CITY COUNCIL
ATLANTA, GEORGIA

02-O-1798
2-02-73

A SUBSTITUTE ORDINANCE
BY: THE ZONING COMMITTEE

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, BY DELETING IN ITS ENTIRETY SECTIONS 16-20A.001 THROUGH 16-20A.008(4) AND ENACTING A NEW 16-20A.001 THROUGH 16-20A.011(19); AND FOR OTHER PURPOSES

BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1: THAT Sections 16-20A.001 through 16-20A.008(4) of the Zoning Ordinance of the City of Atlanta, as amended, are hereby deleted and the following new Sections 16-20A.001 through 16-20A.011(19) are enacted in lieu thereof, which shall read as shown in Attachment "A", which attached regulations are incorporated herein.

SECTION 2: That the designation of contributing/noncontributing structures in the Cabbagetown Landmark District shall be established as shown on the attached map marked Attachment "B", which attached map is incorporated herein.

SECTION 3: That the boundary of the Cabbagetown Landmark District shall remain unchanged and that all parts of any previous ordinance which make reference to these boundaries remain in full force and effect.

SECTION 4: That all ordinances and parts of ordinances in conflict with this Ordinance are repealed.

A true copy,
Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council MAR 03, 2003
APPROVED by the Mayor MAR 11, 2003

CHAPTER 20A.
CABBAGETOWN LANDMARK DISTRICT

Sec. 16-20A.001. 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 facades 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.

Sec. 16-20A.002. Scope of regulations.

(1) Except when otherwise explicitly provided, the provisions of Chapter 20 of this part shall apply to this district. Whenever the regulations of Chapter 20A conflict with the provisions of Chapter 20, the regulations of Chapter 20A shall apply.

(2) All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district shall 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 shall govern.

Sec. 16-20A.003. Boundaries.

The boundaries of the Cabbagetown Landmark District shall 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 shall be known as:

(1) The Mill.

(2) Mill housing.

(3) Shotgun and Cottage housing.

(4) Neighborhood commercial/services.

(5) Transitional commercial/industrial area.

Sec. 16-20A.004. Organization.

The regulations are composed of two (2) 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.

Sec. 16-20A.005. Certificates of appropriateness.

Certificates of appropriateness within this district shall 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 off-street 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, shall have complied with the requirements of section 16-20.007(c).

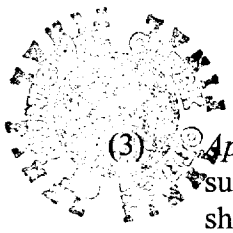
(2) Type required:

a) When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the Zoning Code. Provided, however, that a partial demolition of a contributing building 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.
b) If the proposed alteration for minor façade 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 shall issue the Type II Certificate. If the proposed alteration does not meet said requirements, the director of the Atlanta urban design commission (the commission) shall 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.

Sec. 16-20A.006. General regulations.

The following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall 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 shall be followed and shall be applied by the commission and director.
(2) The commission shall 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.



(3) *Applications.* Materials necessary for complete review of an application shall 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 shall be submitted for all Type III Certificate of Appropriateness applications. For new construction of a principal building, the application shall 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.

(4) *Additional notification.* The applicant shall be given contact information for interested Cabbagetown community organizations and shall be directed to provide the organization with a copy of the submitted application and attachments within three (3) days of submission to the commission.

(5) *Cabbagetown design guidelines.* The commission shall adopt and maintain guidelines, referred to herein as the Cabbagetown Design Guidelines. These guidelines shall: 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.

(6) The compatibility rule.

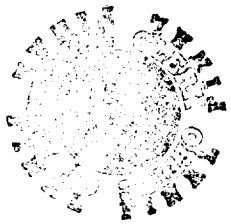
a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, 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.) shall 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 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 architectural style and like use in that block face."

b) For the purposes of the compatibility rule, height and width shall 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 10% than any other contributing building of like use on a block face, such structure shall 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."

(7) *Variances.* Variance requests shall 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 shall be the same as those specified in chapter 26 of this part 16.

(8) *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 shall be on the applicant.

c) The commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

1. The present income of the property owner(s) and those occupying the property;
2. The age of the property owner;
3. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;
4. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants and tax abatements;
5. The costs associated with adherence to these regulations;
6. The degree of existing architectural significance and integrity of the structure; and
7. The purpose and intent of this chapter.

d) The commission shall consider these factors and shall 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.

(9) *Minimum lot requirements.* There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.

(10) *Subdivision of lots.* The subdivision of any lot within this district shall be subject to review and approval by the commission. No subdivision of lots shall 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 shall be approved unless the commission shall make a finding that the resulting lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The commission shall 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 shall apply.

(11) *Subdivision of lots other than lots for one- and two-family dwellings.* No new lots for multifamily, commercial, or industrial uses permitted within the Cabbagetown District shall be created except upon approval of the commission. Applications shall be made to the commission, and the commission shall not approve the creation of any new lot unless the commission shall make a finding that the resulting lot or lots are compatible with the

historic platting pattern of the Cabbagetown neighborhood. The commission shall 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 shall apply.

(12) *Aggregation of lots.* No lots shall be aggregated except upon approval of the commission. Applications shall be made to the commission, and the commission shall not approve any aggregation of lots unless the commission shall make a finding that the resulting lot or lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The commission shall 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 shall apply.

(13) *Design standards and criteria for new principal buildings.* The following regulations shall apply to new construction of principal buildings.

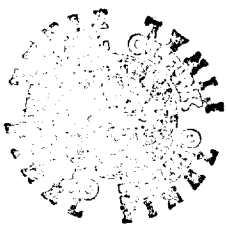
a) General criteria:

1. All new construction shall 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 occur.
2. The general façade organization and proportions shall be subject to the compatibility rule.
3. All of the following building elements shall 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. cornerboards, 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.

   All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.

b) Facades:

1. Wood, smooth-surface cementitous siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) 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.

3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.

c) *Roofs:*

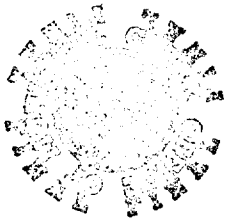
1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
2. Skylight and solar panels are not permitted on the front façade of any structure. "Bubble type" skylights are not permitted anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights and/or solar panels, where permitted, shall minimize their ability to be seen from public right of way(s) and is subject to approval by the commission.
3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
4. Boxed gable returns are not permitted.
5. Roofing material shall 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 shall be subject to design review by the commission and shall meet the following requirements:

1. Shall be gable or shed design as appropriate to the architectural style of the building and shall maintain the siding, roof materials, and trim consistent with the main portion of the building.
2. Shall not engage the ridgeline of the main roof structure.
3. The front edge of the dormer shall not interrupt the primary fascia or soffit line.
4. Shall not occupy less than 15% nor more than 35% of the total surface area of the roof plane on which it is constructed.

e) *Porches:*

1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.



f) Site development, sidewalks and curbs:

1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
3. Curbing shall be granite; poured concrete shall not be used.
4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.

(14) *Design standards for alterations and additions to contributing buildings.* Alterations and additions to contributing buildings shall be subject to design review by the commission and shall be consistent with and reinforce the historic architectural character of the existing building, shall comply with the appropriate regulations for new construction set forth in section 16-20A.006(13), and shall comply with the following requirements:

a) All repair work shall 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 shall 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 shall not introduce materials or building elements that do not reinforce the architectural character of the building and shall not destroy historic materials that characterize the property.
d) The height or width of any alteration or addition shall not exceed the height or width of the existing building.
e) Any alterations or additions shall be compatible with the massing, scale and architectural features of the property.

(15) *Alterations and additions to non-contributing buildings.* Alterations and additions to non-contributing buildings shall comply with one of the following:

a) Alterations and additions shall be consistent with the architectural style of the existing building and the height or width of any alteration or addition shall not exceed the height or width of the existing building, or:
b) Alterations and additions shall 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 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 shall not exceed the height or width of the existing building.

(16) *Accessory Structures and Uses.* Accessory structures and uses that are customarily incidental and subordinate to permitted principal uses and structures 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 shall be unattached, located to the rear of the principal building within the buildable area of the lot, and shall not project beyond the front of the principal building. In addition, they shall 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, shall be attached to a building and shall not be visible from any public right of way; and
c) home occupations.

(17) *Grading and Landscaping.*

a) Grading shall 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 shall 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.

(18) *Fences and walls.*

a) Fencing, walls, and retaining walls are subject to design review by the commission.
b) Fences shall not exceed four (4) feet in the front or the half-depth yards.
c) Fences and walls shall not exceed six (6) feet in the side or rear yards.
d) Fences shall 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 shall have a maximum height of two feet from sidewalk grade and shall 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 sidewalk shall not be greater than four feet from sidewalk grade. The combined height of a fence and retaining wall in a side or rear yard shall not exceed six (6) feet. See section 16-29.001(25).

(19) *Off-street and off-site parking.*

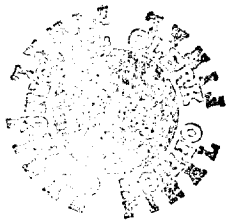
a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
b) The number of required parking spaces is set out in each subarea.
c) Variances may be allowed from this requirement subject to the standard procedures and requirements for a variance found in these regulations.
d) Off-street parking shall not be located or authorized between the principal building and the street.
e) Off-street parking may be located in a rear or side yard.

f) The driveway of a lot used for residential purposes shall extend at least 20 feet behind the front façade of the house.
g) Carports or garages that serve a single dwelling unit shall 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 shall apply to the construction of a carport or garage.
h) The design of carports and garages shall be reviewed and approved by the commission.
i) Off-street or off-site parking shall include landscape buffer strips placed along sidewalks and public rights of way. Landscape buffer strips shall 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 shall 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 shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.

Sec. 16-20A.007. The Mill (subarea 1).

In addition to the general regulations required in section 16-20A.006, the following regulations shall 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 shall be used only for the following principal purposes; and any new development, or conversion of existing structure to uses permitted within the Mill subarea, shall 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.
i) Professional and personal service establishments.
h) Recreational establishments.



i) Single-family, two-family, and multifamily residential uses. Residential use of Mill structures shall require a Certificate of Appropriateness, which shall 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.

No wholesaling or jobbing shall be conducted from within this subarea. No use or manner of operation shall 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.

(2) *Development controls.*

a) All alterations shall follow the Secretary of Interior's Standards for rehabilitation and shall match the original as closely as possible.
b) New construction shall be of red brick exterior in keeping with the scale and character of 19th-century mill construction.
c) The height of any new construction shall be limited to the highest point of the existing complex, excluding chimneys.

Sec. 16-20A.008. Mill housing (subarea 2).

In addition to the general regulations required in section 16-20A.006, the following regulations shall 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 multifamily use.

(1) Permitted principal uses and structures. A building or premises shall be used only for the following principal purposes:

a) Single-family, two-family, and multifamily dwellings of the mill housing quadruplex type now existing in the subarea or as shall 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.

(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).

(3) Maximum building height and width. The height or width of any alteration or addition shall not exceed the height or width of the existing building or roofline.

(4) Facades.

a) Exterior doors shall be solid panel wood.

b) All siding shall be wood clapboard and shall have a reveal of four inches.

(5) *Roofs.*
a) New roofing shall be asphalt shingles or modified bitumen membrane.
b) Chimneys shall 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 shall 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) *Walls.* No walls shall be permitted in this subarea.

(8) *Minimum parking requirements.* One parking space per dwelling unit shall be required for all new construction or changes in use.

Sec. 16-20A.009. Shotgun and cottage housing (subarea 3).
In addition to the general regulations required in section 16-20A.006, the following regulations shall 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 (1) 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 facade features, and consistent structure massing.

(3) *Permitted principal uses and structures.* A building or premises shall be used only for the following principal purposes:
a) Single-family detached dwellings.
b) Two-family dwellings existing at the time of the adoption of these regulations. Two-family dwellings, originally built as duplexes, shall 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.

(4) *Permitted accessory uses and structures.* In addition to the uses and structures listed in 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 shall require a special exception from the commission, which special exception shall be granted only upon finding that:
   1. 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 shall 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.
   2. The area for such activity could not reasonably be located elsewhere on the lot.
   3. 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 ameliorate any potential negative impacts of the proposed facility on adjoining property owners.

(6) *Minimum lot requirements.* In addition to the setback requirements in Section 16-20A.006(9), in no case shall any portion of a building be closer to a public sidewalk than any portion of any contributing building of like use on the block face.

(7) *Maximum building height and width.* The compatibility rule shall apply.

(8) *Floor area ratio.* The floor area ratio shall not exceed 0.50.

(9) *Roofs.*

a) Roofing materials shall 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 shall not be permitted on the front facade 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 right of way(s).

(12) *Porches.*

a) Decks shall be permitted on the side or rear of the house if not visible from the street.
b) Rear decks shall be no wider than the house.
c) Side and rear porches shall be permitted if appropriate to the house style.

(13) *Fencing 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 walls or fences may be granted by the commission.
c) Walls shall be constructed of wood.

(14) *Driveways and surface parking areas.*

a) One parking space per dwelling unit shall be required for all new construction or changes in use.
b) Driveways shall not exceed ten (10) feet in width and shall have a curb cut no more than ten (10) feet, exclusive of flair.
c) At least one-third of any driveway or surface parking area shall be pervious.
d) Poured concrete paving for driveways shall 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.

Sec. 16-20A.010. Neighborhood commercial/services (subarea 4).

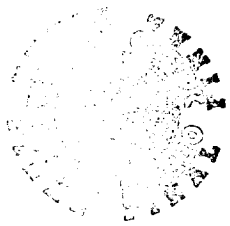
In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the neighborhood commercial/services subarea. These regulations are intended to preserve the neighborhood 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 shall be used only for the following principal purposes:

a) Multifamily dwelling units. Multifamily 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:

1. Bakeries and catering establishments.
2. Laundry and dry cleaning establishments where customers operate equipment.
3. Tailoring, custom dressmaking, millinery, and similar establishments.
4. Restaurants, bars, coffee shops, delicatessens, and taverns.
5. Specialty shops such as antique stores, gift shops, boutiques, art and craft stores, and apothecary shops.
6. 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:
   1. Clubs and lodges.
   2. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.
   3. Offices, studios, clinics (including veterinary if animals are kept within soundproof structures), laboratories, and similar use.
   4. 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 shall be conducted from within the Cabbagetown Landmark District. No use or manner of operation shall 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.

(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:

b) Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises and such merchandise shall occupy no more than 25 percent of the total floor area on the premises.
c) No storage shall be provided in any portion of a structure adjacent to any public sidewalk, public park or plaza.
d) No off-premises storage of merchandise shall 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:
   1. Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies of 14 days or more duration.
   2. Childcare centers, kindergartens, and special schools provided that they do not exceed a maximum floor area of 5,000 square feet.
   3. Retail establishments provided that they do not exceed a maximum floor area of 5,000 square feet.

b) *Special administrative permits*:
   1. 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:
   1. Churches, temples, synagogues, and other religious worship facilities where the lot is less than one (1) acre.

2. 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.
3. Reduction in minimum off-street parking requirements.

(4) Minimum lot requirements. In addition to the setback requirements in Section 16-20A.006(9), in the case of new construction between two contributing buildings, the side yard setbacks shall be at least three feet from the lot line.

(5) Maximum building height and width and transitional yards.

a) The compatibility rule shall apply, but in no case shall the height of a building or structure exceed 28 feet.
b) Additionally, no portion of any building shall protrude through a height limiting 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) Transitional yards:

a) Side yards: Adjacent to residential use without an intervening street, 10 feet is required, that shall not be used for parking, paving or loading or servicing. For a side yard adjacent to a side street, half the required front shall be provided.
b) Rear yard: There shall be a rear yard of 10 feet when adjacent to a residential use district that shall 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 (6) feet in height shall be provided and maintained in sightly condition (see section 16-28.008).

(7) *Lot coverage.* The lot coverage shall not exceed 80%.

(8) Storefront Fenestration.

a) All street-fronting sidewalk level development, with the exception of religious institutions and fire stations, shall provide fenestration for a minimum of 75 percent of the length of the frontage, beginning at a point not more than three feet above the public sidewalk, for a height no less than ten feet above the sidewalk.
b) Fenestration for commercial uses shall allow views into the interior or display windows and shall not have painted glass, reflective glass, or other similarly treated fenestration.
c) Variances in fenestration requirements may be approved by the commission.
d) Sidewalk level development without fenestration shall not exceed a maximum length of ten feet of façade.

(9) Relationship of Building to Street.

a) The primary pedestrian entrance to all uses and business establishments with sidewalk level street frontage shall:
   1. Face and be visible from the street;

2. Be directly accessible, visible, and adjacent to the sidewalk, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street;
3. Remain unlocked during normal business hours for nonresidential uses; and
4. Face and be visible to an arterial street when located adjacent to such arterial streets.

b) Buildings shall provide continuous street-fronting sidewalk level commercial, office, or residential uses.

c) A street address number shall be located above the principal building entrance, shall be clearly visible from the sidewalk, and shall be a minimum of six inches in height.

(10) Storefront illumination and lighting.

a) Security, decorative, and other lighting adjacent to residential uses shall minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree illumination. The commission may also require other elements to reduce light spillage.

b) Any security, decorative, or other lighting luminaries shall be located a minimum height of eight feet above the sidewalk, drive 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 thirty (30) feet of an adjoining residential subarea boundary, and shall be screened with opaque fences or walls six feet in height.

b) Residential dumpsters and loading areas shall be encircled with walls six feet in height. Walls shall be smooth finish stucco or same material as the principal building.

c) Loading dock entrances for nonresidential uses shall be screened so that loading docks and related activity are not visible from any public right of way.

d) Building mechanical and accessory features shall be located to the side and rear of the principal building and shall be in the least visible location from the public right of way. Screening with appropriate plant and/or fence materials shall be required if the equipment is visible from the public right of way.

e) When located on rooftops, building mechanical and accessory features shall be incorporated in the design of the building and screened with materials similar to the building.

f) Building mechanical and accessory features shall not be permitted between the principal building and any public street.

(12) Roofs. Roofing materials shall be asphalt shingles or batten seamed metal.

(13) Dormers. Dormers shall not be permitted unless original to the structure.

(14) Porches. Front porches are permitted.

(15) Fences and Walls.

a) Chain link or similar elements shall not be visible from any public plaza, outdoor dining area, or public right of way. Chain link fencing, where permitted, shall be clad

in either black or dark green coating. Canopies and associated service areas shall not be located between a building and the street.

b) No fences are permitted between the principal building and the sidewalk.
c) Walls shall be wood, smooth finish stucco or brick.
d) No walls, except retaining walls, shall be located between a building and the sidewalk, with the exception of walls that screen commercial dumpsters and loading areas, which shall 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 areas.

a) At least one-third of any driveway or surface parking area shall 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 sidewalk-paving and curbing materials shall be continued across any intervening driveway.
d) Driveway and curb cut widths shall 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 shall be located between any buildings and any public street.
g) Except as authorized above in this subsection, parking areas or driveways are not permitted between the sidewalk and a building, and shall 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 sidewalk and the building if approved by the commission.
h) No more than one curb cut is permitted for each development. Developments with more that 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 shall have the following minimum requirements:

a) Lighting shall 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 shall be the responsibility of the parking facility to independently provide these required levels of illumination.
b) Parking lots adjacent to residential areas shall minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree illumination and shall in all other ways be in compliance with Illuminating Engineering Society of North America Recommended Practice #33 – Lighting for Exterior Environments.

c) Parking facilities shall be maintained in a clean, safe, sanitary, and attractive condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the drivability of the parking lot.

(18) *Minimum landscaping for parking lot 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 shall apply to all lots of 10 spaces or more in this subarea. In addition to these regulations, the following requirements shall apply:

a) All landscaped areas shall be planted with evergreen ground cover or shrubs with a maximum mature height of thirty inches.
b) Landscape buffer strips as described in section 16-20A.006(19) (i) shall 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).

(19) *Minimum off-street parking requirements.* The following parking requirements shall apply to all permitted uses, including those approved by special permits. (See also sections 16-28.013 and 16-28.014.) Design of parking facilities shall 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 off-street parking, such centers shall 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 (1) 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.

(20) *Off-Street 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:
    1. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access.
    2. All shared parking spaces shall be clearly marked and signed as reserved during specified hours.

b) An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
   1. A to-scale map indicating location of proposed parking spaces.
   2. Indicate hours of business operation.
   3. Written consent of property owners agreeing to the shared parking arrangements;
   4. Copies of any parking leases. Renewed leases shall be provided to the commission as they are signed. Lapse of a required lease agreement shall terminate the permit.

Sec. 16-20A.011. Transitional Commercial (subarea 5).

In addition to the general regulations required in section 16-20A.006, the following regulations shall 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 commercial intrusion subarea 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 shall be used only for the following principal purposes:

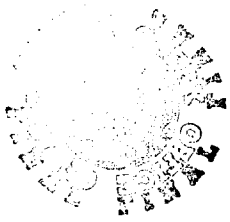
a) A building or premises shall be used for the principal uses specified within section 16-16.003 of this part, with the exception of paragraph (1) allowing adult business and paragraph (17) allowing signs, general advertising.

b) Multifamily dwelling units. Multifamily 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:
   1. Bakeries and catering establishments.
   2. Laundry and dry cleaning establishments where customers operate equipment.
   3. Tailoring, custom dressmaking, millinery and similar establishments.
   4. Restaurants, bars, coffee shops, delicatessens, and taverns.
   5. Specialty shops such as antique stores, gift shops, boutiques, art and craft stores, and apothecary shops.
   6. 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:
   1. Clubs and lodges.
   2. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.
   3. Offices, studios, clinics (including veterinary if animals are kept within soundproof buildings), laboratories, and similar use.
   4. 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 shall be conducted from within the Cabbagetown Landmark District. No use or manner of operation shall 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.

(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 shall be stored other than that to be sold at retail on the premises and such merchandise shall occupy no more than 25 percent of the total floor area on the premises.
b) No storage shall be provided in any portion of a structure adjacent to any public sidewalk, public park or plaza.
c) No off-premises storage of merchandise shall 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:
1. Poolrooms, billiard parlors, amusement arcades.
2. Terminals, freight, rail, bus or truck, when erected or operated by other than a governmental agency.
3. Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies of 14 days or more duration.
4. Childcare centers, kindergartens, and special schools provided that they do not exceed 10,000 square feet of floor area.
5. Retail establishments provided that they do not exceed 10,000 square feet of floor area.
6. Grocery stores provided that they do not exceed 10,000 square feet of floor area.

b) Special administrative permits:
1. 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:
1. Churches, temples, synagogues, and other religious worship facilities where the lot is less than one (1) acre.
2. 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.
3. Off-street 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 shall apply.

(5) *Site limitations.*

d) *Minimum building façade heights:* Buildings shall have a minimum façade height of 18 feet along each façade visible from any public right of way.

e) *Maximum building heights:* Buildings that are between 0 and 50 feet of a Subarea 3 boundary shall have a maximum height of 28 feet. Buildings that are within 51 and 150 feet of a Subarea 3 boundary shall have a maximum height of 35 feet. Buildings that are more than 150 feet from Subarea 3 boundary shall have a maximum height of 52 feet. Mezzanines and lofts shall be considered a story.

f) New development containing an entire block face greater than 600 feet in length shall be traversed by new streets that create block faces no larger than 400 feet. Such streets shall function as public streets, shall connect two other public streets, and shall meet all other requirements of this chapter.

g) Transitional requirements:

1. *Transitional height planes:* Where this district adjoins Subarea 3 without an intervening street, heights within this district shall be limited as follows: No portion of any structure shall protrude through a height limiting 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.
2. *Transitional uses:* 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, shall not be used for any drive-in facility, sales lot for automobiles, or general advertising signs.
3. *Transitional yards:*
   a. Side yards: Adjacent to residential use without an intervening street, 20 feet is required, that shall 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 shall be provided.
   b. Rear yard: There shall be a rear yard of 20 feet when adjacent to a residential use district that shall 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 (6) feet in height shall be provided and maintained in sightly condition (see section 16-28.008).

(6) *Lot coverage.* The lot coverage shall not exceed 80%.

(7) *Relationship of Buildings to Street.*

a) The delineation of building floors at the second story above sidewalk level shall be executed through windows, belt course, cornice lines, or similar architectural detailing.

b) The primary pedestrian entrance to all uses and business establishments with sidewalk-level street frontage shall:
   1. Face and be visible from the street.
   2. Face and be visible to an arterial street when located adjacent to such arterial streets.
   3. Be directly accessible, visible, and adjacent to the sidewalk, supplemental zone, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.
   4. Remain unlocked during normal business hours for nonresidential uses.

c) Buildings shall provide continuous street-fronting sidewalk level commercial, office, or residential uses.

d) *Building façade lines:*
   1. On arterial streets: Shall 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.
   2. On all other streets: Shall 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.

e) A street address number shall be located above the principal building entrance, shall be clearly visible from the sidewalk, and shall be a minimum of six inches in height.

(8) *Storefront Fenestration.* All street-fronting sidewalk level development, with the exception of churches and fire stations, shall provide fenestration for a minimum of 75 percent of the length of the frontage, beginning at a point not more than three feet above the public sidewalk, for a height no less than ten feet above the sidewalk. Fenestration for commercial uses shall allow views into the interior or display windows and shall not have painted glass, reflective glass, or other similarly treated fenestration.

a) Variances in fenestration requirements may be approved by the AUDC.

b) Sidewalk level development without fenestration shall not exceed a maximum length of ten feet of façade.

(9) *Storefront illumination and lighting.*

a) Security, decorative, parking deck, and other lighting adjacent to residential uses shall minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree illumination. The AUDC may also require other elements to reduce light spillage.

b) Any security, decorative, parking deck, or other lighting luminaries shall be located a minimum height of eight feet above the sidewalk, drive or pedestrian area.

(10) *Loading areas, loading dock entrances and building mechanical and accessory features.*

a) Commercial dumpsters and loading areas may not be located within thirty (30) feet of an adjoining residential subarea boundary, and shall be screened with opaque fences or walls six feet in height.

b) Residential dumpsters and loading areas shall 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 shall be screened so that loading docks and related activity are not visible from any public right of way.
d) Building mechanical and accessory features shall be located to the side and rear of the principal building and shall be in the least visible location from the public right of way. Screening with appropriate plant and/or fence materials shall be required if the equipment is visible from the public right of way.
e) When located on rooftops, building mechanical and accessory features shall be incorporated in the design of the building and screened with materials similar to the building.
f) Building mechanical and accessory features shall not be permitted between the principal building and any public street.

(11) Fences and Walls.

a) Chain link fencing or similar elements shall not be visible from any public plaza, outdoor dining area, or public right of way. Chain link, where permitted, shall be clad in either black or dark green coating. Canopies and associated service areas shall not be located between a building and the street.
b) Fences and walls that are not located between the principal building and the sidewalk shall have a maximum height of six feet.
c) No fences are permitted between the principal building and the sidewalk.
d) No walls, except retaining walls, shall be located between a building and the sidewalk.
e) Walls shall 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.

(12) Sidewalks.

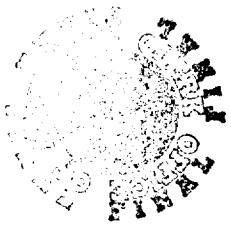
a) Sidewalks along Tye, Powell, Estoria, Pearl and Gaskill streets shall be regulated as set out in Subarea 3.
b) Public sidewalks shall be located along all public streets. For new development, no sidewalk shall be less than 15 feet in width, unless otherwise indicated in this section. Sidewalks shall consist of a minimum of two zones: a "street furniture and tree-planting zone," which shall be located adjacent to the curb, and a "clear zone." The following regulations shall apply to all public sidewalks adjacent to Memorial Drive within Subarea 5 of the Cabbagetown Landmark District:
    1. The street furniture and tree-planting zone shall have a minimum width of five feet. The street furniture and tree-planting zone shall be located adjacent to the curb and shall 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.

2. The clear zone shall be a minimum width of ten feet, shall be hardscape and located adjacent to the street furniture and tree-planting zone, and shall be unobstructed by any permanent or nonpermanent element for a minimum width of ten feet and a minimum height of eight feet.
3. Street tree-planting requirements. Street trees are required and shall be planted in the ground a maximum of 25 feet on center within the street furniture and tree-planting zone and spaced equal distance between street lights. All newly planted trees shall be a minimum of 3.5 inches in caliper 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 also have a minimum planting area of 25 square feet. Where sidewalks meet the minimum requirements for this section, planting areas shall be permitted to be planted with evergreen ground cover such as mondo, liriope spicata, or ivy. All plantings, planting replacement, and planting removal shall 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.
4. No awning or canopy shall encroach more than a maximum of five (5) feet over the sidewalk.
5. Nothing shall 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 Sec. 16.28.008, Visibility at Intersections.
6. Pedestrian street lights shall be placed a maximum distance of 40 feet on center, spaced equal distance between required trees along all streets within either the street furniture and tree-planting zone or the supplemental zone.
7. Sidewalks in this subarea within 20 feet of subarea 3 shall taper when necessary to provide a smooth transition to the existing sidewalk in an adjacent subarea. In the event that the abutting subarea has no existing sidewalk, the sidewalk shall taper to the width required by that subarea's regulations, a width of six feet (measured from the street curb), or as approved by the AUDC.
8. Every effort shall be made to place utilities underground or to the rear of structures to allow for the unobstructed use of the sidewalks.
9. Trash receptacles, where installed, shall be the Victor Stanley Model S-42 or similar looking standard trash receptacle and shall be placed within the street furniture and tree-planting zone.

(13) Supplemental Zones.

a) Any area between the street-fronting building façade line and the required clear zone is a supplemental zone. Supplemental zones:
   1. Shall be permitted between the required sidewalk and the building façade.
   2. Shall be required along arterial streets at a minimum width of five feet, unless on-street parking is provided where there currently is none.
   3. Shall not exceed a maximum width of 15 feet.
   4. Shall be hardscaped.

b) The following elements may be located within the supplemental zone so long as any proposed element is approved by the AUDC:



1. Accessory outdoor dining that may be separated from the sidewalk only with planters, shrubs, or fencing which shall have a maximum height of 36 inches.
2. Balconies, pedestrian walkways, porches, ramps for accessibility, and stoops.
3. Terraces shall have a maximum finished floor height of 24 inches above the sidewalk elevation and shall be surrounded by permanent safety fencing with a maximum height of 42 inches. See subsection 16-29.001(25)b.
4. Landscaping and water features.
5. Lighting.

(14) Curb cuts and parking structures.

a) All sidewalk-paving and curbing materials shall be continued across any intervening driveway.

b) Driveways shall have a five-feet-wide band of textured concrete adjacent to the street and in-line with the street furniture zone.

c) Driveway and curb cut widths shall 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 shall be located between any buildings and any public street.

f) Except as authorized above in this subsection parking areas or driveways are not permitted between the sidewalk and a building, and shall 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 sidewalk and the building if approved by the AUDC.

g) One-third of all surface parking areas shall 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-family residential structure shall be to the rear of the principal building. Garages that serve a multi-family structure may be attached to the principal building, but entrances to garages shall not be on the front façade or the half-depth façade of the principal building.

j) Parking deck facades shall conceal automobiles from visibility and shall have the appearance of a horizontal storied building.

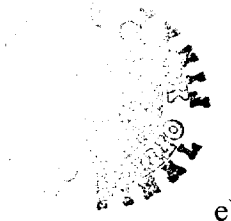
k) Parking decks shall provide either continuous street frontage with sidewalk-level commercial, office, or residential uses, or a minimum five-foot landscaped strip between the structure and the public sidewalk, except at ingress and egress points into the structure. The landscaped strip shall be planted with street trees spaced a maximum distance of 20 feet on center, which shall also meet the tree requirements set out in Section 16-20A.011(16). The landscape strip shall 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 shall be approved by the city arborist. All landscaping shall be kept in a sightly manner.

l) Not withstanding 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 shall have walkways with a minimum width of four feet provided along the edge of all sidewalk level parking and drive areas and shall be linked to the public sidewalks.
n) No drop-off lanes are permitted along public streets.

(15) *Lighting, security, and maintenance requirements for parking structures & surface parking lots.* All surface parking lots and structures shall have the following minimum requirements:
a) Lighting shall 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 shall be the responsibility of the parking facility to independently provide these required levels of illumination.
b) Parking lots adjacent to residential areas shall minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree illumination and shall 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 shall be a maximum of seven feet high and shall not be visible from any public right of way.
d) Parking facilities shall be maintained in a clean, safe, sanitary, and attractive condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the drivability of the parking lot.

(16) *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 shall apply to all lots of 10 spaces or more in this subarea. In addition to these regulations, the following requirements shall apply:
a) All landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum mature height of 30 inches.
b) Landscape buggers strips as described in section 16-20A.006(19) (i) shall 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).

(17) *Minimum Off-street parking requirements.* The following parking requirements shall apply to all permitted uses, including those approved by special permits:
b) Off-street parking for those uses set out in 16-16.003 shall be as provided for in section 16-16.009.
c) Banks and similar institutions: One space for each 200 square feet of floor area.
d) Childcare centers: One space for each 600 square feet of floor area; in addition to providing required off-street parking, such centers shall provide safe and convenient



facilities for loading and unloading children, as approved by the director of the bureau of traffic and transportation.

e) Clothing and tailor shops: One space for each 200 square feet of floor area.
f) Clubs and lodges: One space for each 100 square feet of floor area.
g) Commercial recreation uses, including bowling alleys, amusement arcades, game rooms, and the like: One (1) space for each 100 square feet of floor area.
h) 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 shall have no parking requirement.
i) Laundry and dry cleaning establishments where customers operate equipment: One space for each 200 square feet of floor area.
j) Retail establishments, including catering, delicatessen and bakeries, but not other uses as provided below: One space for each 200 square feet of floor area.
k) Accessory uses: One space for each 300 square feet of floor area devoted to an otherwise permissible accessory use.
l) For all other nonresidential uses: One space for each 300 square feet of floor area.

(18) Off-Street Parking Variances.

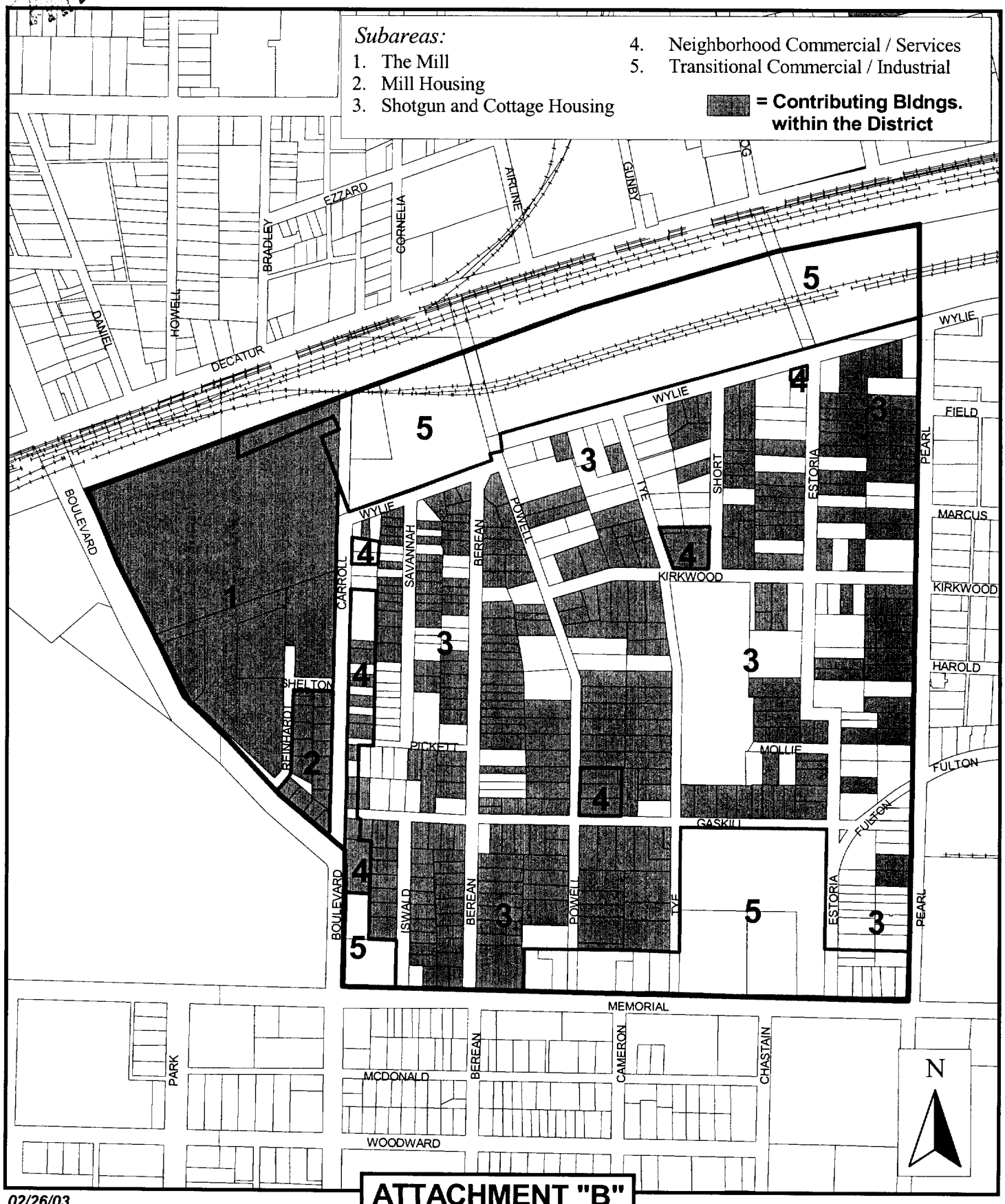
a) Reductions in parking requirements may be approved by the AUDC subject to a shared parking arrangement under the following criteria:
   1. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access; and
   2. All shared parking spaces shall be clearly marked and signed as reserved during specified hours.
b) An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
   1. A to-scale map indicating location of proposed parking spaces;
   2. Indicate hours of business operation;
   3. Written consent of property owners agreeing to the shared parking arrangements; and
   4. Copies of any parking leases. Renewed leases shall be provided to the AUDC. Lapse of a required lease agreement shall terminate the permit.

(19) Electric vehicle charging stations. A building, commercial establishment, or other property, which provides automobile parking facilities shall provide parking facilities in the ratio of at least one station for every 50 automobile parking spaces. No more than five such stations shall be required for a parking facility.

DRAFT AS OF 02/26/03

Cabbagetown Landmark District (Chapter 20A) -

Proposed Contributing / Non-contributing Status



02/26/03

ATTACHMENT "B"

RCS# 4509
3/03/03
2:41 PM

Atlanta City Council

Regular Session

02-O-1798 Z-02-73: Amend Code by enacting new Sec. 16-20A.001 thru 16-20A.011(19)
ADOPT ON SUB

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	3
EXCUSED:	0
ABSENT	0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

02- O -1798

(Do Not Write Above This Line)

AN ORDINANCE 2-02-73
BY: THE ZONING COMMITTEE

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, BY DELETING IN ITS ENTIRETY SECTIONS 16-20A.001 THROUGH 16-20A.008(4) AND ENACTING A NEW 16-20A.001 THROUGH 16-20A.008; AND FOR OTHER PURPOSES.

substitute

ADOPTED BY
MAR 0 3 2003
COUNCIL

Substitute

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

Date Referred 10/21/02

Referred To: ZRB & Zoning

First Reading
Committee Zoning
Date Oct. 16, 2002
Chair Debi M. Starnes

Committee	Committee
Zoning	
Date Jan. 15, 2003	Date
Chair	Chair
Action: Fav, Adv, Held (see rev. side)	Action: Fav, Adv, Held (see rev. side)
Other: ON substitute	Other:
Members	Members
Refer To	Refer To

Committee	Committee
Zoning	
Date Feb. 26, 2003	Date
V-Chair Mary Norwood	Chair
Action: Fav, Adv, Held (see rev. side)	Action: Fav, Adv, Held (see rev. side)
Other: CW sub to sub (2)	Other:
Members	Members
Refer To	Refer To

COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd Readings ☐ 3rd

☐ Consent ☐ V Vote ☑ RC Vote

CERTIFIED

CERTIFIED
MAR 3
Clair Muller
ACTING COUNCIL PRESIDENT PROTEM

CERTIFIED
MAR 0 3 2003
Rhonda Dauphin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
Shirley Franklin
MAR 1 1 2003
MAYOR