimensions

A Area per sign (max)	35 SF
B Height (max)	8 feet

B. Monument Sign



1. Description

A freestanding sign which has a solid base and is attached to the ground along its entire length and that does not meet the description of a entrance sign.

2. General Standards

- Cannot extend within 2 feet of a public right-of-way.
- Cannot obstruct vision within the sight triangle.
- Not permitted on a vacant lot.
- Must be located 10 feet or more from the principal structure, where possible.
- Signs may be illuminated internally, provided the background is opaque allowing only the letters and logo to light, or with a shielded spot light located at the base of the sign.
- Letters must have a minimum height of 9 inches.
- Sign must include street address.

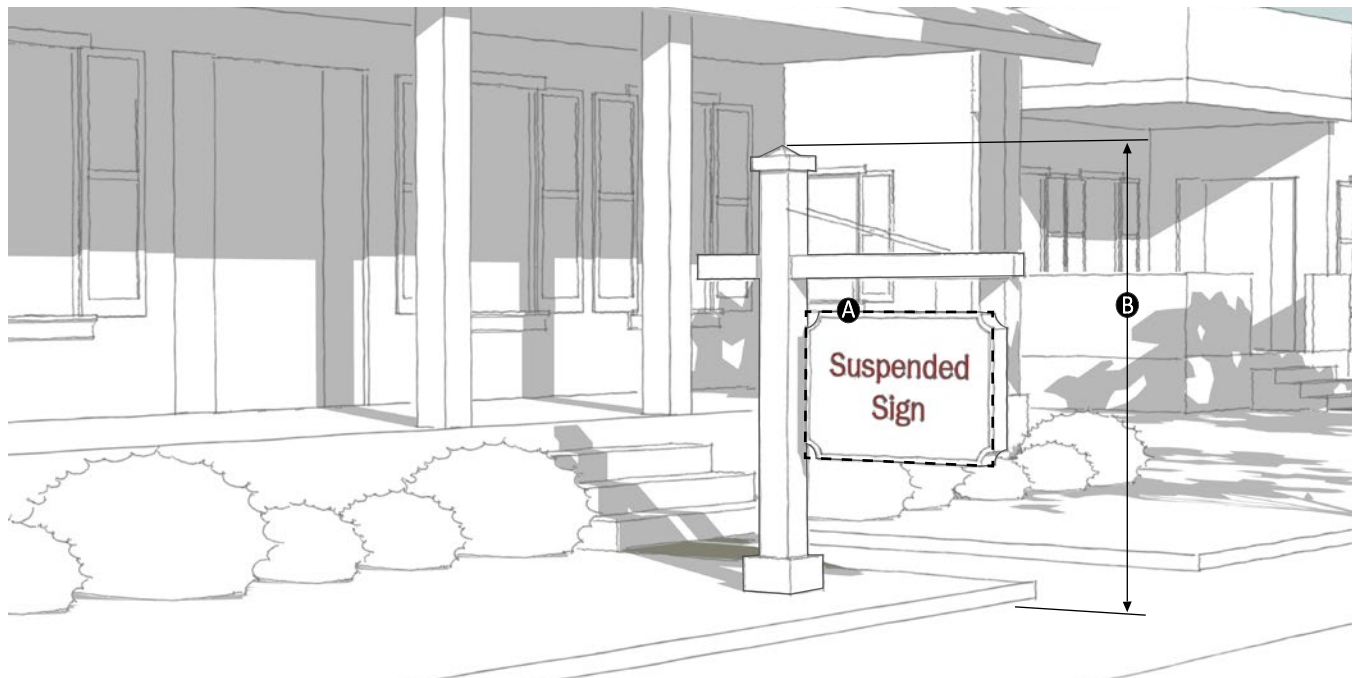
3. Number of Signs

Total number of freestanding signs (max)	See zoning district sign standards
Number of monument signs (max)	
Lots with 1 street frontage	1 per site
Lots with more than 1 street frontage	1 per street frontage

4. Individual Sign Dimensions

A Area per sign (max)	48 SF
B Height (max)	15 feet

C. Suspended Sign



1. Description

A freestanding sign comprised of a vertical pole, a horizontal decorative sign support, and a suspended sign face.

2. General Standards

- a. Cannot extend within 2 feet of a public right-of-way.
- b. Cannot obstruct vision within the sight triangle.
- c. Signs may be illuminated internally, provided the background is opaque allowing only the letters and logo to light, or with a shielded spot light located at the base of the sign.

3. Number of Signs

Total number of freestanding signs (max)	See zoning district sign standards
Number of suspended signs (max)	
Lots with 1 street frontage	1 per site
Lots with more than 1 street frontage	1 per street frontage

4. Individual Sign Dimensions

A Area per sign (max)	16 SF
B Height (max)	8 feet

Sec. 8.6.10. Special Signs

A. Approved Historic Marker

1. An approved historic marker is a sign created through a program directly administered by a non-profit organization chartered for the purpose of research and education in Georgia history.
2. All approved historic markers must be freestanding, two-sided, cast aluminum markers of the same size, shape and height (including the support pole), as that marker previously used by the Parks, Recreation and Historic Sites Division of the Georgia Department of Natural Resources in the State of Georgia historical marker program.
3. An approved historic marker must have a total plate size of 38" x 42" and a black background with text in silver. The lettering of the approved historic marker text will be no more and no less than 1 inch in height and the text must be the same on each side.
4. Any seal of the sponsoring historic society must be painted in the same color as the text and must not exceed an area of 96 square inches.

B. Billboard Sign

Billboard signs are permitted only in the Workplace (W-) Form Districts and are subject to all of the following requirements:

1. No billboard sign may be located within 300 feet of any residential district boundary line as measured in a straight line from said boundary line to the nearest edge of the sign.
2. No billboard sign may be located within 500 feet of another billboard sign as measured in a straight line from the nearest edge of the signs.
3. No billboard sign adjacent to an interstate highway may be located within 1,000 feet of another billboard sign adjacent to an interstate highway and on the same side of said interstate highway, as measured in a straight line from the nearest edges of the signs.
4. No billboard sign may be located within 300 feet of the boundaries of any property which is now on or may be subsequently named to the National Register of Historic Places or is now or may be subsequently designated as a landmark district, historic district, conservation district, landmark building or site, or historic building or site under **Ch. 8. Landmark and Historic Districts** of the Zoning Ordinance, as measured in a straight line from said boundaries to the nearest edge of the sign.
5. No billboard sign may be located within 300 feet of any governmental building owned by a local, state, or national government, or a public authority thereof, as measured in a straight line from said building to the nearest edge of the sign.
6. No billboard sign may be located within 300 feet of any portion of a Metropolitan Atlanta Rapid Transit Authority station structure as measured in a straight line from said station to the nearest edge of the sign.
7. No billboard sign may be located within 1,000 feet of the Freedom Parkway as measured in a straight line from said parkway to the nearest edges of the sign.

SIGNS

8. No billboard sign may be located in a manner such that any part of said sign is visible from the Freedom Parkway.
9. No billboard sign may be located within 500 feet of the boundaries of a public park as measured in a straight line from said boundaries to the nearest edge of the sign.
10. No billboard sign may be stacked on top of another billboard sign.
11. All distance requirements specified in this subsection apply regardless of the existence of intervening streets or lots.

C. Feather Sign

1. One feather sign not exceeding 15 square feet in sign area may be flown on each lot within the following districts:
 - a. Urban General (UG-) Form Districts;
 - b. Urban Core (UC-) Form Districts;
 - c. Workplace Flex (WX-) Form Districts;
 - d. Workplace (W-) Form Districts; and
 - e. Campus (CM) Form District.
2. Unless attached to a pole or building with a fixed foundation, no more than 1 feather sign can be located between the building and the street.

D. Flag

1. Flags not exceeding 60 square feet are permitted in all zoning districts.
2. Said flag will not be counted in computing the number or total area of signs specified in the district regulations.
3. Flags exceeding these size limits will be permitted and counted as signs to the extent authorized under the applicable district regulations.

E. Landmark Sign

1. In order to be designated as a landmark sign, a sign must meet one or more of the following criteria:
 - a. It is an outstanding example of a sign representative of its era;
 - b. It is one or more of the few remaining examples of past sign design or style;
 - c. It is a sign associated with an event or person of historic or cultural significance to the City; or
 - d. It is a sign of aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the City.
2. The sign must be approved by the Executive Director of the Atlanta Urban Design Commission as a landmark sign, which will review it based on the criteria of this subsection.

3. The sign must have been erected 50 years prior to the current calendar year.
4. The sign will not count toward the total sign area or number of signs allowed on a lot.

F. Portable Sign

1. Portable signs, subject to **Sec. XX. Sign Permit**, will be permitted in the following districts:
 - a. Urban General (UG-) Form Districts,
 - b. Urban Core (UC-) Form Districts,
 - c. Workplace Flex (WX-) Form Districts,
 - d. Workplace (W-) Form Districts, and
 - e. Buckhead Village Legacy District.
2. Portable signs are only permitted for a period of time not exceeding 30 consecutive days within a 365 day period.
3. At no other time and in no other place will such signs be permitted, except as may be specifically authorized within public rights-of-way under **Sec. XX. Public Right-of-Way Signs**.

G. Temporary Sign

1. Temporary signs are permitted in all Form Districts, subject to the applicable sign regulations governing temporary signs in the zoning district. In the event the sign district regulations for such Districts do not set forth limitations on temporary signs, the following apply:
 - a. In House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, two unlighted temporary signs per lot are permitted, each not to exceed 6 square feet in sign area.
 - b. In Campus (CM) Form District, two unlighted temporary signs per lot are permitted, each not to exceed 25 square feet in sign area.
 - c. In all other districts, the following apply:
 - i. Two unlighted temporary signs per lot are permitted, each not to exceed 50 square feet in sign area; or
 - ii. Two unlighted signs of the sign area specified in the applicable district are allowed for each 400 feet of street frontage or portion thereof, for each separate street on which the property faces.
 - d. Where buildings are set back along the front or side street to a depth greater than 10 feet, such sign must not be placed closer than 10 feet to the lot line; where buildings have setbacks less than 10 feet such sign may be placed on the building wall or within the zone between the building wall and the street. No such sign is permitted to be erected within 10 feet of a common lot line.
2. Temporary signage during construction will be permitted as follows:

SIGNS

- a. In House-Scale (H-) and Neighborhood-Scale (N-) Districts, unilluminated signs are permitted in one- and two-dwelling unit housing districts provided they are placed no earlier than the start of construction and removed within 30 days of issuance of a Certificate of Occupancy. Such signs are limited to 1 sign per dwelling not to exceed 6 square feet per contractor or subcontractor.
- b. In all other Form Districts, unilluminated signs are permitted provided they are placed no earlier than the start of construction and removed whenever a Certificate of Occupancy is issued. Such signs are limited to 1 sign per contractor or subcontractor not to exceed 16 square feet per contractor and 6 square feet per subcontractor.
- c. A temporary construction fence around an active construction site may be decorated with colors, graphics, symbols, writing, or other visual presentations. A temporary construction fence is permitted only if it is placed no earlier than the start of construction and removed whenever a Certificate of Occupancy is issued.

Sec. 8.6.11. Form District Sign Standards

The following regulations apply to all signs within the Form Districts indicated. No signs other than those specifically authorized in this Section for each district, must be permitted unless otherwise expressly authorized in **Sec. XX. General Sign Standards** or elsewhere in this Division. All signs authorized in a particular district by this Section will, in addition to these district regulations, meet all other regulations in this Division, including but not limited to **Sec. XX. General Sign Standards** and **Sec. XX. Sign Type Standards**, and also will comply with all other applicable provisions of the Zoning Ordinance.

A. House-Scale (H-) and Neighborhood-Scale (N-) Form Districts

The following signs are permitted in House-Scale (H-) and Neighborhood-Scale (N-) Form Districts:

1. Number and Area of Signs

- a. For a residential use, 2 permanent signs per lot are permitted, and each sign must not exceed 2 square feet in sign area.
- b. For Public and Institutional uses, 1 sign per street frontage is permitted, and each sign must not exceed 35 square feet in sign area.
- c. Subdivisions are permitted 1 sign per entrance, and each sign must not exceed 35 square feet in sign area.

2. Setback

Signs must be mounted flat to the wall of the building, suspended, or not nearer than 30 feet to the street lot line, except that 2 temporary signs are permitted in any building setback.

3. Height

- a. No freestanding sign for residential use may be higher than 3 feet above ground level.
- b. No freestanding entrance sign may be higher than 8 feet above ground level.

4. Lighting

- a. No sign is permitted to be internally illuminated.
- b. No lighting will be permitted which illuminates any area outside of the lot upon which said sign is located.

5. Animated, Flashing, and Changing Signs

Animated, flashing, or changing signs are prohibited.

6. Public Right-of-Way Signs

No sign is permitted to extend or project over any property line onto sidewalk or street right-of-way.

B. Urban General (UG-) Form Districts

Signs within the Urban General (UG) Form District are subject to the following regulations, depending on use district.

1. Residential (R-) Use Districts**a. Number and Area of Signs**

For all uses permitted in this district, 1 sign per street frontage is permitted, and each sign must not exceed 35 square feet in sign area.

b. Setback

Signs must be mounted flat to the wall of the building or not nearer than 30 feet to the street lot line except for signs mounted on a permitted fence or wall.

c. Height

No freestanding sign may be higher than 10 feet above ground level.

d. Lighting

- i. No sign is permitted to be internally illuminated.
- ii. No lighting will be permitted which illuminates any area outside of the lot upon which said sign is located.

e. Animated, Flashing, and Changing Signs

No animated flashing, or changing signs are permitted.

f. Public Right-of-Way Signs

No sign is permitted to extend or project over any property line onto sidewalk or street right-of-way.

SIGNS**2. All Other Use Districts****a. Number and Area of Signs****i. Building Signs**

- a) Wall signs, projecting signs, canopy signs, pedestrian signs, and marquee signs are permitted.
- b) A maximum of 3 building signs are permitted for each business establishment.
- c) The combined area of these permitted building signs must not exceed 10% of the total area of the front wall of each business establishment, and in no case may any individual sign exceed 200 square feet.
- d) Notwithstanding these provisions, every business establishment is entitled to at least 60 square feet total combined sign area.
- e) For corner lots, 1 additional building sign for the business establishment occupying the corner space is permitted, provided it is oriented toward the additional street frontage. The total area of sign must not exceed 10% of the area of the wall of said building occupied by such business establishment and oriented toward the additional street frontage, or 60 square feet, whichever is less.

ii. Freestanding Signs

- a) In addition to the building signs permitted in the subsection above, 1 freestanding sign is permitted for each developed lot with a business establishment.
- b) On interior lots, the freestanding sign must not exceed 60 square feet in sign area when located in the required front yard setback.
- c) If located within the buildable area of the lot, said interior freestanding sign may be enlarged from said 60 square foot maximum at a rate of 1 additional square foot of sign area per additional linear foot of setback from the required front yard setback line, measured perpendicularly, up to a maximum of 100 square feet in total sign area.
- d) On corner lots, said freestanding sign must not exceed 90 square feet in sign area when located in the required front yard setback.
- e) If located within the buildable area of the lot, said corner freestanding sign may be enlarged from said 90 square foot maximum at a rate of 1 additional square foot of sign area per additional linear foot of setback from the required front yard setback line, measured perpendicularly, up to a maximum of 130 square feet in total sign area.
- f) In lieu of the freestanding sign, permitted shopping centers are permitted 1 single freestanding business identification sign. Said sign may be located within the required front yard setback. Said sign must not exceed 200 square feet in sign area. Where a shopping center has frontage on 2 or more streets, 1 additional sign is permitted for each additional street frontage provided that such additional street does not face a residential district.
- g) Freestanding signs may not be constructed before the principal building on a lot.

b. Height

No freestanding sign is permitted to exceed 35 feet in height above the level of the surface of the pavement of the nearest lane of the main traveled way or 35 feet from the ground at the base of the structure to the tallest part of the structure, whichever is greater.

c. Animated, Flashing, and Changing Signs

Animated, flashing, or changing signs are prohibited.

d. Public Right-of-Way Signs

No sign is permitted to extend or project over any property line onto sidewalk or street right-of-way.

e. Billboard Signs

Billboard signs are prohibited.

f. Crown Signs

Crown signs are permitted subject to the restrictions set forth in **Sec. XX. Sign Type Standards**.

g. Window Signs

Window sign do not require a Sign Permit prior to display but are only permitted as follows:

- i. Not more than 1 window sign per facade per establishment is allowed.
- ii. Each individual window sign or incidental window sign must not be larger than 4 square feet.
- iii. In no event will one or more such signs cover more than 25% of the area of each window or glass pane in which a sign is placed.
- iv. Such signs must not be illuminated.
- v. Window signs will not be counted toward any wall sign total square footage allowed by the building sign regulations.

C. Urban Core (UC-) Form Districts**1. General Standards**

Signs within Urban Core (UC-) Form Districts are subject to the following regulations. For purposes of this Subsection, "street" means public streets and private streets, as well as associated public right-of-way including public right-of-way accessible only to pedestrians.

2. Building Signs**a. Type**

- i. Wall signs, projecting signs, canopy signs, pedestrian signs, and marquee signs are permitted.

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- ii. Only 1 of the signs may be either suspended or projecting along each street frontage per business establishment, provided that corner business establishments may have 2 projecting signs limited to 1 projecting sign per street frontage.
- iii. Wrap signs and projection signs are permitted within the time, manner and place limitations contained in this Subsection.

b. Number

- i. A maximum of 3 signs are allowed for each business establishment on the ground story of a building, except where additional signage is authorized on a monument sign or multi-tenant sign.
- ii. A maximum of 3 signs are allowed for each second story business establishment engaged in a permitted use listed under the commercial, retail, or public and institutional headings of the Use Table (Div. XX) and having a facade that faces a street except where additional signage is authorized on a monument sign or multi-tenant sign.
- iii. One additional sign is allowed for each business establishment occupying corner space that faces two streets and is located on the ground story or second story, provided such sign is oriented toward the additional street.

c. Area

Where a business establishment is permitted to have signs, the following regulations apply:

- i. The combined area of the signs except for that signage on monument signs or multi-tenant signs if allowed must not exceed 10% of the total area of the walls of the business establishment that face the street but at least 60 square feet of combined sign area is allowed for each business establishment.
- ii. The area of the additional sign for corner spaces must not exceed 10% of the total area of the walls of such business establishment that face the additional street, or 60 square feet, whichever is less and this calculation will exclude that signage on monument signs or multi-tenant signs if allowed.
- iii. No individual sign may exceed 200 square feet except for wrap signs, where allowed.

d. Height

The height limitation set forth in Sec. XX. General Sign Standards may be exceeded as follows:

- i. No portion of a sign for a ground story business establishment is permitted to be located more than 40 feet in height above the elevation of the nearest pedestrian zone.
- ii. No portion of a sign for a second story business establishment is permitted to be located more than 50 feet in height above the elevation of the nearest pedestrian zone provided that:
 - a) The sign must located directly above the independent entrance to the second story use; or
 - b) The sign must located directly above or adjacent to windows for such second story use.

- iii. Notwithstanding the permission for increased height in Urban Core (UC-) Form Districts, no portion of any sign is permitted to extend above the top of the building upon which it is located.
- iv. Height of a wrap sign is not permitted to extend 200 feet in height above ground level.

3. Freestanding Signs

- a. Freestanding signs are not permitted other than monument signs.
- b. Monument signs are authorized as a type of sign provided they meet each of the following standards:
 - i. One monument sign is authorized for each building meeting the following requirements:
 - a) The building contains more than 25,000 square feet of gross floor area excluding parking areas; and
 - b) 50% or more of the ground story street-facing facade is located 15 feet or more from the adjacent required amenity zone, measured from the nearest point of said amenity zone to the nearest point of the building, due to lawful nonconforming status of the building.
 - ii. When buildings meeting the requirements of above face 2 or more streets, 2 monument signs are authorized provided that each is oriented toward a different street.
 - iii. Monument signs must not exceed 10 feet in height measured from the lowest point of the elevation of the nearest amenity zone to the highest point of the monument sign. Monument signs must not exceed 4 feet in length and 2 feet in width, measured from the outer edges of the monument sign structure.
 - iv. Monument signs must be located on private property except when expressly authorized to encroach into a public right-of-way by an encroachment agreement approved pursuant to Chapter 138 of the City Code, provided that under no circumstances will a monument sign encroach into required amenity zones or visibility triangles.

4. Multi-Tenant Signs

- a. In addition to the signs otherwise authorized in this subsection, buildings with 3 or more tenants are permitted 1 building sign.
- b. Said sign must be erected as a wall sign and must not exceed 100 square feet in sign area.
- c. Where a building with 3 or more tenants faces 2 or more streets, 2 such multi-tenant signs are authorized provided that each is oriented toward a different street.

5. Animated, Flashing, and Changing Signs

Except where prohibited in Urban Core 4 (UC4) Form District, animated, flashing, and changing signs are permitted provided that no such sign is erected within 100 feet of an adjoining residential district if visible therefrom

SIGNS**6. Public Right-of-Way Signs**

Signs extending or projecting over any property line onto sidewalk or street right-of-way are subject to all other provisions of this Division, of the Zoning Ordinance, and of any other applicable requirements of the City of Atlanta Code of Ordinances governing such signs.

7. Public Entertainment District Signs

After temporary designation by the City Council of a Public Entertainment District, wrap and projection signs, as a type of building sign, are permitted only in UC3 and UC4 Form Districts and provided they meet each of the following standards:

a. Display

- i. A projection sign may project video from one location onto a building facade at a different location through use of a color projectors.
- ii. All wrap signs must be constructed and erected as wall signs on a building or structure, including a pedestrian bridge. Each sign face must be made of perforated one-way window tint or film that is fastened directly onto the exterior of the building facade through an adhesive and without use of any suspended cables or other fastening equipment.
- iii. Freestanding wrap signs are specifically prohibited.

b. Number

- i. No more than 5 wrap signs are permitted.
- ii. No more than 3 projection signs are permitted.
- iii. Projection signs are only permitted to project onto wrap signs.
- iv. A permit may be issued that authorizes both a wrap and a projection sign.

c. Size

- i. No wrap sign may less than 7,000 nor exceed 45,000 square feet in sign face area.
- ii. Square feet in sign face area for projection signs may not exceed the square feet in area for the wrap sign it is projected on to.

d. Location

- i. Projection signs are only permitted on buildings greater than 100 feet tall and must face and be visible from Centennial Olympic Park.
- ii. Any building to which a wrap sign is affixed must be on a parcel that has street frontage along Centennial Olympic Drive, Marietta Street or Peachtree Street.
- iii. Any pedestrian bridge to which a wrap sign is affixed must cross over Andrew Young International Boulevard.

e. Height

No portion of a wrap or projection sign may be placed above, supported on, or extend above

the roof of a building.

f. Duration

The display of wrap or projection signs may commence no earlier than 7 business days before the beginning of the entertainment event and must be removed no more than 5 business days after the completion of the entertainment event.

8. Crown Signs

a. Museum Signature Signs

- i. Notwithstanding the restriction set forth in **Sec. XX. General Sign Standards** museum signature signs are allowed on museums with a gross floor area greater than 75,000 square feet and such museums may combine the 5% allocation allowed for such signs on wall of the museum building. No other museum signature signs will be allowed on other walls of the museum building where the option to combine the 5% per wall allocation is utilized to increase the size of the museum signature sign on any other wall of the museum building.
- ii. Enclosed displays constructed as a part of the design of museums that may be visible from the public right-of-way are permitted as a part of the educational or preservation purposes of the museum in that such displays are intended to represent significant contributions to the cultural heritage or history of the city, the state or the nation, natural history, or the history of science, technology or business.

b. Principal Occupant Occupancy Limits

Notwithstanding the restriction on occupancy limits in the definition of Principal Occupant in **Sec. XX. Sign Definitions**, a building tenant who occupies a minimum of 20% or 100,000 square feet of the floor area of a specific building that is available for occupancy is authorized to erect a crown sign, provided all other restrictions set forth in this Division related to crown signs are followed.

9. Wrap Signs

In addition to the signs otherwise authorized in Urban Core (UC-) Form Districts, wrap signs are authorized only in UC3 and UC4 and provided they meet each of the following standards:

- a. Wrap signs may be erected only within a public entertainment district delineated and designated by city ordinance; for purposes of this, the definition of public entertainment district in **Sec. XX. Sign Definitions** does not apply. Such public entertainment district are a temporary designation that will not exceed 30 consecutive days, and must be created only in association with an entertainment event that meets the following criteria:
 - i. Occurs within Urban Core (UC-) Form Districts;
 - ii. Occurs in a facility that seats at least 15,000;
 - iii. Has a duration of no greater than 7 consecutive days; and
 - iv. Is likely to have an economic impact on the City during the period of the event of not less than \$25,000,000.00.

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- b. Only one wrap sign is authorized on each building facade. No wrap sign may exceed 10,000 square feet in sign face area;
- c. No building can contain more than 4 wrap signs, nor contain more than 40,000 square feet in total sign face area;
- d. All wrap signs must be constructed and erected as wall signs on a building or structure, including a pedestrian bridge. Each sign face will be made of perforated one-way window tint or film that is fastened directly onto the exterior of the building facade through an adhesive and without use of any suspended cables or other fastening equipment. Freestanding wrap signs are specifically prohibited;
- e. No portion of a wrap sign may extend 200 feet in height above ground level; provided further that no part of a wrap sign may be placed above, supported on, or extend above the roof of a building;
- f. The display of wrap signs may commence no earlier than 3 days before the beginning of the entertainment event and ending no more than 2 days after the completion of the entertainment event; and
- g. Any building to which a wrap sign is affixed must be on a parcel that has street frontage along either Marietta Street or Peachtree Street. Any pedestrian bridge to which a wrap sign is affixed must cross over Andrew Young International Boulevard.

10. Urban Core 3 (UC3) Form District

The sign regulations for Urban Core 3 (UC3) Form District are subject to the following additional limitations:

a. LSVD Signs

In addition to the signs otherwise authorized in Urban Core (UC-) Form Districts, LSVD Signs, are a permitted wall sign on a building provided they meet each of the following standards:

- i. LSVD signs erected on a building permitted as a Museum, Gallery, Auditorium, Library or similar cultural facility located within Urban Core 3 (UC3) Form District; and
- ii. No single LSVD sign may exceed 1,500 square feet in total sign face; and
- iii. No portion of an LSVD sign may extend 65 feet in height above sidewalk level; provided further that no part of an LSVD sign may be placed above, supported on, or extend above the building facade to which it is attached; and
- iv. All LSVD signs must be constructed and erected as wall signs or parapet wall signs. Freestanding LSVD signs are specifically prohibited; and
- v. All LSVD signs must otherwise comply with all other provisions of this Division as well as all other laws and regulations of the State of Georgia and the City of Atlanta.

11. Urban Core 4 (UC4) Form District

The sign regulations for Urban Core 4 (UC4) Form District are subject to the following additional limitations:

a. Multi-Tenant Signs

Multi-tenant signs are limited to 30 square feet in sign area.

b. Changing Signs

No changing signs are permitted, with the exception of theater uses.

c. Canopy Signs

No internally illuminated canopy signs are permitted.

d. LSVD Signs

No LSVD signs are permitted.

D. Workplace Flex (WX-) Form Districts**1. Number and Area of Signs****a. Building Signs**

- i. Wall signs, projecting signs, canopy signs, crown signs, painted wall signs, window signs, pedestrian signs, and marquee signs are permitted.
- ii. A maximum of 3 building signs are permitted for each business establishment.
- iii. The combined area of these permitted building signs must not exceed 10% of the total area of the front wall of each business establishment, and in no case may any individual sign exceed 200 square feet.
- iv. Notwithstanding these provisions, every business establishment is entitled to at least 60 square feet total combined sign area.
- v. For corner lots, 1 additional building sign for the business establishment occupying the corner space is permitted, provided it is oriented toward the additional street frontage. The total area of sign must not exceed 10% of the area of the wall of said building occupied by such business establishment and oriented toward the additional street frontage, or 60 square feet, whichever is less.

b. Freestanding Signs

- i. In addition to the building signs permitted in the Subsection above, 1 freestanding entrance, monument, or suspended sign is permitted for each developed lot with a business establishment.
- ii. On interior lots, the freestanding sign must not exceed 60 square feet in sign area when located in the required front yard setback.
- iii. If located within the buildable area of the lot, said interior freestanding sign may be enlarged from said 60 square foot maximum at a rate of 1 additional square foot of sign area per additional linear foot of setback from the required front yard setback line, measured perpendicularly, up to a maximum of 100 square feet in total sign area.

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- iv. On corner lots, said freestanding sign must not exceed 90 square feet in sign area when located in the required front yard setback.
- v. If located within the buildable area of the lot, said corner freestanding sign may be enlarged from said 90 square foot maximum at a rate of 1 additional square foot of sign area per additional linear foot of setback from the required front yard setback line, measured perpendicularly, up to a maximum of 130 square feet in total sign area.
- vi. In lieu of the freestanding sign, permitted shopping centers are permitted 1 single freestanding business identification sign. Said sign may be located within the required front yard setback. Said sign must not exceed 200 square feet in sign area. Where a shopping center has frontage on 2 or more streets, 1 additional sign is permitted for each additional street frontage provided that such additional street does not face a residential district.
- vii. Freestanding signs may not be constructed before the principal building on a lot.

2. Height

No freestanding sign is permitted to exceed 35 feet in height above the level of the surface of the pavement of the nearest lane of the main traveled way or 35 feet from the ground at the base of the structure to the tallest part of the structure, whichever is greater.

3. Animated, Flashing, and Changing Signs

Animated, flashing, or changing signs are prohibited.

4. Public Right-of-Way Signs

No sign is permitted to extend or project over any property line onto sidewalk or street right-of-way.

5. Crown Signs

Crown signs are permitted subject to the restrictions set forth in **Sec. XX. Sign Type Standards**.

6. Window Signs

Window sign do not require a Sign Permit prior to display but are only permitted as follows:

- a. Not more than 1 window sign per facade per establishment is allowed.
- b. Each individual window sign or incidental window sign must not be larger than 4 square feet.
- c. In no event will one or more such signs cover more than 25% of the area of each window or glass pane in which a sign is placed.
- d. Such signs must not be illuminated.
- e. Window signs will not be counted toward any wall sign total square footage allowed by the building sign regulations.

E. Workplace (W-) Form Districts

1. Number and Area of Signs

a. Building Signs

- i. Wall signs, projecting signs, canopy signs, pedestrian signs, and marquee signs are permitted.
- ii. A maximum of 3 such signs are permitted for each business establishment.
- iii. The combined area of these permitted signs must not exceed 10% of the total area of the front wall of each said business establishment, and in no case will any individual sign exceed 200 square feet.
- iv. Where existing nonconforming buildings are located immediately adjacent to the street, such buildings will be permitted to have 1 sign, not exceeding 60 square feet in sign area, projecting into the public right-of-way.
- v. Notwithstanding these provisions, every business establishment is entitled to at least 60 square feet total combined sign area.
- vi. For corner lots, 1 additional wall sign for the business establishment occupying the corner space is permitted, provided it is oriented toward the additional street frontage. The total area of said wall sign must not exceed 10% of the area of the wall of said building occupied by such business establishment and oriented toward the additional street frontage, or 60 square feet, whichever is less.

b. Freestanding Signs

- i. In addition to the building signs permitted, 1 freestanding sign is permitted for each developed lot with a business establishment.
- ii. On interior lots, said freestanding sign must not exceed 60 square feet in sign area when located in the required front yard setback.
- iii. If located within the buildable area of the lot, said interior freestanding sign may be enlarged from said 60 square foot maximum at a rate of 1 additional square foot of sign area per additional linear foot of setback from the required front yard setback line, measured perpendicularly, up to a maximum of 100 square feet in total sign area.
- iv. On corner lots, said freestanding sign must not exceed 90 square feet in sign area when located in the required front yard setback.
- v. If located within the buildable area of the lot, said corner freestanding sign may be enlarged from said 90 square foot maximum at a rate of 1 additional square foot of sign area per additional linear foot of setback from the required front yard setback line, measured perpendicularly, up to a maximum of 130 square feet in total sign area.
- vi. In lieu of the freestanding sign, shopping centers are permitted 1 single freestanding business identification sign. Said sign may be located within the required front yard setback. Said sign must not exceed 200 square feet in sign area. Where a shopping center

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has frontage on 2 or more streets, 1 additional sign is permitted for each additional street frontage provided that such additional street does not face a residential district.

2. Height

No freestanding sign may exceed 35 feet in height above the level of the surface of the pavement of the nearest lane of the main traveled way or 35 feet from the ground at the base of the structure to the tallest part of the structure whichever is greater.

3. Animated and Flashing Signs

Animated or flashing signs are permitted provided that no such signs is erected within 100 feet of an adjoining residential district if visible therefrom.

4. Changing Signs

Changing signs are permitted.

5. Billboard Signs

- a. Billboard signs are permitted subject to all other provisions in this Division, specifically including **Sec. XX. General Sign Standards**, any other applicable portion of the Zoning Ordinance, and any other provision of the Code of Ordinances governing billboard signs.
- b. Billboard signs must not exceed 50 feet in height above ground level; provided, however, when the ground level is lower than the level of the adjoining pavement, then a freestanding billboard sign may be raised so as to be not more than 25 feet above the level of the pavement.
- c. Billboard signs must be located within the buildable area of the lot and must not exceed 672 square feet in total sign area.
- d. No billboard sign may be located within 300 feet of a freestanding sign 72 square feet or greater but less than 200 square feet in total sign area.

F. Special Form Districts**1. Number and Area of Signs**

- a. A maximum of 1 sign of any type except billboard and portable sign is permitted for each separate street frontage of each business establishment or building.
- b. Such sign must not exceed 30 square feet in sign area.
- c. There is no limit on the number of freestanding signs identifying buildings or providing wayfinding at private universities with a physical campus of over 50 acres within City limits.
- d. Such signs must not exceed 30 square feet in sign area and 8 feet in height, except hospital signs which must not exceed 95 square feet in sign area and 15 feet in height.

2. Setback

- a. Signs must be mounted flat to the wall of the building or not nearer than 20 feet to the street lot line.

- b. Freestanding signs identifying buildings or providing wayfinding at private universities with a physical campus of over 50 acres within City limits must not be nearer than 10 feet to the street lot line.

3. Height

No freestanding sign is permitted to be higher than 24 feet above ground level.

4. Lighting

- a. Except for hospital signs at private universities with a physical campus of over 50 acres within City limits, no sign is permitted to be internally illuminated.
- b. No lighting is permitted which illuminates any area outside of the lot upon which said sign is located.

5. Animated, Flashing, and Changing Signs

Animated, flashing, or changing signs are prohibited.

6. Public Right-of-Way Signs

No sign is permitted to extend or project over any property line onto sidewalk or street right-of-way.

7. Billboard Signs

Billboard signs are prohibited.

8. Crown Signs

Crown signs are permitted subject to the restrictions set forth in **Sec. XX. Sign Type Standards**.

Sec. 8.6.12. Legacy District Sign Standards

A. Fort McPherson Legacy District

The regulations for the Fort McPherson Legacy District are the same as the regulations for Urban General (UG-) Form District sign standards, provided that,

1. No freestanding signs are permitted.
2. No shopping center signs are permitted.
3. In addition to the signs otherwise authorized in this subsection, monument signs are authorized as a type of sign provided they meet each of the following standards:
 - a. For the purposes of this Subsection, "monument sign" means a permanent sign not attached to a building and constructed directly and continuously upon the ground or a grade-level support structure with no separation between the sign and the ground or grade-level support structure. Monument signs must not be supported by visible columns, uprights, poles or braces and must be of continuous solid construction without holes, gaps or spacing;

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- b. One monument sign only is authorized for each building containing more than 25,000 square feet of gross floor area excluding parking areas. When a building faces 2 or more streets, 2 monument signs are authorized provided that each is oriented toward a different street;
- c. Monument signs must not exceed 10 feet in height measured from the lowest point of the elevation of the nearest pedestrian zone to the highest point of the monument sign. Monument signs must not exceed 4 feet in length and 2 feet in width, measured from the outer edges of the monument sign structure;
- d. Monument signs must be located on private property except when expressly authorized to encroach into a public right-of-way by an encroachment agreement approved pursuant to Chapter 138 of the City Code, provided that under no circumstances may a monument sign encroach into required pedestrian zones or visibility triangles.

B. Buckhead Village Legacy District

Signs are permitted in the Buckhead Village Legacy District as follows:

1. Subarea Regulations

- a. Specific subarea regulations may allow signage that is not permitted in other subareas or exceeds the height otherwise permitted by the Sign Ordinance.
- b. The maximum height of any sign on any building frontage in Subarea #1 and along on Pharr Road may be 60 feet above adjacent sidewalk-level.

2. Type, Number, and Area of Business Identification Signs**a. Type**

- i. Wall signs, projecting signs, canopy signs, monument signs, freestanding signs, pedestrian signs, and marquee signs are permitted.
- ii. Crown signs are permitted, subject to the restrictions set forth in **Sec. XX. Sign Type Standards** and this Subsection. Historic iconic signs are permitted, subject to the restrictions set forth in this Subsection.

b. Number

- i. Three signs are allowed on the premises of active sidewalk level uses having a frontage along a public street or a private street where visible from a public street. One sign may be suspended from the wall or project over any frontage if approved in the manner required for its placement unless such signs are restricted by specific sub-area regulations.
- ii. Two signs are allowed on the premises of businesses located on a building floor above sidewalk-level and having a frontage along a public street or a private street where visible from a public street. One sign may be suspended from the wall or project over any frontage if approved in the manner required for its placement.
- iii. For businesses having frontage on more than 1 public street or private street, 1 additional sign for the business establishment is permitted on the premises of such business, provided that no sidewalk level frontage contains more than 3 signs and no frontage above sidewalk level contains more than 2 signs. The total area of increase for any

additional sign allowed by this Subsection must not cause all signs on a frontage to exceed 10% of the area of the wall area of said building occupied by such business establishment on that frontage or 60 square feet, whichever is less.

c. Area

- i. The combined area of permitted signs must not exceed 10% of the total aggregate area of the walls that face the public right-of-way or which face a private drive and are visible from a public right-of-way provided however that at least 60 square feet of combined sign area is allowed.
- ii. No individual sign is permitted to exceed 200 square feet.

3. Height

- a. **Sec. XX. General Sign Standards** will be supplanted for Buckhead Village Legacy District by the following height limitations provided however that no portion of any sign may extend above the top of the building upon which it is located where the building height is less than the height permitted for signs.
- b. Where a business establishment is permitted to have signs, the following regulations apply:
 - i. For sidewalk-level business establishments, signs are permitted to a maximum height of 35 feet above the adjacent sidewalk-level.
 - ii. For above sidewalk-level business establishments, signs are permitted to a maximum height of 50 feet above the lowest point of the adjacent sidewalk-level on that frontage provided that:
 - a) The sign must be located directly above the independent entrance to the upper floor use; or
 - b) The sign must be located directly above or adjacent to windows for such upper floor use.

4. Shopping Center Signs

- a. Shopping centers are permitted 1 sign in addition to the signs of the businesses therein.
- b. Said sign must be erected as a wall sign or monument sign and must not exceed 200 square feet in sign area.
- c. Where a shopping center has frontage on 2 or more streets, 1 additional wall sign or monument sign is permitted for each additional street frontage.

5. Signs Extending Over the Public Right-of-Way or Private Drives

- a. Signs extending or projecting over any property line onto sidewalk or street right-of-way or extending over a private drive and visible from a public street are not permitted without the written permission of the Atlanta Department of Transportation obtained according to their procedures for allowing such encroachments.
- b. Any pedestrian or projecting sign that extends into any private drive on the exterior of any building will be reviewed and approved by the Atlanta Department of Transportation.

SIGNS**6. Billboard Signs**

Billboard signs are prohibited.

7. Animated, Flashing, Neon, Changing and Internally Illuminated Signs

Animated, flashing, neon, changing signs and internally illuminated signs are prohibited.

8. Historic iconic Signs

- a. Notwithstanding anything to the contrary in this Section, **Sec. XX. Prohibited Signs**, or **Sec. XX. Nonconforming Signs**, a historic iconic sign is permitted within the district.
- b. Such sign may be re-located from its historic location to a new location within the district when the relocation is in connection with redevelopment of the historic location and the historic iconic sign is preserved in its historic form.
- c. Such requirement of preservation do not preclude repairs and normal maintenance.

C. Buckhead / Lenox Station Legacy District

It is the intention of these regulations to address the specific and unusual development patterns, building forms, and mix of uses which currently exist in this Legacy District so as to regulate the size and location of signs, so that only businesses which are clearly intended by building form and placement to be a component part of a unified development or a development utilizing shared access.

1. General Regulations

Signs within the Buckhead/Lenox Stations Legacy District are subject to the regulations set forth in this Subsection. For purposes of this Subsection, "street" means public right-of-way, private streets that function as public streets and pedestrian ways. Other references in this Subsection to terms defined in **Sec. XX. Legacy Districts** apply said definitions.

2. Subareas 1, 2 and 4

The sign regulations for Subareas 1, 2 and 4 are as indicated below in this Subsection.

3. Subarea 3

The sign regulations for Subarea 3 are the same as the sign regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts.

4. Building Signs**a. Type**

Wall signs, projecting signs, canopy signs, pedestrian signs and marquee signs must be permitted. Only one of the signs may be either suspended or projecting along each street frontage per business establishment, provided that corner business establishments may have two projecting signs limited to one projecting sign per street frontage.

b. Number

- i. A maximum of 3 building signs are allowed for each business establishment on the ground story of a building having frontage along a street.
- ii. A maximum of 2 building signs are allowed for each second-level and third-level business establishment having a facade that faces a street. For purposes of this Subsection, "second-level and third-level" means those building floor levels immediately above ground story.
- iii. One additional building sign are allowed for each business establishment occupying a corner space that faces 2 streets and is located on the ground story, second-level or third-level, provided such sign is oriented toward the additional street.

5. Area

Where a business establishment is permitted to have building signs, the following regulations apply:

- a. The combined area of the signs must not exceed 10% of the total area of the walls of the business establishment that face the street but at least 60 square feet of combined sign area is allowed for each business establishment.
- b. The area of the additional sign authorized business establishments occupying a corner space must not exceed 10% of the total area of the walls of such business establishment that face the additional street, or 60 square feet, whichever is less.
- c. No individual sign may exceed 200 square feet.

6. Height

The height limitation set forth in **Sec. XX. General Sign Regulations** may be exceeded for authorized building signs as follows:

- a. No portion of a sign for a ground story business establishment may be located more than 35 feet in height above the elevation of the nearest sidewalk walk zone or pedestrian path.
- b. No portion of a sign for a second-level or third-level business establishment may be located more than 50 feet in height above the elevation of the nearest sidewalk walk zone or pedestrian path provided that:
 - i. The sign must be located directly above the independent entrance to the second-level or third-level use; or
 - ii. The sign must be located directly above or adjacent to windows for such second-level or third-level use.
- c. No portion of any sign may extend above the top of a building upon which it is located.

7. Multi-tenant Signs

In addition to the signs otherwise authorized, buildings with 3 or more tenants are permitted 1 single building sign. Said sign must be erected as a wall sign and must not exceed 100 square feet in sign area. Where a building with 3 or more tenants faces 2 or more streets, 2 such multi-tenant

SIGNS

signs are be authorized provided that each is oriented toward a different street.

8. Monument Signs

For the purposes of this Subsection, “monument sign” means a permanent sign not attached to a building and constructed directly and continuously upon the ground or grade-level support structure with no separation between the sign and the ground or grade-level support structure. Such signs must not be supported by visible columns, uprights, poles or braces and **must** be of continuous solid construction without holes, gaps or spacing and **must** be authorized as a type of sign, subject to all restrictions and regulations generally applicable to all building signs provided they meet each of the following standards:

a. Number

One monument sign is authorized for each building that contains more than 25,000 square feet of gross floor area excluding parking areas except that no monument sign is authorized for any building that utilizes a regional shopping center sign or utilizes a nonconforming freestanding sign. When buildings which meet these criteria for a monument sign also face 2 or more streets, 2 monument signs are authorized provided that each is oriented toward a different street. Any sign copy appearing on a monument sign will be counted against the number of signs and the total square footage of sign faces to which a business is otherwise entitled.

b. Location

Monument signs must only be located on private property provided that under no circumstances may a monument sign encroach into required pedestrian zones, pedestrian paths, or visibility triangles.

c. Size and Height

Monument signs must not exceed 18 feet in length and 2 feet in width measured from the outer edges of the monument sign, and 5 feet in base height measured from the lowest point of the elevation of the nearest pedestrian zone or pedestrian path to the highest point of the monument sign. A vertical extension is permitted above the 5 feet maximum base height provided such extension does not exceed a total height of 18 feet (including the base height), 8 feet in length and 2 feet in width, all measured in the same manner as stated above. Such signs, when located in a primary or side street yard, must not be situated in a manner that prohibits pedestrian circulation.

d. Affiliated Businesses and Affiliated Businesses Utilizing Shared Access

Businesses that are affiliated, such as through a unified development plan, or in the operation of their businesses through direct shared private street vehicular access to the same public street may utilize monument signs for signage on a monument sign located upon or within 20 feet of a drive lane of such shared vehicular access provided that such monument signage:

- i. Must be directly visible from such adjacent public street;
- ii. Will be counted against the number of signs and the total square footage of sign faces to which a business utilizing such signage is otherwise entitled; and

- iii. Will be subject to include notarized documentation acknowledging that the City will only issue permits that meet the criteria set forth in this Subsection; that the City is not required to determine whether the requested space on any monument sign is available to such applicant for such use; and that such applicant is responsible for all arrangements with its business affiliates to allow the location of the sign which is the subject of the application on the monument sign. Further, the City's issuance of a Sign Permit pursuant to this Subsection, which is, in part, based on the notarized documentation provided by the applicant:
 - a) Will not be considered to be the City's decision that such permit has the effect to supersede, amend or modify private rights of ownership in the monument sign.
 - b) Will not be considered to be the City's decision that such permit has the effect to supersede, amend or modify private rights in shared access as between any party with claims to the use of such private access.
 - c) Will not give rise to any obligation of the City to defend its issuance of the permit because such issuance granted a vested right to a business to locate on any monument sign. While no sign may be located on any monument sign without a permit, the allocation of all private rights as to who may place a permitted sign on such monument sign will at all times be finally determined by the contractual or ownership arrangements between the business affiliates with respect to such monument sign.

9. Crown Signs

Notwithstanding the restriction on occupancy limits in the definition of principal occupant in **Sec. XX. Sign Definitions**, a building tenant who occupies a minimum of 20% or 100,000 square feet of the floor space of a specific building that is available for occupancy is authorized to erect a crown sign, provided all other restrictions set forth in this Division related to crown signs are followed; provided however that crown signs for tenants with qualifying square footage in a qualifying building in a unified development may be located on another building in such unified development under common ownership that meeting the requirements for crown signs in this district provided that the building where the occupancy is located is on an immediately adjacent parcel to the building where the signs are to be erected, the buildings are not separated by a public right-of-way, and both buildings are served by common pedestrian access and shared parking facilities.

10. Regional Shopping Center Signs

In lieu of authorized monument sign(s), a regional shopping center, as defined by **Sec. XX. Sign Definitions**, must be permitted one single freestanding sign which may be a changing sign. Said sign must not be located within the sidewalk walk zone or pedestrian path. Said sign must not exceed 200 square feet in sign area and must not exceed 35 feet in height above the elevation of the nearest sidewalk walk zone or 35 feet from the ground at the base of the structure to the tallest part of the structure, whichever greater. Where such regional shopping centers have frontage on two or more streets, one additional large shopping center sign will be permitted provided that such additional sign is not a changing sign.

SIGNS**11. Prohibited or Restricted Signs**

- a. Billboard signs are not permitted.
- b. Freestanding signs are not permitted other than monument signs and regional shopping center signs, except that any freestanding sign lawfully constructed prior to the effective date of this Division that is partially or fully destroyed by unintentional means such as fire, storm or other hazards may be reconstructed on its previous footprint to its previous height, size and location.
- c. Unless authorized as regional shopping center signs in Subsection above, animated, flashing, and changing signs are prohibited.
- d. No sign may extend into or project over a amenity zone, pedestrian zone, pedestrian path, or street right-of-way except if expressly authorized to encroach into a public right-of-way by an encroachment agreement approved pursuant to Chapter 138 of the City Code.

12. Two-Dwelling Unit Developments

Two-dwelling unit developments are allowed 1 sign per lot not to exceed 2 square feet in sign area. Said sign must be mounted flat to the building or suspended.

13. Regional Shopping Center Development Major Business Signs

- a. Where an authorized building sign for a business occupying and actively using over 80,000 square feet in a regional shopping center, as defined by **Sec. XX. Sign Definitions**, would be permitted on an exterior wall of such business, this authorized wall sign, projecting sign, canopy sign, pedestrian sign or marquee sign may be placed on a building on an immediately adjacent lot not separated from the regional shopping center by a public right-of-way. The relocated sign will considered in calculating the size and number of signs that would be permitted for the authorized business identified.
- b. In lieu of an authorized building sign or an authorized monument sign, a business occupying and actively using over 80,000 square feet on a lot immediately adjacent to a regional shopping center, as defined by **Sec. XX. Sign Definitions**, not separated by a public right-of-way is permitted to place this authorized wall sign, projecting sign, canopy sign, pedestrian sign, marquee sign or monument sign for such business on the adjacent regional shopping center building or the lot containing the regional shopping center. The relocated signage will be considered in calculating the size and number of signs that would be permitted for the authorized business identified. A relocated business building identification sign permitted to be relocated by this Subsection may be implemented as either 1 business building identification sign or 1 monument sign. If such relocated business building identification signage permitted is to be installed as a monument sign, it must be located in an area visible from and adjacent to a private drive or pedestrian walkway providing access from the public right-of-way to such business.
- c. No part of the signs permitted by Subsections a) and b) above may extend above the top of the building on which it is placed nor be located on portions of a building containing residential uses. Size of the signage permitted will be determined pursuant to **Sec. XX. General Sign Standards**.

D. Midtown Legacy District

The following signs are permitted in the Midtown Legacy District:

1. Subarea 1: Midtown Commercial

The regulations for Subarea 1: Midtown Commercial are the same as the regulations for Urban General (UG-) Form District, provided that:

- a. No freestanding signs are permitted.
- b. No shopping center signs are permitted.
- c. Despite any language to the contrary in this Division, the use of Large Screen Video Display (LSVD) utilizing full motion video technology consisting of a matrix board behind which computerized lights are projected to form images, as for a television, is a permitted wall sign on a building within a Mixed Use Technology Center that meets the following criteria:
 - i. A Mixed Use Technology Center exceeds 700,000 square feet and consists of the following mix of uses:
 - a) At least 500,000 square feet of office floor area, a portion of which is leased to a university system of Georgia tenant and the remainder is available for lease by technology companies;
 - b) At least 50,000 square feet of floor area used as a high-performance computing space or data center;
 - c) At least 20,000 square feet of retail space with at least 15,000 square feet being street level retail; and
 - d) At least 20,000 square feet devoted to an outdoor public plaza; and
 - ii. The LSVD sign:
 - a) Must be located on a wall facing the public outdoor public plaza; provided however that the LSVD sign may also be incidentally visible from a public street; and
 - b) Must not create greater hazards or distractions to drivers than other uses or building features permitted by the Zoning Ordinance.

2. Subarea 2: Midtown Residential and Subarea 3: Juniper East

The regulations for Subarea 2: Midtown Residential and Subarea 3: Juniper East are the same as the regulations in subsection Urban General (UG-) Form Districts, provided that:

- a. No freestanding signs are permitted.
- b. No shopping center signs are permitted.
- c. Signs may be located as near to the street lot line as the nearest building.

E. Greenbriar Town Center Legacy District

The following signs are permitted in the Greenbriar Town Center Legacy District:

SIGNS

1. The regulations for Greenbriar Town Center District Subareas 1, 2, and 3 are the same as the regulations for Urban General (UG-) Form Districts, except as otherwise set forth below.
2. Where a shopping center is located on a parcel larger than 50 acres and the structures on the parcel exceed 500,000 square feet, such use may be allowed signs meeting the following requirements:
 - a. Four freestanding monument style signs each not exceeding 200 square feet in sign area and not exceeding 20 feet in height above the level of the surface of the pavement of the nearest lane of vehicular travel of the adjacent street or 20 feet from the ground at the base of the structure to the tallest part of the structure whichever is greater. The signs may be internally lighted but must not be changing signs:
 - b. The freestanding monument style shopping center signs permitted by this subsection may be installed in any required yard but must be located at least 20 feet from the curb line when adjacent to a street to allow for the future installation of sidewalks and must otherwise meet the requirement set forth in this part as to visibility at intersections.
 - c. Each freestanding monument style shopping center sign permitted by this subsection must be separated from any other such sign by a minimum of 500 feet of frontage along the same street when such sign is located in a required yard but this distance requirement may be reduced to 200 feet for signs located on different streets.
 - d. Where such shopping center has existing signage which faces limited access roadways, 1 existing sign may be converted to a changing sign, which may utilize any technology allowed by the Sign Ordinance provided however that neither the size of the sign face nor the height of the sign may increase. The converted sign will not be counted in the inventory of permitted monument style shopping center signs and will be a conforming sign.
 - e. Any existing signs facing faces limited access roadways, not converted to a changing sign, will be considered non-conforming and will not be counted in the inventory of permitted monument style shopping center signs.

Sec. 8.6.13. Historic and Landmark District Sign Standards

A. Cabbagetown Landmark District

1. General Regulations

The following regulations apply to all property located within the Cabbagetown Landmark District:

- a. Billboard signs are not permitted in the Cabbagetown Landmark District; and
- b. No sign will be permitted within the Cabbagetown Landmark District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in **Chapter 8. Historic and Landmark Districts**.

2. The Mill (Subarea 1)

The sign regulations for the Mill (Subarea 1) are the same as the Urban General (UG-) Form District.

3. Mill Housing (Subarea 2)

The sign regulations for Mill Housing (Subarea 2) are the same as the regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, provided that:

- a. Freestanding signs are not permitted except for public and institutional uses permitted within the subarea;
- b. The location of the sign, unless otherwise specified within this Subsection, are subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness;
- c. Where an existing building is located immediately adjacent to the street, such building is permitted to have 1 sign, projecting into the public right-of-way, subject to all other provisions of this Division regarding projecting signs.

4. Shotgun and Cottage Housing (Subarea 3)

The sign regulations for shotgun and cottage housing (Subarea 3) are the same as the regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, provided that:

- a. Freestanding signs are not permitted except for public and institutional uses permitted within the subarea;
- b. The location of the sign, unless otherwise specified within this Subsection, are subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness;
- c. Where an existing building is located immediately adjacent to the street, such building is permitted to have 1 sign, projecting into the public right-of-way, subject to all other provisions of this Division regarding projecting signs.

5. Neighborhood Commercial/Services (Subarea 4)

The sign regulations for Neighborhood commercial/services (Subarea 4) are the same as the Urban General (UG-) Form District, provided that:

- a. Freestanding signs are not permitted except for public and institutional uses permitted within the subarea and must not exceed 10 feet above ground level.
- b. Where an existing building is located immediately adjacent to the street, such building is permitted to have 1 sign, projecting into the public right-of-way, subject to all other provisions of this Division regarding projecting signs.

6. Transitional Commercial/Industrial (Subarea 5)

The sign regulations for Transitional commercial/industrial (Subarea 5) are the same as the Urban General (UG-) Form District, except where commercial or industrial uses in this subarea abut residential uses, no sign may exceed 20 feet above ground level.

B. Druid Hills Landmark District

The sign regulations for the Druid Hills Landmark District are the same as the regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, provided that:

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1. No billboard signs are permitted in the Druid Hills Landmark District.
2. No sign is permitted within the Druid Hills Landmark District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in **Chapter 8. Historic and Landmark Districts**
3. One sign, not exceeding 20 square feet in sign area, is permitted for multi-dwelling unit uses.
4. For all other nonresidential uses permitted in this District, one sign per street frontage is permitted. Such sign must not exceed 35 square feet in sign area.
5. No sign may be placed nearer than 10 feet to the street lot line.

C. M. L. King, Jr. Landmark District

The following signs are permitted in the M. L. King, Jr. Landmark District:

1. General Regulations

Notwithstanding any other individual District standards, all signs within the M. L. King, Jr. Landmark District are subject to the following general regulations:

- a. No billboard signs are permitted in the M. L. King, Jr. Landmark District.
- b. No freestanding signs are permitted in the M. L. King, Jr. Landmark District.
- c. No monument signs are permitted in the M. L. King, Jr. Landmark District.
- d. No LSVD signs are permitted in the M. L. King, Jr. Landmark District.
- e. No sign is permitted within the M. L. King, Jr. Landmark District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in **Chapter 8. Historic and Landmark Districts**
- f. Signs provided for contributing structures must be designed in a manner that is compatible with the design, materials and general character of signage from the time period of historical significance for the structure.
- g. Signs provided for non-contributing structures must be designed in a manner that is compatible with the design, materials and general character of signage from the time period of historical significance for the district.

2. Auburn Avenue Residential District (Subarea 1)

The sign regulations for Auburn Avenue residential district (Subarea 1) are the same as the regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, except that the location of the sign, unless otherwise specified within this Subsection, is subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness.

3. Residential District (Subarea 2)

The sign regulations for Residential district (Subarea 2) are the same as the regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, except that the location of the sign,

unless otherwise specified within this subsection, is subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness.

4. Institutional District (Subarea 3)

The sign regulations for Institutional District (Subarea 3) are the same as the regulations for the Special Form Districts, provided that:

- a. The location of the sign, unless otherwise specified within this Subsection, is subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness; and
- b. Where an existing building is located immediately adjacent to the street, such building is permitted to have 1 sign, projecting into the public right-of-way, subject to all other provisions of this Division regarding projecting signs.

5. Edgewood Avenue and Auburn Avenues Commercial District (Subarea 4)

The sign regulations for Edgewood Avenue and Auburn Avenues Commercial District (Subarea 4) are the same as the regulations for the Urban Core (UC-) Form Districts, provided that:

- a. No individual sign may exceed 100 square feet in sign area.
- b. No projecting sign may exceed 8 square feet in sign area.
- c. Sign location on the building must correspond with that portion of the building owned or leased by the person erecting the sign.
- d. Signs must be located as follows:
 - i. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice.
 - ii. On or in display windows or upper facade windows.
 - iii. On or in the glazing of the doors.
 - iv. On the valance of awnings.
 - v. On the fascia or top edge of canopies.
 - vi. Projecting perpendicularly from the building.
- e. Changing signs are prohibited.

6. Transitional Zone (Subarea 5)

The sign regulations for Transitional zone (Subarea 5) are the same as the regulations imposed by the underlying zoning designation of each property within this subarea, provided that no such sign is permitted except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in **Chapter 8. Historic and Landmark Districts** and no billboard sign is permitted in this subarea.

SIGNS**D. Washington Park Landmark District**

The sign regulations for the Washington Park Landmark District are as follows:

1. No billboard signs are permitted in the Washington Park Landmark District.
2. No sign is permitted within the Washington Park Landmark District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in **Chapter 8. Historic and Landmark Districts**.
3. No institutional sign may exceed 35 square feet in sign area.
4. No freestanding sign may exceed 10 feet above ground level.
5. No internally illuminated signs are permitted.
6. No sign displaying the name of a sponsor for any park improvement may exceed 2 square feet in sign area.

E. Oakland Cemetery Landmark District

The sign regulations for the Oakland Cemetery Landmark District are as follows:

1. No billboard signs are permitted in the Oakland Cemetery Landmark District.
2. No sign is permitted within the Oakland Cemetery Landmark District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in **Chapter 8. Historic and Landmark Districts**.
3. No institutional sign may exceed 35 square feet in sign area.
4. No freestanding sign may exceed 10 feet above ground level.
5. No internally illuminated signs are permitted.
6. No sign for any cemetery improvement may exceed 2 square feet in sign area.

F. Baltimore Block Landmark District

The sign regulations for the Baltimore Block Landmark District are the same as Urban Core (UC-) Form Districts except that:

1. No billboard signs are permitted.
2. No sign is permitted within the Baltimore Block Landmark District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in **Chapter 8. Historic and Landmark Districts**.
3. No sign may exceed 100 square feet in sign area except that a projecting sign may not exceed 8 square feet in sign area.
4. Signs must be located as follows:
 - a. On the valance of canopies;

- b. Mounted flush against the facade of the building adjacent to the front entryway of the unit; or
 - c. Projecting perpendicularly from the building.
5. No freestanding signs are permitted.
 6. No animated, flashing or changing signs are permitted.
 7. No internally illuminated signs are permitted.

G. West End Historic District

The regulations for the West End Historic District must be the same as the regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, provided that:

1. No billboard signs are permitted in the West End Historic District.
2. No sign is permitted within the West End Historic District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in **Chapter 8. Historic and Landmark Districts**.
3. One sign, not exceeding 20 square feet in sign area, is permitted for multi-dwelling unit uses.
4. For all other nonresidential uses permitted in this district, 1 sign per street frontage is permitted. Such sign must not exceed 35 square feet in sign area.
5. The location of the sign, unless otherwise specified within this subsection, is subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness.
6. For all legal, nonconforming commercial uses:
 - a. A maximum of 3 building signs are permitted for each business establishment. The combined area of these permitted building signs must not exceed 10% of the wall of the front of each said business establishment, and in no case may any individual sign exceed 100 square feet.
 - b. No projecting sign may exceed 8 square feet in sign area.
 - c. Signs must be located as follows:
 - i. In the area of the storefront centered between the transom and the cornice.
 - ii. On or in display windows.
 - iii. On or in the glazing of the doors.
 - iv. On the valance of the awnings.
 - v. Projecting perpendicularly from the building.
 - d. No freestanding signs are permitted.
 - e. No animated, changing, or flashing signs are permitted.

H. Hotel Row Landmark District

The regulations for the Hotel Row Landmark District are the same as the Urban Core (UC-) Form Districts, provided that:

1. No billboard signs are permitted in the Hotel Row Landmark District.
2. No sign is permitted within the Hotel Row landmark district except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in **Chapter 8. Historic and Landmark Districts**.
3. No sign may exceed 100 square feet in sign area except that a projecting sign may not exceed 8 square feet in sign area.
4. Sign location on the building must correspond with that portion of the building owned or leased by the person erecting the sign.
5. Signs must be located as follows:
 - a. In the area above the transom of the storefront and below the second floor windows.
 - b. On or in display windows or upper facade windows.
 - c. On or in the glazing of the doors.
 - d. On the valance of the awnings.
 - e. On the fascia or top edges of canopies.
 - f. Projecting perpendicularly from the building.
6. No freestanding signs are permitted.
7. No changing signs are permitted.
8. No internally illuminated signs are permitted.

I. Adair Park Historic District

The following signs are permitted in the Adair Park Historic District:

1. General Regulations

Signs within the Adair Park Historic District are subject to the following regulations:

- a. No permit will be issued for the erection of any sign prior to issuance of a Certificate of Appropriateness by the Urban Design Commission pursuant to **Chapter 8. Historic and Landmark Districts**.
- b. No billboard signs are permitted in the Adair Park Historic District.

2. Residential Subarea 1

The regulations for the Residential Subarea 1 are the same as the regulations in House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, except that the location of the sign, unless otherwise specified within this subsection, is be subject to the approval of the Urban Design

Commission simultaneously with the request for a Certificate of Appropriateness.

3. Transitional Commercial Subarea 2

The regulations for the Transitional Commercial Subarea 2 are the same as those for the Urban General (UG-) Form Districts district, provided that:

- a. Where an existing building is located immediately adjacent to the street, such building is permitted to have 1 sign, not exceeding 8 square feet in sign area, projecting into the public right-of-way, subject to all other provisions of this Division regarding projecting signs.
- b. No freestanding sign may exceed 20 feet in height above ground level.

4. Transitional Industrial Subarea 3

The regulations for the Transitional industrial Subarea 3 are the same as those for the Urban General (UG-) Form Districts district, provided that:

- a. Where an existing building is located immediately adjacent to the street, such building is permitted to have 1 sign, not exceeding 8 square feet in sign area, projecting into the public right-of-way, subject to all other provisions of this Division regarding projecting signs.
- b. No freestanding sign may exceed 20 feet in height above ground level.

J. Grant Park Historic District

Except when otherwise explicitly provided, the provisions of this Division apply to this district.

1. General Regulations

- a. No billboard signs are permitted in the Grant Park Historic District.
- b. No animated, changing, or flashing signs are permitted in the Grant Park Historic District.
- c. No internally illuminated signs are permitted in the Grant Park Historic District.

2. Residential Subarea 1

The regulations for the Residential Subareas are the same as the regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts provided that:

- a. No permit will be issued for the erection of any sign prior to issuance of a Certificate of Appropriateness by the Urban Design Commission pursuant to **Chapter 8. Historic and Landmark Districts**.
- b. The location of the sign, unless otherwise specified within this subsection, is subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness.
- c. Any nonresidential zoned property must comply with the regulations for the Commercial Subarea 2, as set forth below.

3. Commercial Subarea 2

The regulations for the Commercial Subarea 2 are the same as those for the Urban General (UG-)

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Form District, provided that:

- a. No permit will be issued for the erection of any sign prior to issuance of a Certificate of Appropriateness by the Urban Design Commission pursuant to **Chapter 8. Historic and Landmark Districts**.
- b. The location of the sign, unless otherwise specified within this Subsection, is subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness.
- c. Where an existing building is located immediately adjacent to the street, such building is permitted to have 1 sign, not exceeding 8 square feet in sign area, projecting into the public right-of-way, subject to all other provisions of this Division regarding projecting signs.

4. Transitional Industrial Subarea 3

The regulations for the Transitional Subarea 3 are the same as those for the Workforce (W-) Form Districts, except as otherwise specified within this Subsection.

K. Oakland City Historic District

The following regulations apply to the Oakland City Historic District.

1. Except when otherwise explicitly provided, the provisions of this Division apply to this District.
2. The regulations for this district are the same as the regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts provided that:
 - a. No permit will be issued for the erection of any sign prior to issuance of a Certificate of Appropriateness by the Urban Design Commission pursuant to **Chapter 8. Historic and Landmark Districts**.
 - b. The location of the sign, unless otherwise specified within this Subsection, is subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness.
3. No billboard signs are permitted in the Oakland City Historic District.
4. No animated, changing, or flashing signs are permitted in the Oakland City Historic District.
5. No internally illuminated signs are permitted in the Oakland City Historic District.

L. Castleberry Hill Landmark District

The sign regulations for the Castleberry Hill Landmark District are the same as those for Urban General (UG-) Form Districts, provided that:

1. No billboard signs are permitted in the Castleberry Hill Landmark District.
2. No sign is permitted within the district except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in **Chapter 8. Historic and Landmark Districts**.

- a. The location of the sign, unless otherwise specified within this Subsection, is subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness.
3. Sign location on the building must correspond with that portion of the building owned or leased by the person erecting the sign.
4. Signs must be located as follows:
 - a. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice;
 - b. On or in display windows or upper facade windows;
 - c. On or in the glazing of the doors;
 - d. On the valance of awnings;
 - e. On the fascia or top edge of canopies; or
 - f. Projecting perpendicularly from the building.
5. Where a principal structure is located immediately adjacent to the street, each business establishment is permitted to have 1 sign that does not exceed 8 square feet in sign area that projects into the public right-of-way, subject to all other provisions of this Division regarding projecting signs. This projecting sign will be considered 1 of the 3 signs allowed for each business establishment.
6. Freestanding signs are permitted in Subarea 2 of the district, provided that they are no taller than the principal structure or 20 ft., whichever is less.
7. The combined area of these permitted building signs must not exceed 10% of the total area of the front wall of each said business establishment, and in no case may any individual sign exceed 200 square feet. Notwithstanding these provisions, every business establishment is entitled to at least 60 square feet total combined sign area.
8. No changing signs are permitted.
9. No internally illuminated signs are permitted.

M. Means Street Landmark District

The sign regulations for the Means Street Landmark District are the same as the regulations for the subject property at the time of adoption of the Means Street Landmark District provided that:

1. No sign is permitted within the District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in **Chapter 8. Historic and Landmark Districts**.
2. Signs provided for contributing buildings must be designed in a manner that is compatible with the design, materials, location, and general character of sign age from the time period of historical significance for the building;
3. Signs provided for non-contributing buildings must be designed in a manner that is compatible with the design and general character of the non-contributing building upon which it is located;

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4. Sign location on a contributing building must correspond with that portion of the building owned or leased by the person erecting the sign;
5. All regulations in **Chapter 8. Historic and Landmark Districts** are met;
6. General advertising signs and billboards are prohibited;
7. Freestanding signs are prohibited;
8. Monument signs are prohibited;
9. LSVD signs are prohibited;
10. Changing signs are prohibited on contributing buildings; and
11. Internally illuminated signs are prohibited on contributing buildings.

N. Briarcliff Plaza Landmark District

The sign regulations for the Briarcliff Plaza Landmark District are the same as the Urban General (UG-) Form Districts, provided that:

1. No sign is permitted within the District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in **Chapter 8. Historic and Landmark Districts**.
2. Signs provided for contributing buildings must be designed in a manner that is compatible with the design, materials, location, and general character of signage from the time-period of historical significance for the building;
3. Sign location on a contributing building must correspond with that portion of the building owned or leased by the person erecting the sign;
4. All regulations in **Chapter 8. Historic and Landmark Districts** are met;
5. Neon lighting or similar tubular lighting mechanisms are permitted;
6. The following signs are prohibited:
 - a. General advertising signs and billboards;
 - b. Freestanding signs;
 - c. Monument signs;
 - d. LSVD signs;
 - e. Changing signs on contributing buildings; and
 - f. Internally illuminated signs on contributing buildings, except for signs utilizing neon lighting or similar tubular lighting mechanisms.

O. Pratt-Pullman Landmark District

The sign regulations for the Pratt-Pullman Landmark District are the same as the Urban General (UG-) Form Districts, provided that:

1. No sign is permitted within the District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in **Chapter 8. Historic and Landmark Districts**.
2. Signs provided for contributing buildings must be designed in a manner that is compatible with the design, materials, location, and general character of signage from the time-period of historical significance for the building.
3. Sign location on a contributing building must correspond with that portion of the building owned or leased by the person erecting the sign.
4. Signs provided for additions to contributing buildings and new buildings must be designed in a manner that is compatible with the design, materials and general character of signage from the time period of historical significance for the district.
5. All regulations in **Chapter 8. Historic and Landmark Districts** are met.
6. As used in the Pratt-Pullman Landmark District, a property signature sign will be defined as a wall sign or a freestanding sign, not greater than 400 square feet and styled in the manner of a movie marquee or train station sign. A property signature sign must not be a pylon sign.
7. The following signs are prohibited:
 - a. LSVD signs;
 - b. Changing signs on contributing buildings; and
 - c. Internally illuminated signs on contributing buildings.

P. Poncey-Highland Historic District

1. The sign requirements of the House-Scale (H-) and Neighborhood-Scale (N-) Form Districts apply in Subareas 1, 2, 6, and 7.
2. The sign requirements of the Urban General (UG-) Form Districts apply in Subareas 3, 4, and 5, except as further restricted by "3" and "4" below.
3. Rope LED lighting is prohibited on signs and in windows in Subareas 3, 4, and 5.
4. All original or historic signs must be retained, provided that the sign face maybe changed compliant with this Division if the overall size, shape, depth, location on the building, and materials of the sign and sign structure are retained.

Sec. 8.6.14. Alternate Design Sign Plan

- A. In all zoning districts, the City Council may approve an Alternative Design Sign Plan that does not meet the standards of the Sign Ordinance for a development or project by Special Use Permit (**Sec. XX. Special Use Permits**).
- B. The Alternate Design Sign Plan must include a written plan detailing the type, quantity, size, shape, color, and location of all signs permitted within the project or development. Signs within the project or development will be strictly governed by the Alternate Design Sign Plan and the procedures of this Division. Any deviation from the Alternate Design Sign Plan will require City Council approval.

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- C. City Council may approve an Alternate Design Sign Plan upon determining the following criteria are met, in addition to any applicable criteria for a Special Use Permit:
 - 1. There is good cause for deviating from a strict application of the requirements of this Division.
 - 2. The Alternate Design Sign Plan will serve the public purposes and objectives set forth in this Division as well or better than signs that would otherwise be permitted for the project.
- D. Applications for an Alternate Design Sign Plan must be submitted in writing to the Director and must be accompanied by the required application fee.
- E. Each application for an Alternate Design Sign Plan must include the following:
 - 1. A written narrative description of the overall plan, including a tally of the total number of signs in the plan and a summary of how the applicant believes the sign plan will serve the objectives set forth within this Division.
 - 2. An illustration of each sign included within the sign plan. For signs with multiple faces, an illustration of each face must be provided.
 - 3. A written description of the type, size, materials, proposed lighting and proposed location of each sign.
 - 4. A map or other written identification and description of all existing signs on the property.

Sec. 8.6.15. Sign Overlay District Standards

A. Establishment of Sign Overlay Districts

- 1. The Atlanta City Council originally created the following sign overlay districts:
 - a. Historic Sears Roebuck & Co. Sign Overlay District on May 19, 2014, pursuant to ordinance 14-O-1134, zoning case number Z-14-14.
 - b. Arts & Entertainment Sign Overlay District on June 19, 2017, pursuant to ordinance 17-O-1009, zoning case number Z-17-03.
 - c. Gulch Sign Overlay District on May 21, 2018, pursuant to ordinance 18-O-1212, zoning case number Z-28-01, as amended on January 4, 2021, pursuant to ordinance 20-O-1591, zoning case number Z-20-58.
- 2. With the adoption of this Division, each of the sign overlay districts listed above is hereby re-created and re-adopted, with minor changes to district regulations to eliminate duplicative language and standardize citational references. The public may find the boundary of each Sign Overlay District on the official zoning map sheet # [insert number]. Sign Overlay District map.
- 3. As referenced in the below regulations for some Sign Overlay Districts, there exists a sign plan unique to that Sign Overlay District. Each plan is attached to the ordinance listed above and is incorporated into this Division by reference and is hereby made a public record. Each sign plan is accessible to the public and may be inspected in the office of the Atlanta Municipal Clerk or by requesting from the Clerk a certified copy of the ordinance originally creating the Sign Overlay Districts listed above. Each sign plan is also found in the zoning case number file referenced

above and may also be inspected in the Office of Zoning and Development. It is also available online at <https://aim-ewebapp-01-finalactions.azurewebsites.net/>.

B. Historic Sears Roebuck & Co. Sign Overlay District

1. Creation of District

There is created within the Sign Ordinance the Historic Sears Roebuck & Co. Sign District, which applies to the property currently known as 675 Ponce de Leon Avenue where a brick structure was constructed in 1926 and later expanded to house the operations of Sears Roebuck & Co. and which later became known as City Hall East. The boundaries of the District are shown on the Historic Sears Roebuck & Co. Sign District Map, which is attached to the Ordinance creating this District. It is the intention of these regulations to address the specific and unique building forms, mass, and scale of the District and regulate the size and location of signs so as to allow signs which are part of a Sign Plan prepared for the district and approved by the National Park Service while accomplishing the goals of this Section and maintaining the separation between on-site and off-site advertising. All signs within the District as set forth in the Sign Plan are permitted under the regulations set forth in this Section even where the erection of such signs might otherwise be in conflict with the Division. Where a sign is specifically prohibited by this Section, such prohibition is in addition to any prohibition otherwise set forth in this Section.

2. Sign Plan

A Sign Plan is adopted at the time of creation of the District and contains certain criteria for Atlanta Office of Buildings to follow when deciding that a proposed sign meets the criteria as set forth in these regulations. Said Sign Plan is attached to the Ordinance creating this District and is incorporated herein by reference. Said Sign Plan is hereby made a public record, is accessible to members of the public, including but not limited to those who are, or may be, affected by it, and is accessible for public inspection in the office of the Atlanta Municipal Clerk by requesting a certified copy of the Ordinance creating the Historic Sears Roebuck & Co. Sign District. It is also available online at <https://aim-ewebapp-01-finalactions.azurewebsites.net/>.

3. Definitions

For the purpose of this Sign Overlay District, the following definitions apply, provided however that other definitions set forth in the Zoning Ordinance may be used to assist with interpretation of this Section, further provided that the definitions set forth in this Section are intended to control because of their specific application to the District and the sign types permitted:

Blade sign. A sign attached vertically to a metal blade arm extending horizontally from the building face.

Building sign. A type of business identification sign that is allowed in this district to identify the large scale buildings which are part of this development on buildings which are less than 4 stories.

Extended sign. A sign attached to a parapet wall or other wall and extending above the top of the wall.

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Historic etched sign. A building business identification sign or incidental sign consisting of a sign face etched into the facade of the building that was in existence during the period in which Sears Roebuck & Co. business operations were conducted in the building.

Historic iconic sign. A crown sign erected on the roof of the Historic Sears Roebuck & Co. Building in substantially the location and massing as the Sears Roebuck & Co. sign that previously existed during the period in which Sears Roebuck & Co. business operations were conducted in the building and used for the same purposes as crown signs.

Historic Sears Roebuck & Co Building (the “Building”). The brick building constructed in 1926 and later expanded and which has been approved for placement on the National Register of Historic Places, as shown on the Historic Sears Roebuck & Co. Sign District Map.

Monument sign. A permanent sign not attached to a building and constructed directly and continuously upon the ground or a grade-level support structure with no separation between the sign and the ground or support structure. Monument signs must not be supported by visible columns, uprights, poles, or braces and must be of continuous solid construction without holes, gaps, or spacing.

Pylon sign. A vinyl sign attached vertically to a metal pylon located in the supplemental zone on private property.

Property owner sign. A sign face installed on a sign structure allowed in this district and authorized by the sign plan that is not in use by a tenant as a business identification sign.

Sign plan. The comprehensive and uniform elevations, architectural designs, and sign legend for signage approved for this district and applicable to the buildings constructed by Sears Roebuck & Co. and existing in the Historic Sears Roebuck & Co. Sign District as of January 1, 2014.

4. Signs

a. Types

- i. Wall signs, projecting signs, canopy signs, monument signs, extended signs, blade signs, and pylon signs are permitted as business signs.
- ii. Building signs are permitted for the property owner’s business located within the district.

b. Number

- i. The total number of signs must not exceed the number identified in the sign plan for each type of sign.
- ii. Each tenant may be assigned a maximum of 3 signs in accordance with the procedure set forth for permitting of signs in this district.
- iii. A business establishment located at the corner of a building may be assigned 1 additional business identification sign by the property, owner, said sign to be oriented toward the additional frontage.

c. Height

The height of signs must not exceed the height specified in the sign plan for each type of sign.

d. Area

The total area of any business identification signs in the district must not exceed the square footage specified in the sign plan for each type of sign.

e. Adjacency

A sign is permitted to be erected only to identify the business of the property owner or tenants of the building but the assignment of sign locations is controlled by the sign plan.

f. Assignment of Sign Locations

- i. Applicants seeking a permit for a sign in this district must submit an application on a form to be developed for this district by the Office of Buildings, which requires certification by the property owner that the requested sign face, size, height, number, and location are authorized by the property owner.
- ii. The sign copy to be displayed must be included in the application.
- iii. One or more signs for a business establishment may be installed in a location other than the premises of the business establishment if so authorized by the property owner.

5. Crown Signs**a. Types**

Wall signs, projecting signs, and an historic iconic sign are permitted as crown signs.

b. Number

One historic iconic sign as identified in the sign plan is permitted. One crown sign is permitted on each side elevation of the building.

c. Height

The height of a crown sign must not exceed the height specified in the sign plan for each type of sign.

d. Area

The total area of the permitted historic iconic sign and the crown signs in the district must not exceed the gross square footage specified in the sign plan.

6. Prohibited and Restricted Signs**a. Billboard Signs**

Billboard signs are not permitted other than as specified in the sign plan.

b. Animated, Flashing, and Changing Signs

Animated, changing, and flashing signs are not permitted.

c. Freestanding Signs

Freestanding signs other than incidental signs, pylon signs, and monument signs specified in the sign plan are not permitted.

SIGNS**7. Monument Signs****a. Number**

Monument signs as defined in this Section are authorized not to exceed the number specified in the sign plan and must be installed on private property provided that under no circumstances will a monument sign encroach into required amenity zones, pedestrian paths, or visibility triangles.

b. Height

The height of monument signs must not exceed the height specified in the sign plan for each type of monument sign.

c. Area

The total area of each monument sign must not exceed the square footage specified in the sign plan for that type of monument sign.

d. Shared Access and Assignment of Sign Locations

- i. Monument signs may include business identification signage for multiple businesses located in the district.
- ii. Applicants seeking a permit for a business identification sign on a monument sign in this district must submit an application on a form to be developed for this district by the Office of Buildings, which will require certification by the property owner that the requested sign face and location are authorized by the property owner.

8. Incidental Signs

Incidental signs are permitted.

9. Historic Etched Signs

Historic etched signs are permitted to remain undisturbed as a non-conforming characteristic of the previous use and do not require a permit.

10. Sign Lighting

- a. Signs may be externally lit from the top or the bottom and the lighting must be directed onto the sign face. All sources of light associated with a sign must be effectively shielded from adjacent properties with residential uses.
- b. Signs may be lit in any of the following ways: halo-lit, exposed neon, exposed light bulbs, internally illuminated letters, and externally illuminated letters.

11. Property Owner Signs

Property owner signs are permitted to be used by the property owner, the property owner's business within the district, or an event or activity occurring within the district.

12. New Buildings

For any building constructed in the district after the effective date of creation of this district, the

signs will be governed by the sign standards for Urban General (UG-) Form Districts.

C. Arts and Entertainment Sign Overlay District

1. Intent

The intent of the City in adopting these regulations is to:

- a. Recognize that large scale sporting events, major conventions, and other large and significant entertainment activities in downtown Atlanta have unique needs for signage which is a critical consideration for sponsors and organizers selecting a location to host the event;
- b. Create the Arts and Entertainment District, as a sign overlay district, and allow, through certain limitations set forth herein (the "Regulations"), additional signage for the specific and unique building forms, mass, scale and use of the buildings within the Arts and Entertainment District;
- c. Expand the economic base of the City, by providing additional employment opportunities and additional tax revenues to the City and the region by making the area of the A&E District more attractive through the management of specialized signage opportunities that will allow large scale sporting events, major conventions, and activities at major entertainment venues to choose the City when evaluating their choices of location;
- d. Manage the placement of the additional signage so as to balance the economic development needs of the City in attracting large scale sporting events, major conventions, and activities at major entertainment venues with the general welfare of residents and businesses;
- e. Create a process for the management of permits for the additional signage pursuant to a cooperation agreement with Atlanta Downtown Improvement District ("ADID") so that the sponsors and organizers of large scale sporting events, major conventions, and qualifying activities at major entertainment venues can deal with a single entity in order to create a "unified look and feel" for their event;
- f. Demonstrate the City's commitment to economic development through its cooperation agreement with ADID so as to allow the contractual governance and enforcement of a unified approach to the streetscape and certain aspects of the built environment for large scale sporting events, major conventions, and qualifying activities at major entertainment venues which will allow the City to focus on traffic planning, crowd control and other key elements of public safety;
- g. Enhance the general streetscape in the area encompassed by the district through the establishment of design guidelines providing additional signage opportunities permitted by these regulations;
- h. Contribute to the overall welfare of the residents in the District by providing a more lively and enhanced streetscape to encourage a walkable downtown with more activity and which could lead to increased property values;
- i. Allow for the management of supplemental signage, art, and other programs by the Atlanta Downtown Improvement District, with the input of other downtown stakeholder's that will protect the public interest and balance the commercial and economic initiatives with an approach designed to keep downtown aesthetically pleasing, safe for pedestrians and vehicular traffic, and respectful of interests of residents and businesses; and

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- j. Define the effect of these Regulations on other parts of this Code;

2. District Boundaries

The Arts and Entertainment District (hereafter the “A & E District”) is established. The boundary of the A & E District is shown on the A&E Sign Overlay District Map, which is attached to the Ordinance creating this District. The Regulations apply within the boundary of the A & E District.

3. Sign Plan

A Sign Plan is adopted at the time of creation of the District and contains certain criteria for Atlanta Office of Buildings to follow when deciding that a proposed sign meets the criteria as set forth in these regulations. Said Sign Plan is attached to the Ordinance creating this District and is incorporated herein by reference. Said Sign Plan is hereby made a public record, is accessible to members of the public, including but not limited to those who are, or may be, affected by it, and is accessible for public inspection in the office of the Atlanta Municipal Clerk by requesting a certified copy of the Ordinance creating the A & E District. It is also available online at <https://aim-ewebapp-01-finalactions.azurewebsites.net/>.

4. Effect of the Regulations upon Existing Entitlements

These Regulations are intended to be a part of a larger economic development purpose and a supplement to and an overlay upon the existing zoning and sign regulations already applicable to parcels within the boundaries of the A & E District but have no effect upon the entitlement given by other applicable parts of this Division to businesses and property owners to erect signage within the A & E District.

5. Nonconforming

Where a non-conforming sign is altered or removed, such sign is not permitted to be restored to its previous degree of non-conformity or reconstructed, without regard to whether such alteration or removal was undertaken in connection with the erection of a sign that is permitted only by these regulations, such that the removal of any non-conforming sign will be governed by other applicable parts of this Division and the Zoning Ordinance applicable to non-conformities.

6. Effect of Subsequent Rezoning

The regulations set forth herein continue to apply when the existing underlying zoning is changed unless a specific condition associated with a specific parcel otherwise requires and such condition govern over these regulations.

7. Additional Standards for Signs on Buildings or Sites Designated by the Historic Preservation Ordinance

In determining the appropriateness or location of new signs proposed to be placed under this section, ADID will also make application to the Urban Design Commission which will apply the criteria set forth in the subsection below in addition to the applicable criteria for Certificates of Appropriateness specified in **Chapter 8. Historic and Landmark Districts**.

8. Distance limitations

Distance limitations set forth in O.C.G.A. § 32-6-70 et seq. apply.

9. Applications Limited

In recognition of the economic development purpose behind the creation of the Subarea, the adoption of the regulations and the Sign Plan, only applications received from ADID as the permit applicant will be accepted for the additional signs permitted by these regulations and as specified in the cooperation agreement approved by the governing authority.

10. Action on ADID Applications

An application by ADID seeking permission to erect a sign found by ADID to meet the criteria of the Sign Plan will be approved by the Director under this subsection even where the erection of such sign might otherwise be in conflict with regulations elsewhere in this Division provided that upon receipt of an application, the structural plans for the erection of the sign are deemed by the Director to meet the applicable building codes through construction review by the Office of Buildings.

11. Construction Review by the Office of Buildings

- a. Upon receipt of an application containing the items immediately below, from ADID for permission to erect a sign found by ADID as meeting the criteria of the Sign Plan, the Director will review only the structural plans for the erection of the sign described in the application to determine if the plans for the erection of the sign meet the applicable building codes. If approved, such sign may be erected and operated only in the manner set forth on the approved structural plans.
- b. All applications from ADID for a permit to erect a sign in the district pursuant to these regulations will be submitted to the Director on the application form provided by the Director.
- c. Each application must be accompanied by the applicable fees established by the governing authority as may be amended (or in effect at the time of submittal) from time to time.
- d. All applications for construction, creation or installation of a new sign or for modification of an existing sign must be accompanied by detailed drawings showing the dimensions, design, structure, and location of the sign sufficient to review for compliance with all applicable codes.
- e. No application will be deemed to be accepted by the Director unless all fees are paid and the required drawings are submitted.
- f. Any permanent sign that projects into the right-of-way will be subject to the provisions of Article II of Chapter 138 and must obtain permission from the City to encroach therein in the same manner as canopies, ledges, bay windows, balconies, decorative lighting, flagpoles, gargoyles, architectural embellishments, area walks or similar facilities. If an application for encroachment is pending the fact that such permission is pending will not prevent the Director from receiving an application but no permit for erection will be issued until a fully executed encroachment agreement approved by the Department of Transportation has been received.
- g. All applications are to be reviewed by the Department of Transportation prior to the issuance of a permit to verify that no sign will be erected or lit on a premises or location, in such a manner so as to obstruct the view of, or be confused with any authorized traffic signal, notice or control device, or with lights on any emergency vehicle, or so to create hazards

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or distractions to drivers because of direct or reflected natural or artificial light, flashing, intermittent or flickering lighting or real or apparent movement.

- i. If the department of transportation determines that the sign will be a traffic hazard, the Commissioner will deny the application;
- ii. If any sign is found to constitute a traffic hazard after installation by the Department of Transportation, the Commissioner will require the operator of the sign to either reduce the intensity of the condition or effect which causes the hazard to a level acceptable to the department of transportation or if no such reduction is possible, to remove the sign.
- iii. The Commissioner may, through the issuance of a stop work order, cause an immediate cessation of such conditions or effects where an imminent danger to the traveling public is found.

12. Criteria for the Sign Plan

The Sign Plan, which is adopted as a part of the economic development purpose associated with these regulations, is developed based on criteria which are intended to allow flexibility in the development of signage in the district.

- a. The aesthetic and architectural compatibility of the proposed sign to the building upon which the sign is to be displayed or suspended;
- b. The use of the building mass and orientation in the placement of the sign so as to define and place strong visual emphasis on the street and other important public open spaces;
- c. Whether the sign will enliven building facades and avoid extensive blank walls that would detract from the visual interest and appearance of an active streetscape and unify a building's appearance so as to add to a street facade's interest, scale and three-dimensional quality;
- d. Whether the signage will direct attention to street level architecture and building uses in a manner that adds richness and variety to the pedestrian experience of the district;
- e. Whether the signage will assist buildings to display a clear pattern of openings and create shadow lines that enhance the street wall;
- f. Standard outdoor advertising billboard proportions of 14'x48' **must** be rejected unless used as one component of a multiple sign array of varying proportions;
- g. Where signage is at street level, it should present dynamic, state-of-the-art facades with expressive lighting, audio-visual effects, and dimensional signage;
- h. Signs should appear as an integral part of the building design so as not to appear as an afterthought application;
- i. Whether the sign uses means of illumination such as neon tubes, fiber optics, incandescent lamps, LED's cathode ray tubes, shielded spotlights and wall wash fixtures so as to provide visual interest during nighttime hours is appropriate for placement of the sign when considering the safety of vehicular traffic and the impact on the residential uses that will be affected;

- j. The relationship of the scale and placement of the sign to the building or premises upon which it is to be displayed.

13. Cap on Sign Locations

Not more than 25 sign locations will be authorized by this subsection at any one time within the district. This number is the cap. This cap does not limit the number of supplemental sign permits that may be issued, only the number of locations. In the event all supplemental signage is removed from a sign location, a new sign location may be authorized so long as the total outstanding sign locations does not exceed the cap. For purposes of this Subsection, a sign location mean on the same building or parcel.

14. Annual Inspection of Signs

Sign Permit owners **must** provide an annual inspection report certified by a licensed engineer that the sign installed pursuant to this subsection is structurally sound and continues to meet the state minimum codes applicable at the time of sign erection.

15. Signs Not to be Visible from the Interstate

No supplemental Sign Permit will be issued, nor may any supplemental sign be erected or maintained if the sign face of such sign is visible by drivers on the interstate highway.

D. Gulch Sign Overlay District

1. Intent

It is the intent of these regulations to address the specific and unique building forms, mass, and scale of the district and regulate the type, number, height, area, location and all other characteristics of signs to be located therein. All signs within the Gulch Sign Overlay District as set forth in the Sign Plan are permitted under the regulations set forth in this Division, even where the erection of such signs might otherwise be in conflict with the chapter. No new sign proposed by the Gulch Sign District will be considered a billboard as defined.

2. District Boundaries

The boundary of the Gulch Sign Overlay District is shown on the Gulch Sign Overlay District Map, which is attached to the Ordinance creating this District. The regulations apply within the boundary of the District.

3. Sign Plan

A Sign Plan is adopted at the time of creation of the District and contains certain criteria for Atlanta Office of Buildings to follow when deciding that a proposed sign meets the criteria as set forth in these regulations. Said Sign Plan is attached to the Ordinance creating this District and is incorporated herein by reference. Said Sign Plan is hereby made a public record, is accessible to members of the public, including but not limited to those who are, or may be, affected by it, and is accessible for public inspection in the office of the Atlanta Municipal Clerk by requesting a certified copy of the Ordinance creating the Gulch Sign Overlay District. It is also available online at <https://aim-ewebapp-01-finalactions.azurewebsites.net/>.

SIGNS**4. Applicability**

- a. It is the intent of these regulations to address the specific and unique building forms, mass, and scale of the district and regulate the type, number, height, area, location and all other characteristics of signs to be located therein. All signs within the Gulch Sign Overlay District as set forth in the Sign Plan are permitted under the regulations set forth in this Section, even where the erection of such signs might otherwise be in conflict with the Section. No new sign proposed by the Gulch Sign District will be considered a billboard as defined.
- b. All generally applicable sign regulations in this Division will apply unless expressly or clearly contrary to the sign plan or this Section. The regulations contained within this Section will apply in lieu of the specific sign regulations for the underlying zoning district.

5. Definitions

For the purpose of this Section the following definitions apply and are intended to control within and because of their sole and specific application to the Gulch Sign Overlay District and the sign types permitted therein. The signage types in parenthesis are referenced in the Sign Plan other than the following definitions, the provisions and definitions set forth in **Sec. XX. Sign Definitions** apply within the district, however, where there is a conflict, the definition contained in this Section will control.

3D digital projection sign. A sign that uses specialized software and hardware within the district to project dynamic video media onto building facades, sidewalks, and/or any three-dimensional object within the district. The receiving surface for any such sign must be located within the district.

Building marker. A sign, when cut into a masonry surface or made of bronze or other permanent material. Building markers may be building entry signs, retail signs, lobby signs or other type of signs that may take the form of a building marker.

Business establishment. An entity that (i) possesses a valid City of Atlanta business license authorizing that entity to operate on said premises, unless said entity is exempt from business licensing requirements; and (ii) occupies said premises.

Building entry signs. A building sign affixed to or above any building pedestrian and porte-cochere entry. The signage types are pedestrian building canopy signs and building entry identification signs.

Building facade signage. A building sign attached parallel to but within 72 inches of a building facade wall facing a street, provided that no part must extend beyond the top of the building. Such signs may wrap around the corner of a building. The signage types are digital facade signs), static graphics and static building wraps.

Crown signs. A building sign located at the top of a building four or more stories in height above street viaduct level provided that no part must extend beyond the top of the building. For the purposes of this section, no part of a parking deck must be used in calculating the height of the building. The signage type is of building identification signs.

Construction signs. A temporary sign at ground or street viaduct level affixed to temporary construction barricades, walls, building facades, windows or fences while construction is in progress.

Event signage. a temporary or permanent sign affixed to temporary or permanent open-air structures as part of event spaces located in pedestrian gathering areas.

Land parcel. A parcel lawfully created through the Office of Zoning and Development's subdivision, consolidation, or acknowledgment process and approved by the director and located at street viaduct level which is bounded by pedestrian ways, public or private streets or alleys.

Large screen video display (LSVD) sign. A type of sign that utilizes full motion video technology consisting of a matrix board from or behind which computerized lights are projected to form images, such as a television.

LCD. Liquid crystal display.

LED. Light-emitting diode.

Lobby signs. A sign attached, affixed or hung from a wall or ceiling inside a building lobby which is located at least ten feet inside of the exterior wall or window directly in front of the lobby sign building facade.

Nit. A unit of measurement for the total brightness over one square meter of an LED display. This value takes into account all of the contributing factors to brightness such as the number of LEDs per pixel, the pixel pitch (distance between pixels) and the brightness of individual LEDs. A nit is also known as candelas per square meter.

Person. Any association, company corporation, firm, individual, organization, or partnership, singular or plural, of any kind.

Property owner sign. A sign face installed on a sign structure allowed in this Gulch Sign Overlay District and authorized by the sign plan that is not in use by a tenant as a business identification sign.

Real estate signs. Signs that identify or advertise the sale, lease or rental of a particular structure or land parcel and limited to: wall, window and ground signs.

Retail signs. Means a building sign on retail storefronts, entries and retail building facades provided that no part extends above the highest slab above the leased premises. The signage types are retail tenant signs and blade signs.

Sign plan. The comprehensive and uniform details and specifications for signage approved for this Gulch Sign Overlay District, attached to the original authorizing ordinance for the Gulch Sign Overlay District, and the comprehensive and uniform details specifications and signage approved for the Spring Street Subarea, attached to the authorizing ordinance for the Spring Street Subarea. The respective sign plans are on file with the Office of the Municipal Clerk. The pictures contained in the respective sign plans are illustrative and generally depict the sign types allowed.

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Street viaduct level. The level of the street network as defined by the general elevation of Centennial Olympic Park Drive NW, Martin Luther King Jr. Drive SW, Mitchell Street NW, Ted Turner Drive NW, Forsyth Street SW and Marietta Street NW. All heights in this section area measured from the street viaduct level unless otherwise indicated.

Total area of the wall. The total exterior wall surface area measured in square feet above streetscape viaduct level including all opaque portions, glass portions, and door areas.

Wayfinding sign. A pedestrian or auto oriented sign which indicates the route to, direction of or location of a given goal, or which provides regulatory or service information of a non-advertising character.

6. Standards

a. Billboard Signs

New billboard signs are not permitted.

b. Flashing, Changing Signs, and LSVD Signs

Flashing, changing, and LSVD signs, are permitted as specified in the sign plan.

c. Public Right-of-Way Signs

Signs extending or projecting over any lot line onto a public sidewalk or public right-of-way must be subject to all other provisions of **Sec. XX. Public Right-of-Way Signs**, and of any other applicable requirements of the Code of Ordinances of the City of Atlanta governing such signs.

d. Sign Lighting

- i. Signs may be internally or externally lit. All sources of light associated with a sign must be determined not to materially affect or must be effectively shielded from adjacent properties zoned for residential uses.
- ii. Signs may be lit in any of the following ways: internally or externally illuminated, halo-lit, exposed neon, exposed light bulbs, internally illuminated letters, and externally illuminated letters, face lighting, LED displays, LED-faced letters, LCD displays, interactive digital displays, stage and production lighting, and large screen video display (LSVD) as specified in the sign plan.
- iii. All sign lighting must comply with the light intensity limits as set forth in the sign plan. Each sign permit application must include a notarized form that the sign will not exceed those light intensity limits. Each sign permit must be conditioned on such sign not exceeding these light intensity limits
- iv. Upon installation and on an annual basis thereafter, sign permit owner must certify the intensity limits of any lighting from time to time at the request of the city.

7. General Regulations

The following general regulations must apply to this chapter:

a. Portable Signs

Portable signs are permitted as temporary signs.

b. Temporary Signs

Temporary signs do not require a sign permit.

c. Messages

The copy of signs allowed herein may not contain obscenities, nudity or sexual conduct as defined by O.C.G.A. § 32-6-52 or as thereafter amended.

d. Crown Signs

Crown signs where permitted by this district must be governed by the sign plan.

e. Signs Inside a Building

Notwithstanding the provisions of this section, certain signs inside of a building other than temporary signs may require a permit if they are designed to be visible to the general public from a public right-of-way or sidewalk outside of the Sign District. Signs inside of a building are subject only to the provisions of the sign plan and this chapter.

8. Sign Permits

The first sign permit in this district must not be issued prior to the receipt by the city of a land development permit application for a parcel or aggregate parcels totaling not less than ten acres within the Gulch Sign Overlay District or not less than one acre within the Gulch Sign Overlay District Spring Street Subarea. This provision will not apply to construction signage.

9. New Buildings or New Signs

For any building or sign constructed in the Gulch Sign District after the effective date of creation of this Gulch Sign District, the signage must be governed by this chapter and not the sign regulations for the underlying zoning district. For buildings or signs in existence prior to the effective date of creation of this Gulch Sign District, the signage must be governed by the sign regulations for the underlying zoning district.

Sec. 8.6.16. Measurement**A. Area of Sign Face and Distance Between Signs**

1. All regulations involving the area of signs specified in this Division will be interpreted to mean measurements of the sign face unless the context, text or usage clearly requires otherwise.
2. All regulations involving distances from or between signs specified in this Division will be interpreted to refer to any part of a sign, including both the sign structure and the sign face.

B. Computation of Sign Area of Individual Signs

The area of a sign will be the total area within the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with the total area of any material or color forming an integral part of the

SIGNS

background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of the Zoning Ordinance and is clearly incidental to the display itself.

C. Computation of Area of Multi-Faced Signs

1. Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 60 degrees or less, only one display face will be measured in computing sign area.
2. If the two faces of a double-face sign are of unequal area, the area of the sign will be the area of the larger sign face.
3. In all other cases, the areas of all sign faces of a multi-faced sign will be added together to compute the area of the sign.

D. Computation of Height of Sign

1. The height of a sign will be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade will be construed to be the lower of existing grade prior to construction, or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
2. In cases in which the normal grade cannot reasonably be determined, sign height will be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

Sec. 8.6.17. Relief

The provisions of the Sign Ordinance are varied only pursuant to the following requirements:

- A. The Board of Zoning Adjustment, the Urban Design Commission, or any other duly authorized administrative body have the power to grant variances relating to the height of signs, sign setbacks, topographic conditions which would prevent the erection of a sign which is otherwise permissible under this Division, and similar minor variances, according to their authority, and which are not otherwise expressly prohibited below.
- B. Neither the Board of Zoning Adjustment, the Urban Design Commission, nor any other authorized administrative body have the power or authority to vary the express terms of this Division related to the number of signs, the total area of signs permitted on a lot, distance and spacing requirements, or removal of illegal signs. Further, the board or other commission or administrative body have no power to permit within any zoning district within the City of Atlanta any sign not otherwise authorized by this Division.
- C. Appeals from decisions of the Director are authorized by **Div. XX. Quasi-Judicial Review.**

Sec. 8.6.18. Sign Permits

A. Permit Required

1. General Requirements

- a. No sign may be placed, constructed, erected or modified without first securing a Sign Permit from the Director in accordance with these procedures, except for those signs exempted by the specific language of **Sec. XX. Sign Permit Not Required**.
- b. No Sign Permit of any kind will be issued for an existing or proposed sign unless such sign meets all of the requirements of this Division, and all other applicable requirements of the Zoning Ordinance or is a lawful nonconforming sign under **Sec. XX. Nonconforming Signs**.
- c. A Sign Permit is required for a change of materials or for the substitution of panels or faces on a billboard sign to verify that the sign is structurally sound, is at a location, and is of a size and height, which meets the requirements for a lawful sign under the Zoning Ordinance.
- d. No Sign Permit will be issued for any change to a legally nonconforming sign that enlarges or expands the degree of nonconformity, provided however that repairs and normal maintenance of legally nonconforming signs including the repairs and maintenance necessary to allow conversion of the sign face for the utilization of changing sign technology will not be considered an expansion of the degree of nonconformity. An existing changing sign that is legally nonconforming will be allowed to utilize this provision for purpose of installing a different changing sign technology.

2. Requirements for Portable Signs

Portable signs are allowed only in accordance with the provisions of **Sec. XX. General Sign Standards** and only upon the issuance of a Sign Permit, which is subject to the following additional requirements:

- a. A Sign Permit allows the use of a portable sign only for one single continuous specified 30-day period.
- b. Only 1 sign permit for a portable sign may be issued to the same business license holder on the same lot for the same business.
- c. A portable sign is allowed only in the districts specified in **Sec. XX. General Sign Standards** and is subject to all other requirements for portable signs as set forth in this Division, the Zoning Ordinance, and in any other applicable City of Atlanta Code section.

B. Permit Not Required

The following signs are not required to obtain a Sign Permit as long as all applicable requirements in this Division and the City Code are met:

1. Temporary signs, see **Sec. XX. Sign Type Standards**.
2. Any sign inside a building provided that such signs otherwise comply with the requirements of this Division, see **Sec. XX. General Sign Standards**.
3. Lights and decorations.

SIGNS

4. Flags.
5. Signs allowed within public rights-of-way according to **Sec. XX. Public Right-of-Way Signs**, except where that Section requires a Sign Permit.
6. Parking lot identification signs required by the zoning district.
7. Approved historic markers, according to **Sec. XX. Sign Type Standards**. Signs which do not meet the requirements for approved historic markers provided in **Sec. XX. Sign Type Standards** as to size, shape, height, plate size, and allowable text or decoration are not "approved historic markers," even if erected for the purpose of commemorating historical events or persons, and will be required to obtain a permit in accordance with the Atlanta Sign Ordinance.
8. Signs not visible from the public right-of-way at private universities with a physical campus of over 50 acres within City limits.

C. Permit Review**1. Application Submittal**

All applications for sign permits must be submitted to the Director on an application form provided by the Director, and to be complete must include the following:

- a. Each application must be accompanied by the applicable fees established by the governing authority.
- b. No application will be deemed to be accepted by the Director unless all fees are paid and all information reasonably required by the Director is provided by the applicant.
- c. All applications for construction, creation, or installation of a new sign, or for modification of an existing sign, must be accompanied by detailed drawings showing the dimensions, design, structure, and location of each particular sign, as well as total wall area dimensions when necessary to determine compliance with this Division.
- d. One application and permit may include multiple signs on the same lot where multiple signs are allowed according to this Division.

2. Application Review and Director Decision

All complete applications for sign permits will be either issued or denied within 45 days of their submission unless the applicant consents in writing to extend the time period to a date certain. If the Sign Permit is neither issued nor denied within this time period, the applicant may at their own risk erect a sign meeting the requirements of this Division as if the application had been granted. The Director is authorized, however, upon determination that a sign, erected for any reason, is not in compliance with these regulations, to take the appropriate action necessary to cause it to come into compliance or to be removed if illegal.

- a. After examination of an application, including an application which has been filed for more than 30 days, the Director will either:
 - i. Issue the Sign Permit if the sign conforms in all respects to the requirements of the Zoning Ordinance and all other applicable City Code provisions; or

- ii. Deny the Sign Permit if the sign fails in any way to conform to the requirements of the Zoning Ordinance or any other applicable City Code provision. In case of a denial, the Director will notify the applicant in writing at the e-mail address set forth in the application. The applicant may appeal the denial to the BZA within 30 days of the written decision or appeal directly to Fulton County Superior Court in the manner authorized by State law. In the event the applicant appeals to the BZA, the BZA will hear and decide the appeal within 45 days of the appeal date unless the applicant consents in writing to extend the time period to a date certain.
- b. No illegal display, feature, attribute or other part of any otherwise permitted sign will be considered legally nonconforming and no illegal sign will become legally nonconforming by reason of failure of the Director to deny the Sign Permit within 45 days of the submission of the application.

D. Criteria for Review and Decision

1. Signs in Landmark and Historic Districts

In determining the appropriateness or location of new signs proposed to be placed within the boundaries of any landmark building and site, historic building and site or any property within a landmark district or historic district, the Urban Design Commission will apply the following criteria in addition to the applicable criteria for Certificates of Appropriateness specified in **Sec. XX.**

Certificate of Appropriateness:

- a. The content of the message to be conveyed will not be considered.
- b. Whenever in these regulations a Certificate of Appropriateness is required for a sign, the Certificate will be granted or denied within 30 days from the filing of the initial application. If the Certificate is not granted or denied within that time period, the applicant may proceed as if the Certificate had been granted. Provided, however, if the Commission subsequently takes action on the Certificate, the Director is authorized to take the appropriate action necessary to cause the sign to come into compliance with that decision.
- c. Any appeal from any decision made on the issuance or denial of a Certificate will be granted or denied within 60 days of the initial filing of the appeal. If the appeal is not granted or denied within this time period, the applicant may proceed as if the appeal was decided in his favor. Provided, however, if action is subsequently taken on the appeal, the Director is authorized to take the appropriate action necessary to cause the sign to come into compliance with that decision.

E. After Permit Review

1. Inspections

The Director can, at any time deemed necessary, inspect each sign regulated by the Zoning Ordinance to ensure conformity with these regulations and other ordinances of the City. The Director is authorized and empowered to revoke any Sign Permit issued upon failure of the permit holder to comply with any provision of this Division or other ordinances of the City, or to take other action lawful and necessary to assure correction of violations.

SIGNS**2. Lapse of Sign Permit**

A Sign Permit will be deemed to lapse automatically and will be deemed illegal if the business license for the premises lapses, is revoked, or is not renewed. A Sign Permit will also lapse if the activity on the premises is discontinued for a period of 180 days or more and is not renewed within 30 days of a notice to the last permit holder, sent to the premises, that the Sign Permit will lapse if such activity is not renewed.

Sec. 8.6.19. Violations and Enforcement

- A. Any person violating any provision of this Division are guilty of an offense and punished in accordance with the enforcement provisions of **Chapter 9. Administration**.
- B. This Division is enforced by the Director, except where otherwise specified.
- C. Each sign installed, created, erected or maintained in violation of this Division is considered a separate violation, and each day of a continued violation for each sign is considered a separate violation when applying the penalties of **Chapter 9. Administration**.
- D. In addition to the enforcement and penalty provisions in **Chapter 9. Administration**, the Director is authorized to remove any illegal sign and place a lien for the removal costs against the property upon which the sign was located prior to removal.
- E. Any person damaging any tree in violation of this Division will, in addition to other penalties imposed by the Zoning Ordinance, be required to replace any such tree with a healthy tree or trees of like caliper and species, if, in the judgment of the City Arborist, such tree is permanently injured or impaired or in danger of dying as a result of such damage.

Sec. 8.6.20. Sign Definitions

The following definitions apply to this Division unless specifically stated otherwise. Any word or phrase not defined below but otherwise defined in the Zoning Ordinance will be given the meaning set forth in the Zoning Ordinance. All other words and phrases will be given their common ordinary meaning unless the context clearly requires otherwise.

Adjacent to an Interstate Highway. Located within 500 feet of the nearest outer edge of the pavement of any interstate highway, limited access freeway or expressway within the City, regardless of the existence of intervening streets or lots.

Animated Sign. A sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner. A sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame at one or more edges. A flag is not considered a banner.

Beacon. Any light with one or more beams that:

- 1. Is directed into the atmosphere; or
- 2. Is directed at one or more points not on the same lot as the light source; or
- 3. Rotates or moves.

A sign created solely by a light or lights projected onto an immovable and unchanging surface is not included in this definition.

Billboard. A sign, other than a crown sign, over 200 square feet but not greater than 672 square feet. Any sign that requires a Georgia Department of Transportation Outdoor Advertising Permit is also a billboard.

Building Marker. A sign, when cut into a masonry surface or made of bronze or other permanent material.

Building Official. The Director, Office of Buildings or such person's designee.

Building Sign. See [Sec. XX. Sign Type Categories](#).

Business Establishment. An entity that:

1. Possesses a valid City of Atlanta business license authorizing that entity to operate on said premises, unless said entity is exempt from business licensing requirements; and
2. Occupies said premises.

Canopy Sign. See [Sec. XX. Canopy Sign](#).

Changing Sign. A sign that is capable of changing the visible display of words, numbers, symbols, graphics or position or format of word messages or other displays when such changes are actuated by any type of remote control or automatic mechanism rather than manually. Changing signs include mechanically operated devices which change the message through rotation of any type of panel and signs which are illuminated partially or entirely by a matrix of electric lamps, movable discs, movable panels, light apertures, the use of light emitting diodes, back lighting, or any other light source that is electronically changed. Any changing sign that includes both mechanical and electronic elements will be regulated as an electronically changed sign. A sign that changes no more frequently than once every 24 hours will not be considered a changing sign.

Copy. The portion of a sign containing a message consisting of words, numbers, symbols, logos, or any other visual image whether such message or part of such message is permanently affixed or capable of being changed in any manner. Where the term "message" is used in this part, such term refers to the entire "copy" and all other parts of the sign face.

Crown Sign. See [Sec. XX. Crown Sign](#).

Director. The Director, Office of Buildings or such person's designee.

District. A zoning district, whether underlying, overlay or floating.

Entrance Sign. See [Sec. XX. Entrance Sign](#).

Feather Sign. A sign consisting of a piece of fabric or similar material that is typically tall and slender with a dimensional ratio of 4 high to 1 wide and attached to a support pole. A flag is not considered a feather sign.

Flag. A sign consisting of a piece of fabric or similar material attached at one end to a pole or building and hanging freely such that it may flutter or move in the wind.

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Flashing Sign. A sign, the illumination of which is not kept constant in intensity at all times when in use, or which exhibits sudden or marked changes in lighting effects.

Freedom Parkway Corridor. The parkway, formerly known as the Presidential Parkway, located between the convergence of Interstate Highways 1-75 and 1-85 (known as the Downtown Connector) and either Ponce de Leon Avenue or Moreland Avenue, and including both the pavement of said parkway and all right-of-way associated with said parkway.

Freestanding Sign. See [Sec. XX. Sign Type Categories](#).

Historic Iconic Sign. A roof sign erected on an establishment within the district, both of which were in continuous existence for at least 40 years prior to the creation of the district.

Illegal Sign. A sign erected or maintained without a lawful permit or other authorization specified in this Division.

Large Screen Video Display (LSVD) Sign. A sign that utilizes full motion video technology consisting of a matrix board behind which computerized lights are projected to form images, as for a television. LSVD signs will be separately regulated and authorized in strict accordance with the Urban Core (UC-) Form District and other regulations specified herein.

Landmark Sign. A sign that exhibits unique design characteristics that enhance the streetscape or the identity of a neighborhood and contributes to the historical or cultural character of the area of community at-large.

Marquee. Any permanent, roof-like structure attached to and projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

Marquee Sign. See [Sec. XX. Marquee Sign](#).

Monument Sign. See [Sec. XX. Monument Sign](#).

Museum. A facility meeting the following criteria:

1. Is used for educational or preservation purposes;
2. Owns utilizes tangible inanimate objects of historical or cultural significance;
3. Is organized for the care of those objects and exhibits them to the public on a regular schedule;
4. Interprets the cultural heritage or history of the city, the state or the nation, natural history, or the history of science, technology or business;
5. Devotes less than 15% of the floor area of the primary building for retail, restaurant or other commercial purposes, excluding any parking facilities.

Museum Signature Sign. A crown sign on a museum.

Nonconforming Sign. A sign that was lawfully erected prior to the adoption of the Zoning Ordinance and does not conform to the requirements of this Division or other provisions of the Zoning Ordinance. A proposed sign that was lawfully permitted but not erected prior to the adoption of the Zoning Ordinance will be considered "erected" within the meaning of this definition provided said permit has

not expired prior to the adoption of the Zoning Ordinance and further provided that said permit will not be extended or renewed.

Obscenity. Nudity or sexual conduct as defined by O.C.G.A. § 32-6-52 or as thereafter amended.

Painted Wall Sign. See [Sec. XX. Painted Wall Sign.](#)

Parapet Wall. That integral part of a wall that extends above the top of a building.

Pedestrian Sign. See [Sec. XX. Pedestrian Sign.](#)

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Portable Sign. A sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels; signs made as A-frames or T-frames; balloons used as signs; beacons; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. This definition will not construed to include signs contained on umbrellas, carry bags, or similar objects ordinarily carried or held by pedestrians.

Primary Occupant. An office building tenant that occupies a minimum of 50,000 square feet of floor space and possesses a leasehold term of not less than 5 years.

Principal Occupant. A building owner or tenant who occupies a minimum of 25% of the floor area, or 100,000 square feet of the floor area, of a specific building that is available for occupancy. Any lease for the required amount of floor space is to be for a period of not less than 5 years.

Private street. Any area that is fully accessible to vehicular traffic but that is not a public street and is not interior to a building or parking structure.

Projecting Sign. See [Sec. XX. Projecting Sign.](#)

Public Entertainment District (PED). An area of land delineated and designated by City Ordinance not to exceed 30 days created only in association with an entertainment event of national interest that meets the following criteria:

1. Occurs within Urban Core (UC-) Form District;
2. The primary spectacle occurs in a facility that seats at least 15,000;
3. Has a duration of no greater than 10 consecutive days; and
4. Is likely to have an economic impact on the City during the period of the event of not less than \$25,000,000.00.

Public Park. A park owned, leased, or maintained by a local, state, or federal government or agency thereof.

Public street. Any public right-of-way including such right-of-way that is only accessible by pedestrians.

Regional Shopping Center. One or more attached buildings containing primarily retail establishments which exceed 800,000 square feet of gross leasable floor area.

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Residential District. All zoning districts contained in the Zoning Ordinance in which the principal use is restricted to one-dwelling unit housing, two-dwelling unit housing, or multiple dwelling unit housing.

Roof Sign. A sign, any part of which is placed above, supported on, or extends above the top of a building, excluding parapet wall signs.

Rotating Sign. A sign designed to revolve, rotate, or otherwise turn, in whole or in part, by means of electrical power.

Second Story. The building floor level immediately above the ground story.

Shopping center. Three or more primary retail establishments planned, developed and managed as a unit and providing parking facilities in common on the site.

Sign. Any device, fixture, placard, display, or structure visible to the general public that uses or is designed to use any color, form, graphic, illumination, symbol, writing, or visual presentation of any kind to advertise, announce, draw attention to, or identify a product, place, activity, person, institution, business, or other entity, or to communicate a message or information of any kind to the public. "Sign" will include both "sign face" and "sign structure."

Sign Face. The portion of a sign on which the copy, message, or other visual image to be communicated is placed or is intended or designed to be placed.

Sign Structure. The portion of a sign consisting of the total structural bracing system supporting said sign including the foundation.

Special Sign. See **Sec. XX. Sign Type Categories.**

Suspended Sign. See **Sec. XX. Suspended Sign.**

Temporary Sign. A sign mounted on a stake or frame that is used for a limited time period, not to exceed 180 consecutive days, and without regard to message. Examples of use of temporary signs include, but are not limited to, campaigns, real estate, and construction in progress.

Total Area of the Wall. The total exterior wall surface area measured in square feet above grade including all opaque portions, glass portions, and door areas.

Wall Sign. See **Sec. XX. Wall Sign.**

Window Sign. See **Sec. XX. Window Sign.**

CHAPTER 9.

ADMINISTRATION



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#001

Posted by **jessicahilltroutman** on **08/13/2025** at **4:20pm** [Comment ID: 1420] - [Link](#)

Agree: 0, Disagree: 0

Consider adding a provision addressing how relief previously granted under the current code (i.e., use permits and variances) will be carried forward under the new districts.

Reply by **SiteAdmin** on **08/14/2025** at **4:04pm** [Comment ID: 1456] - [Link](#)

Agree: 0, Disagree: 0

Thank you for the suggestion.

#002

Posted by **EzraKlein** on **07/22/2025** at **1:38pm** [Comment ID: 1331] - [Link](#)

Suggestion

Agree: 3, Disagree: 0

Please create an opt in Pattern Book Fast Lane that lets applicants pull a permit in ≤ 10 business days when they use one of 8-10 pre approved plan sets for ADUs, cottage courts, duplexes/triplexes, or four plexes.

1 · Why Draft V1 needs a rapid, low cost lane

- Draft V1 already legalizes ADUs city wide (see § 4 5 3 and the footnotes to Tables 2 3 & 2 4), yet every ADU or four plex still goes through the same bespoke plan check queue as a 200 unit mid rise. For homeowners and local GCs, that means hiring an architect, waiting 6-8 weeks, and paying \$25-35k in soft costs before a shovel touches dirt.

- National Association of Home Builders data show soft costs (plans, fees, interest carry) average 23 % of total project cost for projects under \$200k. Eliminating repeat plan reviews is the cleanest way to cut that margin.

Source:

<https://www.nahb.org/-/media/NAHB/news-and-economics/docs/housing-economics-plus/special-studies/2023/special-study-cost-of-constructing-a-home-2022-february-2023.pdf?rev=f771d8b924b14a079010cd59da395406>

2 · Proven models Atlanta can copy

Other cities have already road tested “pattern book” permitting and proved that it trims soft costs while keeping design quality high:

- Bryan, Texas. Since 2020 the Midtown Pattern Zone has offered thirteen architect stamped house and small plex blueprints that builders can pull directly from an online library. The Congress for New Urbanism reports the scheme knocks more

than \$8,000 off soft costs per unit and, because plans are pre checked once, the City can stamp subsequent permits in about half the time a custom plan takes

- Norfolk, Virginia. The City's Missing Middle Pattern Book provides free duplex, quad plex, and cottage court designs embedded in the zoning overlay. Norfolk's planning site explains that the templates let staff "waive certain development standards" and "streamline the development approval process," making it easier for small or minority owned builders to scale up missing middle projects.

- New South Wales, Australia. Unveiled in July 2025, the Housing Pattern Book sells eight low rise terrace and manor house designs for just \$1 during the launch period; any project that uses the plans can obtain a Complying Development Certificate in as little as ten days, rather than navigating months of council review.

These precedents show that a small, curated library of pre approved plans can shave thousands of dollars off design fees, compress review timelines from weeks to days, and open the door for local, smaller scale builders—all without relaxing a single setback or height limit. A Pattern Book Fast Lane in Atlanta would deliver the same administrative savings while ensuring that every façade and floor plan has already been vetted for code and neighborhood fit.

3 · How the Fast Lane would work (proposed text in brief)

(A) Plan Library Creation – Within 12 months, Planning & Community Development will publish 8-10 "City Standard Plans" (ADU, carriage house, duplex, stacked triplex, four plex, cottage court). Each plan set includes multiple façade palettes (brick, wood, fiber cement) and a BIM/IFC file.

(B) Pre Certification – Plans undergo a one time review for structural, fire, energy, accessibility, and tree protection compliance. Certified plans carry a "Zoning 2.0 Standard 2025" stamp.

(C) Eligibility – H Detached, H Attached, and H Cottage Form District lots. Applicant must submit only: (1) a site plan overlay showing setbacks & utilities; (2) tree save sheet; (3) contractor affidavit. No architectural sheets may be altered other than footing dimensions keyed to a soil report.

(D) Fast Lane Timeline – The Building Official must issue building and land disturbance permits within 10 business days of a complete submittal. Failure to act = automatic approval on day 11.

(E) Fee Schedule – Plan review fee discounted 50 % (reflecting reduced staff time). A \$150 "Library Maintenance Surcharge" funds updates to the plan set every five years.

(F) Deviations – Any exterior change (window size, roof pitch, etc.) kicks the project back to the standard Tier 2/3 review, protecting design integrity.

(G) Digital Integration – Standard plan BIM files must pass the automated code check proposed in § 9.2.10; site overlays are machine checked for setback and tree save compliance before human review.

4 · Built in safeguards

- Design quality is preserved—facade palettes are vetted by the Urban Design Commission, so pattern homes match neighborhood character (e.g., Craftsman gables in Grant Park, brick walk ups in English Ave.).
- Neighborhood scale is unchanged—the plans fit inside the same height, lot coverage, and FAR limits shown in Tables 2 3 and 2 4; the Fast Lane trims time, not enlarges envelopes.
- Equity – Open source templates level the field for legacy homeowners and small, BIPOC owned builders who can't afford \$20 k+ in bespoke design and weeks of carrying costs.

5 · Projected five year impact

- ADUs: If just 5 % of the $\approx 54,000$ single family lots pull a pattern ADU permit, Atlanta gains 2,700 legal units—the equivalent of two years' net production—without a single rezoning fight.
- Cottage courts & small plexes: At 300 lots/year (matching Bryan's uptake), that yields 1,200 1,400 attainable rentals or first time buyer homes at $\sim 60\text{--}120\%$ AMI.
- Soft cost savings: \$8 k saved per unit (Bryan metric) $\times \sim 4,000$ units = \$32 million kept in local pockets—capital that recirculates in Atlanta neighborhoods instead of paying out of state design consultants.

6 · Why adopt now—before Draft V1 goes final

- Policy is already in place; process is the missing piece. Draft V1 legalizes these building forms—citizens just need a friction free way to build them.
- Aligns with the City's equity goals. The Fast Lane democratizes quality design, letting modest income households become “gentle density” producers instead of spectators.
- Future proof: Once the library exists, adding Net Zero or mass timber versions in 2028 is as simple as uploading a new BIM file—no ordinance overhaul required.

Bottom line: A Pattern Book Fast Lane is the low hanging fruit of zoning reform—it slashes weeks off approvals, saves thousands per unit, and turns the text of Draft V1 into front doors that Atlantans can walk through by next summer.

Source links for staff follow up

- [Bryan, TX Midtown Pattern Zone – soft cost savings and review time metrics
<https://www.cnu.org/what-we-do/build-great-places/midtown-pattern-zone>
- [Norfolk, VA Missing Middle Pattern Book – free duplex & four plex plans, minority builder uptake
Norfolk.gov: <https://www.norfolk.gov/5332/Missing-Middle-Housing>
- [NSW Housing Pattern Book (2025) – \$1 architect designed templates, 10 day approvals
NSW Government:
<https://www.nsw.gov.au/departments-and-agencies/homes-nsw/news/new-housing-pattern-book-designs-can-be-approved-ten-days-are-launched>
- [NAHB Cost of Constructing a Home (2022) – soft cost share 23 % for small projects
National Association of Home Builders:
<https://www.nahb.org/-/media/NAHB/news-and-economics/docs/housing-economics-plus-special-studies/2023/special-study-cost-of-constructing-a-home-2022-february-2023.pdf?rev=f771d8b924b14a079010cd59da395406>

Reply by **SiteAdmin** on **07/23/2025** at **9:41am** [Comment ID: 1339] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your suggestion!

Reply by **grace212** on **09/02/2025** at **3:40pm** [Comment ID: 1646] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

Something like this could be especially helpful in areas with additional design requirements (i.e. English Avenue).

#003

Posted by **EzraKlein** on **07/22/2025** at **10:57am** [Comment ID: 1313] - [Link](#)

Suggestion

Agree: 3, Disagree: 0

Suggestion: § 9.2.4 Digital Submittals & Automated Code Checks.

Atlanta should become the first major U.S. city to require open standard Building Information Models (IFC files) for all “Major Track” permit applications by 1 January 2028 and run them through an automated rules engine before a human ever opens the file.

Why this belongs in Chapter 9 right now

- [] Draft V1 gives the Director broad discretion over submittal contents, but still treats BIM as optional. This keeps the plan check queue chained to hand typed spreadsheets and PDF geometry checks that consume dozens of staff hours per project.
- [] Every numeric rule you've just spent two years reorganizing—setbacks, FAR, maximum height, parking stall counts—can already be expressed in machine readable logic. Let software catch the easy math so planners can focus on design quality and life safety nuance.

Proof it works

- [] Estonia's national e Ehitus platform runs 47 automated code checks on every IFC upload and has already trimmed reviewer labor 65 % in pilot municipalities.
https://accordproject.eu/wp-content/uploads/2023/09/ACCORD_D1.1_Landscape_Review_Report.pdf
- [] Singapore's upcoming "CORENET X" system will make BIM the universal submission format and aims for same week approvals once the full rollout starts this year.
<https://www.ura.gov.sg/Corporate/Guidelines/Circulars/dc23-01>
- [] Los Angeles County's 2025 "eCheck" pilot uses AI + BIM to shave 4 6 weeks off fire rebuild permits—proof a U.S. jurisdiction can do this inside today's building codes.
<https://recovery.lacounty.gov/2025/07/15/la-county-launches-echeck-ai-pilot-as-part-of-express-lane-for-faster-rebuilding/>
- [] Honolulu's new HNL Build platform is targeting a 50 % permit time cut by loading AI screening on the front end of every model.
<https://www.civilbeat.org/2025/06/honolulu-mayor-with-ai-building-permit-office-will-speed-up-by-years-end/>

What Atlanta gains

- [] Speed: Major track reviews (projects $\geq 15\,000\text{ ft}^2$ or ≥ 10 units) average 57 days today. Global benchmarks show BIM + auto checks can push that to 25 30 days.
- [] Capacity: If half of Atlanta's ~5 400 yearly major applications move to automated review, the labor saved equals 12 full time plan examiners—freeing staff for backlog busting and field inspections.
- [] Certainty for applicants: A model that passes the rule set could receive first round

comments in minutes and a guaranteed 10 day permit once any fire/life safety notes are addressed.

- Data for the future: Those IFC files become the backbone of a city wide digital twin, energy benchmarking, and resilience planning—no extra modeling cost later.

How to write it into the code (plain language sketch)

1. Scope. Starting 1 Jan 2028, all Major Track applications must upload an IFC 4x3 model (openBIM standard). Minor Track projects remain PDF eligible.
2. Automated checks. The model must pass an online checker for setbacks, height, FAR, lot coverage, parking counts, ADA stalls, and tree save area before the clock starts.
3. Turn around guarantee. When the model clears the checker and life safety comments are resolved, the Building Official must issue the permit within 10 business days.
4. Phasing. • 2026: City releases its rule set in a public beta sandbox. • 2027: 50 % plan check fee rebate for voluntary early adopters. • 2028: mandate takes effect.
5. Open API. Local software firms and Georgia Tech researchers get sandbox access, seeding an Atlanta prop tech ecosystem instead of buying all code checking tools off the shelf.

Common concerns, answered

“But not every architect uses BIM.” True—but limiting the requirement to major projects captures 85 % of new floor area while leaving kitchen remodels and porch additions in PDF.

“Big files will choke the system.” A zipped IFC for a five story apartment is ~18 MB—smaller than the combined PDF set—and cloud upload takes seconds on any fiber connection.

“This replaces human jobs.” Global experience shows the opposite: code clerks become urban design reviewers and field inspectors. Machines do the rote math; people handle judgement.

The payoff

A digital first submittal rule moves Atlanta’s permitting office from the fax era straight to the front of the global pack—alongside Estonia and Singapore—while putting real, bankable days back on builders’ critical paths and freeing City staff to think instead of calculate. The sooner we lock the requirement into Chapter 9, the sooner we can start building the checker, training local professionals, and clearing today’s backlog.

#004

Posted by **EzraKlein** on **07/22/2025** at **12:43pm** [Comment ID: 1317] - [Link](#)

Suggestion

Agree: 2, Disagree: -1

Suggestion: Let’s create a Housing Production Dashboard in §9 and link it to an Adaptive Relief trigger that automatically relaxes certain bulk standards whenever the City is falling materially behind its own Comprehensive Development Plan (CDP) housing targets.

1 · Ch. 2 Form Tables embed hard, city wide caps on height, FAR, and dwellings per lot; they never self adjust even if production stalls.

Bottom line: Draft V1 succeeds at modernizing process but lacks a feedback loop to ensure that outcomes—actual homes built—stay aligned with the CDP and the Mayor’s One Atlanta Housing Affordability Action Plan (which calls for ~5,000 net new units per year).

2 · Why a dashboard + adaptive trigger is standard best practice

- ☐ Transparency breeds trust. Minneapolis’ 2040 Plan pairs its zoning reforms with a public data tool that tracks permits, completions, and rents by neighborhood for anyone to audit.

<https://www.minneapolisfed.org/article/2024/minneapolis-2040-plan-data-tool-prepared-to-measure-impacts>

- ☐ Portland, OR and Austin, TX publish similar near real time.

<https://data.austintexas.gov/stories/s/2024-Housing-Department-Annual-Report/b4kw-y5bt/>

- ☐ Course correction authority. British Columbia’s new Housing Supply Act allows the Province to impose production targets and unlock ministerial overrides when cities miss them.

<https://www2.gov.bc.ca/gov/content/housing-tenancy/local-governments-and-housing/housing-targets>

California’s Housing Element law levies fines and even “builder’s remedy” overrides

for jurisdictions that fall behind.

<https://www.hcd.ca.gov/planning-and-community-development/accountability-and-enforcement>

Atlanta can achieve the same accountability locally, without relying on State intervention, by coding an automatic relief valve into Chapter 9.

- Reduces ad hoc zoning battles. With a transparent scoreboard and pre negotiated adjustments, builders and neighbors know the rules of the game in advance. This lowers litigation risk and staff workload tied to piecemeal map amendments.

3 · Recommended § 9.3.8 language (summary)

§ (A) Quarterly Dashboard Contents

1. Building permits issued (units) by Form District + Use District + NPU;
2. Certificates of occupancy (units) — same break out;
3. Net demolitions;
4. Median permit to CO cycle time;
5. Average achieved FAR and height (so staff can see if projects are maxing out entitlements).

Data source: CityWorks + Accela feeds; publish to an “Open Data Housing” portal no later than 45 days after quarter end.

§ (B) Annual Target Test

Compare the most recent three year rolling average of net completions to the CDP chapter on Housing Needs. If the City is $\geq 5\%$ below target, the Director shall declare a “Housing Capacity Shortfall.”

§ (C) Adaptive Relief Menu (effective city wide unless stricter overlay standards apply):

- Bulk Standards: +10 % FAR or +1 story (applicant’s choice).
- Parking: 100 % elimination of minimum off street stalls for new residential projects.
- Occupancy: Allow 1 extra dwelling unit per lot in H Detached and H Attached districts.

These temporary relaxations sunset automatically once the three year average climbs back above target.

(D) Reporting & Public Hearing

- The Director must present dashboard results and any triggered relief at a quarterly joint session of the Zoning Review Board and CD/HR Committee.
- Council may override the relief by 2/3 vote within 60 days, preserving democratic control while keeping default action pro supply.

4 · Why this safeguard matters, in plain English

“What gets measured gets managed.” We track crime stats monthly and pothole response times weekly; housing supply deserves the same rigor.

- Atlanta’s land area is limited; a dashboard shows when we’re on pace and

when—despite good intentions—we need to open the spigot a bit wider.

- The adaptive trigger is surgical: a 10 % FAR bump is often the difference between 4 and 5 stories—enough to pencil, but not enough to dwarf existing neighborhoods.
- If production rebounds, the relief automatically retires—avoiding permanent over entitlement.
- The equity guardrail ensures that the extra capacity does not become an excuse to overshoot market rate supply at the expense of affordable units.

5 · Projected impact (back of envelope)

- Atlanta permitted $\approx 4,100$ net units/year 2022–24. CDP calls for 5,000+. A 10 % uplift in FAR across projects currently capped just below feasibility could unlock roughly 600–900 additional units/year (assuming 12 % of projects take up the extra floor).
- The dashboard's quarterly cadence means course corrections land within 6–9 months, not in the next 5 year CDP cycle—crucial when interest rate windows open and close fast.

Bottom line: This idea serves as a living thermostat for Atlanta's housing market. By publishing clear scoreboards and letting the code self adjust when we drift off target, the City can keep supply, affordability, and infrastructure planning in sync—no special rezonings, no emergency ordinances, just data driven good governance.

Reply by **SiteAdmin** on **07/23/2025** at **9:37am** [Comment ID: 1337] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for input.

#005

Posted by **EzraKlein** on **07/22/2025** at **1:37pm** [Comment ID: 1330] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Let's create an opt in Pattern Book FastLane that lets applicants pull a permit in ≤ 10 business days when they use one of 8–10 pre approved plan sets for ADUs, cottage courts, duplexes/triplexes, or four plexes.

1 · Why Draft V1 needs a rapid, low cost lane

- Draft V1 already legalizes ADUs city wide, yet every ADU or four plex still goes through the same bespoke plan check queue as a 200 unit mid rise. For homeowners and local GCs, that means hiring an architect, waiting 6–8 weeks, and paying \$25–35 k in soft costs before a shovel touches dirt.

- National Association of Home Builders data show soft costs (plans, fees, interest carry) average 23 % of total project cost for projects under \$200k. Eliminating repeat plan reviews is the cleanest way to cut that margin.

Source:

<https://www.nahb.org/-/media/NAHB/news-and-economics/docs/housing-economics-plus/special-studies/2023/special-study-cost-of-constructing-a-home-2022-february-2023.pdf?rev=f771d8b924b14a079010cd59da395406>

2 · Proven models Atlanta can copy

Other cities have already road tested “pattern book” permitting and proved that it trims soft costs while keeping design quality high:

- Bryan, Texas. Since 2020 the Midtown Pattern Zone has offered thirteen architect stamped house and small plex blueprints that builders can pull directly from an online library. The Congress for New Urbanism reports the scheme knocks more than \$8,000 off soft costs per unit and, because plans are pre checked once, the City can stamp subsequent permits in about half the time a custom plan takes
- Norfolk, Virginia. The City’s Missing Middle Pattern Book provides free duplex, quad plex, and cottage court designs embedded in the zoning overlay. Norfolk’s planning site explains that the templates let staff “waive certain development standards” and “streamline the development approval process,” making it easier for small or minority owned builders to scale up missing middle projects.
- New South Wales, Australia. Unveiled in July 2025, the Housing Pattern Book sells eight low rise terrace and manor house designs for just \$1 during the launch period; any project that uses the plans can obtain a Complying Development Certificate in as little as ten days, rather than navigating months of council review.

These precedents show that a small, curated library of pre approved plans can shave thousands of dollars off design fees, compress review timelines from weeks to days, and open the door for local, smaller scale builders—all without relaxing a single setback or height limit. A Pattern Book Fast Lane in Atlanta would deliver the same administrative savings while ensuring that every façade and floor plan has already been vetted for code and neighborhood fit.

3 · How the Fast Lane would work (proposed text in brief)

(A) Plan Library Creation – Within 12 months, Planning & Community Development will publish 8–10 “City Standard Plans” (ADU, carriage house, duplex, stacked triplex, four plex, cottage court). Each plan set includes multiple façade palettes (brick, wood, fiber cement) and a BIM/IFC file.

(B) Pre Certification – Plans undergo a one time review for structural, fire, energy, accessibility, and tree protection compliance. Certified plans carry a “Zoning 2.0 Standard 2025” stamp.

(C) Eligibility – H Detached, H Attached, and H Cottage Form District lots. Applicant must submit only: (1) a site plan overlay showing setbacks & utilities; (2) tree save sheet; (3) contractor affidavit. No architectural sheets may be altered other than

footing dimensions keyed to a soil report.

(D) Fast Lane Timeline – The Building Official must issue building and land disturbance permits within 10 business days of a complete submittal. Failure to act = automatic approval on day 11.

(E) Fee Schedule – Plan review fee discounted 50 % (reflecting reduced staff time). A \$150 “Library Maintenance Surcharge” funds updates to the plan set every five years.

(F) Deviations – Any exterior change (window size, roof pitch, etc.) kicks the project back to the standard Tier 2/3 review, protecting design integrity.

(G) Digital Integration – Standard plan BIM files must pass the automated code check proposed in § 9.2.10; site overlays are machine checked for setback and tree save compliance before human review.

4 · Built in safeguards

- Design quality is preserved—facade palettes are vetted by the Urban Design Commission, so pattern homes match neighborhood character (e.g., Craftsman gables in Grant Park, brick walk ups in English Ave.).
- Neighborhood scale is unchanged—the plans fit inside the same height, lot coverage, and FAR limits shown in Tables 2 3 and 2 4; the Fast Lane trims time, not enlarges envelopes.
- Equity – Open source templates level the field for legacy homeowners and small, BIPOC owned builders who can’t afford \$20 k+ in bespoke design and weeks of carrying costs.

5 · Projected five year impact

- ADUs: If just 5 % of the ≈ 54,000 single family lots pull a pattern ADU permit, Atlanta gains 2,700 legal units—the equivalent of two years’ net production—without a single rezoning fight.
- Cottage courts & small plexes: At 300 lots/year (matching Bryan’s uptake), that yields 1,200 1,400 attainable rentals or first time buyer homes at ~60–120 % AMI.
- Soft cost savings: \$8 k saved per unit (Bryan metric) × ~4,000 units = \$32 million kept in local pockets—capital that recirculates in Atlanta neighborhoods instead of paying out of state design consultants.

6 · Why adopt now—before Draft V1 goes final

- Policy is already in place; process is the missing piece. Draft V1 legalizes these building forms—citizens just need a friction free way to build them.

- Aligns with the City’s equity goals. The Fast Lane democratizes quality design, letting modest income households become “gentle density” producers instead of spectators.

- Future proof: Once the library exists, adding Net Zero or mass timber versions in 2028 is as simple as uploading a new BIM file—no ordinance overhaul required.

Bottom line: A Pattern Book Fast Lane is the low hanging fruit of zoning reform—it slashes weeks off approvals, saves thousands per unit, and turns the text of Draft V1 into front doors that Atlantans can walk through by next summer.

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Reply by **Kirsten** on **09/02/2025** at **12:39pm** [Comment ID: 1602] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

I support the existing public comment to create a Pattern Book Fast Lane and incorporate it not only in the CDP but also in the Zoning Ordinance, which ensures efficiency in the permit approval process. Downtown Chamblee’s Town Center Pattern Book offers an excellent example.

#006

Posted by **erinp** on **09/01/2025** at **7:47pm** [Comment ID: 1569] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

From Garden Hills Zoning Committee:

The draft shifts too much decision-making into administrative approvals and “variables” that bypass neighborhood and NPU review. This undermines the purpose of NPUs and reduces residents’ ability to shape their community. The process should begin with neighborhoods and NPUs, not bypass them. For a plan of this scale, the City should strengthen—not weaken—the role of neighborhoods and NPUs.

Reply by **SiteAdmin** on **09/16/2025** at **3:10pm** [Comment ID: 1736] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comment. This was also noted in the letter we received from NPU B.

Division 9.6. Quasi-Judicial Review 9-31

Sec. 9.6.1. Applicability 9-31

Sec. 9.6.2. Application Submittal 9-31

Sec. 9.6.3. Application Review 9-32

Sec. 9.6.4. Criteria for Review and Decision 9-34

Sec. 9.6.5. Action After the Decision 9-35

Division 9.7. Nonconformities. 9-36

Sec. 9.7.1. Intent 9-36

Sec. 9.7.2. Nonconforming Lots of Record 9-36

Sec. 9.7.3. Nonconforming Structures 9-37

Sec. 9.7.4. Nonconforming Uses. 9-38

Sec. 9.7.5. Nonconforming Signs 9-39

Sec. 9.7.6. Combination of Nonconformities. 9-39

Division 9.8. Enforcement 9-41

Sec. 9.8.1. General Standards 9-41

Sec. 9.8.2. Penalties. 9-41

DIVISION 9.1. REVIEW AUTHORITY

Sec. 9.1.1. Summary of Review Authority

The following table summarizes the review, approval, and appeal authority of the various review bodies and officials that implement and administer the Zoning Ordinance.

		REVIEW AND APPROVAL AUTHORITY					NOTICE			
		Neighborhood Planning Unit	Development Review Committee	Director	Zoning Review Board	Board of Zoning Adjustment	City Council	Posted	Mailed	Published
APPROVAL PROCESS										
Legislative Review										
Zoning Amendment	Sec. XX	RR		RR	RR-PH		D-M	Y	Y	Y
Special Use Permit	Sec. XX	RR		RR	RR-PH		D-M	Y	Y	Y
Transfer of Development Rights	Sec. XX	RR		RR	RR-PH		D-M	Y	Y	Y
Historic Review		Sec. XX								
Permit Review										
Common Review Procedures	Sec. XX			D						
Development Review	Sec. XX		RR	D						
Sign Permit	Sec. XX			D						
Temporary Use Review	Sec. XX			D						
Administrative Relief		Sec. XX								
Administrative Modification				D						
Administrative Variation		RC007		D						
Quasi-Judicial Review		Sec. XX								
Variance		RR		RR		D-PH		Y	Y	Y
Appeal of Administrative Decision						D-PH		Y	Y	Y

KEY: RC = Review and Comment RR = Review and Recommend D = Final Decision
-PH = Public Hearing -M = Meeting Y = Required

#007

Posted by **Jennifer Frieese** on **08/29/2025** at **11:53am** [Comment ID: 1548] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

As noted in the Developmental Standards some Administrative Variances could give up to a 30% reduction of metrics to provide relief. This could substantially effect how a lot is developed and could have negative impacts on surrounding properties, the NPU's and neighborhoods should Review and Recommend not just Review and Comment, these entities know the properties more intimately so can best advise the Director.

Reply by **SiteAdmin** on **08/29/2025** at **12:02pm** [Comment ID: 1549] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comment. Today, the Director can vary 100% of many standards in the Beltline Overlay, SPLs, and newer zoning districts (e.g., MR, MRC, LW, I-Mix, etc.). The change to 30% is a significant reduction and aligns with best practices for more "design-based" provisions. Please note that the draft continues to require variances for many standards, as specified in Ch. 3. For example, height and open space.

Sec. 9.1.2. Neighborhood Planning Unit (NPU)

Neighborhood Planning Units (NPUs) have those powers and duties expressly identified in this Chapter, including, but not limited to, the following:


A. Review and Recommend

To review and provide recommendations on applications for:

1. Legislative Review; and
2. Quasi-Judicial Review.

B. Review and Comment

To review and provide comments on applications for:

1. Administrative Variation. 

Sec. 9.1.3. Development Review Committee (DRC)

Development Review Committees (DRCs) have those powers and duties expressly identified in this Chapter, including, but not limited to, the following:

A. Review and Recommend

To review and provide recommendations on applications for Development Review.

Sec. 9.1.4. Director

The Office of Zoning and Development, through the Director, their staff, or their designee is delegated the authority to administer and enforce the Zoning Ordinance. A designee may be another official in the City of Atlanta who has been specifically designated or appointed by the Director to carry out certain duties or powers on their behalf. This includes the authority to review for compliance with the Zoning Ordinance applications for building permits and applications for minor site plan amendments previously approved by the City Council. This also includes the authority to accept and process applications, to reject incomplete applications, and to approve, to approve with conditions, or to deny applications not otherwise delegated to a board or reserved by the City Council. The Director is responsible for determining whether applications for building permits as required by the [Building Code](#) are in accord with the requirements of the Zoning Ordinance, and no building permit will be issued without the Director's determination that plans conform to applicable zoning regulations.

The Director has those powers and duties expressly identified in this Chapter, including, but not limited to, the following:

A. Review and Recommend

To review and provide recommendations on applications for:

1. Legislative Review; and
2. Quasi-Judicial Review.

#008

Posted by **grace212** on **09/02/2025** at **3:44pm** [Comment ID: 1647] - [Link](#)

Agree: 0, Disagree: 0

I think moving small changes to RC will save NPUs a lot of time to focus on larger and more impactful decision making.

Reply by **SiteAdmin** on **09/16/2025** at **1:38pm** [Comment ID: 1683] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

#009

Posted by **dimnickph** on **09/01/2025** at **5:08pm** [Comment ID: 1565] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

Recognizing that whether the NPU reviews and recommends or reviews and comments, an administrative variation is the decision of the Director, the gravity of most of these variations warrants a full-throated recommendation from the NPU.

Reply by **SiteAdmin** on **09/16/2025** at **3:11pm** [Comment ID: 1739] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

B. Decision

To review and decide on applications for:

1. Development Review;
2. Sign Permit;
3. Temporary Event Permit;
4. Administrative Relief; and
5. Administrative Variation.

Sec. 9.1.5. Zoning Review Board (ZRB)

The Zoning Review Board (ZRB) is delegated the authority to conduct the state law required public hearing preceding zoning decisions by the City Council. The ZRB is the exclusive forum for the conducting of public hearings before zoning decisions by the City Council. The ZRB has those powers and duties expressly identified in this Chapter, including, but not limited to, the following:

A. Review and Recommend

To review and provide recommendations on applications for Legislative Review.

Sec. 9.1.6. Board of Zoning Adjustment (BZA)

The Board of Zoning Adjustment is delegated exclusive authority to hear and render decisions on applications for variances from the Zoning Ordinance, where not otherwise prohibited as provided below, and to hear and render decisions on appeals from the decisions of administrative officials in the administration and enforcement of the Zoning Ordinance. The BZA will sit as a quasi-judicial board exercising quasi-judicial zoning powers pursuant to standards below for the exercise of quasi-judicial authority. The Board of Zoning Adjustment (BZA) has those powers and duties expressly identified in this Chapter, including, but not limited to, the following:

A. Decision

To review and decide on applications for Quasi-Judicial Review.

Sec. 9.1.7. City Council

The City Council has those powers and duties expressly identified in this Chapter, including, but not limited to the following:

A. Decision

To review and decide on applications for Legislative Review.

DIVISION 9.2. **LEGISLATIVE REVIEW**

Sec. 9.2.1. **Applicability**

Legislative Review is required for the following:

- A. **Zoning Text Amendment.** A proposed amendment to the Zoning Ordinance.
- B. **Rezoning.** A proposed amendment to the zoning map from one zoning classification, including form and use districts, to another, or to change the boundaries of an existing zoning district, including overlay districts.
- C. **Special Use Permit.** An application for uses of substantial significance or of unusual operational characteristics permitted only by Special Use Permit in the zoning district.

Sec. 9.2.2. **Application Submittal**

A. **Rezoning**

- 1. Applicants seeking a Rezoning must schedule a pre-application meeting with the Concept Review Committee (CRC) to discuss the procedures, standards, and regulations required for approval through Legislative Review. This requirement may be waived at the discretion of the Director.
- 2. Following the pre-application meeting, applicants may start the application process. To begin, a complete application form, required plans, and review fees must be filed with the Director.

Sec. 9.2.3. **Application Review**

A. **Director Review**

The Director will review the facts of each application and will submit written findings of fact and recommendations to the Zoning Review Board (ZRB) at or before the time each application is heard. The Director may recommend that the ZRB impose one or more conditions of approval, whether proposed by the applicant or not, relating to the application that it believes may be necessary in the particular case to protect the public interest should the application be approved.

B. **Notice**

1. **Published Notice**

At least 15 but not more than 45 days before the date of the hearing, the Director must cause to be published within a newspaper of general circulation within the territorial boundaries of the City a notice of the hearing. The notice will state the date, time, place, and purpose of the hearing.

2. **Additional Notice in Certain Cases**

If a zoning decision of the City Council is for the rezoning of property or a Special Use Permit and the rezoning or Special Use Permit is initiated by a party other than the City, then the following are required:

a. Published Notice

010

In addition to the requirements of published notice in subsection **B.1** above, the published notice must include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property;

b. Posted Notice

A sign containing information stated in subsection **2.a.** above must be placed by the applicant unless otherwise directed by the Director in a conspicuous location on the property not less than 15 days before the date of the hearing; and

c. Mailed Notice

The Director must also cause notice of the date, time and place of the hearing and the nature of the proposed change to be sent by regular mail, with mailing postmarked at last 15 days before the hearing addressed to property owners (as ownership and address appears on the tax records of Fulton or DeKalb County) of all property within 300 feet of the property involved in the proposed change.

C. Zoning Review Board (ZRB) Public Hearing

1. Procedure

- a. Before the City Council takes action resulting in a zoning decision, as defined by state law (currently O.C.G.A. § 36-66-3(4)), the ZRB will conduct a hearing on the proposed action. Where the proposed action includes any combination of zoning decisions to rezone property from one or more zoning classifications, including form or use districts (collectively the zoning classification) to different classifications, or a Special Use Permit, for the same property, only 1 hearing is required under the Zoning Ordinance.
- b. The ZRB may adopt policies and procedures not inconsistent with state law or the Zoning Ordinance governing the conducting of the public hearing including the matter presented, order of presentation, time limits for each speaker, number of speakers, decorum and order.
- c. An equal amount of time for the presentation of data, evidence, and opinion will be afforded to proponents and opponents of each zoning decision. The minimum amount of time must be at least 10 minutes per side for the presentation of data, evidence, and opinion of each zoning decision.
- d. Printed copies of these policies and procedures will be available for distribution to the general public. Printed copies of these policies and procedures will be available at each hearing.

2. Action by the ZRB

- a. The ZRB will make separate findings of facts and conclusions on each proposed amendment to the Zoning Ordinance or Special Use Permit. The ZRB may make its own findings or adopt those of the Director.
- b. The ZRB may recommend approval, approval conditional, or denial of the proposed action. Majority of the quorum present rules. The board may also, either by majority vote or tie, send forth a recommendation of "no recommendation."

#010

Posted by **grace212** on **09/02/2025** at **3:46pm** [Comment ID: 1648] - [Link](#)

Question

Agree: 0, Disagree: 0

Confirming that this would have the publishing and posting be the responsibility of the Director, not the applicant?

Reply by **SiteAdmin** on **09/16/2025** at **1:37pm** [Comment ID: 1682] - [Link](#)

Answer

Agree: 0, Disagree: 0

The Director publishes the notice, but State Law allows the City to post or to require the applicant to do so.

- c. As soon as practicable, but in no event later than the day before the City Council meeting at which the zoning decision is scheduled to be considered, the Secretary to the Board will transmit the following by e-mail to each City Council member:
 - i. A hyperlink to the video of the public hearing;
 - ii. A verbatim transcript of the hearing; or
 - iii. Meeting minutes summarizing the content of each public speaker's comments.
 - iv. The purpose of this requirement is to inform the City Council in a meaningful way of what happened at the ZRB hearing.

D. City Council Decision

1. Upon compliance with the procedures in this Section and the receipt of reports and recommendations from the Director and the Zoning Review Board, the City Council will proceed to act on the proposed changes, passing or rejecting the amendments, or suspending action where prior changes in comprehensive development plans are required and City Council finds reasonable justification for considering such changes.
2. The City Council must be provided with a copy of the submission of the applicant, the report and recommendation of the Director, the recommendation of the appropriate Neighborhood Planning Unit (NPU) if any, at the time each zoning case is presented to them for action.

Sec. 9.2.4. Criteria for Review and Decision

A. Zoning Amendment and Rezoning

The Director, Zoning Review Board, and City Council will each consider the following standards when recommending action on a zoning decision to rezone or to amend the text of the Zoning Ordinance:

1. **Compatibility with Comprehensive Development Plan.** Whether the proposal is compatible with the Comprehensive Development Plan. Compatibility refers to both the written policies, goals and objectives, the development pattern map set forth in the plan, any local area plans incorporated in the Comprehensive Development Plan, and Atlanta City Design. The Director will not recommend any change not in accord with adopted Comprehensive Development Plans but may, where they see fit, recommend changes in such plans, following which, if such changes in plans are officially adopted, the zoning change may be reconsidered without prejudice and without a new application if an application is involved.
2. **Availability of and effect on public facilities and services.** The availability of public facilities and services and the effect the proposed change would have on demands for public facilities and services in the area in which the change is proposed or generally. Such facilities and services include but are not limited to water supply, sewerage, drainage, transportation, schools, fire and police protection, and solid waste collection and disposal.
3. **Availability of other land suitable for proposed use.** The availability of other appropriate land already zoned for the proposed use, generally and in the area of the proposed change. Whether generally, or in the area of the proposed change, the change would have adverse environmental effects on the balance of land uses by removing land from a category for which it is suited and for which there is a greater public need to a category for which the public need is lesser.

#011

Posted by **grace212** on **09/02/2025** at **3:49pm** [Comment ID: 1649] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Would it be possible to weight the development pattern map and written goals and objectives (of CDP, subarea plans, ACD, etc.) equally?

Reply by **SiteAdmin** on **09/16/2025** at **1:36pm** [Comment ID: 1681] - [Link](#)

Answer

Agree: 0, Disagree: 0

This text seeks to expand what "compatibility" means to refer to both the development pattern map and the text. Ultimately, it is up to City Council to determine the applicable criteria during their deliberations.

4. **Effect on character of the neighborhood.** The effect of uses permitted under the proposed change on the surrounding neighborhood and must report any substantial probably adverse influences on desirable living conditions or sustained stability, or any tendencies toward blight and depreciation likely to result from the change.
5. **Suitability of proposed use.** Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
6. **Effect on adjacent property.** Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
7. **Economic use of current zoning.** Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
8. **Other conditions.** Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

B. Special Use Permit

Although the City Council previously made the legislative determination that the special use is appropriate in the district generally, the special use may not be appropriate on the property for which the Special Use Permit is sought. Accordingly, the City Council must make a case-by-case decision. In doing so, it must consider and anticipate the special use's potential conflict with existing permitted uses. This tool affords the City Council the flexibility of permitting the proposed use upon considerations of the standards set out in the Ordinance, or in the discretion of the local governing body. The Director, Zoning Review Board and the City Council will consider the following when recommending and deciding the grant or denial of a Special Use Permit:

1. **Use allowed.** The use is allowed by way of Special Use Permit in the zoning district. No application may be accepted unless the use is allowed by way of Special Use Permit in the zoning district or unless a text amendment to allow such use is introduced by the City Council before or at the time of the introduction of the ordinance to grant the Special Use Permit.
2. **Use standards.** Whether the special use complies with all specific use standards, if any, set forth elsewhere in the Zoning Ordinance without the granting of any variance.
3. **Effect on adjacent properties.** Whether the special use is compatible with adjacent uses in the City in terms of location, scale, site design, hours of operation and operating characteristics. In measuring compatibility, the City Council will consider:
 - a. Whether the days and hours the special use will operate and the manner of operation will disturb the quiet use and enjoyment of adjacent property owners.
 - b. The written and oral statements made by adjacent property owners during the public hearing.
 - c. Whether the special use complies with the off-street parking and loading requirements. Where none exist, whether or not anticipated parking demand from the special use will have significant "spill-over" on-street parking into adjacent streets.
 - d. Whether there are adequate areas for the storage and collection of trash and for the parking of service vehicles.

- e. Whether the ingress and egress to the property and proposed structure or uses thereon will result in significant impacts to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
4. **Buffering and screening.** The extent to which proposed buffering or screening will alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, signs or traffic congestion.
5. **Duration.** The length of time regarding the duration of the permit, if any.
6. **Mitigation.** The extent to which changing circumstances or conditions proposed by the applicant or imposed by the City Council will alleviate the potential adverse effects suggested by staff or adjacent property owners during the application process.

Sec. 9.2.5. Action After the Decision

014

A. Effect of Defeat

1. For applications initiated by an applicant, the City Council may decide to reject or otherwise vote to not approve a proposed zoning amendment, rezoning, or Special Use Permit application, resulting in a defeated zoning decision. The Mayor may veto a City Council decision to approve an application, resulting in a defeated zoning decision.
2. If the zoning decision is for the rezoning of property and the amendment to the Zoning Ordinance to accomplish the rezoning is defeated by the City, then the same property may not again be considered for rezoning until the expiration of at least 12 months immediately following the defeat of the amendment by the City.
3. If the zoning decision is for the approval of a Special Use Permit and the ordinance to approve the permit is defeated by the City, then the same property may not again be considered for the same Special Use Permit until the expiration of at least 6 months immediately following the defeat of the Special Use Permit by the City.

B. Modification of Approved Conditional Site Plan

1. Minor revisions to an approved site plan made as a condition of rezoning or Special Use Permit by the City Council may be approved by the Director. The following revisions are considered minor:
 - a. Any decrease in the gross floor area of a single building; or
 - b. Any increase in outdoor amenity space.
2. All other changes ⁰¹²an approved site plan must be resubmitted as a new application ⁰¹³When a revision to an approved site plan requires a new application, the application is not considered defeated and is not subject to the time constraints of **subsection A.2.** or **A.3.** above.

Sec. 9.2.6. Alternative Legislative Procedures

A. Procedure for Annexation

If the rezoning is for property to be annexed into the City, then either:

#012

Posted by **jessicahilltroutman** on **08/13/2025** at **3:37pm** [Comment ID: 1415] - [Link](#)

Agree: 1, Disagree: 0

Recommend reversing this to provide what major changes are rather than limiting minor changes to two scopes. For example, based on this language, adding or subtracting one parking space from the number listed on the site plan would be a major change. Major changes should be increases in overall density, increases in height or changes in use to a category not identified on the site plan. If other metrics are desired to be preserved (like a specific percentage of outdoor amenity space above the code requirement or a setback dimension above the code requirement) this should be addressed in a narrative condition rather than the site plan.

#013

Posted by **grace212** on **09/02/2025** at **3:52pm** [Comment ID: 1650] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Can we give the director more power here to decide what a minor and major change is? This seems very limiting.

Reply by **SiteAdmin** on **09/16/2025** at **1:32pm** [Comment ID: 1680] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thanks for your comment.

#014

Posted by **Kirsten** on **09/02/2025** at **12:44pm** [Comment ID: 1603] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

We should consider expanding the decision-making power of Atlanta residents in zoning procedures. Currently, the Mayor may veto a City Council decision to approve an application, resulting in a defeated zoning decision. Allowing citizens to override such decisions through ballot referendum—similar to models in cities like San Francisco

(https://sfelections.sfgov.org/ftp/uploadedfiles/elections/candidates/Nov2012/Nov2012_ReferendaGuide.pdf?utm_source=chatgpt.com) —would expand democratic control and give communities more direct power over how their neighborhoods grow.

1. The procedures required by this Section will be completed for such rezoning, except for the final vote of the City Council, before adoption of the annexation ordinance or the effective date of any local act of the General Assembly but no sooner than the date the notice of the proposed annexation is provided to the governing authority of the county as required under OCGA § 36-36-6;
2. The public hearing required by **Sec. 9.2.3.C** will be conducted before the annexation of the subject property into the City;
3. In addition to the other notice requirements of this Section, the City must cause to be published within a newspaper of general circulation within the territorial boundaries of the county wherein the property to be annexed is located a notice of the hearing as required under the provisions of **Sec. 9.2.3.B**, as applicable, and must post a sign on the property when required by **Sec. 9.2.3.B**; and
4. The zoning classification approved by the City following the required public hearing will become effective on the later of:
 - a. The date the zoning is approved by the City;
 - b. The date that the annexation becomes effective pursuant to OCGA § 36-36-2; or
 - c. Where a county has interposed an objection pursuant to OCGA § 36-36-11, the date provided for in paragraph (8) of subsection (c) of said state Code section; or
5. By virtue of the adoption of the Zoning Ordinance, and in lieu of the procedures set forth in subsection D of this Section, the City may provide in the annexing ordinance its intent to exercise the authority set forth in OCGA § 36-66-4(e) that all annexed property will be zoned by the City, as a qualified municipality, without further action, for the same use for which that property was zoned immediately before such annexation. Property which is zoned pursuant to this subsection may have such zoning classification changed upon compliance with the other provisions of this Division.

B. Procedure for City-Initiated Amendments for Multiple Dwelling Units

1. Applicability

015

- a. When a proposed zoning amendment or rezoning is initiated by the City and:
 - i. Is an amendment of the Zoning Ordinance to revise one or more zoning classifications or definitions relating to single-dwelling units on property so as to authorize multiple dwelling units on property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single dwelling unit zoning; or
 - ii. Provides for the abolition of all single dwelling unit zoning classifications within the territorial boundaries of the City; or
 - iii. Results in the rezoning of all property zoned for single dwelling units within the territorial boundaries of the City for multiple dwelling units on property,

#015

Posted by **grace212** on **09/02/2025** at **3:54pm** [Comment ID: 1651] - [Link](#)

Question

Agree: 0, Disagree: 0

Why is this process outlined like this? How is this different than any other zoning amendment initiated by the City?

Reply by **SiteAdmin** on **09/16/2025** at **1:31pm** [Comment ID: 1679] - [Link](#)

Answer

Agree: 0, Disagree: 0

State law requires this provision.

then in such case, such zoning decision must be adopted in the procedural manner set forth in **subsection 2** below.

- b. This procedure does not apply to zoning decisions for the rezoning of property from a single dwelling unit on a property to multiple dwelling units on a property when the rezoning is initiated by the owner or authorized agent of the owner of such property.

2. Procedure

- a. The zoning decision will be adopted at two regular meetings of the City Council, during a period of not less than 21 days apart; and
- b. Before the first ZRB meeting provided for in **Sec. 9.2.3.C.**, at least two public hearings before the Zoning Review Board will be held on the proposed action. Such public hearings will be held at least 3 months and not more than 9 months before the date of final action on the zoning decision. Furthermore, at least 1 of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph will be in addition to the ZRB hearing required by **Sec. 9.2.3.C.**, such that there will be a total of 3 public hearings before the Zoning Review Board.

3. Notice

The City must give notice of such hearings required by this paragraph by:

- a. Posting notice on each affected premises in the manner prescribed by **Sec. 9.2.3.B.**; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and
- b. Publishing in a newspaper of general circulation within the territorial boundaries of the City a notice of each hearing at least 15 days and not more than 45 days before the date of the hearing; and
- c. Both the posted notice and the published notice must include a prominent statement that the proposed zoning decision relates to or will authorize multiple dwelling units or give blanket permission to the property owner to deviate from the zoning requirements of a single dwelling unit zoning of property in classification previously relating to single dwelling units. The published notice must be at least 9 column inches in size and must not be located in the classified advertising section of the newspaper. The notice must state that a copy of the proposed amendment is on file in the Office of the Municipal Clerk and in the Office of the Clerk of the Superior Court of Fulton County for the purpose of examination and inspection by the public. The City will furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

Sec. 9.2.7. Transfer of Development Rights (TDR)

A. Intent

The City's TDR program provides a voluntary uniform mechanism for unused development rights to be severed from one property, the "sending property," and transferred to another property, the "receiving property." The program also allows development rights to be severed and held or sold by an entity for future transfer or conservation purposes. The intent is to help preserve and maintain

natural, recreational, environmental, historic, cultural and other important resources by removing excess development rights from those resources and allowing those rights to be held, sold, or transferred. This section contains the regulations governing these transfers citywide. The program is intended to promote the public health, safety and welfare consistent with the Comprehensive Development Plan and the requirements of O.C.G.A § 36-66A-1 et seq., as amended.

B. Definitions

1. **Development Rights.** The maximum square footage expressed in floor area ratio or building height in feet currently authorized by the Zoning Ordinance as applied to a sending property. The term excludes:
 - a. The square footage and building height in feet of all existing development on the sending property;
 - b. Development rights attributable to a nonconforming status of the sending property; and
 - c. Development rights attributable to a zoning bonus unless the requirements necessary to secure the bonus have been achieved on the sending property.
2. **Sending Area.** An area of land consisting of one or more parcels from which development rights are authorized to be severed or transferred to a receiving area. Sending areas consist of the following:
 - a. The boundaries of all properties designated as a Landmark Building or Site (LBS) or Historic Building or Site (HBS) pursuant to the City of Atlanta Historic Preservation Ordinance;
 - b. The boundaries of all properties designated as a Landmark District (LD) or Historic District (HD) in accordance with the City of Atlanta Historic Preservation Ordinance and having one or more non-residential buildings exceeding 5,000 square feet in floor area; or
 - c. The boundaries of any land possessing special characteristic(s) determined by resolution of the Mayor and Council to be deserving of future public use or protection through the TDR program.
3. **Sending Property.** A lot or parcel located within a sending area:
 - a. Designated as a LBS or HBS pursuant to the City of Atlanta Historic Preservation Ordinance that meets the TDR Special Use Permit requirements of this Section;
 - b. Designated as a LD or HD pursuant to the City of Atlanta Historic Preservation Ordinance and having one or more non-residential buildings exceeding 5,000 square feet in floor area that meets the TDR special use permit requirements of this section; or
 - c. Possessing one or more special characteristics and which will be donated to or purchased by the City for public use or protection and that meets the TDR Special Use Permit requirements of this Section.
4. **Receiving Area.** Property within the RX, MX use districts and the following legacy districts: SPI-1, SPI-9, SPI-12, SPI-16.
5. **Receiving Property.** A parcel within a receiving area that is zoned to allow multiple dwelling units, or mixed use, and that meets the TDR Special Use Permit requirements of this Section.

6. **Special Characteristic.** Farm land, woodland, flood plain, natural habitats, wetlands, groundwater recharge areas, recreation areas, or any other land that has unique aesthetic, architectural, or historic value.
7. **Suitable.** There are no substantially adverse environmental, economic or social impacts on the receiving property or on neighboring properties by virtue of the amount or type of development rights sought to be transferred.
8. **TDR Special Use Permit.** One of three types of Special Use Permits authorizing an applicant to sever, affix, or jointly transfer development rights after approval of an application meeting the appropriate criteria of this section by the Mayor and City Council.
9. **Transfer of Development Rights.** The process by which excess development rights are severed from a sending property and sold, held for future transfer or conservation, or affixed to a receiving property.

C. Sending Property Requirements

1. Historic Sending Properties

Any designated sending property as specified in subsection (3)(a) or (b) may apply to sever or jointly transfer development rights not utilized by the present development of the property. Designation alone is insufficient to sever or jointly transfer. The applicant also must show that the designated property meets the requirements of this section. Any permitted use allowed on the designated property under the zoning ordinance as applied to the property may be severed or jointly transferred, except that density associated with uses not authorized by the zoning of a receiving property may not be transferred to that receiving property. Redevelopment of the designated property from which development rights have been severed or jointly transferred must be based on the property's remaining development rights and the conditions under which the TDR Special Use Permit was granted. This Section is not intended to alter the application of the City of Atlanta Historic Preservation Ordinance to the designated property.

2. Special Characteristic Sending Properties

Before the owner of the special characteristic property may apply to sever or jointly transfer development rights, preliminary approval by resolution of the Mayor and Council stating the City's intent to acquire the property by purchase or dedication associated with a TDR Special Use Permit must occur. Final approval by the Mayor and Council to acquire the property in accordance with City procedures for property acquisition must occur either as a part of the TDR Special Use Permit legislation or within 12 months of the permit's approval. The purchase price of property acquired by the City for this purpose must be reduced by the appraised value of the development rights which are severed or jointly transferred as a part of the TDR Special Use Permit. These TDR Special Use Permit may be approved only if they are made conditional on the final approval of the property's acquisition by the City. Failure of the City to acquire the property within the 12-month limit will automatically void the TDR Special Use Permit. Any permitted uses allowed on the special characteristic property under the Zoning Ordinance as applied to the property may be transferred, except that density associated with uses not authorized by the zoning of a receiving property may not be transferred to that receiving property.

D. Receiving Property Requirements

In order for development rights to be affixed to a receiving property, the applicant must show that the receiving property meets the requirements of this Section. Contiguous individual parcels being developed under common ownership may apply to receive development rights under a single application but **must** indicate the manner in which the rights to be received are allocated among the parcels. Unless a higher percentage is required by the underlying or overlay zoning, at least 5% of the multiple dwelling units on the receiving property must be rented to tenants earning no more than 80% of the area median income.

E. Application Procedures

All transfers of development rights require a TDR Special Use Permit. There are three types of TDR Special Use Permits depending on the action that is requested. The procedures for each type are as follows:

1. Type 1: Application to Sever Development Rights

The owner of a sending property may apply to the Office of Zoning and Development for a TDR Special Use Permit to sever development rights from the sending property. All development rights proposed to be severed must be available on the sending property and meet the requirements of this Section. Applications to sever development rights are authorized only for property that qualifies as a sending property located in a sending area. Each application must include the following:

- a. A statement specifying that the sending property is within a defined sending area and demonstrating that the property qualifies as a sending property.
- b. All materials required for a special use permit including a statement demonstrating compliance with the required criteria that are applicable to the severance application.
- c. A statement assuring that the character of the sending property will be preserved including specifics on how that will occur.
- d. A description of the landmark or historic designation or the special characteristics of the sending property and an explanation of the manner in which the landmark or historic designation or those special characteristics advance and promote the intent of the Zoning Ordinance.
- e. A survey and legal description of the sending property.
- f. A calculation of the amount and allowed uses of excess development rights that are proposed to be severed from the sending property including calculations showing that these excess development rights currently exist on the property as well as a calculation of the development rights that will be retained on the sending property.
- g. A draft affidavit meeting the requirements for recordation in the clerk's office of the county superior court in which the sending property is located that includes each of the following statements:
 - i. That the person executing the affidavit has the authority to do so on behalf of the owner and all other persons or entities including lienholders with an interest in the property.

- ii. The amount and uses of development rights transferred with a placeholder for an attached copy of the final TDR Special Use Permit and reference to the SUP number and legislation number.
 - iii. That the current landowner and any persons or entities with an interest in the property, including without limitation any lienholders, consent to the prohibitions against future use of the development rights severed from the property in accordance with this section and the TDR Special Use Permit.
 - iv. That the prohibitions against future use of the development rights severed from the sending property in accordance with this section and the TDR Special Use Permit will be binding on the landowner or any other persons with an interest in the property as of the date that the instrument is recorded and that this instrument will bind every successor in interest to the landowner and any other person with an interest in the sending property.
 - v. That the affidavit is given with the owner's understanding that it has been relied upon by the City of Atlanta in the issuance of the TDR Special Use Permit benefiting and restricting the sending property.
- h. A draft deed of transferable development rights meeting the requirements for recordation in the clerk's office of the county superior court in which the sending property is located that severs the identified excess development rights from the sending property and sells, conveys or otherwise transfers those development rights in fee simple to the grantee. The draft deed of transferable development rights must include a placeholder for a copy of the final TDR Special Use Permit with a reference to the SUP number and legislation number.
 - i. A statement that the applicant understands and will adhere to each provision contained in the draft affidavit and draft deed and that substantially similar instruments will be properly executed and recorded in the clerk's office of the county superior court in which the sending property is located and thereafter filed with the City within the times established by this Section.

2. Type 2: Applications to Affix Development Rights

The owner of a receiving property may apply to the Office of Zoning and Development for a TDR Special Use Permit to affix development rights that were previously severed from a sending property and not yet affixed to a receiving property. No application to affix development rights will be accepted unless the development rights sought to be affixed, as well as the current owner of those rights, are listed on the city's registration system. The resulting development on the receiving property may exceed the maximum floor area ratio or building height authorized under its present zoning but must otherwise comply with all zoning requirements. Development rights proposed to be affixed to a receiving property must meet all requirements of this section. Each application must include the following:

- a. A statement specifying that the receiving property is within a defined receiving area and demonstrating that the property qualifies as a receiving property.
- b. All materials required for a special use permit including a statement demonstrating compliance with all required criteria.

- c. An affidavit by the owner of the development rights that are to be transferred to the receiving property stating that the owner is in lawful possession of the development rights to be transferred and agrees to the transfer. The affidavit must include an analysis demonstrating that the development rights sought to be affixed to the receiving property were properly created in accordance with the terms of the Zoning Ordinance, including a history of all transactions associated with the development rights back to the transaction that created such development rights showing that they are registered with the city and currently available to be affixed to the receiving property.
- d. A statement demonstrating the receiving property is suitable for the proposed development and can accommodate the transferable development rights proposed to be affixed to the property without substantial adverse environmental, economic, or social impact to the receiving property or to neighboring property.
- e. A survey and legal description of the receiving property.
- f. A site plan for the receiving property showing where and how the proposed transfer of development rights will be used.
- g. A calculation of the amount and allowed uses of development rights that are proposed to be affixed to the receiving property.
- h. A statement explaining how the project assures future protection of public interests and achievement of public objectives to the same or higher degree than would application of the zoning district regulations without approval of the application to affix the transferred development rights.
- i. A draft affidavit meeting the requirements for recordation in the clerk's office of the county superior court in which the sending property is located that includes each of the following statements:
 - i. That the person executing the affidavit has the authority to do so on behalf of the owner and all other persons or entities including lienholders with an interest in the receiving property.
 - ii. The amount and uses of development rights to be affixed with a placeholder for an attached copy of the final TDR Special Use Permit and reference to the SUP number and legislation number.
 - iii. That the current property owner and any persons or entities with an interest in the receiving property, including without limitation any lienholders, consent to the use of the transferred development rights and stating that all such rights sought to be utilized pursuant to the TDR Special Use Permit are fully and unconditionally owned by the property owner.
 - iv. A statement that the use of the transferable development rights remains with the property for the life of the development and cannot be severed from the property or otherwise transferred without the property being declared a sending property pursuant to a subsequent TDR Special Use Permit.

- v. That the affidavit is given with the owner's understanding that that it has been relied upon by the City of Atlanta in the issuance of the TDR Special Use Permit benefiting and restricting the receiving property.
- j. A draft deed of transferable development rights meeting the requirements for recordation in the clerk's office of the county superior court in which the receiving property is located that sells, conveys or otherwise transfers the development rights in fee simple to the grantee. The draft deed of transferable development rights must include a placeholder for a copy of the final TDR Special Use Permit with a reference to the SUP number and legislation number.
- k. A statement that the applicant understands and will adhere to each provision contained in the draft affidavit and draft deed and that substantially similar instruments will be properly executed and recorded in the clerk's office of the county superior court in which the receiving property is located and thereafter filed with the city within the times established by this section.

3. Type 3: Joint Applications to Simultaneously Sever and Affix Development Rights.

The owners of sending and receiving properties may jointly apply to sever development rights in a sending property and transfer those development rights to a receiving property in one joint TDR Special Use Permit application. Joint applications must contain all information required by TDR Special Use Permit Type 1 applications to sever development rights and Type 2 applications to affix development rights and may be acted on as one application.

F. Processing the Application

The Office of Zoning and Development must review each TDR Special Use Permit application and make recommendations in accordance with [Sec. 9.3.4.B.](#) based on compliance with the requirements in that Section and those of this Section. TDR Special Use Permit applications must follow the procedures, public notice and hearing requirements in [Sec. 9.3.3.](#) After completion of that process, the Mayor and Council may approve a TDR Special Use Permit to sever, affix, or jointly transfer development rights if it is determined that the application meets all requirements for the Special Use Permit. If approved, a notation on the sending or receiving parcel indicating the case number of the TDR will be added to the Official Zoning Map.

1. Criteria

In reviewing and deciding on a TDR Special Use Permit, the following criteria, as applicable, will be considered:

- a. Whether or not the sending property meets the requirements contained herein and is therefore eligible for severance of development rights;
- b. Whether or not the receiving property meets the requirements contained herein and is therefore eligible for receipt of development rights;
- c. Whether or not the receiving property is suitable for the increased development allowed by the receipt of the additional development rights.
- d. Whether or not the sending property or the receiving property satisfies the general Special Use Permit standards in [Sec. 9.3.4.B.](#)

2. Additional Requirements

- a. **Registering development rights.** The Office of Zoning and Development must develop and implement a registration system for monitoring the severance, ownership, assignment and transfer of development rights authorized by this Section.
- b. **Private purchase and resale of development rights.** Development rights that have been severed in accordance with this section may be purchased, sold, exchanged or otherwise conveyed by any person and held for conservation purposes or resale. If development rights have been severed in accordance with this section and sold to another person without becoming affixed to a receiving property, the private parties to the transaction are required to register the change in ownership with the Office of Zoning and Development within 30 days of the purchase, including certified copies of the transfer agreement, deed, or other instrument of transfer. If the change in ownership is not so filed, the development rights will not be eligible to be used in any future application to affix those development rights until registered with the Office of Zoning and Development.
- c. **City purchase of development rights.** The City is authorized to purchase development rights in the same manner as any other interest in real property and may hold the development rights for conservation purposes or for resale.
- d. **TDR special use permit transfers.** Transfers of a TDR Special Use Permit are authorized in the same manner as other special use permits provided that all conditions in the TDR Special Use Permit continue to apply to the transferee.
- e. **Nature of transferred interests and taxation.** In accordance with O.C.G.A. § 36-66A-2.C.(8), development rights transferable under this section are interests in real property and will be considered as such for purposes of conveyance and taxation. Once a deed of transferable development rights created pursuant to this section has been sold, conveyed, or otherwise transferred by the owner of the parcel from which the development rights were derived, the transfer of development rights will vest in the grantee and become freely alienable. For the purposes of ad valorem real property taxation, the value of the transferable development rights will be deemed appurtenant to the sending property until the transferable development rights are registered as a distinct interest in real property with the appropriate tax assessor or the transferable development rights are used at a receiving property and become appurtenant thereto.
- f. **Rules regarding affixed rights.** Transferred development rights that are affixed to a receiving property by a recorded deed following approval of a TDR Special Use Permit are appurtenant to the receiving property and may be used on the property or transferred as an integrated part of any future sale of the property without further approval of the City in accordance with the site plan approved as part of the TDR Special Use Permit. Transferred development rights that are affixed to a receiving property by a recorded deed but not used on the receiving property cannot be severed or transferred without approval of a TDR Special Use Permit to do so.
- g. **Deed and affidavit recordation deadline.** Deeds of transferable development rights that sever development rights, affix development rights, or transfer development rights from a sending property to a receiving property, pursuant to a TDR Special Use Permit authorized by this Section, as well as the required affidavits, must be executed and recorded in the clerk's office of the county superior court in which the impacted property is located within 9 months from

the date of approval of the authorizing TDR special use permit. These deeds and affidavits must contain all provisions required in the application for the TDR Special Use Permit as well as any conditions of the approval of the Special Use Permit. Failure to record both the required deeds and required affidavits within the time specified automatically voids the corresponding TDR Special Use Permit.

- h. **Filing deadline.** Certified copies of the recorded deeds and recorded affidavits required by subsection (g) must be filed by the holder(s) of the TDR special use permit with the Office of Zoning and Development within 30 days of their recordation. Failure to file the recorded deeds and affidavits with the Office of Zoning and Development within the required time automatically voids the corresponding TDR special use permit.
- i. **Future zoning actions affecting sending property.** Once a deed of transferable development rights severing development rights from a sending property has been recorded, no rezoning, text amendment or other zoning action may act to restore any of the severed development rights back to the sending property. If subsequent to the severance of development rights, a rezoning, text amendment or other zoning action increases development rights beyond what was previously severed from the sending property, only the incremental development rights may thereafter be severed. For example, if a floor area equal to "x" FAR was severed from the sending property and through a zoning action the new FAR is "x + 1.0" FAR, then only the 1.0 FAR increment may be severed prospectively.
- j. **Limitations on vested property interests.** TDR Special Use Permit authorize the actions specified in the permit legislation but do not accomplish the actual transfer authorized. Transfers of development rights become effective only upon the recording of the required deeds and affidavits and the filing of certified copies of these recorded instruments with the Office of Zoning and Development. No property interests vest or become able to be used on or transferred to any property until the deeds and affidavits required by this Section are timely recorded and filed with the Office of Zoning and Development. In addition, no property interests vest or become able to be used on or transferred to any property unless all conditions in the permit are followed. When a TDR Special Use Permit is voided according to this Section, it conveys no interest in property, and any effort to sever, affix or jointly transfer development rights on those properties will require a new application. This provision does not apply to the purchase, sale, exchange, or other conveyance of transferable development rights after they have been severed from a sending property and before the rights being affixed to a receiving property.

DIVISION 9.3. **HISTORIC REVIEW**

Reserved. For requirements, see [Chapter 6. Historic and Landmark Districts](#).

DIVISION 9.4. **PERMIT REVIEW**


Sec. 9.4.1. **Common Review Procedures**

A. Concept Review Committee (CRC)

1. Intent

The Concept Review Committee (CRC) is a pre-submission meeting program for rezonings and subdivisions, among other land development activities. It serves as an opportunity for applicants to meet with representatives from the City's plan review agencies at the forefront of the project design stage to refine plans and scope in an open and organized format. The CRC is intended to save time for both the applicant and the City, by highlighting challenges, clarifying processes ahead of submission, and reducing the number of follow-ups and streamlining the overall review process. The CRC is not meant to extend the timeline or impose additional regulations, rather it is intended to provide technical feedback before beginning the entitlement and permitting process.

2. Applicability

The following intent, procedures, and standards apply to City staff review and comment before the submission of some applications. The Director, at their discretion, may request a review by the Concept Review Committee (CRC) before an application can be submitted. 

3. Procedure

The Director may prescribe rules that require applicants to consult with the CRC before formal application submittal where proposed activity may involve land disturbance, tree impacts, or other land development activities.

4. Standards

Consideration by and comments or recommendations from the members of the CRC must be limited to the requirements of and compliance with relevant City requirements for land development.

B. Building Permits

1. Applicability

The Director will review the plan set included in the application for building permit to determine that the plans conform to the applicable zoning regulations.

2. Plans Required

All applications for building permits as required by the **Building Code must** be accompanied by electronically uploaded plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the building or buildings and accessory building existing or to be erected, the existing and intended use of each building or part of a building, the number of dwelling or lodging units the building is designed to accommodate, and such other information regarding the lot and neighboring lots as may be required by the Director to determine and provide for enforcement of the Zoning Ordinance.

#016

Posted by **grace212** on **09/02/2025** at **4:03pm** [Comment ID: 1652] - [Link](#)

Question

Agree: 0, Disagree: 0

To clarify - the CRC is NOT required unless the Director decides? At what point in the application process would an applicant find out?

Reply by **SiteAdmin** on **09/03/2025** at **4:07pm** [Comment ID: 1663] - [Link](#)

Answer

Agree: 0, Disagree: 0

Yes. This provision is intended to give the Department of City Planning the ability to note require CRC review for certain projects.

3. Survey Required

All dimensions on such plans relating to the location and size of the lot to be built upon must be based on an actual survey. The lot and the location of proposed buildings or additions must be staked out on the ground to facilitate inspection before construction is started.

4. Director Decision

No permit for excavation or construction will be issued before the Director certifies that the plans, specifications and intended use conform to the provisions of the Zoning Ordinance. One copy of such plans will be returned to the owner when such plans have been approved by the Director.

5. Posting of Approved Building Permit

Whenever a building permit is issued by the Office of Buildings, the recipient of the building permit must post a copy of same on a sign not less than 6 square feet with the words "Notice of Issuance of Building Permit" in letters not less than 4 inches high in a conspicuous place on the effected property so that the sign and the permit can be easily viewed from the public street on which the property fronts. Said sign must be posted no later than 24 hours after the issuance of the building permit and may not be removed for 30 days. In the event the sign is not timely posted, the deadline to appeal an approved building permit will commence to run starting on the actual date of the sign posting.

C. Certificates of Occupancy

1. For New or Altered Structures and Uses

- a. No person is permitted to use or permit the use of any structure or premises created, erected, changed, converted, enlarged or moved, wholly or partly, in use or structure, until a Certificate of Occupancy reflecting use, extent and location have been issued to the owner or tenant by the Director, Office of Buildings.
- b. Where a building permit is involved, such certificate must show that the structure or use, or both, to the affected part thereof, are in conformity with the provisions of the Zoning Ordinance; and it is the duty of the Director, Office of Buildings to issue such certificate if they find that all of the requirements of the Zoning Ordinance have been met, and to withhold such certificates unless they find that all of the requirements of the Zoning Ordinance have been met.

2. Temporary Certificates of Occupancy

A temporary Certificate of Occupancy for a part of a building or premises may be issued in accordance with general rules or regulations concerning such temporary certificates, and with such additional conditions and safeguards as are necessary in the circumstances of the case to protect the safety of occupants and the general public.

3. Certificates of Occupancy for Existing Uses or Structures

Upon written request from the owner and upon inspection to determine the facts in the case, if in conformity with the requirements of the Zoning Ordinance, the Director, Office of Buildings will issue a Certificate of Occupancy for any buildings, premises or use, certifying that the building, premises or use is in conformity with the provisions of the Zoning Ordinance.

D. Conformity Requirements

1. Conformity to Applications

Building permits or Certificates of Occupancy will be issued on the basis of plans and applications approved by the Director, Office of Buildings. When building permits, Certificates of Occupancy and other permits are issued for property with conditional zoning or an approved variance, only the use, arrangement and construction set forth in such approved plans and application, subject to any conditions or safeguards attached thereto, are permitted. Any use, arrangement or construction other than that authorized or failure to observe any of the conditions or safeguards will be deemed a violation of the Zoning Ordinance.

2. Zoning Conformance for Issuance of Business License

The Department of Finance may not grant a business license to any person or firm unless the business conforms to the regulations of the Zoning Ordinance in which it is located or is established as a legal nonconforming use.

E. Application Completeness

1. No application for any permit, certificate of occupancy, zoning amendment, or other zoning action or document will be considered complete, nor may processing on such application begin, until all applicable fees, charges and expenses have been paid.
2. When a complete and proper application, including plans, has been filed or when a building permit has been issued, before the effective date of the Zoning Ordinance, or an amendment, nothing contained herein will require any changes in the plans, construction, size or designated use of a building, structure or part thereof if actual construction under such plans or permit is begun during the term of the building permit, including any extensions.
3. "Actual construction" is defined as building construction carried on diligently to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal will be deemed to be actual construction provided that work will be carried on diligently.

F. Term of Approval

Failure to begin construction on or before expiration of the building permit, or discontinuance of construction for 180 days will have the effect of voiding the permit. In such cases, the Director, Office of Buildings will require a new permit, which will be governed by regulations currently in effect.


Sec. 9.4.2. Development Review

A. Intent

There exist Development Review Committees (DRCs) established as advisory groups to review and to provide to the Director written comments and recommendations on proposed development activity within specified zoning districts as prescribed by their respective authorizing resolution (01-R-1003; 01-R-1795; 01-R-1796; 07-R-1457; 11-R-0102; 14-R-4377). It is the intent of the City Council that hereafter these committees provide review and written comments to the Director on that proposed


development activity within those districts (or successor districts) as set forth below.

B. Applicability

1. Development Review is required for any property within a zoning district where a Development Review Committee (DRC) is established by an authorizing resolution.
2. Development Review is required for the following project activities, unless noted as an exception below:
 - a. vision;
 - b. New construction;
 - c. Addition;
 - d. Site modification; or
 - e. Facade modification, where more than 50 linear feet of a street-facing facade is impacted.
3. The following project activities are exempt from Development Review:
 - a. Any project activity on lots with up to 2 primary dwelling units;
 - b. Additions or site modifications not visible from a street.

C. Application Review

1. Development Review Committee (DRC) Review

- a. After a complete application is submitted to the Office of Zoning and Development, the Director will refer the application to the DRC for review and recommendation. The application will include any administrative relief sought from the requirements of the Zoning Ordinance.
- b. Once the Director refers an application to the DRC, an applicant is required to presthe application to the DRC 1 time.
- c. The DRC will have 45 days from the date an application is presented to the DRC to submit written comments and recommendations to the Director on the proposed development plan and any administrative relief sought from the district regulations.
- d. Presented means the appearance of the applicant at the next published DRC meeting following the application submittal. This review period will run concurrently with the Director's review and will not create undue delays in the processing of the application.

2. Director Decision

- a. The Director will evaluate if the application conforms to the provision of the Zoning Ordinance, while considering the recommendation of the DRC, and approve, approve with conditions, or deny the proposed application.
- b. The Director will not be required to delay their decision on the application if the written recommendation from the DRC is not provided within the time period specified above.

#017

Posted by **jessicahilltroutman** on **08/13/2025** at **3:41pm** [Comment ID: 1416] - [Link](#)

Agree: 0, Disagree: 0

Clarify to confirm that replatting applications to subdivide property are not subject to DRC review. For example, the Midtown DRC would not review a lot consolidation application.

Reply by **SiteAdmin** on **08/14/2025** at **1:07pm** [Comment ID: 1439] - [Link](#)

Answer

Agree: 0, Disagree: 0

Correct. Nothing listed in "a" through "e" here is proposed for DRC review. We will update this to specify replats and consolidations.

#018

Posted by **grace212** on **09/02/2025** at **4:07pm** [Comment ID: 1653] - [Link](#)

Question

Agree: 0, Disagree: 0

I may have missed this, but is the DRC on a regular meeting schedule? If so, what is the frequency?

Reply by **SiteAdmin** on **09/03/2025** at **4:11pm** [Comment ID: 1664] - [Link](#)

Answer

Agree: 0, Disagree: 0

Yes. They meet monthly, as needed.

D. Criteria for Review and Decision

Consideration by and comments or recommendations from the DRC must be limited to the requirements of and compliance with the relevant zoning district, including any authorized administrative relief therefrom if justified by the applicant in reference to the public health, safety and welfare.

Sec. 9.4.3. Sign Permit

See **Sec. XX. Sign Permit** for requirements.

Sec. 9.4.4. Temporary Use Review

A. Intent

It is the intent of City Council that the Director review and decide proposed temporary uses of land for 90 days or less, where permitted in the various districts. Temporary uses beyond 90 days, where permitted in the various districts, require a Special Use Permit from the City Council. Temporary events requiring an outdoor events permit according to **City of Atlanta Code of Ordinances, Chapter 142**, are not reviewed by the Office of Zoning and Development and are not required to meet the standards of this Section.

B. Applicability

The permitted use table in **Div. XX. Permitted Uses** establishes the allowed temporary uses and structures in each Use District.

C. Application Submittal

1. If a structure in connection with a temporary use is proposed and requires a building permit, the Director will perform such review and decision as part of the building permit application process.
2. If a structure in connection in a temporary use is not proposed or does not require a building permit, the Director will perform such review by way of a temporary use application on forms to be developed by the Director.

D. Application Review

1. Director Decision

- a. The Director, or their designee, will review the application and decide if the proposed temporary use for 90 days or less is a permitted use in the district and complies with the standards governing such use. See **Division 4.6**.
- b. If permitted and compliant, the Director, or their designee, will approve the application as submitted or with such condition(s) as necessary to assure compliance with the standards governing such temporary use. If not permitted or compliant, the Director, or their designee, will deny the application, with written reasons for such denial.
- c. The review and decision will be made within 10 business days (unless a longer period is mutually agreed upon) of a complete application.

- d. The Director, or their designee, may revoke the approval if the temporary use violates the standards for such use or any conditions of such approval.

DIVISION 9.5. **ADMINISTRATIVE RELIEF**

Sec. 9.5.1. **Intent**

The City Council finds that where development plans propose strict compliance with the Zoning Ordinance, the review by the Director may be accomplished through the building permit application process. The City Council further finds that where development plans propose less than strict compliance with the Zoning Ordinance, more robust administrative processes are needed in order to adequately protect the public health, safety and general welfare. Sometimes the applicant requests this modification or variation. Other times, it is required after initial plan review by the Director. The City Council further finds that in such cases, there are complex or unusual technical determinations involving the Zoning Ordinance which are better handled within an administrative approval process designed to ensure, before the time and expense of detailed civil drawings, that such relief is warranted and that other than the relief sought, the zoning plan conforms to the Zoning Ordinance. This administrative process, known as administrative relief, is set forth in more detail below.

Sec. 9.5.2. **Applicability**

There are two types of certificates for administrative relief: a Certificate of Administrative Modification and a Certificate of Administrative Variation. Application for administrative relief must be noticed, reviewed, and decided in the manner set forth in this Division. Relief beyond that authorized below is only authorized by variance granted by the Board of Zoning Adjustments, according to **Div. XX. Quasi-Judicial Review**.

- A. **Certificate of Administrative Modification.** Within **Ch. 3. Rules for Zoning Districts** and **Ch. 8. Development Standards**, express authorization is granted to the Director to reduce certain development controls a limited amount. When so authorized, the Director's approval takes the form of a Certificate of Administrative Modification.
- B. **Certificate of Administrative Variation.** Within **Ch. 3. Rules for Zoning Districts** and **Ch. 8. Development Standards**, express authorization is granted to the Director to reduce or waive certain development controls. When so authorized, the Director's approval takes the form of a Certificate of Administrative Variation.

Sec. 9.5.3. **Application Submittal**

1. Application Initiation

A property owner, or any other person with notarized written consent of each property owner, may file with the Director, an application for an administrative relief certificate on such property. The application must be filed on a form provided for such purposes and must be accompanied by plans, reports or other information, exhibits or documents as may reasonably be required by the Director to make the necessary findings in the case.

2. Plans Required

All applications for an administrative relief certificate must be accompanied by electronically uploaded plans, including elevation and floor plans of the ground story, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the building or buildings and accessory building existing or to be erected, the existing

and intended use of each building or part of a building, the number of dwelling or lodging units the building is designed to accommodate, and such other information regarding the lot and neighboring lots as may be required by the Director to determine whether or not the administrative relief should be approved.

3. Survey Required

All dimensions on such plans relating to the location and size of the lot to be built upon must be based on an actual survey.

Sec. 9.5.4. Application Review

A. Notice

1. Certificate of Administration Variation

When applying for a Certificate of Administrative Variation, the applicant must provide email notice to the Neighborhood Planning Unit (NPU) Chair for review and comment on the application within 5 days of filing a complete application.

B. Director Decision

1. The Director will examine the application and supporting materials for conformity with the requirements and stated intent of this part, and will within 30 days (unless a longer period is mutually agreed upon) of completion of the procedural requirements herein decide on the application. The Director may issue the certificate as applied for, may issue a certificate conditional upon changes from the application, set forth in writing, as necessary to assure conformity with the requirements and stated intent of the Zoning Ordinance, or may deny the application, with written reasons for such denial.
2. No administrative relief certificate may be issued before the Director certifies thereon that the plans, specifications and intended use conform to the provisions of the Zoning Ordinance. One copy of such plans will be returned to the owner when such plans have been approved by the Director.
3. Approval of the administrative relief certificate constitutes a determination by the Director that the zoning plans accompanying the certificate conform to all the requirements of the Zoning Ordinance, except as expressly approved by such Certificate of Administrative Modification or Administrative Variation. Approval of the certificate does not authorize any land disturbance of construction activity. Such activity is only authorized by a building permit issued by the Director of the Office of Buildings. So long as the approved zoning plan accompanying the certificate is included in the application for building permit and no deviation from said plan is proposed, the Director of the Office of Buildings will rely upon the certificate as conclusive proof that the application for building permit satisfies the requirements of the Zoning Ordinance.
4. No building or occupancy permit may be issued for any structure or use requiring an administrative relief certificate until such certificate has been obtained, and any such structure or use is in full accord with the requirements and limitations set forth in such certificate.

Sec. 9.5.5. **Criteria for Review and Decision**

The Director may grant an administrative relief certificate only upon making all of the following findings:

- A. Either of the following are met:
 - 1. A plan proposed by an applicant, while not strictly in accord with regulations applying generally within the district, meets public purposes and provides public protection to an equivalent or greater degree; or
 - 2. In the particular circumstances of the case, strict application of a particular regulation or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at the time or in the future; and
- B. That there are practical difficulties that prevent strict adherence to the requirement for which relief is requested.
- C. The request for relief is the minimum amount necessary to eliminate the practical difficulty.

Sec. 9.5.6. **Action After the Decision**

A. Posting of Approved Administrative Relief Certificate

Whenever an administrative relief certificate is issued by the Director, the recipient of the certificate must post a copy of same on a sign not less than 6 square feet with the words **019** "Notice of Issuance of Zoning Administrative Certificate" in letters not less than 4 inches high in a conspicuous place on the effected property so that the sign and the permit can be easily viewed from the public street on which the property fronts. Said sign must be posted no later than 24 hours after the issuance of the certificate and will not be removed for 30 days. In the event the sign is not timely posted, the deadline to appeal an approved administrative relief certificate will commence to run starting on the actual date of sign posting.

B. Term

The administrative relief certificate will be valid for 36 months from the date of issuance. It will continue to be valid while an application for a building permit pursuant to that certificate is pending or during the term of a valid building permit issued pursuant to that certificate. The Director may amend the approval of the certificate based on the requirements of the Ordinance in effect on the date of any application for amendment to the building permit.

#019

Posted by **grace212** on **09/02/2025** at **4:11pm** [Comment ID: 1654] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Since this is new, it may be helpful for staff to provide a template sign.

Reply by **SiteAdmin** on **09/03/2025** at **4:11pm** [Comment ID: 1665] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thanks for the idea.

DIVISION 9.6. **QUASI-JUDICIAL REVIEW**

Sec. 9.6.1. **Applicability**

Quasi-Judicial Review is required for the following:

- A. **Variance.** A request for a deviation from the provisions of the Zoning Ordinance when meeting specific criteria, unless noted as an exception below:
 - 1. The Board of Zoning Adjustment (BZA) may grant a variance only up to 150% of the maximum vehicle parking requirements provided in **Sec. 8.3.4. Vehicle Parking.**
 - 2. The BZA will have no power to grant a variance for the following:
 - a. A use which is prohibited or otherwise not permitted within the district.
 - b. An increase in the floor area ratio permitted within the district.
 - c. A sign which is prohibited or otherwise not permitted within the district regulations, except as provided in **Sec. XX. Nonconformities.**
- B. **Appeal of Administrative Decision.** An appeal of any decision made by the Director, or their designee, in the enforcement of the Zoning Ordinance.

Sec. 9.6.2. **Application Submittal**

A. **Variance**

1. **General**

Applications for variances will be filed with the Director, and with supporting material as required by rules of the BZA and the Zoning Ordinance. No application for variance will be accepted except from the owner or designated agent of the property involved.

2. **Variance from Parking Maximums**

020

- a. In addition to meeting the general variance application requirements, the applicant must submit a parking study justifying the proposed number of off-street parking spaces.
- b. The parking study must include a traffic study, subject to the Director's approval as to form, which contains the following:
 - i. Estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Director.
 - ii. Evidence that there is no available off-site parking to satisfy the proposed increase within 800 feet of the lot. This must include all publicly available commercial parking lots or commercial parking structures, whether free or paid.
 - iii. Evidence that the parking increase cannot be satisfied through a Transportation Management Plan (TMP), transit or bicycle use, shared parking, ride-share, internal capture, or similar techniques.

#020

Posted by **grace212** on **09/02/2025** at **4:12pm** [Comment ID: 1655] - [Link](#)

Agree: 0, Disagree: 0

This is a great addition.

Reply by **SiteAdmin** on **09/03/2025** at **4:12pm** [Comment ID: 1666] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thanks!

- iv. Evidence that the proposed maximum parking ratios do not exceed the existing parking ratios of comparable uses within 3 miles. This must include reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by FAR, total floor area, lot area, use, and location regarding bus and rail transit and multi-use trails.
- v. The source of all data used to develop the recommendations.

B. Appeal of Administrative Decision

1. It is the intent that an aggrieved person have only one opportunity to challenge the decision of an administrative official in the enforcement of the Zoning Ordinance. The Secretary to the BZA has the authority to reject any appeal contrary to this intent.
2. Appeals may be taken by any person aggrieved by any decision of the Director in the enforcement of the Zoning Ordinance, by filing with the official from whom the appeal is taken, and with the BZA, a notice of appeal specifying the grounds thereof, within 30 days after the action appealed from was taken, unless the rules of the BZA specify a longer period generally or for a particular class of cases. Where the appellant is not the applicant that sought the decision appealed from, within 24 hours of filing the appeal, the City must notify the applicant of the filing of the appeal by e-mail and by certified mail, as such e-mail and mailing address are listed in the application.
3. Other than one with a legal or equitable interest in property that is the subject of the decision, "any person aggrieved" means one who demonstrates before the BZA that their property will suffer special damage as a result of the decision complained of rather than merely some damage which is common to all property owners similarly situated.
4. Where the appellant appeals from the approval of a permit granted to another, the permit holder or applicant may elect at their own risk to proceed as authorized in the permit subject to the outcome of the appeal.

Sec. 9.6.3. Application Review

A. Director Review

The Director will review the facts of each application and will submit written findings of fact and recommendations to the BZA at or before the time each application is heard. The Secretary may recommend that the BZA impose one or more conditions of approval, whether proffered by the applicant or not, relating to the variance application that it believes may be necessary in the particular case to protect the public interest should the variance be approved.

B. Notice

1. Published Notice

At least 30 days before the date of the hearing, the Director must cause to be published within a newspaper of general circulation within the territorial boundaries of the City a notice of the hearing. The notice must state the date, time, place, and purpose of the hearing. The notice will include the location of the property and the proposed variance on the property.

2. Posted Notice

A sign containing information set forth in **subsection B.1** must be placed in a conspicuous location on the property not less than 15 days before the date of the hearing. For variances, the applicant must be responsible for posting the property. For appeals, the Director is be responsible for posting the property. One such sign will be placed adjacent to each street the property abuts, as described in the application or appeal, for each 600 feet for which the property abuts such street, provided that not less than 1 sign will be erected, that where there are intersections with another street or streets at least 1 sign will be placed between such intersections, and that if there is a remainder from multiples of 600 feet, an additional sign will be erected. Notwithstanding the above requirements, if the property under consideration does not abut a street and is not a part or parts of property abutting a street, no posting is required.

3. Mailed Notice

The Director must also cause notice of the date, time, and place of the hearing and the nature of the proposed action to be sent by regular mail, with mailing postmarked at least 30 days before the hearing. Such mail will be addressed to the applicant and to the owner of the property involved in the proposed action and to property owners (as ownership and address appears on the tax records of Fulton or DeKalb County) of all property within 300 feet of the property involved in the proposed action.

C. Board of Zoning Adjustment (BZA) Decision

1. Procedure

- a. Before taking action resulting in a decision, as described by state law (currently OCGA § 36-66-4(g)), the BZA will conduct a hearing on the proposed action. Where the proposed action includes more than one variance for the same property, only one hearing will be required under this Section.
- b. The BZA may adopt policies and procedures not inconsistent with this chapter governing the conducting of the public hearing including the matter presented, order of presentation, time limits for each speaker, number of speakers, decorum and order.
- c. An equal amount of time for the presentation of data, evidence, and opinion will be afforded to proponents and opponents of each zoning decision. The minimum amount of time will be no less than 10 minutes per side for the presentation of data, evidence, and opinion of each zoning decision.
- d. Printed copies of these policies and procedures will be available for distribution to the general public. Printed copies of these policies and procedures will be available at each hearing.

2. Action on Variance

- a. The BZA will make separate findings of fact and conclusions on each proposed variance to the Zoning Ordinance. The BZA may adopt in whole or in part the findings of fact and conclusions contained in the administrative staff report, or it may make its own findings of fact and conclusions.
- b. The BZA may, by majority vote of the members present, approve, approve with conditions, or deny the proposed variance.

- c. The BZA may impose one or more conditions of approval, whether or not proffered by the applicant, the secretary or another, relating to the variance application that it finds, based on actual evidence, that may be necessary in the particular case to protect the public interest.
- d. The Director must provide a written decision to the applicant within a reasonable time.

3. Action on Appeal of Administrative Decision

- a. The BZA will fix a reasonable time for the hearings of the appeal and give notice thereof as well as due notice to the parties in interest. Upon the hearing, any party may appear in person or by agent or by an attorney.
- b. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end will have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit provided all requirements imposed by the applicable laws other than these are met. The board will decide the appeal within a reasonable time.

Sec. 9.6.4. Criteria for Review and Decision

A. Variance

1. General

Variances may be granted by the BZA only upon making all of the following findings:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
- b. Such conditions are peculiar to the particular piece of property involved;
- c. The application of the zoning ordinance to this particular piece of property would create an unnecessary hardship; and
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance.

2. Variance from Parking Maximums

In lieu of the general criteria in the subsection above, the BZA must find that all the following have been met:

The traffic study has demonstrated that the variance is justified.

The additional parking will not cause undue impacts on pedestrian spaces, transit ridership or service, bicycle movement, or overall traffic flow on adjacent streets.

Accommodating the excess parking will not degrade the overall urban design quality of the proposal.

All aboveground parking is screened and lined with active uses according to the standards of **Sec. 8.3.5. Vehicle Parking Design** and the applicant is not requesting any relief requiring such standards.

Excess parking does not diminish the quality and viability of existing or planned streetscape enhancements adjacent to the site.

Parking is not accessed from any Storefront Street or Primary Street.

B. Appeal of Administrative Decision

1. Except as provided below, an appeal stays all legal proceedings in furtherance of the action appealed from unless the Director certifies to the BZA, after notice of appeal is been filed with them, that by reasons of facts stated in the certificate a stay would, in their opinion, cause imminent peril to life and property. In such a case, proceedings will not be stayed otherwise than by a restraining order which may be granted by the BZA or a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
2. Before hearing the merits of an appeal, the BZA will inquire into its own jurisdiction, including the timeliness of the appeal and whether the appellant has standing to appeal. If the appeal is timely and standing is found, the BZA will proceed to consider the merits. If the appeal is untimely or if standing is not found, the BZA will dismiss the appeal.
3. An appeal must be sustained upon an expressed finding by the BZA that the Director action was based on an erroneous finding of a material fact, or that they acted in an arbitrary manner.

Sec. 9.6.5. Action After the Decision

A. Appeal of a BZA Decision

Any person aggrieved by a decision of the BZA may seek review of such decision in the manner prescribed in O.C.G.A. § 36-66-5.1. The Director or the Secretary to the Board will have the authority prescribed in O.C.G.A. § 36-66-5.1(c)(1) and the City of Atlanta Department of Law will have the authority prescribed in O.C.G.A. § 36-66-5.1(c)(2).

DIVISION 9.7. **NONCONFORMITIES**

Sec. 9.7.1. **Intent**

Within the districts established by the Zoning Ordinance, or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the Ordinance was passed or amended but which would be prohibited, regulated or restricted under the terms of the Zoning Ordinance or future amendment. These are called nonconforming lots, nonconforming structures, nonconforming uses, and nonconforming characteristics of use as the case may be. These nonconformities are declared by the Zoning Ordinance to be incompatible with permitted uses in the districts involved. Based on that incompatibility, the following intents are stated:

- A. It is the intent of the Zoning Ordinance to require removal or cessation of certain of these nonconformities, and to permit others to continue until they are otherwise removed or ceased. Nonconformities run with the land and benefit a subsequent purchaser. The burden belongs to the one who seeks to use land in a way that would be prohibited by this part to establish legal nonconforming status under the terms of this Division. They must show that the use or structure was lawful from inception based on the Zoning Ordinance in effect at the time and that the use remains legally nonconforming as provided herein.
- B. It is the intent of the Zoning Ordinance that nonconformities will not be used as grounds for adding other structures or uses prohibited elsewhere in the same district, or enlarged upon, extended, or expanded except as provided in this Division.
- C. It is the intent of the Zoning Ordinance that nonconforming use of land, structures, or land and structures in combination will not be extended or enlarged after passage of the Zoning Ordinance by attachment on a building or premises of signs intended to be seen from off the premises, or by addition of other uses, of a nature generally prohibited in the district involved.
- D. It is not the intent of this Division to affect rights which accrued before the adoption of this part or to impair or eliminate vested rights acquired under existing laws for future use of land or to create a new obligation.

Sec. 9.7.2. **Nonconforming Lots of Record**

Existing lots platted and recorded in Fulton County or DeKalb County plat books at the effective date of adoption or amendment of the Zoning Ordinance may not meet the minimum regulations or requirements of the districts in the Zoning Ordinance. Where existing lots of record are below the minimum dimensions established by the Zoning Ordinance, the following requirements apply:

- A. To be acknowledged as a lot of record for development purposes, the lot must satisfy the requirements of **City of Atlanta Code of Ordinances, Sec. 15-07.006** or be shown on a recorded plat bearing a City stamped subdivision approval.
- B. An existing lot of record in any district that is below the required lot area or lot width for the district may be used for any use permitted by the district, provided all other standards of the district are met.
- C. Where relief is necessary to make an existing lot of record buildable, a variance may be considered by the Board of Zoning Adjustments, according to **Sec. XX. Variance**.

Sec. 9.7.3. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of the Zoning Ordinance that could not be built under the terms of the Zoning Ordinance by reasons of restriction on area, lot coverage, height, setbacks, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it is and remains otherwise lawful subject to the following provisions:

A. All Districts

1. Enlargement or Alteration

- a. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
- b. Where a structure is used for a permitted use, any structure, or portion thereof, may be enlarged or altered if the degree of its nonconformity remains the same or is decreased.

2. Reconstruction After Destruction

a. One- and Two-Dwelling Unit Structures

Should a nonconforming one- or two-dwelling unit structure, or nonconforming portion of structure, be destroyed by any means, in whole or in part, it may be reconstructed in the same location and upon its previous foundation and to its previously existing height, provided the reconstruction does not increase the previously existing degree of nonconformity and the reconstructed structure is used for a permitted use.

b. All Other Primary Structures

- i. Should any other nonconforming structure, or nonconforming portion of structure, be destroyed by accidental casualty, as distinguished from intentional casualty or ordinary wear and tear, in whole or in part, it may be reconstructed in the same location and upon its previous foundation and to its previously existing height, provided the reconstruction does not increase the previously existing degree of nonconformity and the reconstructed structure is used for a permitted use.
- ii. Should any other nonconforming structure, or nonconforming portion of structure, be destroyed by any means other than accidental casualty to an extent of more than 60% of its replacement cost at the time of destruction, it is not permitted to be reconstructed except in conformity with the provisions of the Zoning Ordinance.

c. Accessory Structures

Where there is a nonconforming accessory structure, reconstruction after destruction is subject to the same provisions governing the primary structure to which they are an accessory. See [subsection 3.A.2.](#) above.

3. Moving

- a. A nonconforming structure may be moved on its own lot only if the Director determines that such movement reduces the degree of nonconformity to the maximum extent reasonably

NONCONFORMITIES

feasible, or eliminates such nonconformity, but must in no case be moved on its own lot in such a manner as to increase the degree of nonconformity.

- b. Where a nonconforming structure is moved off its previous lot, it must thereafter conform to the regulations for the district in which it is located after it is moved.

4. Strengthening

Nothing contained in this Division prevents the strengthening or restoring to safe condition of any structure, or part thereof, declared unsafe by any public official charged with protecting the public safety, upon order of such official.

5. Reducing of Building Setbacks

In cases where land is taken for public purposes from legal lots of record at the time of such taking in such manner as to reduce building setbacks previously provided in relation to a portion of a structure below setbacks requirements generally applicable within the district, the portion of the structure involved will be considered nonconforming.

B. House-Scale Form Districts

In House-Scale (H-) districts, where an existing lot does not have access to a street, a Special Use Permit is required for the development of a single-unit detached dwelling. All other permitted principal and accessory uses and structures are allowed by right on such lots.

C. Neighborhood-Scale Form Districts

1. In the Neighborhood-Scale Form Districts, vertical additions and renovations to existing one- and two-dwelling unit structures and accessory structures with nonconforming side setbacks are authorized within such nonconforming side yards provided the following standards are met:
 - a. Such additions and renovations do not exceed the existing degree of horizontal setback nonconformity along the length of the nonconforming structure; and
 - b. Such additions and renovations within the nonconforming area must not exceed the maximum building height allowed in the applicable zoning district minus the distance of the existing setback nonconformity. For example, if an existing one-dwelling unit structure encroaches into the required side setback by 4 feet, any vertical addition or renovation will be limited to a maximum height of 31 feet, which is the allowed maximum height (35 feet) minus the existing nonconformity (4 feet).
2. This provision will be applied only to additions and renovations to existing nonconforming one-dwelling unit structures and accessory structures within Neighborhood-Scale Form Districts. New structures must comply with the side setbacks required in the applicable zoning district.

Sec. 9.7.4. Nonconforming Uses

- A. If characteristics of use, such as off-street parking and loading, lighting, or other matters pertaining to the use of land, structures, or premises are made nonconforming by the Zoning Ordinance, as passed or amended, no change is allowed that increases the degree of nonconformity by more than 120 square feet or 10% of the total floor area, whichever is more; but changes may be made which result in the same or a lesser degree of nonconformity. In cases where land is taken for public

purposes in such a manner as to reduce off-street parking or loading space below that previously existing and required by the regulations for the district, the deficiency created will be considered a nonconforming characteristic of the use.

- B. The parking requirements for a business that is to be operated with a license for the consumption of malt beverages, wine, or distilled spirits, must not be based on the continuation of nonconforming off-street parking arrangements for any Food and Beverage Use (**Div. XX. Use Definitions**) that has previously operated at that location unless there has been a valid license for on-premises consumption of the same type as that under consideration, in operation at that location within the previous 12 months.
- C. Except as otherwise permitted in this Division, any use in lawful existence which by passage of the Zoning Ordinance, or amendment thereafter, would require a Special Use Permit will without further action be considered a conforming use. So long as such use remains the same, structural alterations within the general limits of the regulations of the Zoning Ordinance will be permitted on the premises of such use; but any enlargement, extension, movement or replacement of such use, with respect to land or structures, will require a Special Use Permit, as appropriate to the case, as though it were a new use.

Sec. 9.7.5. **Nonconforming Signs**

For requirements, see **Div. 8.5. Signs**.

Sec. 9.7.6. **Combination of Nonconformities**

If lawful use involving individual structures, or of structures and premises in combination, exists at the effective date of adoption or amendment of the Zoning Ordinance that would not be allowed in the district under the terms of the Zoning Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by the Zoning Ordinance in the district in which it is located is allowed to be enlarged, extended or moved, except in changing the use of a structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any ordinances of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the Zoning Ordinance, but no such use is allowed to be extended to occupy any land outside such building.
- C. Changes in nonconforming uses of major structures or a combination of major structures and uses are permitted as follows:
 - 1. To any use conforming to the regulations of the district in which located; or
 - 2. To any use permitted in the most restrictive district in which such original nonconforming use is first permitted by the Zoning Ordinance, subject to the requirements and regulations concerning such use in the district; provided however, that no nonconforming nonresidential use is changed to a residential use in any district in which similar residential uses are not permitted.
- D. Any major structure, or combination of major structure and land, in or on which a nonconforming use is superseded by another use, lawful or otherwise, will thereafter conform to the regulations for the districting in which it located; and the nonconforming use may not thereafter be resumed.

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- E. When a nonconforming use of a major structure or combination of major structure and premises is discontinued for a continuous period of 1 year, regardless of the intent of the owner or tenant to not abandon the use, the structure, or structure and premises in combination, will not thereafter be used except in conformity with the regulations of the district in which it is located. Such restriction will not apply if such cessation is as a direct result of governmental action impeding access to the premises.
- F. Where nonconforming use status applies to a combination of structure and premises, removal or destruction of the structure will eliminate the nonconforming status of the land.
 - 1. "Destruction," for the purpose of this subsection, is defined as damage to an extent of more than 60% of the replacement cost at the time of destruction.
 - 2. Where damage is to an extent 60% or less of replacement cost, such structures may be restored to the same or lesser size in the same location; provided however, that restoration begins within 12 months of damage and be diligently carried to completion; and nonconforming use may be resumed and continued as before, or on a lesser scale, but is not permitted to be enlarged or intensified. Unless restoration is timely initiated and completed, the use must terminate and not be resumed without regard to intent to continue the use. Remodeling will not be deemed removal or destruction. Destruction made necessary by repairs, maintenance or remodeling will not be construed to be removal or destruction.

DIVISION 9.8. **ENFORCEMENT**

Sec. 9.8.1. **General Standards**

- A. The Office of Zoning and Development will administer and enforce the Zoning Ordinance except as otherwise provided therein. It will also be the duty of all officers and employees of the City, and especially of all members of the police department, to assist the Director, Office of Zoning and Development, by reporting to the Director any seeming violation in construction, reconstruction or land use.
- B. The Director must promptly investigate complaints of violations, reporting their findings and actions to complainants, and must use their best endeavors to prevent violations or to detect and secure the correction of violations. If they find that any of the provisions of the Zoning Ordinance are being violated, they will in writing notify the person responsible for such violation, indicating the nature of the offense and ordering the action necessary to correct it.
- C. They will order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or will take or cause to be taken any other action authorized by the Zoning Ordinance or the laws of the City or State to ensure compliance with, and prevent violations of the provisions of the Zoning Ordinance.
- D. If a violation of the Zoning Ordinance exists or is proposed, the law department may, in addition to other remedies provided by law, institute injunction, abatement or any appropriate action or proceeding to prevent, enjoin, abate or remove such violation.

Sec. 9.8.2. **Penalties**

- A. Any person, firm or corporation violating any of the provisions of the Zoning Ordinance will be deemed guilty of an offense and upon conviction thereof will be punished as provided in the City of Atlanta Code of Ordinances, Sec. 1-8. Each day's continuance of a violation will be considered a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of this part exists, and any architect, builder, contractor or agent of the owner, or any tenant, who commits or assists in the commission of any violation, will be guilty of a separate offense.

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Division 10 .1. **GENERAL RULES**

sec. 10.1.1. **General Interpretations**

A. Computation of Time

References to days are calendar days, unless noted otherwise. The time in which an act is to be done is computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action is the next business day that is not a Saturday, Sunday, or holiday observed by the City.

B. Conjunctions

Unless the context clearly suggests the contrary, conjunctions will be interpreted as follows:

1. The term “and” indicates that all connected terms, conditions, provisions, or events apply; and
2. The term “or” indicates that one or more of the connected terms, conditions, provisions, or events apply.

C. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of the Zoning Ordinance and any heading, caption, figure, illustration, table, or map, the text will control.

D. Lists and Examples

Unless otherwise specified, lists of terms or examples that use terms like “for example,” “including,” and “such as,” or similar language, are intended to provide examples and are not exhaustive lists of all possibilities.

E. Mandatory and Discretionary Terms

The words “will,” “can,” and “must” are mandatory terms. The words “may” and “should” are advisory and discretionary terms.

F. References to Public Officials and Agencies

References to public officials and agencies are those of the City, unless otherwise indicated.

G. References to Other Regulations or Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it will be interpreted as a reference to the most recent edition of the regulation, ordinance, statute, regulation, or document, unless otherwise noted.

H. Technical and Nontechnical Terms

Words and phrases will be interpreted according to the definition in the latest edition of Merriam-Webster’s Dictionary, but technical words and phrases that may have acquired a particular and appropriate meaning in law will be interpreted and understood according to such meaning.

I. Tenses and Plurals

Words that are used in one tense, being past, present, or future, include all other tenses, unless the context clearly indicates otherwise. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

sec. 10.1.2. **Average Grade**

The average of the highest and lowest point of elevation of existing grade around the perimeter of the building or building module.

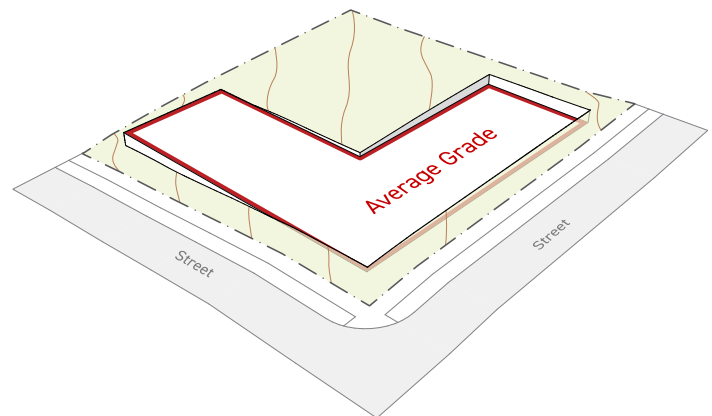
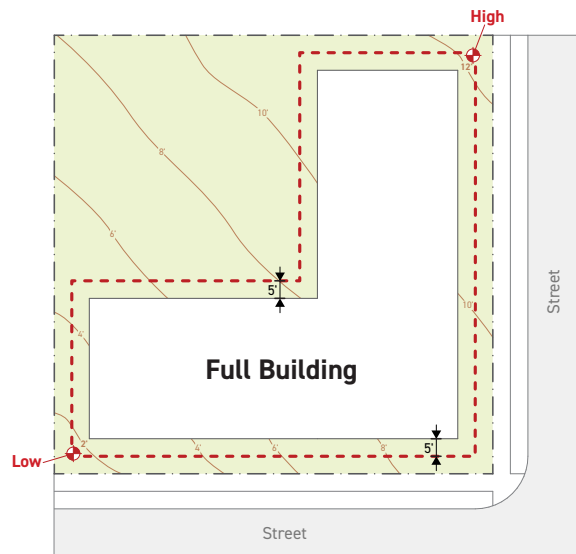
A. Standards

1. Average grade must be established using existing grade.
2. Average grade must be calculated using one of the following methods. The project may choose which method to use:
 - a. Full building method, using the average grade for a full building; or
 - b. Building module method, using the average grade for each building module.

B. Measurement

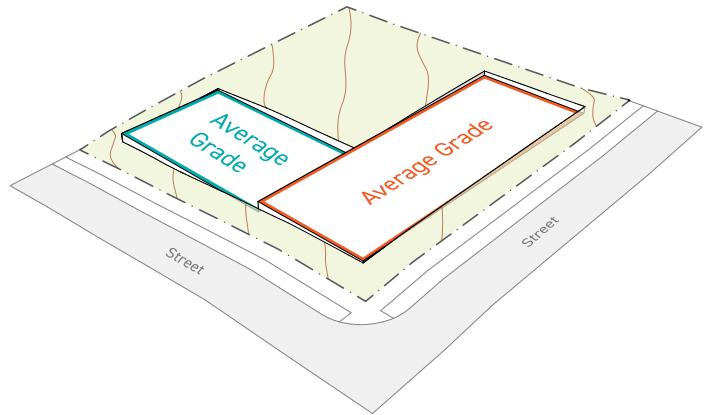
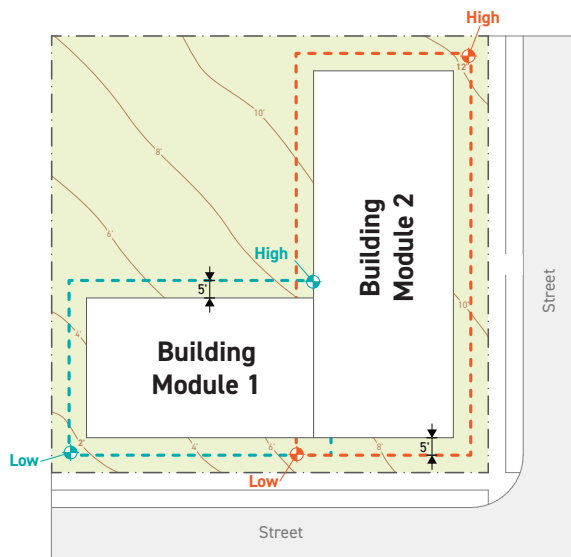
1. Full Building Method

For the full building method, average grade is calculated by averaging the highest and lowest point of elevation of existing grade within 5 feet of the building perimeter.



GENERAL RULES**2. Building Module Method**

- a. For the building module method, average grade is calculated independently for each building module. Building modules are defined by the ground story, see **Sec. XX. Ground Story** to determine how to identify each building module.
- b. Once the building modules are identified, the average grade is determined by averaging the highest and lowest point of elevation of existing grade within 5 feet of the building perimeter at each building module.

**sec. 10.1.3. Coverage**

The measurement of how open an occupiable space is to the sky.

A. Standards**1. Covered**

A space is considered covered when it has a horizontal projection over the occupiable space that is less than 50% open to the sky.

2. Uncovered

A space is considered uncovered when it does not have a horizontal projection over the occupiable space or the horizontal projection is at least 50% open to the sky.

B. Measurement

Covered area is a percentage, measured as the total area that is open to the sky divided by the total area of the occupiable space.

sec. 10.1.4. Enclosure

The measurement of how enclosed an occupiable space is to its surroundings.

A. Standards

1. Enclosed

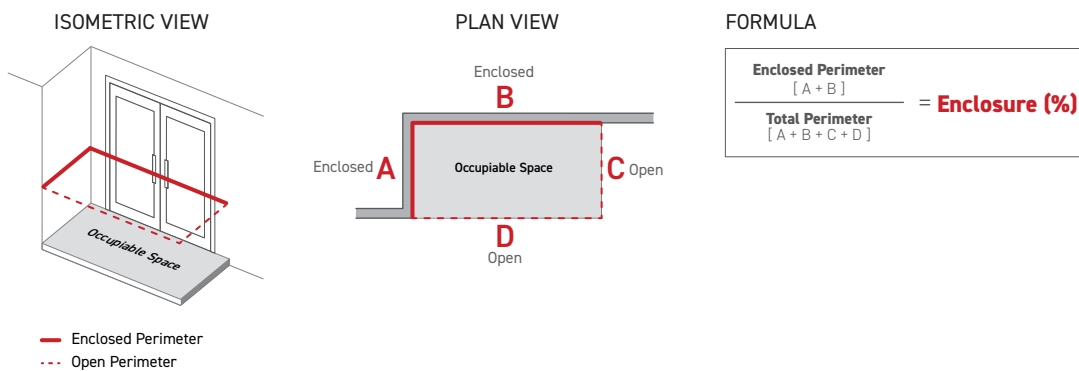
A space is considered enclosed when the perimeter of the space has an enclosure of at least 50%.

2. Unenclosed

A space is considered unenclosed when the perimeter of the space has an enclosure of less than 50%.

B. Measurement

Enclosure is measured as a percentage calculated by measuring the linear distance around the occupiable space, and dividing the enclosed portions of the perimeter by the total perimeter of the space.



sec. 10.1.5. Floor Area

The cumulative amount of enclosed and covered floor space on a lot/lot.

A. Measurement

1. Floor area is calculated as the sum of floor space measured from the outside face of exterior walls.
2. The following areas are included in the calculation of floor area:
 - a. All area within the outside face of exterior walls of a building;
 - b. Any structure that is both enclosed and covered;
 - c. Vertical circulation including stairways and elevator shafts;
 - d. Spaces with ceiling heights of 7 feet or more in attics and basements; and
 - e. Any area in an attached garage exceeding 200 square feet.
3. The following areas are not included in the calculation of floor area:

GENERAL RULES

- a. Bicycle parking areas;
- b. Parking structures; and
- c. Spaces with ceiling heights less than 7 feet in attics and basements.

sec. 10.1.6. Frequency

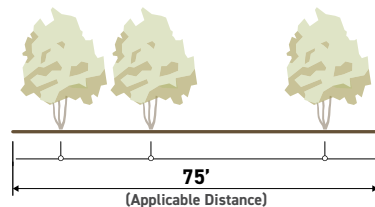
The rate at which an element occurs or is repeated over a given distance.

A. Measurement

1. Spacing frequency is a ratio measured as the number of required occurrences of an object within the specified distance.
 - a. Occurrences of an object are measured as the total quantity of a required object located within the specified distance.
 - b. Specified distance is measured horizontally.
2. To calculate the number of required objects over a provided distance, first divide the required occurrences of an object by the specified distance, then multiply by the applicable distance.
3. When calculating the number of required objects results in a fraction, any fraction 0.5 or greater will be rounded up to the nearest whole number and any fraction less than 0.5 will be rounded down to the nearest whole number, so long as at least one occurrence of an object is provided.
4. Frequency standards allow for irregular spacing of the required objects.

EXAMPLE

(Required Occurrence)
Frequency: 1 per 30'
 (Specified Distance)

**FORMULA**

Required Occurrence (1)	X	Applicable Distance (75')	=	Required Occurrences (2.5 rounded to 3)
Specified Distance (30')				

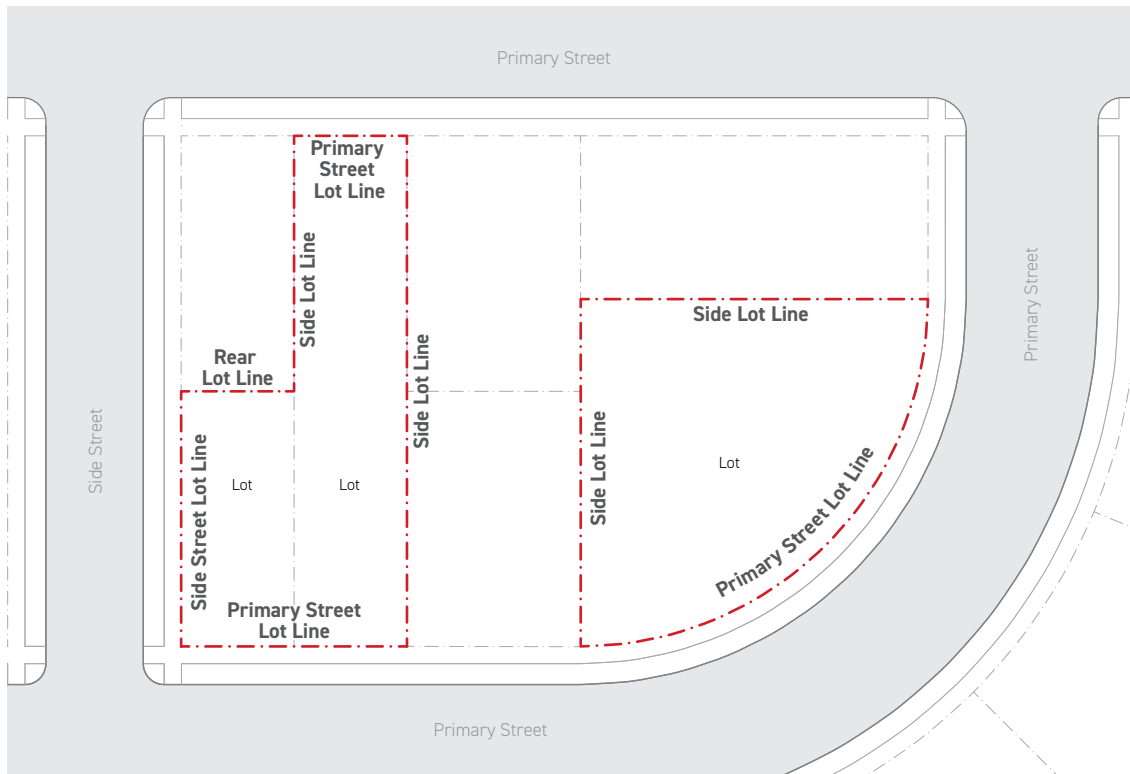
sec. 10.1.7. Lot Line

A line bounding a lot that divides one lot from another lot, street, or any other public or private space.

A. Lot Line Designations**1. General Standards**

- a. Lot lines are designated for lots only, not for sublots.
- b. Each lot line can have only one designation and must be designated as one of the following:
 - i. Primary street lot line;
 - ii. Side street lot line;
 - iii. Rear lot line; or

iv. Side lot line.



2. Primary Street Lot Line

- a. A lot line meeting any of the following criteria will be designated as a primary street lot line:
 - i. A lot line abutting a primary street or storefront street. See [Sec. XX. Street Designation](#) to determine how to identify streets designated as primary or storefront streets; or
 - ii. A lot line abutting the Beltline Corridor or facing the Stitch.
- b. The Director may designate a lot line abutting a public park, open space, or multi-use path as a primary street lot line.
- c. Each lot must have at least one primary street lot line. A lot may have more than one primary street lot line.
- d. Once designated for a lot, a primary street lot line cannot be changed to another designation during subsequent development on the lot unless all the standards of the applicable zoning district are met based on the proposed change in street lot line designation.

3. Side Street Lot Line

Side street lot lines include any lot line abutting a side street. Any street lot line that is not a primary street lot line is considered a side street lot line. See [Sec. XX. Street Designation](#) to determine how to identify streets designated as side streets.

GENERAL RULES**4. Rear Lot Line**

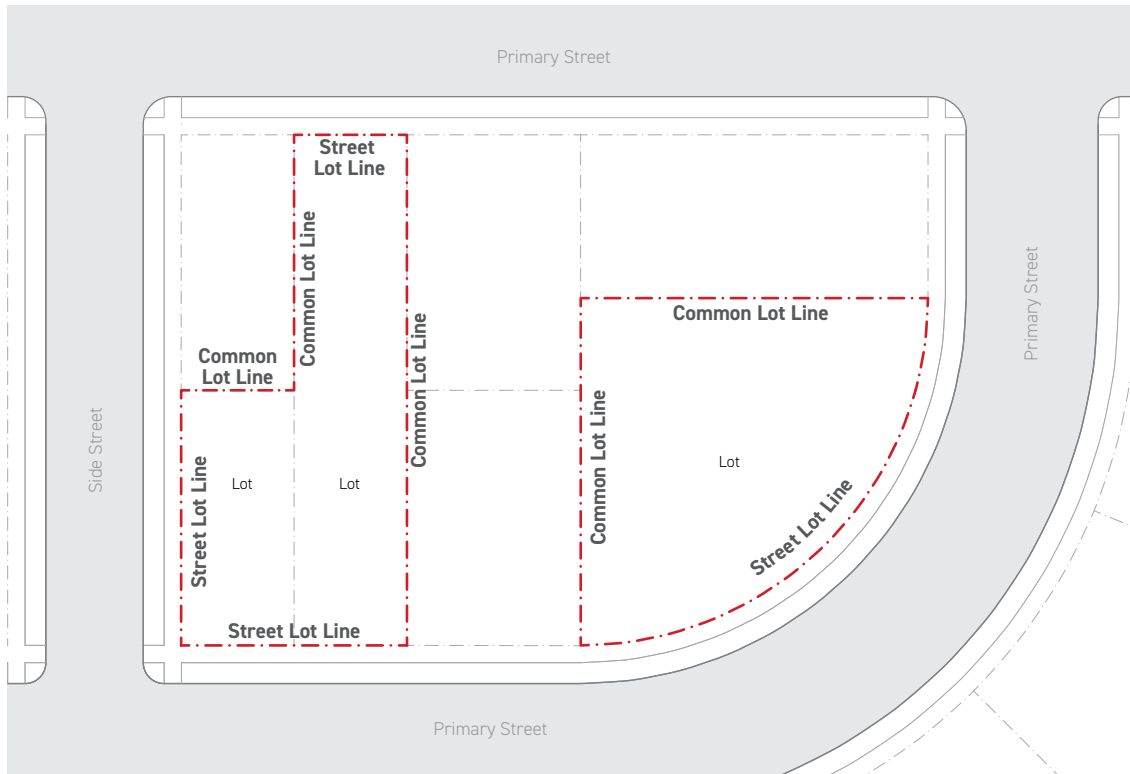
- a. Rear lot lines include any lot line that does not abut a street, and is opposite and most distant from a primary street lot line.
- b. A lot may have no more than one rear lot line.
- c. In the case of the lot that fronts two streets on opposite sides, a lot may have no rear lot line.
- d. Where no lot line is clearly opposite to the primary street lot line or where there are multiple primary street lot lines, the lot line having the highest portion of its length serving as the rear lot line of abutting lots is the rear lot line.

5. Side Lot Line

Side lot lines include any lot line not designated as a primary street lot line, side street lot line, or rear lot line.

B. Lot Line Categories**1. General Standards**

- a. Lot line designations are also grouped into categories. When a requirement of the Zoning Ordinance references a lot line category, the requirement applies to all lot line designations in that category.
- b. Lot line categories include the following:
 - i. Street lot lines; or
 - ii. Common lot lines.



2. Street Lot Line

Street lot lines include any lot line with one of the following designations:

- a. Primary street lot line; or
- b. Side street lot line.

3. Common Lot Line

Common lot lines include any lot line with one of the following designations:

- a. Side lot line; or
- b. Rear lot line.

sec. 10.1.8. Net and Gross Lot Area

A. Measurement

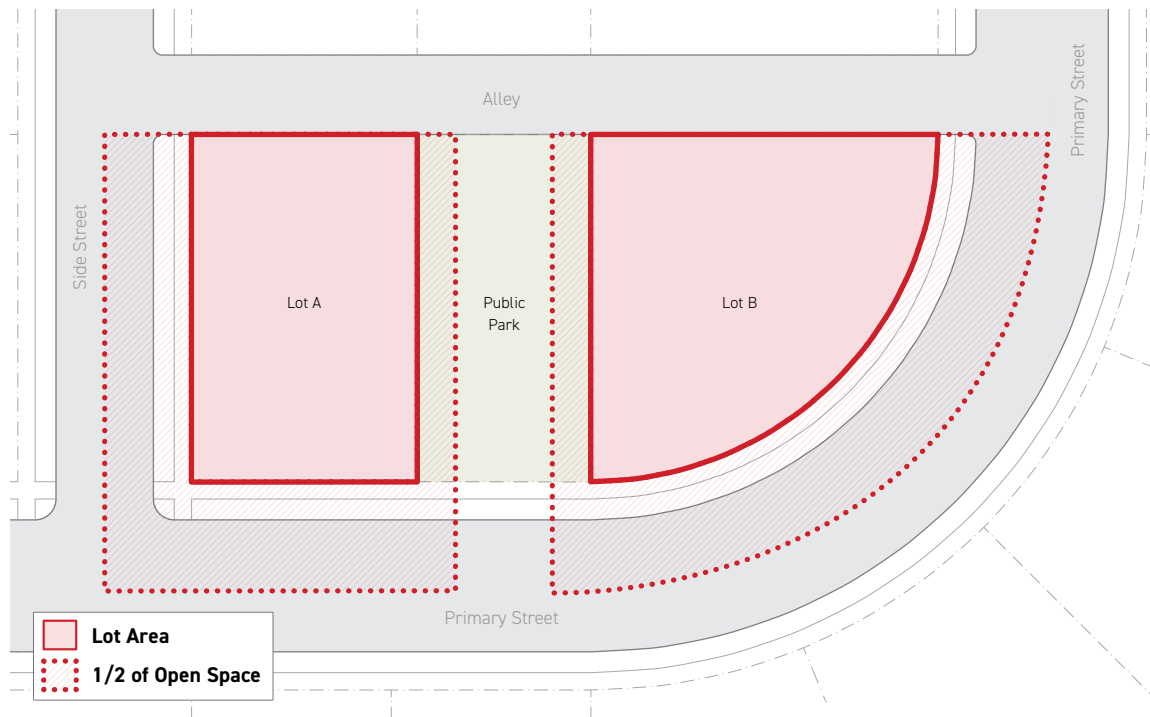
1. Unless noted otherwise, the requirements of the Zoning Ordinance are based on lot area, see **Sec. XX. Lot Area**.
2. For requirements that specify net lot area (NLA) or gross lot area (GLA), the following standards apply:

GENERAL RULES**a. Net Lot Area (NLA)**

Net lot area is equivalent to lot area, see **Sec. XX. Lot Area**.

b. Gross Lot Area (GLA)

Gross lot area includes the net lot area, plus half of any adjoining permanent open space such as streets, public parks, and rail corridors, up to 100 feet.

**sec. 10.1.9. Project Activity**

Any activity on a lot that is controlled by the Zoning Ordinance.

A. New Construction

Any activity that includes the construction of a new building or structure.

B. Addition

1. Any expansion of an existing building or structure, including activity that increases the floor area or the height of an enclosed space within an existing building or structure, up to the following thresholds:
 - a. Additions that adds up to 100% of the existing floor area; or
 - b. Additions that adds up to 25,000 square feet of floor area.
2. Any addition that exceeds the thresholds above is considered new construction.

#001

Posted by **jessicahilltroutman** on **08/13/2025** at **4:06pm** [Comment ID: 1418] - [Link](#)

Agree: 0, Disagree: 0

Are alleys included?

Reply by **SiteAdmin** on **08/14/2025** at **12:38pm** [Comment ID: 1432] - [Link](#)

Answer

Agree: 0, Disagree: 0

One-half of legacy alleys (a newly defined term) would be included.

C. Site Modification

1. Any modification of an existing site, including activity that impacts trees, fences and walls, lighting, land disturbance, and repaving parking lots, up to the following thresholds:
 - a. Modifications affecting up to 50% of the existing site area; or
 - b. Modifications affecting up to 25,000 square feet of site area.
2. Any site modification that exceeds the threshold above is considered new construction.

D. Facade Modification

Any change to the exterior envelope of a building that goes beyond the definition of maintenance and repair. Facade modification includes the following:

1. Modification to the facade of the building;
2. Modification to the amount of exterior foundation wall exposed above finished grade; or
3. Modification to an architectural element such as a balcony, porch, storefront, windows, or deck.

E. Change of Use

Any change in use or a modification of an area designed and intended for a specific use that is different from the previously approved use. Change of use includes the following:

1. Change in the principal use of any portion of a building or lot from one of the uses specified in **Chapter 4. Use Districts** to another use.
2. Expansion of floor area or site area dedicated to a use or an increase in the intensity of a use, such as increase in seating capacity or the number of persons in care.

F. Renovation

1. Any modification to an existing building or structure that does not expand the building or structure up to the following thresholds:
 - a. Removal of up to 50% of the perimeter wall framing;
 - b. Removal of up to 50% of the roof framing; or
 - c. Removal of up to 50% of any other structural members.
2. Any modification that exceeds the thresholds above is considered new construction.

G. Maintenance and Repair

Any activity done to correct the deterioration, decay of, or damage to any part of a building, structure, or site that does not involve a change or modification to the existing design, outward appearance, or applicable zoning requirements. Maintenance and repair includes the following:

1. In-kind replacement of deteriorated or damaged parts of a building;
2. Repair of site components such as fences and walls or landscaping; or

GENERAL RULES

3. Modifications to meet fire, life safety, and ADA requirements.

sec. 10.1.10. **Site, Lot, and Sublot Designation**

A. General

1. Each project must identify the lot where project activity will occur, and may identify the site or sublots. The requirements of the Zoning Ordinance generally apply to lots, not sites or sublots, unless otherwise specified by a specific requirement.
2. For information on the subdivision process, see **City of Atlanta Code of Ordinances, Part 15 - Land Subdivision Ordinance**.
3. Zero lot line developments, as outlined in **City of Atlanta Code of Ordinances, Part 15 - Land Subdivision Ordinance**, are considered sublots in the Zoning Ordinance.

B. Site

1. A site is a single lot or group of lots owned or functionally controlled by the same person or entity, assembled for the purpose of development.
2. Where a project only has one lot, the site and the lot are equivalent.

C. Lot

1. A lot is a parcel, tract, or area of land established by a plat, or other means as permitted by law, to be used, developed, or built upon.
2. A lot created after the effective date of the Zoning Ordinance must abut a primary street.

D. Sublot

1. A sublot is a parcel of land, existing with other sublots on a lot, intended for the purpose of the transfer of ownership or for development.
2. Sublots are only permitted in Form Districts that allow more than one primary dwelling unit per lot.
3. A sublot is not required to abut a primary street, side street, or alley but must abut a permanent access easement that meets one of the following standards:
 - a. Vehicle access easement of at least 10 feet in width for a maximum length of 150', or further if approved by the Fire Marshall; or
 - b. Pedestrian access easement of at least 6 feet in width.

#002

Posted by **jessicahilltroutman** on **08/13/2025** at **4:07pm** [Comment ID: 1419] - [Link](#)

Agree: 1, Disagree: 0

Is this intended to replace the unified development plan concept?

Reply by **SiteAdmin** on **08/14/2025** at **12:44pm** [Comment ID: 1433] - [Link](#)

Answer

Agree: 0, Disagree: 0

No, sublots primarily replace zero lot line. However, if a developer subdividing a property wishes to sell "sublots" (as opposed to "lots"), the zoning compliance will still occur at the scale of the "lot." A It's very similar to UDPs, but not exactly the same. We will be updating this section to clarify UDPs in the next draft.

#003

Posted by **grace212** on **09/02/2025** at **4:21pm** [Comment ID: 1656] - [Link](#)

Question

Agree: 0, Disagree: 0

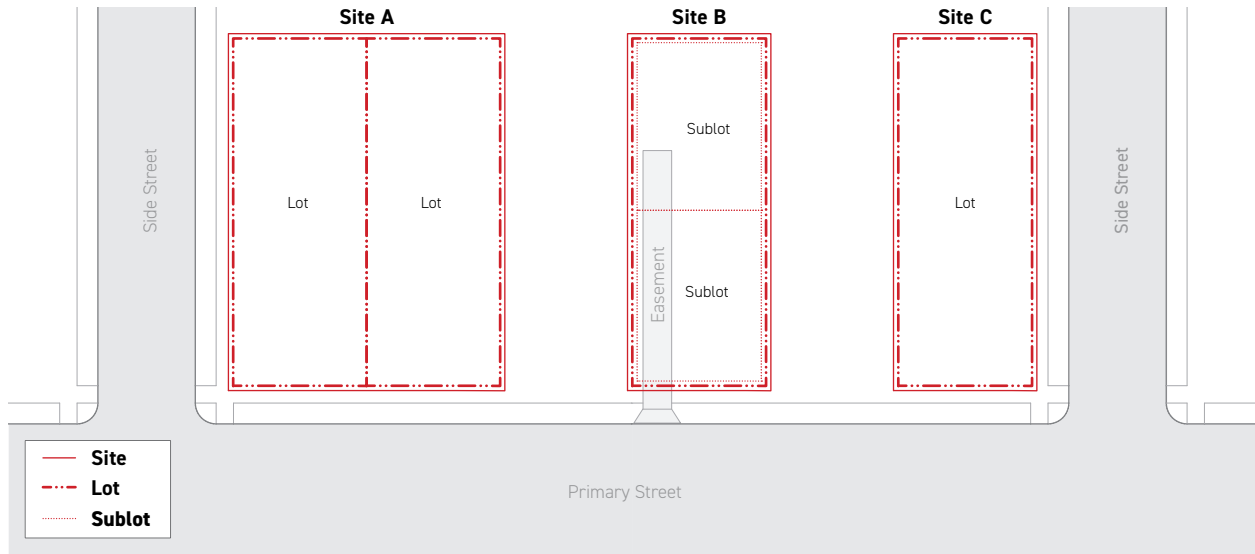
Is there a location in the code yet that outlines the process for creating a subplot?

Reply by **SiteAdmin** on **09/03/2025** at **4:14pm** [Comment ID: 1667] - [Link](#)

Answer

Agree: 0, Disagree: 0

It would be a subdivision similar to zero lot line in a planned development. Subdivision is Part 15 of the code.



sec. 10.1.11. Story

The part of a building between the finished floor of one floor and the finished floor of the next floor above, or if there are no floors above, the bottom of the structure for the roof.

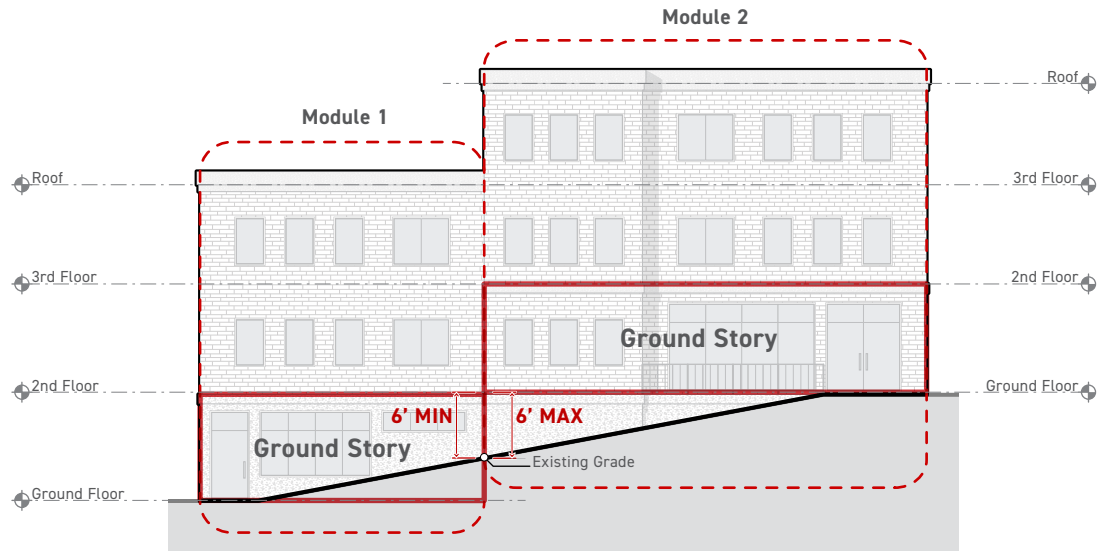
A. Ground Story

1. The ground story must be designated for all portions of a building footprint.
2. The ground story of a building is the lowest story, or the first floor of a building, measured along street-facing facades that meet the following criteria:
 - a. The ground story facade must be exposed a minimum of 6 feet above the abutting existing grade along the full width of a street-facing facade.
 - b. The finished floor elevation of the ground story must be no higher than 6 feet above the abutting existing grade along the full width of a street-facing facade.



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- Based on the criteria for a ground story, the elevation of the ground story may change within the same building, creating building modules. The building modules may be used for measuring average grade (Sec. XX. Average Grade) and building height (Sec. XX. Building Height).

**B. Upper Story**

Any story of a building located above the ground story will be considered an upper story.

sec. 10.1.12. Street Designation**A. General Standards**

- All streets abutting a lot must be designated as either a primary street or side street.
- When a lot abuts only one street, the street is to be designated as a **primary** street.

B. Storefront Streets

- Some streets are also designated as a storefront street.
- Any street identified as a storefront street on the Storefront Street Map (See Appendix X) will be designated as a storefront street.
- The Director may determine that a street abutting a lot that meets the following criteria will be designated as a storefront street:
 - A lot with a pre-1946 commercial use building; or
 - A lot that is within 50' of other lots with pre-1946 commercial buildings on the same block face.
- Where the zoning district has different standards for storefront streets, the portion of the lot abutting the storefront street must meet the standards for storefront streets.

#004

Posted by **Kathy Evans** on **08/18/2025** at **12:14pm** [Comment ID: 1467] - [Link](#)

Suggestion

Agree: 1, Disagree: 0

For lots abutting public and private streets, the public street shall be the primary street.

Reply by **SiteAdmin** on **08/18/2025** at **4:52pm** [Comment ID: 1473] - [Link](#)

Answer

Agree: 0, Disagree: 0

We will be adding this standard, which reflects current City requirements.

C. Lots Abutting Multiple Streets

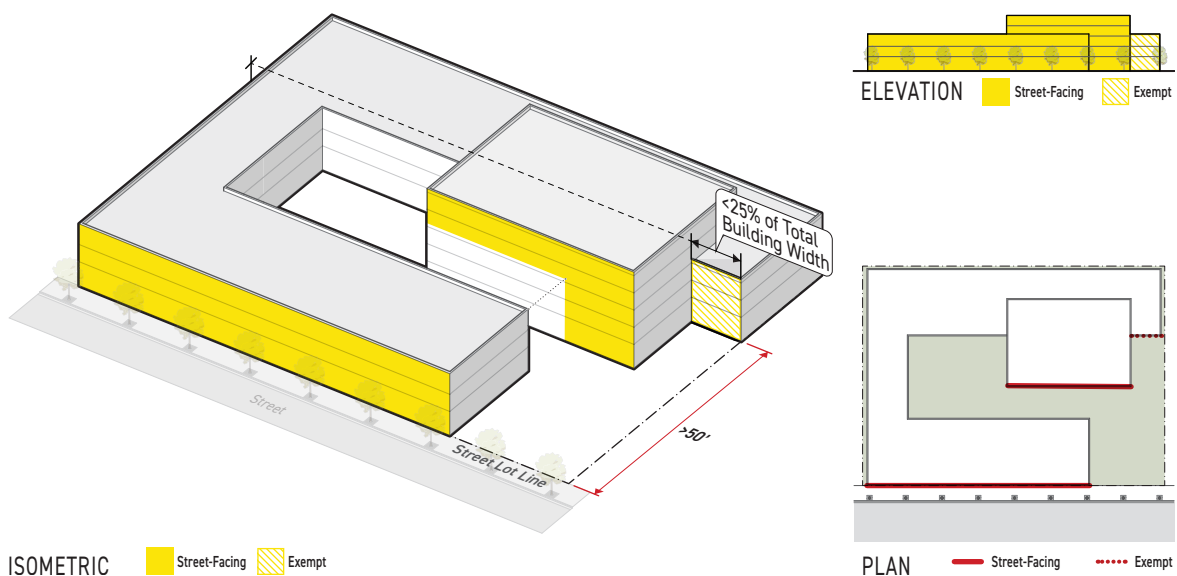
1. A lot abutting multiple streets must designate at least one as a primary street.
2. A lot may abut more than one primary street if multiple streets meet the criteria of a primary street.
3. Where a lot abuts multiple streets, the Director will use the following criteria to determine primary streets, listed in order of importance:
 - a. Any street classified as a storefront street on the Storefront Street Map (See Appendix X);
 - b. Streets with the highest classifications according to the Street Type Map (See Appendix X);
 - c. Streets with the highest classifications according to ATLDOT;
 - d. The established orientation of the block;
 - e. The street abutting the longest face of the block; and
 - f. The street parallel to an alley within the block.
4. Any street not designated as a primary street is designated as a side street.

sec. 10.1.13. Street-Facing Facade

Portions of a building facade, when projected approximately parallel to a street lot line, with no permanent structure located between the building facade and the street lot line.

A. Standards

1. Street-facing facades includes any building facades facing a primary or side street lot line.
2. Building facades located more than 50 feet from the primary or side street lot line are exempt from any street-facing facade requirement, provided the cumulative width of the exempt facade is no wider than 25% of the total building width.



#005

Posted by **Kathy Evans** on **08/18/2025** at **12:20pm** [Comment ID: 1468] - [Link](#)

Question

Agree: 0, Disagree: 0

Does this apply to new lots of record? In other words, are new lots/new addresses required to front a primary or secondary street (as opposed to an alley).

Reply by **SiteAdmin** on **08/18/2025** at **4:54pm** [Comment ID: 1474] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thanks for your comment. It should only apply to new lots. This will be specified in the next draft.

GENERAL RULES**sec. 10.1.14. Walking Distance**

Distance measured as the most direct path of travel for a pedestrian.

A. Measurement

Walking distance is measured horizontally along the most direct route of travel on the ground in the following manner:

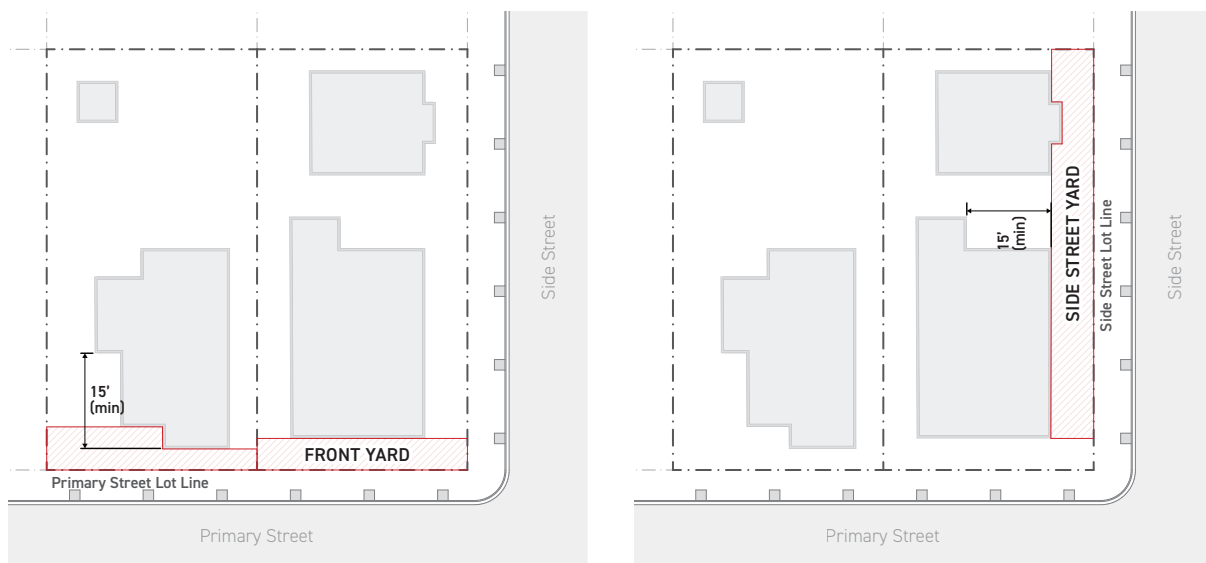
1. Starting at the nearest street-facing entry accessible to the majority of tenants or residents on the lot;
2. In a straight line to the nearest public sidewalk, walkway, multi-use path, or street;
3. Along a sidewalk, walkway, multi-use path, or street; and
4. In a straight line ending at the nearest pedestrian access point to the destination use.

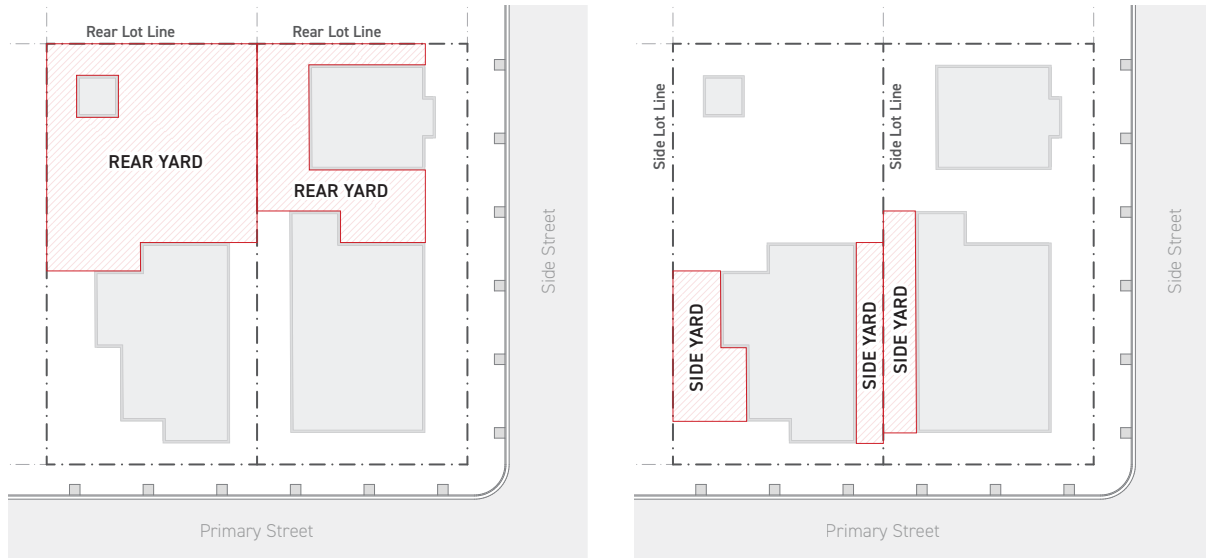
sec. 10.1.15. Yard

All portions of a lot between the building facade and a lot line.

A. General

1. Yards are designated for lots only, not for sublots.
2. All portions of a lot between the building facade and a lot line must fall within one of the following yard designations: front yard; side street yard; rear yard; or side yard.
3. No portion of a lot may have more than one yard designation.
4. Yard designations are determined in the following order: (1) front yard; (2) side street yard, if any; (3) rear yard, if any; and (4) side yards, if any.





B. Front Yard

1. All portions of a lot between a primary street lot line and a primary structure facing a primary street lot line will be designated as a front yard for the full width of the lot.
2. A front yard does not include a building facade set back more than 15 feet from the street-facing facade of the primary building.
3. Any portion of a lot that is designated as a front yard may not be designated as any other yard.

C. Side Street Yard

1. All portions of a lot between a side street lot line and a primary structure facing a side street lot line will be designated as a side street yard for the full depth of the lot.
2. A side street yard does not include any portion of a lot that may be designated as a front yard.
3. Any portion of a lot that is designated as a side street yard may not be designated as a rear yard or side yard.
4. A side street yard does not include any building facades set back more than 15 feet from the street-facing facade of the primary building.
5. For portions of a lot where no primary structure abuts the side street yard, the side street yard includes only portions of the lot included in the side street setback, see [Sec. XX. Building Setbacks](#).

D. Rear Yard

1. All portions of a lot between a rear lot line and a primary structure facing the rear lot line will be designated as a rear yard for the full width of the lot.
2. A rear yard does not include any portion of a lot that may be designated as a front yard or side street yard.

GENERAL RULES

3. Any portion of a lot that is designated as a rear yard may not be designated as a side yard.

E. Side Yard

1. All portions of a lot between a side lot line and a primary structure will be designated as a side yard.
2. Any portion of a lot that does not meet the criteria for any other yard will be designated as a side yard.

Division 10 .2. GENERAL TERMINOLOGY

sec. 10.2.1. Abbreviations

[Note: This Section is in progress]

sec. 10.2.2. Definitions

[Note: This Section is in progress]

A

Adjacent. To touch or have a common boundary with, without an intervening right-of-way.

Alley. A vehicular way that provides secondary access to the side or rear of adjoining properties. Alleys may also accommodate pedestrian traffic along part or all of their width and serve to support access for parking, loading, and related uses. Alleys may be classified as:

1. Legacy Alleys, which are formally platted and shown on official cadastral maps; or
2. New Alleys, which may be created through recorded easements or other legal instruments, and are often used on smaller development sites.

Architectural detail. Building element not intended for human occupation attached to or integrated into the structure of a building, including elements designed for environmental benefits. Examples include cornices, belt courses, sills, lintels, pilasters, pediments, chimneys, and solar shades.

B

Banner. A sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame at one or more edges. This does not include flags.

Basement. An occupiable space located below a ground story.

Beacon. Any light with one or more beams that is directed into the atmosphere, directed at one or more points not on the same lot as the light source, or rotates and moves. This does not include signs created solely by lights projected onto an immovable and unchanging surface.

Beltline Corridor. Property located inside the Beltline Overlay District that meets one of the following:

3. Owned by or subject to easements owned by, leased, or otherwise in favor of the Georgia Department of Transportation or a railroad subject to the jurisdiction of the Interstate Commerce Commission Termination Act of 1995, 49 U.S.C. § 10101, et seq. and used for transit-related purposes;
4. Shown as railroad right-of-way on the City of Atlanta 200 foot scale cadastral maps as maintained by the Department of City Planning as of November 20, 2006; or

GENERAL TERMINOLOGY

5. Shown as part of the transit corridor by the Beltline Redevelopment Plan adopted by the City of Atlanta in November 2005, as amended.

Buildable area. The portion of the lot remaining after required minimum building setbacks have been provided.

C

Carport. A semi-open structure consisting of a roof supported by posts and open on at least two sides, used for the shelter of vehicles. Carports must remain open on a minimum of two sides and may not be enclosed or converted into a fully enclosed structure without obtaining the appropriate permits.

Covered. See **Sec. XX. Covered Area.**

D

Distance. The shortest horizontal dimension between two points.

Distance, walking. See **Sec. XX. Walking Distance.**

Dwelling unit. A building, or portion of a building, designed for occupancy of one household for residential purposes with permanent facilities for living, sleeping, food preparation, and sanitation.

E

Enclosed. See **Sec. XX. Enclosure.**

Encroachment. A structure or assembly that extends into an area where it is typically not allowed.

Encroachment, horizontal. A structure or assembly that extends horizontally into an area where it is typically not allowed.

Encroachment, vertical. A structure or assembly that extends vertically into an area where it is typically not allowed.

F

Fence. A lightweight structure, typically wood, vinyl, or metal, with at least 50% openness, used to enclose or screen areas without providing structural support

Flatwork. A constructed object 2.5 feet in height or less, such as concrete slabs, sidewalks, patios, parking areas, pool coping, and driveways.

#006

Posted by **grace212** on **09/02/2025** at **4:24pm** [Comment ID: 1657] - [Link](#)

Question

Agree: 0, Disagree: 0

If it has more than 50% openness, what does it become? A wall? Or a screen or something?

Reply by **SiteAdmin** on **09/03/2025** at **4:15pm** [Comment ID: 1668] - [Link](#)

Answer

Agree: 0, Disagree: 0

A wall, as is current practice.

G

Garage. A covered structure used for vehicle parking and containing ⁰⁰⁸more than 10 parking spaces, including carports. Covered structures containing 10 or more parking spaces are considered parking structures.

Grade. The elevation or contour of the ground surface.

Grade, average. See **Sec. XX. Average Grade.**

Grade, existing. Grade as established before any site modification. Fill material or soil retention that has been in place at least 20 years at the time of application for a permit under the Zoning Ordinance can be considered existing grade.

Grade, finished. Grade as established after any site modification.

H

Habitable space. Any occupiable space design and intended for living, sleeping, eating, cooking, or similar areas. Restrooms, toilet rooms, closets, halls, storage, utility spaces, or similar areas are not considered habitable spaces.

Household. Any number of individuals related by blood, marriage, adoption, or legal guardianship, or up to 3 ⁰⁰⁷unrelated individuals, living together in a dwelling unit and functioning as a single householding unit, with common access to, and common use of, all living, kitchen, and eating areas within the dwelling unit. For the purposes of calculating the number of individuals in a household, all related individuals count as 1 individual. **See Sec. 4.4.1 Household Living Uses**

Note: This definition was edited 7/29/2025 to remove an unintended conflict.

I

J

K

L

Lot. See **Sec. XX. Site, Lot, and Sublot Designation.**

Lot, corner. A lot with more than one street lot line situated at the intersection of two or more streets.

Lot, interior. A lot other than a corner lot, with only one street lot line.

#007

Posted by **A23728** on **07/27/2025** at **9:07am** [Comment ID: 1340] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

Definition doesn't match the household use in Section 4-57 think it's written 4 rather than 3 on top - Should restore to six people limits and be based not on relationships status but by health and safety ~200 Sf per person

Reply by **SiteAdmin** on **07/29/2025** at **9:35am** [Comment ID: 1348] - [Link](#)

Answer

Agree: 0, Disagree: 0

Thank you for pointing this out. We have fixed the discrepancy. Thank you for your input on standard, as well.

#008

Posted by **jessicahilltroutman** on **08/13/2025** at **4:05pm** [Comment ID: 1417] - [Link](#)

Agree: 0, Disagree: 0

fewer (not less)

Reply by **SiteAdmin** on **08/14/2025** at **1:10pm** [Comment ID: 1440] - [Link](#)

Answer

Agree: 0, Disagree: 0

So noted. Thanks.

GENERAL TERMINOLOGY

Lot, through. A lot other than a corner lot, with more than one street lot line.

Lot area. See **Sec. XX. Lot Area.**

Net lot area (NLA). See **Sec. XX. Net and Gross Lot Area.**

Gross lot area (GLA). See **Sec. XX. Net and Gross Lot Area.**

M

Mechanical equipment. Any building mechanical services equipment including heating, cooling, and ventilation equipment; electrical or data systems; plumbing or piping; or any sustainable energy systems. Examples include transformers, gas meters, water softeners, generators, pool equipment, HVAC equipment, water utility devices, gas tanks, cisterns, wind turbines, and solar panels.

N

O

Occupiable space. Any area designated and intended for human occupancy with a minimum clear height of 7.5 feet.

P

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Q

R

Roof projection. Roof element that overhangs or cantilevers beyond the footprint of a building and do not include posts or columns. Examples include eaves, roof overhangs, gutters, awnings, and canopies.

S

Safety barrier. Vertical barrier used for safety and protection.

Street. A public or private way that is publicly accessible and serves as the principal means of access to abutting lots. Streets generally consist of roadways and streetscapes.

Street, primary. Sec. XX. Street Designation.

Street, side. Sec. XX. Street Designation.

Street, storefront. Sec. XX. Street Designation.

Streetscape. The portion of the street generally between the roadway and a street lot line, consisting of an amenity zone and pedestrian zone.

Structure projections. Enclosed structures that overhang or cantilever beyond the footprint of a building that has a cumulative length of less than 25% of the width of a building facade.

T

Townhouse. A row of 3 or more attached dwelling units with no dwelling unit located above or below another dwelling unit.

U

Uncovered. See Sec. XX. Covered Area.

Unenclosed. See Sec. XX. Enclosure.

Use. The purpose for which land or a building is arranged, designed, or intended, or for which either land or building is, or may be, occupied and maintained.

Use, accessory. Any use of land or building serving a purpose incidental and subordinate to the principal use of the land or building, and located on the same lot as the principal use or an adjacent lot under the same ownership. See Sec. XX, Accessory Uses.

Use, nonresidential. Any use listed in a use group other than the residential use group in Div. XX. Use District Provisions.

Use, principal. The main use or uses to which a premises is devoted.

Use, residential. Any use listed in the residential use group in Div. XX. Use District Provisions.

Use, temporary. Any use not meant to be permanent in nature. Typically “temporary” means for a few days to a single season. See Sec. XX, Temporary Uses.

Use category. A group of use groups.

Use group. A group of specific uses.

#009

Posted by **Itovar@atlantaga.gov** on **06/10/2025** at **2:23pm** [Comment ID: 1246] - [Link](#)
Agree: 0, Disagree: 0

I see developers trying to build very narrow private streets for new subdivisions. Part 15 of the Land Subdivision Ordinance does not differentiate between public or private streets for dimensional requirements. Can this be clarified?

Reply by **SiteAdmin** on **06/11/2025** at **12:52pm** [Comment ID: 1248] - [Link](#)
Answer

Agree: 0, Disagree: 0

We are not amending but Sec. 8.3.1.C.3.h does require streets to meet public standards.

GENERAL TERMINOLOGY**V**

Vegetation. Living organisms, absorbing water and organic substances through its roots and synthesizing nutrients.

Vertical circulation. Floor area only used for building circulation and rooftop access.

W

Wall. A solid, load-bearing or masonry structure, such as brick, stone, or concrete, designed to retain earth, support structures, or serve as a permanent barrier.

Waste enclosure. Waste areas and their required screening structures, as specified in **Sec. XX. Site Element Screens.**

X

Y

Z
