

Municipal Clerk  
Atlanta, Georgia

Z-01-77

01-0-1586

AN ORDINANCE BY  
ZONING COMMITTEE

**AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY CREATING A NEW CHAPTER TO BE ENTITLED CHAPTER 34. RCM (RESIDENTIAL COMMERCIAL MIX) DISTRICT REGULATIONS AND TO AMEND CHAPTER 16-28A.010 BY ADDING A NEW SUBSECTION (40) RCM (RESIDENTIAL COMMERCIAL MIX) DISTRICT, AND FOR OTHER PURPOSES.**

**WHEREAS**, commercial districts should provide adjacent neighborhoods with pedestrian accessibility to retail goods and services and should be protected from encroachment of automobile-oriented large uses; and

**WHEREAS**, a diversified urban environment where people can live, work, meet and recreate should be created; and

**WHEREAS**, a compatible mixture of residential, commercial, and cultural and recreational uses should be provided; and

**WHEREAS**, a grid of connected streets for improved vehicular access and reduced vehicular congestion should be provided; and

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

**WHEREAS**, new residential and commercial uses should be compatible with adjacent residential neighborhoods; and

**WHEREAS**, the Definitions section of the Zoning Ordinance should be updated to reflect the new requirements of the newest zoning districts; and

**WHEREAS**, the City Sign Ordinance should be amended to include regulations for the RCM (Residential Commercial Mix) District.

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

Section 1: That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended by adding a new Chapter 34. RCM (Residential Commercial Mix) District Regulations, which shall read as shown on the attached "Exhibit A".

Section 2: That Chapter 16-28A.010 of the City of Atlanta Municipal Code, the Sign Ordinance, be amended by adding a new subsection (40) to read as follows:

- (40) RCM (Residential Commercial Mix) District: The regulations for the RCM District shall be the same as the regulations in Subsection (6) C-2 (Commercial Service) District, provided that;
- a. No freestanding signs shall be permitted.
  - b. No shopping center signs shall be permitted.

Section 3: That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

**CHAPTER 34. RCM  
RESIDENTIAL COMMERCIAL MIX DISTRICT REGULATIONS**

**Section 16-34.001. Authority.**

This chapter 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 the article 9, section 2, paragraph 3 and article 9 section 2, paragraph 4, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A § 36-70-3, the City of Atlanta Charter, §§ 3-061 through 3-603, and Charter Appendix IV, §§ 41,42,45,48 and 70, as well as the general police powers of the City of Atlanta and such other authority as may be provided by applicable, state, federal and local laws.

The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are regulations which are applicable in those parts of the city designated as RCM Residential Commercial Mix district. The passage of an ordinance approving the classification of an area of the city for RCM Residential Commercial Mix zoning shall supplant the zoning classifications applicable to the area so designated. 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 16-34.002. Findings, purpose and intent.**

The City of Atlanta finds that the size, scale and character of commercial uses directly affect the adjacent neighborhood districts 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 must be located on streets that are suited for this type of development and must be done in a manner which is compatible with the adjacent neighborhoods or group of neighborhoods. The city finds there is a need to protect existing and developing neighborhood areas and building forms from the incompatible uses resulting from intense highway-oriented development and to preserve and restore existing, traditional and pedestrian scale buildings in established, historic neighborhood districts, as well as create new pedestrian oriented commercial nodes. 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

Exhibit A  
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regulations. The purpose and intent of this chapter, in establishing the RCM Residential Commercial Mix district, is as follows:

1. Create a diversified city where people across the spectrum of age, income, ethnicity, and culture can live, work, shop, meet, and play;
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;
4. Ensure pedestrian-oriented building forms;
5. Provide for a pedestrian-oriented environment on streets and sidewalks;
6. Promote public safety through the provision of pedestrian-oriented street-level uses, sufficient sidewalk widths, adequate visibility from adjacent buildings and primary pedestrian access from buildings to adjacent sidewalks;
7. Ensure residents have pedestrian access to nearby commercial uses;
8. Provide primarily single-family neighborhoods with nodal commercial areas which are such a size that all uses are within convenient walking distance of one another;
9. Promote an appropriate balance and scale of commercial uses which meet the needs of nearby residents;
10. Encourage a compatible mixture of residential, commercial, cultural and recreational uses;
11. Place reasonable controls on 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;
12. Alleviate development pressure on existing neighborhoods by placing reasonable controls on development and expansion of strip commercial areas within primarily single-family neighborhoods;
13. Encourage infill and rehabilitation development within traditionally commercial areas that include proportionately significant residential uses;
14. Provide a range of housing types and prices to meet different housing needs;
15. Encourage the development of multi-family housing within commercial areas;
16. Reserve the space between the building and the sidewalk for pedestrian related uses;
17. Provide appropriately-scaled, continuous pedestrian oriented uses and activities adjacent to sidewalks along streets with identified pedestrian needs;
18. Encourage a grid of connected streets to improve access and reduce congestion;
19. Facilitate safe, pleasant and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles;
20. Facilitate safe and convenient bicycle usage;
21. Prevent encroachment of incompatible commercial uses and minimize commercial parking into residential neighborhoods;
22. Provide sufficient parking in an unobtrusive manner;
23. Reduce parking requirements by encouraging shared parking and alternative modes of transportation;

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24. Maximize opportunities for pedestrian amenities, including parks, plazas, greenways and public art;
25. Provide sufficient, safe and accessible parks, plazas and greenways for active and passive enjoyment;
26. Improve the quality of air and water through provisions for the planting of trees, greenspace protection, bicycle parking and electric vehicle parking; and

**Section 16-34.003. Permitted Principal Uses and Structures.**

A building or premise shall be used for the following permitted principal uses and structures:

1. Automobile service stations, car washes.
2. 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.
3. Barber shops, beauty shops, manicure shops and similar personal service establishments.
4. Business or commercial schools.
5. Childcare centers, kindergartens and special schools.
6. Clubs and lodges.
7. Commercial greenhouses.
8. 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.
9. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment when located on subterranean levels or the second floor above sidewalk level and higher, or on ground floors provided that retail, office, institutional, or residential uses are provided for a minimum depth of twenty (20) feet from any building façade along the public sidewalk.
10. Eating and drinking establishments including restaurants, bars, coffee shops, delicatessens, and taverns.
11. Grocery stores.
12. Institutions of higher learning, including colleges and universities.
13. Laundry and dry-cleaning stores, collection stations or plants; laundry and dry cleaning establishments where customers operate equipment.
14. Mortuary and funeral homes.
15. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.
16. New and used car sales, including other motorized vehicles such as mopeds and motorcycles.
17. Nursing homes and convalescent centers.
18. Offices, studios, clinics (including veterinary), laboratories and similar uses, but not blood donor stations except at hospitals. Veterinary clinics including all kennels and accessory areas shall be enclosed within sound proof buildings when located within three hundred (300) feet of any residential use

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from the closest point of the nearest residential building to the closest point of the veterinary clinic.

19. Parking structures and lots within three hundred (300) feet of primary use.
20. Park-for-hire parking decks.
21. Plumbing, air conditioning service and repair.
22. Photocopying or blueprinting shops.
23. Professional or service establishments, but not hiring halls.
24. Public schools or private schools having similar academic curricula and special schools for exceptional children.
25. Repair garages, paint and body shops.
26. Retail establishments.
27. Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar household goods.
28. Security storage centers.
29. Single-family, two-family and multi-family dwellings.
30. 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.
31. Tailoring, custom dressmaking, millinery and similar establishments.

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.

**Section 16-34.004. Special administrative permit requirement for building permits: Effect on other special permit requirements.**

Except as provided below, no building permit in any Residential Commercial Mix district shall be issued unless and until it has been approved through the issuance 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 a special administrative permit for other purposes so specified, processing by the Director of the Bureau of

**LARGE ATTACHMENT:**

**DOCUMENT(S),**

**MANUAL(S)**

**OR**

**MAP(S)**

**NOT COPIED,**

**PULL ORIGINAL**

**FOR COPY OR TO VIEW**

01-0-1586

(Do Not Write Above This Line)

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2-01-77  
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CHAPTER 34. RCM (RESIDENTIAL COMMERCIAL  
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CHAPTER 28.A.0010 BY ADDING A NEW  
SUBSECTION (40) RCM (RESIDENTIAL  
COMMERCIAL MIX) DISTRICT, AND FOR OTHER  
PURPOSES.

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

*Zoning*  
*9-25-01*  
*John Davis*

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 W. Powell*

CERTIFIED  
DEC 03 2001  
*Rhonda Daughlin Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

(21)