

Municipal Clerk  
Atlanta, Georgia

Z-01-76

AN ORDINANCE BY  
ZONING COMMITTEE

01-0-1585

**AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY CREATING A NEW CHAPTER TO BE ENTITLED CHAPTER 33. LW (LIVE WORK) DISTRICT REGULATIONS AND TO AMEND CHAPTER 16-28A.010 BY ADDING A NEW SUBSECTION (39) LW (LIVE WORK) DISTRICT, AND FOR OTHER PURPOSES.**

**WHEREAS**, many existing industrial properties are surrounded by residential neighborhoods; and

**WHEREAS**, many existing industrial properties face increased pressure to rezone to zoning categories which allow for mixed use and residential development; and

**WHEREAS**, many existing mixed use and residential zoning categories allow for uses and activities that are not conducive to building nor supporting neighborhoods' quality of life; and

**WHEREAS**, these districts should have the quality of sidewalks and pedestrian amenities that support linkages with nearby residential neighborhoods; and

**WHEREAS**, certain industrial uses such as studios, artist spaces and galleries should be preserved in these areas; and

**WHEREAS**, these districts should offer neighborhood commercial services and should be protected from encroachment of automobile-oriented large uses; and

**WHEREAS**, the City Sign Ordinance should be amended to include regulations for the LW (Live Work) District.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

**CHAPTER 33. LW  
LIVE WORK DISTRICT REGULATIONS**

**Section 16-33.001. Authority.**

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 Live Work District. These regulations shall supplant existing districts or portions of existing districts, except that all existing categories of historic protection designated pursuant to Chapter 20 of Part 16 shall continue in full force and effect and said existing historic protection regulations shall 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 apply. Whenever the following regulations conflict with provisions of Part 16 other than historic protection regulations, the more stringent regulation shall apply.

**Section 16-33.002. Findings, purpose and intent.**

The City of Atlanta finds that the size, scale and character of commercial uses directly affects the adjacent neighborhoods and the public health, safety and welfare. The city finds that highway-oriented retail, service, office and dining uses which are intended to serve larger areas of the city instead of a single neighborhood or small group of neighborhoods leads to development pressure on the existing, developing and revitalizing neighborhoods and on the developing or existing historical neighborhood commercial development patterns connected therewith. The city finds there is a need to protect existing and developing neighborhood areas from the incompatible uses resulting from intense highway-oriented development and uses associated with the redesignation of properties from industrial areas to commercial and residential areas. The city finds that there is a substantial need to encourage a balanced mix of uses to include proportionately significant residential uses and to facilitate safe, attractive and convenient pedestrian circulation. The city finds that it is necessary to improve air quality by promoting walking and reducing the number of vehicular trips. The city finds that it is necessary to establish adequate parking requirements by encouraging shared parking arrangements. 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 this chapter, in establishing the LW Live Work Mix district, is as follows:

1. Create a diversified urban environment where people can live, work, meet and recreate;
2. Improve the aesthetics of the built environment;
3. Protect existing neighborhoods from uses and building forms which are incompatible with the scale, character and needs of the adjacent neighborhoods;

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4. Create new commercial nodes, in areas so indicated in the Comprehensive Development Plan, which are pedestrian-oriented and provide uses which primarily serve adjacent neighborhoods;
5. Promote a balance of retail, service, office, dining and residential uses which serve the adjacent neighborhoods;
6. Prohibit the development of larger scale highway-oriented retail, service, office and dining uses which are intended to serve larger areas of the City than a single neighborhood or a small group of neighborhoods;
7. Encourage a grid of connected streets to improve access and reduce congestion;
8. Facilitate safe, attractive and convenient pedestrian circulation and minimize conflicts between pedestrians and vehicles;
9. Encourage pedestrian flow through the design of buildings with sidewalk level uses, which open directly onto sidewalks adjacent to public streets;
10. Improve pedestrian access within the district and to and from the surrounding neighborhoods;
11. Establish building façade lines and sidewalk requirements, and reserve the space between buildings and the street for pedestrian functions;
12. Provide sufficient, safe and accessible open space for active and passive enjoyment by residents and workers;
13. Encourage the rehabilitation or development of underutilized industrial areas to include significant residential uses;
14. Minimize the use of adjacent neighborhood streets for commercial area parking by establishing adequate parking requirements and encouraging shared parking arrangements;
15. Improve the quality of air and water through provisions for the planting of trees, greenspace protection, bicycle parking and electric vehicle parking;
16. Encourage infill and rehabilitation development to include a significant number of residential uses;
17. Provide a range of housing types and prices to meet different housing needs; and
18. Enhance the environmental and recreational amenities of railroad corridors through greenspace and landscaped buffers, pedestrian and bike connections and adjacent neighborhood parks.

**Section 16-33.003. Permitted Principal Uses and Structures.**

1. A building or premise shall be used for the following permitted principal uses and structures.
  - a. Single-family, two-family and multi-family dwellings.
  - b. Structures and uses required for operation of MARTA or a public utility but not including uses involving storage, train yards, warehousing switching or maintenance shop as the primary use.
  - c. No more than three (3) persons shall be engaged in the following uses when located on streets which function as local streets, one (1) of whom shall be a member of the family residing on the premises, and hours of operation shall be between 9:00 AM and 9:00 PM.:

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- i. 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. Use of heavy drop hammers, punch presses or other machinery; or processing methods creating an excessive noise or vibration is prohibited in this district.
        - ii. Offices, arts and crafts galleries and studios.
2. All of the following uses shall not exceed two thousand (2,000) square feet of floor area regardless of street type:
  - a. Bakeries and catering establishments.
  - b. Laundry and dry cleaning collection stations, laundry and dry cleaning establishments where customers operate equipment.
  - c. Tailoring, custom dressmaking, millinery and similar establishments.
3. All of the following uses when located on streets that function as local streets shall be located at the corner of the intersection, and when located at the corner of the intersection of two (2) streets that function as local streets shall not exceed two thousand (2,000) square feet of floor area. When located on streets that function as arterial streets and collector streets, the following uses shall not exceed eight thousand (8,000) square feet of floor area:
  - a. Banks, savings and loan associations, and similar financial institutions but not including any drive-in service window, except walk-up automatic teller machines and night drop.
  - b. Barber shops, beauty shops, manicure shops and similar personal service establishments.
  - c. Childcare centers, kindergartens and special schools.
  - d. Clubs and lodges.
  - e. Commercial greenhouses.
  - f. Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly and similar uses with primary activities conducted within fully enclosed buildings. Pool halls, billiard parlors and amusement arcades allowed only by special use permits.
  - g. Eating and drinking establishments including restaurants, bars, coffee shops, delicatessens, and taverns.
  - h. Grocery stores.
  - i. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.
  - j. Nursing homes and convalescent centers.
  - k. Offices, studios, clinics (including veterinary), laboratories and similar uses. Veterinary clinics including all kennels and accessory areas shall be enclosed within soundproof buildings.
  - l. Parking structures and lots within three hundred (300) feet of primary use.
  - m. Plumbing, air conditioning service and repair.
  - n. Photocopying or blueprinting shops.
  - o. Professional or service establishments, but not hiring halls.
  - p. Public schools or private schools having similar academic curricula and special schools for exceptional children.

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- q. Retail establishments.
  - r. Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar household goods.
  - s. Security storage centers.
  - t. Repair garages and paint and body shops shall be permitted only on streets that function as arterial streets and collector streets. Vehicular storage shall not be visible from any public right-of-way.
4. Additional regulations for street-fronting non-residential uses along streets that function as arterial streets and collector streets:
- a. Parking, storage, or digital industry switchboards, power generators and other relay equipment and rooms housing such equipment shall be permitted, with the exception of a minimum depth of twenty (20) feet of the ground floor street frontage beginning at any building façade along the public sidewalk.
  - b. The length of façade without intervening fenestration or entryway shall not exceed twenty (20) feet.
  - c. Fenestration shall be provided for a minimum of seventy-five (75%) percent of the length of the frontage:
    - 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 elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk; or
    - iii. Beginning at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk; and
    - iv. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.

Any principal use and structure not specifically listed above is prohibited in this district.

All commercial sales and service shall be conducted within completely enclosed buildings and there shall be no unenclosed displays of merchandise with the exception of uses permitted within the supplemental zone. Outdoor sales or displays are permissible only by special permit as set forth below.

No use or manner of operation shall 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.

Pursuant to Section 16-28.016 adult businesses are not permitted uses in any district.

**LARGE ATTACHMENT:**

**DOCUMENT(S),**

**MANUAL(S)**

**OR**

**MAP(S)**

**NOT COPIED,**

**PULL ORIGINAL**

**FOR COPY OR TO VIEW**

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(Do Not Write Above This Line)

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FILED BY CITY COUNCIL

DEC 03 2001

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER

Date Referred 10/1/01

Referred To: ZRB + Zoning

First Reading

Committee  
Date  
Chair

*Seaman*  
*8-25-01*  
*William Stone*

Committee

Date

Chair

Actions:  
Fav, Adv, Held (see rev. side)  
Other:

Members

Refer To

Committee

Date

Chair

Actions:  
Fav, Adv, Held (see rev. side)  
Other:

Members

Refer To

Committee

Date

Chair

Actions:  
Fav, Adv, Held (see rev. side)  
Other:

Members

Refer To

Committee

Date

Chair

Actions:  
Fav, Adv, Held (see rev. side)  
Other:

Members

Refer To

COUNCIL ACTION

2nd  1st & 2nd  3rd  
Readings

Consent  V Vote  RC Vote

CERTIFIED

CERTIFIED  
DEC 03 2001  
ATLANTA CITY COUNCIL PRESIDENT  
*Richard A. Parker*

CERTIFIED  
DEC 03 2001  
*Ronald Daughlin Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

(20)