

Municipal Clerk
Atlanta, Georgia

Z-01-78

AN ORDINANCE BY
ZONING COMMITTEE

01-0-1587

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY CREATING A NEW CHAPTER TO BE ENTITLED CHAPTER 35. MR (MULTI-FAMILY RESIDENTIAL) DISTRICT REGULATIONS AND TO AMEND CHAPTER 16-28A.010 BY ADDING A NEW SUBSECTION (41) MR (MULTI-FAMILY RESIDENTIAL) DISTRICT, AND FOR OTHER PURPOSES.

WHEREAS, new multi-family residential uses should achieve a high quality of architectural, site and street design; and

WHEREAS, new multi-family residential structures should be encouraged and should be compatible with the character of adjacent residential neighborhood; and

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

WHEREAS, the City Sign Ordinance should be amended to include regulations for the MR (Multi-Family Residential) 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 35. MR (Multi-Family Residential) 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 (41) to read as follows:

(41) MR (Multi-Family Residential) District: The regulations for the MR District shall be the same as the regulations in Subsection (3) RLC (Residential Limited Commercial) District, provided that:

- a. No freestanding signs shall be permitted.
- b. No shopping center signs shall be permitted.
- c. Signs may be located as near to the street property line as the nearest building.

Section 3: That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

**CHAPTER 35. MR
MULTI-FAMILY RESIDENTIAL DISTRICT REGULATIONS**

Section 16-35.001. 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 MR Multi-family Residential district. The passage of an ordinance approving the classification of an area of the city for MR Multi-family Residential 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 16-35.002. Findings, purpose and intent.

The City of Atlanta finds that the size, scale and character of multi-family residential uses directly affects the adjacent neighborhoods and the public health, safety and welfare. The city finds that highway-oriented multi-family residential uses are incompatible with establishing a pedestrian infrastructure and are inconsistent with the needs of the city. The city finds there is a need to protect existing and developing multi-family residential 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 multi-family residential 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 with small accessory retail 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 MR Multi-family Residential district, is as follows:

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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. Provide a range of housing types and prices to meet different housing needs;
8. Provide for multi-family residential housing types that are compatible with neighborhoods and commercial nodes.
9. Encourage the development of multi-family housing within commercial areas;
10. Reserve the space between the building and the sidewalk for pedestrian related uses;
11. Provide appropriately-scaled, continuous pedestrian oriented uses and activities adjacent to sidewalks along streets with identified pedestrian needs;
12. Encourage a grid of connected streets to improve access and reduce congestion;
13. Facilitate safe, pleasant and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles;
14. Facilitate safe and convenient bicycle usage;
15. Provide sufficient parking in an unobtrusive manner;
16. Maximize opportunities for pedestrian amenities, including parks, plazas, greenways and public art;
17. Provide sufficient, safe and accessible parks, plazas and greenways for active and passive enjoyment; and
18. Improve the quality of air and water through provisions for the planting of trees, greenspace protection, bicycle parking and electric vehicle parking.

Section 16-35.003. Permitted Principal Uses and Structures.

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

1. Childcare centers, kindergartens and special schools.
2. Parking structures and lots within three hundred (300) feet of primary use.
3. Public schools through the secondary level operated by the Atlanta Board of Education, having no dwelling or lodging facilities except for caretakers.
4. Single-family, two-family and multi-family dwellings.
5. Single-family attached dwellings (Zero-lot-line development).
6. Structures and uses required for operation of MARTA but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purpose.
7. All permitted uses listed below shall only be permitted in MR-3 through MR-6. Such uses shall be restricted in floor area to a maximum of five (5%) percent

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of the total development and shall be located on the street level floor only. Further, no accessory building shall be constructed until construction of the principal building has actually begun, and no accessory building shall be used or occupied until the principal building is completed and in use, or in the case of multiple-family building complexes no accessory use shall commence operation until at least fifty (50%) percent of the total proposed dwelling units are occupied.

- a. Bakeries and catering establishments:
 - i. MR-3 and MR-4: Shall not exceed two thousand (2,000) square feet of floor area.
 - ii. MR-5 and MR-6: Shall not exceed four thousand (4,000) square feet of floor area.
- b. Barber shops, beauty shops, manicure shops and similar personal service establishments.
 - i. MR-3 and MR-4: Shall not exceed two thousand (2,000) square feet of floor area.
 - ii. MR-5 and MR-6: Shall not exceed four thousand (4,000) square feet of floor area.
- c. Eating and drinking establishments including restaurants, bars, coffee shops, delicatessens, and taverns.
 - i. MR-3 and MR-4: Shall not exceed four thousand (4,000) square feet of floor area.
 - ii. MR-5 and MR-6: Shall not exceed eight thousand (8,000) square feet of floor area.
- d. Laundry and dry cleaning collection stations, laundry and dry cleaning establishments where customers operate equipment.
 - i. MR-3 and MR-4: Shall not exceed two thousand (2,000) square feet of floor area.
 - ii. MR-5 and MR-6: Shall not exceed four thousand (4,000) square feet of floor area.
- e. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities not to exceed eight thousand (8,000) square feet of floor area.
- f. Offices and studios not to exceed eight thousand (8,000) square feet of floor area.
- g. Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar household goods not to exceed four thousand (4,000) square feet of floor area.
- h. Tailoring, custom dressmaking, millinery and similar establishments not to exceed four thousand (4,000) square feet of floor area.

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.

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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 any district and its relation to adjoining districts.

Accessory uses and structures permitted within in each district shall include those customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.

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

Section 16-35.004. Special administrative permit requirement for building permits: Effect on other special permit requirements.

Except as provided below, no building permit in any Multi-family Residential 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 Planning shall, without additional application, include consideration of 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 the necessary approval has been obtained for Special Exception or Special Use permit.

Section 16-35.005. 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 home occupation subject to limitations set forth in Section 16-29.001(17), clubhouses, pools, and other recreation amenities, and parking to serve authorized residential and non-residential uses within the district subject to the restrictions contained elsewhere in this Chapter.

Accessory uses and structures for residential structures within MR-1 through MR-4 shall meet the following additional requirements:

1. Shall not be constructed until construction of the principal building has actually begun, and shall not be used or occupied until the principal building is completed and in use.
2. Shall not be of a commercial nature except in the case of home occupation.
3. Shall be placed to the rear of the main structure within the buildable area of the lot, except when the rear lot line is located adjacent to a private drive or alley.

LARGE ATTACHMENT:

DOCUMENT(S),

MANUAL(S)

OR

MAP(S)

NOT COPIED,

PULL ORIGINAL

FOR COPY OR TO VIEW

01-0-1587

(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: ZRBT Zoning

First Reading

Committee
Date
Chair

2001-01-07
9-25-01
WILLIAM BLOOM

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Others

Members

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Committee

Date

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Actions

Fav, Adv, Held (see rev. side)

Others

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. Patrick

CERTIFIED
DEC 03 2001
Phyllis Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

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