

CITY COUNCIL
ATLANTA, GEORGIA

04-0-0784

AN ORDINANCE

BY:

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Z-04-46

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, BY CREATING A NEW CHAPTER ENTITLED CHAPTER 18V, SPI-22, MEMORIAL DRIVE – MARTIN LUTHER KING, JR., DRIVE CORRIDOR REGULATIONS AND TO AMEND THE OFFICIAL ZONING MAP BY SUPPLANTING EXISTING ZONING DISTRICTS R-5, RG-4, RG-5, C-1, C-1-C, C-2, C-2-C, C-3, I-1, I-1-C, I-2, PD-H, SPI-1 AND LD-20A, WITH SAID SPI-22 DISTRICT AND TO AMEND CHAPTER 28A.010 BY ADDING A NEW SUBSECTION (47) SPI-27, MEMORIAL DRIVE – MARTIN LUTHER KING, JR. DRIVE CORRIDOR DISTRICT; AND FOR OTHER PURPOSES.
NPU-M, V, W, O COUNCIL DISTRICTS 1 & 5

WHEREAS, the City Council of the City of Atlanta finds that a general update of zoning in the Memorial Drive/Martin Luther King, Jr., Drive Corridor is a critical step necessary to implement the goals and objectives of the City's Comprehensive Development Plan; and

WHEREAS, the specific objectives of the Memorial Drive/Martin Luther King, Jr., Corridor regulations as proposed herein are identified in the "Statement of Intent" attached as part of "Attachment A";

Now, therefore, be it ordained by the Council of the City of Atlanta, as follows:

SECTION 1. That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended by adding a new Chapter 18V, SPI-22, Memorial Drive/Martin Luther King, Jr., Drive, Corridor District Regulations, which shall read as shown on the attached "Attachment A".

SECTION 2. That the 1982 Zoning Ordinance Map of the City of Atlanta is hereby amended as shown on "Attachment B".

SECTION 3. That Chapter 16-28A.010 of the City of Atlanta Zoning Ordinance, Sign Regulations, is hereby amended by adding a new subsection (47) which shall read as follows:

(47) SPI-22, Memorial Drive/Martin Luther King, Jr., Drive Corridor District: Signage shall be permitted as identified in the General District Regulations (Section 16-18V.001 et seq.)

SECTION 4. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

CHAPTER XX-XXx SPI-XX Memorial Drive, Martin Luther King, Jr. Drive Corridor
SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS

Sec. XX-XXx.001. Scope of provisions.

The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the regulations for the SPI-XX Memorial Drive, Martin Luther King, Jr. Drive Corridor Special Public Interest District. These regulations shall supplant existing districts or portions of existing districts as shown on the attached map referenced in section XX-XX.003, except that all existing categories of historic protection designated pursuant to chapter 20 of part 16 shall continue in full force and effect and said existing historic protection regulations shall be overlaid upon, and shall be imposed in addition to, the regulations set forth in this chapter. Whenever the following regulations are at variance with said existing historic protection regulations, the historic protection regulations shall apply. Whenever the following regulations conflict with provisions of part XX other than historic protection regulations, the more stringent regulation shall apply.

The regulations set forth in sections XX-XXx.001 through and including section XX-XXx.025 shall apply to all properties located within the SPI-XX Memorial Drive, Martin Luther King, Jr. Drive Corridor Special Public Interest District, including all subareas within the district. The remaining regulations set forth in section XX-XXx.026 through section XX-XXx.030 shall apply only to the subareas identified therein.

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. 16-18P.002. Statement of intent.

The intent of the council in establishing SPI- XX Memorial Drive, Martin Luther King, Jr. Drive Corridor Special Public Interest District as a zoning district is as follows:

1. Implement provisions of the Comprehensive Development Plan incorporating certain recommendations contained in studies of this area, including the comprehensive study known as the Memorial/ MLK Area Revitalization Study as adopted by the City of Atlanta;
2. Create an urban environment where people can live, work, meet and play;
3. Improve the aesthetics of the built environment;
4. Encourage a compatible mixture of residential, commercial, cultural and recreational uses;
5. Provide a range of housing types and prices to meet different housing needs;
6. Provide appropriately scaled, continuous pedestrian oriented uses and activities adjacent to sidewalks along streets with identified pedestrian needs;
7. Facilitate safe, pleasant and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles;
8. Preserve and protect the city's historic buildings and sites;
9. Provide for development within this area that is compatible with existing low-density development within surrounding residential areas,

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10. Prevent encroachment of incompatible commercial uses and minimize commercial parking into residential neighborhoods;
11. Ensure pedestrian-oriented building forms;
12. Encourage infill and rehabilitation development within traditionally commercial areas that include proportionately significant residential uses;
13. Provide sufficient parking in an unobtrusive manner;
14. Encourage the use of MARTA through the location of mixed-use development and regional entertainment and cultural facilities around certain MARTA rail stations as identified in the Comprehensive Development Plan;
15. Encourage opportunities for economic development, both residential and commercial, where there is a planned relationship between the transportation system and development;
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. Reduce parking requirements by encouraging shared parking and alternative modes of transportation, while continuing to safeguard against increased parking in surrounding residential areas as a result of development within this district.

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.003. Boundaries of district established.

The boundaries of the SPI-XX Memorial Drive, Martin Luther King, Jr. Drive Corridor Special Public Interest District are shown on maps Attachment X and Attachment X which by this reference is incorporated into and made a part of this chapter and this part. The Memorial Drive, Martin Luther King, Jr. Drive Corridor Special Public Interest District is divided into six main subareas and other designated areas as shown on said maps Attachment X and Attachment X. The subareas are described as follows:

Subarea 1: Capitol Cultural and Office District (XX-XXx.025).

Subarea 2: Capitol Gateway District (XX-XXx.026).

Subarea 3: Capitol-Oakland Park and Cultural District (XX-XXx.027).

Subarea 4: Memorial Drive- Grant Park District (XX-XXx.028).

Subarea 5: MLK Drive- MLK MARTA Station and Loft District (XX-XXx.029).

Subarea 6: Memorial Drive- Cabbagetown District (XX-XXx.030).

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(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.004. Application procedures.

A Special Administrative Permit shall be required for development in this district as set forth in this section. A Special Administrative Permit (SAP) application and seven copies each of a site plan, landscape plan and elevation drawings of each exterior facade shall be submitted and approved by the director of the bureau of planning prior to the applicant filing for a building permit. All new construction, including additions to existing buildings, expansions of existing outdoor dining, outdoor dining within required sidewalk areas, or any construction which results in increased lot coverage or a modification of the building footprint within this district, shall be subject to said site plan review and approval. Before making application for a special administrative permit, a pre-application conference between the applicant and the director of the bureau of planning or the director's designee is required to discuss the application and relevant requirements of these regulations. Said preapplication conference shall be held within 14 days of the request by the applicant, unless a longer period is mutually agreed upon. All applications for a special administrative permit shall be processed in accordance with the standards and procedures applicable to said SAP applications contained in chapter 25 of part 16 except as otherwise modified by this chapter 18P.

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.005. Permitted principal uses and structures.

In all subareas, a building or premise shall be used for the following permitted principal uses and structures except in subarea XX-XXx.027 (Capitol-Oakland Park and Cultural District). Additional permitted principal uses and structures shall be used only as specified in each subarea (sections XX-XXx.025 through XX-XXx.030).

1. Broadcasting towers, line-of-sight relay devices for telephonic, radio or television communications when located 200 feet or more from any off-site public spaces or parks, residential districts or residential use not located within an industrial district and, when such towers or devices are greater than 200 feet in height, when located a distance which is greater than or equal to the height of the tower or device from a residential district or residential use which is not in an industrial district.
2. Barber shops, beauty shops, manicure shops and similar personal service establishments.
3. Childcare centers, kindergartens and special schools.
4. Commercial recreational establishments, including bowling alleys, theaters, convention halls, places of assembly and similar uses with primary activities conducted within fully enclosed buildings.
5. Eating and drinking.
6. Laundry and dry cleaning collection stations, laundry and dry cleaning establishments where customers operate equipment limited to no more than 2,500 square feet.
7. Museums, galleries, auditoriums, libraries, and similar cultural facilities.

8. Nursing homes and convalescent centers.
9. Offices, studios, clinics (including veterinary), laboratories and similar uses, but not blood donor stations except at hospitals. Veterinary clinics including all kennels and accessory areas shall be enclosed within soundproof buildings.
10. Printing or blueprinting shops.
11. Professional or personal service establishments.
12. Retail establishments.
13. Sales and repair establishments for home appliances, bicycles, lawnmowers, clocks and similar household goods.
14. Multi-family dwellings.
15. Single room occupancy residence.
16. Structures and uses required for operation of MARTA, public transit or public utility; but does not include uses involving storage, train yards, warehousing, switching, or maintenance shops as the primary purpose.
17. Tailoring, custom dressmaking, and millinery.

Any principal use and structure not specifically listed above is prohibited in this district, unless otherwise specifically authorized in the subarea regulations.

All commercial sales and service shall be conducted within enclosed permanent structures and there shall be no unenclosed displays of merchandise with the exception of off-street parking and outdoor dining. Unenclosed outdoor sales or displays are permissible only by special permit as set forth below.

No use or manner of operation shall be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television communication, or is otherwise incompatible with the character of the district and its relation to adjoining districts.

Pursuant to section 16-28.0 16 adult businesses are not permitted uses in the district.
 (Ord. No. 200x-xx, § x, xx-xx-xx)
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Sec. XX-XXx.006. 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 include clubhouses, pools, and other recreation amenities, and parking to serve authorized residential and non-residential uses within the district subject to the restrictions contained in section XX-XXx.XXX and elsewhere in this chapter.

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.007. Special permits.

The following uses are permissible only by additional special permits of the type indicated subject to limitations and requirements set forth in this chapter XX-XXx or elsewhere in this part, and subject to the applicable procedures and requirements set forth in section 16-25.001, et seq.

1. *Special use permits.*

a. Broadcast towers, line of sight relay devices for telephonic, radio or television communications when located within 200 feet of any off-site residential district or residential use, not located within an industrial district and, when such towers or devices are greater than 200 feet in height, when located a distance which is less than or equal to the height of the tower or device from a residential district or residential use which is not within an industrial district in accordance with sections 16-25.002 and 16-25.003.

b. Helicopter landing facilities or pickup or delivery stations.

c. Outdoor amusement enterprises or outdoor temporary structures housing amusement enterprises, exhibits, entertainment, meetings, displays or sales areas, or outdoor areas for religious ceremonies of 90 days duration or longer.

d. Park-for-hire parking decks located within the transit station areas built as a primary use to provide parking spaces in excess of the parking requirements of section XX-XXx.XXX.

2. *Special administrative permits.*

a. Park-for-hire parking decks not located within the transit station areas built as a primary use to provide parking spaces in excess of the parking requirements of section XX-XXx.022.

b. Outdoor amusement enterprises, exhibits, entertainment, music venues, meetings, displays or sales areas, or outdoor areas for religious ceremonies of less than 90 days duration. Outdoor vending is permitted only when included with a special event permit.

c. Outdoor displays of merchandise or sales areas within the supplemental zone.

d. Broadcasting towers and line of sight relay devices for telephonic, radio or television communications 70 feet or less in height, alternative design mounting structures, and new or additional uses of existing structures.

3. *Special exceptions.*

a. Accessory outdoor amplified music.

b. Alterations in transitional height planes and transitional yards.

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.008. Redevelopment requirements.

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Any property wherein 60 percent or greater of the principal building is removed or destroyed by any means shall be redeveloped in accordance with the requirements of this chapter and any paving or other accessory structural elements within any required transitional yard shall be removed and buffers provided as required herein, notwithstanding any other provisions in part XX to the contrary.
(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.009. Transitional uses and yards.

1. *Adjoining lot with same frontage.* Where a lot in this district abuts a lot in any R-1 through R-G, or PD-H district at the side along the same street frontage, and without an intervening street, such lot within this district, or the first 100 feet on such lot if it is wider than 100 feet, shall not be used for any drive-through service window or drive-in facility, car wash, service station, mortuary or funeral home, sales lot for automobiles, repair garage, or paint and body shop even where otherwise specifically authorized.

2. *Transitional height planes.* Where this district adjoins an R-1 through R-G, or PD-H district without an intervening street, height 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 property line nearest to the common residential district (R-1 through R-G or PD-H) boundary and extending inward over this district at an angle of 45 degrees.

3. *Transitional yards.*

- a. Where this district adjoins an R-1 through R-G or PD-H district without an intervening street, a minimum of 20 feet is required which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of private alleys or drives a maximum of twenty feet in width. Such yards shall be planted as approved by the city arborist and maintained as a landscaped strip.
- b. Screening. In addition to the above transitional yard requirements, permanent opaque walls six feet in height shall be provided and shall be maintained in slightly condition.

4. *Fire safety code requirements.* Notwithstanding any other provisions of this chapter, the applicant shall be responsible for ensuring that the plans submitted meet all fire safety code requirements.
(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.010. Development controls.

1. *Bulk limitations.* See specific regulations for each subarea at sections XX-XXx.025 through XX-XXx.030. For purposes of this chapter and notwithstanding the provisions of Code section XX-XXx.XXX, mixed-use development is defined as any development which contains as principle uses both residential and nonresidential uses on the same development site, and in which each of such uses constitute at least 15 percent of the total floor area, excluding accessory uses.

2. Maximum building coverage: 85 percent of the net lot area.

3. Side or rear yard. See specific regulations for each subarea at sections XX-XXx.025 and XX-XXx.030.

4. Front yard. See specific regulations for each subarea at sections XX-XXx.025 and XX-XXx.030.

5. Minimum open space requirements. When either the residential or nonresidential component of the development is a minor use of less than 20 percent of the total floor area, minimum open space requirements do not apply.
- a. For residential and non-residential uses, including all residential components of mixed use developments, see sub-area development controls.
 - b. Residential balconies. Balconies for residential units, which are enclosed on three sides, may be counted towards total open space requirements for a maximum depth of six feet.
 - c. New streets incentive. New public streets, or private streets which function as public streets may be counted towards UOSR and public space requirements provided the following criteria are met:
 - i. Connects two other public streets;
 - ii. Meets sidewalk requirements for the district subarea;
 - iii. The maximum width shall be 40 feet which shall include, two on-street parallel parking lanes, two travel lanes and sidewalk extensions at intersections and shall have granite curbs;
 - iv. When surrounding a park area, new streets shall meet all above requirements along each park edge; and
 - v. Gates shall not be permitted across said streets.
 - g. Relocation of minimum open space requirements. At the option of the property owner, up to 60 percent of a development's required UOSR or public space may be relocated to an offsite parcel within the SPI-XX District provided the following criteria are met:
 - i. The receiving parcel is identified in the Memorial / MLK Public Space Plan, attachment X, and as adopted in the City of Atlanta Comprehensive Development Plan (CDP), as being a designated recipient parcel;
 - ii. The receiving parcel contains the required amount of open space and said open space in the receiving parcel is located adjacent to and visible from a public street and accessible to the public during normal city park hours;
 - iii. All of the open space in the receiving parcel meets the definition of UOSR in section XX-XX.XXX except that no portion of any public right-of-way shall be included; and
 - iv. The open space in the receiving parcel:
 - a). Shall provide active or passive recreational amenities.
 - b). Shall be no greater than 24 inches above or below the adjacent public sidewalk for a minimum distance of 15 feet from the beginning of the adjacent sidewalk.
 - c). Shall be visible and accessible from any point along 90 percent of any adjacent sidewalk.

- d). Shall permit and encourage pedestrians to walk on a minimum of 80 percent of the surface of the parcel excluding fountains, ornamental planting areas, pedestrian furniture, public art and similar elements.

7. Pedestrian circulation requirements. All sidewalk widths and pedestrian circulation requirements specified in this chapter shall be reflected in the pedestrian space plan map. Substitute or alternative pedestrian routes through or between buildings for part or all of the requirements in this chapter may be authorized by special administrative permit, upon a finding by the bureau of planning that: (i) such pedestrian ways are not inconsistent with the purpose and intent of this chapter; and (ii) such pedestrian ways provide equal or improved pedestrian circulation. That portion of the pedestrian circulation requirement which lies within the net lot area shall constitute a corresponding portion of the open space requirements.

8. Showering facilities. All office buildings containing over 50,000 square feet of gross office space shall provide showering facilities, which shall include showers and lockers, in a ratio of at least two showering facilities for every 50,000 square feet of gross office space, which facilities shall be available to all building tenants and their employees, provided that no office building shall be required to exceed a maximum of four showering facilities.

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.011. Site limitations.

1. Minimum building facade heights and maximum building heights. See specific regulations for each subarea at sections XX-XXx.025 through XX-XXx.030.
2. New development proposing to contain an entire block face greater than 600 feet in length shall be traversed by streets which create block faces no more than 400 feet in length. Such streets shall function as public streets and shall connect two other public streets.
(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.012. Sidewalks.

Public sidewalks shall be located along all public streets and shall have minimum widths as specified herein. No sidewalk shall be less than 15 feet (as measured from the curb line) in width. Sidewalks shall consist of two zones: a street furniture and tree planting zone and a clear zone. Memorial Drive, MLK, JR. Drive, Hill Street, Cherokee Avenue, Grant Street and Boulevard shall have a minimum sidewalk width of 20 feet (as measured from the curb line) as set forth in section XX-XXx-XX, and on the pedestrian space plan map. The following regulations shall apply to all public sidewalks:

1. Street furniture and tree planting zone requirements. The street furniture and tree planting zone shall have a minimum width of five feet. Said zone shall be located immediately adjacent to the curb and shall be continuous. Said zone shall meet the tree planting requirements of section XX-XXx-XX. In addition to the required planting of trees, this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility and as approved by the director of the bureau of planning.

2. Clear zone requirements. The clear zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be continuous. Said zone shall be hardscape, and shall be unobstructed for a minimum width of ten feet, a minimum width of 15 feet along Memorial Drive, MLK, JR. Drive, Hill Street, Cherokee Avenue, Grant Street and Boulevard and a minimum height of eight feet, by any permanent or nonpermanent element.
3. Street tree planting requirements. Street trees are required and shall be planted in the ground a maximum of 40 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 three 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 have a minimum planting area of 32 square feet. All plantings, planting replacement and planting removal shall be approved by the city arborist. The area between required plantings shall either be planted with evergreen ground cover such as mondo grass or Liriope spicata, or shall be paved Memorial Drive, MLK, JR. Drive, Hill Street, Cherokee Avenue, Grant Street and Boulevard.
4. Tree grates. Tree grates are not required where all sidewalk width requirements are met, except along Memorial Drive and MLK, JR. Drive. Where tree grates are required or otherwise installed, they shall be a minimum of four feet by eight feet, shall be a type specified by the director of planning in accordance with uniform design standards utilized by the director for placement of such objects in the public right-of-way, and shall be placed within the street furniture and tree planting zone. Where tree grates are not required or otherwise installed, tree planting areas shall be permitted to be planted with evergreen ground cover such as mondo grass or Liriope spicata.
5. Paving. All paving within the street furniture and tree planting zone along Memorial Drive, MLK, JR. Drive, Hill Street, Cherokee Avenue, Grant Street and Boulevard shall be a type specified by the director of the bureau of planning in accordance with uniform design standards utilized by the director for placement of such objects in the public right-of-way.
6. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade. See also section XX-XX.XXX, Visibility at Intersections.
7. No awning or canopy shall encroach beyond the clear zone.
8. Where property within this district abuts an R-1 through R-G or PD-H district without an intervening street, the sidewalk area within 20 feet of such districts shall taper as necessary to provide a smooth transition to the existing R, RG, or PD-H district sidewalk. In the event that the abutting R, RG, or PD-H district has no existing sidewalk, the sidewalk shall taper to a width of six feet.
9. Decorative pedestrian lights, where installed, shall be placed a maximum of 40 feet on center and spaced equal distance between required trees along all streets. Where installed, said lights shall be located within either the street furniture and tree planting zone or the supplemental zone. All said lights shall be approved by the planning bureau.
10. Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.

11. Trash receptacles or similar elements, where installed, shall be a type specified by the director of planning in accordance with uniform design standards utilized by the director for placement of such objects in the public right-of-way and shall be placed within the street furniture and tree planting zone.

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.013. Supplemental zone.

For purposes of these regulations, the area between any building, parking deck, or surface parking lot and the required sidewalk, when no intervening building exists, shall be defined as the supplemental zone. Supplemental zones shall meet the following requirements. Except as otherwise specified below, the square footage contained within a supplemental zone which meets all the following supplemental zone requirements may be counted towards UOSR or public space requirements.

1. Minimum supplemental zone widths.
 - a.. Streets which function as arterial streets and storefront streets: Five feet.
 - b. Street fronting, sidewalk level residential units: Five feet.
 - e. All other streets: None.
2. Supplemental zone general requirements.
 - a. When sidewalk level residential units are provided, supplemental zone shall be landscaped with the exception of terraces, porches, stoops and walkways.
 - b. Terraces, porches and stoops shall have a maximum finished floor height of 24 inches above finished-grade, unless existing topographical considerations render this requirement unreasonable;
 - c. The supplemental zone shall be no more than 24 inches above the adjacent public sidewalk for a minimum distance of 15 feet from the nearest edge of the adjacent public sidewalk, unless existing topographical considerations render this requirement unreasonable;
 - d. Any authorized walls surrounding landscaped and grassed areas shall not exceed a maximum height of 24 inches, except retaining walls, which shall not exceed a maximum height of 36 inches unless existing topography requires a retaining wall of greater height; and
 - e. Fencing shall be permitted only when:
 - .i. Said fencing is used to separate authorized outdoor dining from the required sidewalk.
3. Supplemental zones containing a depth of 15 feet or less shall meet the following additional requirements:
 - a. No balcony shall encroach more than five feet into the supplemental zone area.
 - b. Shall not be counted towards UOSR or public space requirements unless visible and accessible

to the general public from the adjacent public sidewalk, with the exception of areas adjacent to sidewalk level residential units.

4. Supplemental zones containing a depth greater than 15 feet shall be counted towards UOSR or public space requirements only when the following additional requirements are met:
 - a. Shall permit and encourage pedestrians to walk on a minimum of 80 percent of the surface of the parcel excluding fountains, ornamental planting areas, pedestrian furniture, public art and similar elements.
 - b. When adjacent nonresidential ground floor uses are provided, shall be visible and accessible from any point along 90 percent of any adjacent sidewalk.
 - c. When adjacent nonresidential ground floor uses are provided, all sides of buildings fronting said zone meet the requirements of section XX-XXx.XX.
 - d. When adjacent residential ground floor uses are provided, shall be visible from any point along 90 percent of the adjacent sidewalk.
 - d. When adjacent residential ground floor uses are provided, shall provide a pedestrian walkway from said space to the adjacent public sidewalk. Said pedestrian walkway shall be perpendicular to the street and shall connect directly to the public sidewalk and shall be open to the sky along its entire length.

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.014. Relationship of building to street.

1. For purposes of this chapter, sidewalk-level shall be defined as any floor of a building with a finished-floor elevation less than or equal to five feet above the adjacent sidewalk or less than or equal to five feet below the adjacent sidewalk.
2. The primary pedestrian entrance for pedestrians to access all sidewalk level uses and business establishments with street frontage:
 - a. Shall face and be visible from the street.
 - b. Shall be directly accessible and visible from the sidewalk.
 - c. Shall remain unlocked during business hours for nonresidential uses.
4. A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six inches in height.
5. Buildings with residential uses at the sidewalk level shall meet the following regulations:
 - a. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway. Said pedestrian walkway shall be permitted to share said walkway with one adjacent unit. This rule shall apply unless prevented or made substantially difficult by topographic conditions.

- b. All such buildings with more than four residential units that are adjacent to the sidewalk shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access shall be permitted to share said walkway with no more than one adjacent unit. This rule shall apply unless prevented or made substantially difficult by topographic conditions.
6. Along all streets, parking, storage or digital industry switchboards, power generators and other relay equipment and rooms housing such equipment shall be permitted, with the exception of a minimum depth of 20 feet of the ground floor street frontage beginning at any building facade along the public sidewalk. Said buildings shall meet the following additional requirements:
- a. Shall meet the requirements of section XX-XXx.XXX except at ingress and egress points into the structure and when topographical conditions prevent such treatment; or
 - b. Shall meet the requirements of section XX-XXx.XXX except at ingress and egress points into the structure and when topographical conditions prevent such treatment.
7. Sidewalk arcades. Buildings with nonresidential uses at the sidewalk level may have sidewalk arcades, which shall meet the following regulations:
- a. Shall provide an at grade sidewalk surface.
 - b. Shall provide a minimum of 15 feet of clear unobstructed space between arcade supports.
 - c. A building with a sidewalk arcade shall meet the requirements of section XX-XXx.XXX.
8. Fences and walls shall meet the following regulations:
- a. For residential uses adjacent to the sidewalk, fences shall not exceed 42 inches in height when located between the primary building and the street or between any supplemental zone and the adjacent street. For residential and nonresidential uses adjacent to the sidewalk, fences are prohibited when located between the building and the sidewalk except where specifically authorized elsewhere in this chapter for outdoor dining.
 - b. Retaining walls located adjacent to a sidewalk along a public street shall not exceed a height of three feet and the combined height of a fence where otherwise authorized and retaining wall shall not exceed a height of eight feet, unless existing topography prohibits retaining walls of a lesser height. Retaining walls shall be finished poured concrete or shall be faced with stone, brick or smooth stucco. See also section 16-29.001(25)(b).
 - c. No walls, except retaining walls, shall be located between the street and any building, with the exception of screening for authorized off-street loading areas.
 - d. Fences and walls located between the primary building and the lot line and not exceeding six

feet in height may be erected, but shall not be permitted between the primary building and the street.

9. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.

10. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between a building and the street.

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.015. Signage.

Refer to section XX-XXx: Sign Ordinance. (Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.016. Lighting and storefront illumination.

1. All lighting including all parking decks, surface parking lots and lit canopies shall reduce light spillage onto residentially used properties by providing cutoff luminaires which have a maximum 90-degree illumination.

2. All lighting that up-lights trees, buildings or other elements, shall be located a minimum height of eight feet above the sidewalk, driveway or pedestrian area when not located within completely landscaped areas.

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.017. Loading areas, loading dock entrances and building mechanical and accessory features.

1. Loading areas. Dumpsters and loading areas shall be screened so as not to be visible from any public plaza, ground level or sidewalk level outdoor dining area, public sidewalk or public right-of-way. In addition, dumpsters and loading areas serving residential uses shall be enclosed with opaque walls a minimum of six feet in height.

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

3. Building mechanical and accessory features:

a. Shall be located to the side or rear of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way.

b. When located on rooftops shall be incorporated in the design of the building and screened with building materials similar to the building.

c. Shall not be permitted between the building and any public street.

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.018. Off-street loading requirements.

See Table of Loading Requirements, section
16-28.015 Off-street loading requirements. (Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.019. Curb cuts and parking structures.

1. All sidewalk paving materials shall be continued across any intervening driveway.
2. Driveways shall have a band of textured concrete adjacent to the street which is in-line with and equal in width to the street furniture zone and shall have a textured band of concrete adjacent to the sidewalk which is in-line with the supplemental zone and a minimum width of five feet from the sidewalk.
3. Except as authorized in section XX-XXx.019(6), and in section XX-XXx.011(2), no more than one curb cut shall be permitted for each development, provided that properties with more than one street frontage may have two curb cuts.
4. Driveways and curb cuts shall be limited to one-way entrances a width of 12 feet or two-way entrances a width of 24 feet, unless otherwise permitted by the commissioner of the department of public works.
5. No circular drive shall be located between any building and any public street with the exception of hotels.
6. Curb cuts and driveways shall not be permitted on Memorial Drive, MLK, JR. Drive, Hill Street, Cherokee Avenue, Grant Street and Boulevard. when access may be provided from a side or rear street located immediately adjacent to a contiguous property, with the exception of hotel patron drop-off drives and section 16-18P.028(5).
7. Unless authorized by section XX-XXx.XXX, driveways, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.
8. Entrances to garages and carports that serve a single residential unit shall face the rear yard, or a side yard which has no street frontage.
9. All contiguous ground-floor residential units shall share one common drive, located in rear yards or side yards without street frontage, to serve garages, carports and parking areas.
10. Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that are open to the general public, and shall have the appearance of a horizontal storied building.
11. Additional parking deck treatment along all streets:
 - a. Shall meet the requirements of section XX-XXx.XXX except at ingress and egress points into the structure and when topographical conditions prevent such treatment; or

- b. Shall meet the requirements of section **XX-XXx.XXX** except at ingress and egress points into the structure and when topographical conditions prevent such treatment.
 - c. When topographical conditions prevent the above parking deck treatment requirements of section 16-18P.027(1) and section 16-18P.014(5), a continuous minimum five-foot wide landscaped strip between the structure and the public sidewalk shall be provided. 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 in section 16-18P.012(3). The landscape strip shall also be planted with evergreen ground cover such as mondo grass, *Liriope spicata*, ivy or evergreen shrubs with a maximum mature height of 24 inches. All plantings, planting replacement and planting removal shall be approved by the city arborist.
12. Notwithstanding the provisions of section **XX-XXx.XXX**, a common or joint driveway may be authorized by the director of the bureau of planning when adjacent lots have direct vehicular access to a street, and a driveway from a private street which functions as a public street may be authorized by the director of the bureau of planning, based on traffic considerations, when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such agreement is provided to the bureau of planning.
13. All developments, including parking decks, shall have sidewalks a minimum width of four feet connecting ground level parking to the public sidewalks and to all building entrances. See also section 16-18P.02 1.
14. No drop-off lanes shall be permitted along Memorial Drive and MLK, JR. Drive.

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.020. Lighting, security, and maintenance requirements for parking structures and surface parking lots.

All surface parking lots and structures, whether a nonconforming principle use (See also section XX-XXx.XXX) or accessory in use, and whether serving commercial or noncommercial uses, shall have the following minimum requirements:

- 1. Lighting shall be provided throughout all parking facilities to equal a minimum of one-half footcandle of light. A footcandle of light is a uniformly distributed flux of one lumen on a surface of one square foot in area. Where applicable, public street lighting maybe 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. See also section XX-XXx.XXX.
- 2. Internal parking deck lighting fixtures shall not be visible from any public right-of-way or private street.
- 3. Parking facilities shall be maintained in a clean, safe and sanitary 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. See also section XX-XXx.XXX for additional requirements.

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.021. Minimum landscaping for surface parking lots, barrier requirements.

The requirements of City of Atlanta Code of Ordinances, chapter 158 Vegetation, article II Tree Protection, section 30 Parking lot requirements shall apply to this district except as modified as follows:

1. Said surface parking lot requirements shall apply to all lots regardless of size;
2. All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum height of 30 inches; and
3. All landscaped buffer strips along sidewalks and public rights-of-way shall have a minimum of one tree with a minimum caliper of two and one-half inches.
4. Surface parking lots operating before the effective date of this section shall have 48 months to comply herewith.
5. All surface parking lots must maintain a minimum six foot high solid wall or open fence of a design to be approved by the City of Atlanta, Dept of Planning, between parking lot and all public sidewalks and streetscapes

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.022. Off-street parking requirements.

In addition to the provisions of section XX-XXx.XXX, which shall apply and are incorporated herein, the following parking requirements shall apply to all uses approved by special permits as well as permitted uses. (See also sections XX-XXx.XXX and XX-XXx.XXX):

1. Off-street surface parking.
 - a. Shall not be located between a building and the street without an intervening building;
 - b. Shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking as specified in section XX-XXx.022(6) below;
 - c. Shall be permitted to be constructed of pervious concrete utilizing pervious concrete standards established by the commissioner of the department of public works.
2. Electric vehicle charging stations. All automobile parking facilities shall include electric vehicle charging stations, or similar facilities, in a ratio of at least one station for every 100 automobile parking spaces. No development shall be required to exceed a maximum of 12 stations.
3. For residential uses maximum permitted.
 - a. For resident parking, one parking space per bedroom for up to two bedrooms and one-half parking space for each bedroom unit of three and above may be provided per dwelling unit.

- b. For visitor parking, one-third parking space per dwelling unit may be provided.
4. For nonresidential uses.
- a. Banks, savings and loan institutions, and the like: A minimum of one space for each 200 square feet of floor area and a maximum of two and one-half spaces for each 200 square feet of floor area.
 - b. Business colleges, trade schools, conservatories, dancing schools, and the like: A minimum of one space for each 200 square feet of floor area and a maximum of two and one-half spaces for each 200 square feet of floor area.
 - c. Child care centers, day care centers, prekindergartens, play and other special schools or day care centers for young children: A minimum of one space for each 600 square feet of floor area and a maximum of two and one-half spaces for each 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director of the bureau of public works.
 - d. Clubs, lodges, and commercial recreational establishments: A minimum of one space for each 200 square feet of floor area and a maximum of two and one-half spaces for each 200 square feet of floor area.
 - e. Dormitories: A maximum of one space for each 600 square feet of floor area.
 - f. Eating and drinking establishments indoor and outdoor requirements: A minimum of one space for each 100 square feet of floor area and a maximum of one and one-half spaces for each 100 square feet of floor area.
 - g. Eating and drinking establishments accessory outdoor dining which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements: A minimum of one space for each 600 square feet and a maximum of two and one-half spaces for each 600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.
 - h. Fraternities, sororities: One space for two beds plus a minimum of one space for each 200 square feet of floor area and a maximum of two and one-half space for each 200 square feet of floor area designated or occupied other than for sleeping purposes.
 - i. Hotels and motels: A minimum of one space for each 600 square feet of floor area and a maximum of two and one-half spaces for each 600 square feet of floor area.
 - k. Nursing homes, convalescent homes, and similar care facilities: A maximum of one space for four beds.
 - l. Office uses: A maximum of three spaces for each 1,000 square feet of floor area. Parking during off-peak hours (after 6:00 am.) may be shared for other uses as permitted in section XX-XXXx.XXX).

- m. Printing shops: A minimum of one space for each 200 square feet of floor area and a maximum of two and one-half spaces for each 200 square feet of floor area.
 - n. Retail establishments, including catering, clothing and tailor shops, delicatessen and bakeries, but not other uses, minimum requirements: A minimum of one space for each 600 square feet of floor area and a maximum of two and one-half spaces for each 600 square feet of floor area.
 - o. Schools, colleges, churches, recreation or community centers and other places of assembly. One space for each four fixed seats with 18 inches if bench length counted as one seat or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - i. Public or private elementary or middle school: A maximum of two spaces for each classroom.
 - ii. High school: A maximum of four spaces for each classroom.
 - iii. Colleges and universities: A maximum of eight spaces for each classroom.
 - r. For all other nonresidential uses: A minimum of one parking space for each 300 square feet of floor area shall be provided on the site and a maximum of one and one-half spaces for each 300 square feet of floor area.
6. Reduction or transfer of parking requirements. Except as otherwise set forth in section XX-XXx.XXX, the director of the bureau of planning may reduce parking requirements only upon a determination that:
- a. The character or use of the building is such as to make unnecessary the full provisions of parking facilities; or
 - b. That the applicant has established a valid shared or off-site parking arrangement. Said shared or off-site parking arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access. Additionally, all shared or off-site parking spaces shall be clearly marked and signed as reserved during specified hours. An applicant shall submit the following information establishing conformance to the above criteria in order to share or transfer parking requirements and avoid conflicting parking demands:
 - i. A to-scale map indicating location of all proposed parking spaces;
 - ii. Indicate hours of business operation(s);
 - iii. Written, consent of all property owner; agreeing to the shared or off-site parking arrangement;
 - iv. Copies of parking leases for shared or off-site parking arrangements. Renewed leases shall be provided to the director of the bureau of planning. Lack of a current lease shall automatically terminate the special exception authorization.
7. Notwithstanding any provision of the City of Atlanta Code of Ordinances to the contrary, park-for-hire surface parking lots are prohibited. Accessory parking decks built to satisfy the parking requirements of this section shall be permitted to be used as park-for-hire parking decks. Park-for-hire parking decks built to provide parking spaces in excess of the parking requirements of this section XX-XXx.XXX shall only be permitted as a primary use through the special permit process

as authorized in section XX-XXx.XXX.

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.023. Minimum bicycle parking requirements.

All nonresidential developments which provide automobile parking facilities shall provide bicycle/moped parking facilities at a ratio of at least one bicycle/moped parking space for every 20 automobile parking spaces. Multi-family developments shall provide said facilities at a ratio of at least one bicycle/moped parking space for every five multi-family units. No development, except a one-or two-family development, shall have fewer than three bicycle/moped parking spaces nor be required to exceed a maximum of 50 spaces. Bicycle/moped spaces shall be located within the street furniture zone a maximum distance of 100 feet of the building entrance, or shall be located at least as close as the closest automobile space, except for handicapped parking spaces. Each space shall include a metal anchor sufficient to secure the bicycle/moped frame when used in conjunction with a user-supplied lock. The additional requirements of section XX-XXx.XXX shall also apply.

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.024, Pedestrian bridges and tunnels.

Pedestrian bridges and tunnels are prohibited when located above or below public streets, private streets which function as public streets connecting two other public streets, or other public rights-of-way. Pedestrian bridges and tunnels are allowed when located above or below rail or mass transit lines.

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.024. Specific regulations for storefront streets.

Properties which front Memorial Drive, MLK, JR. Drive, Hill Street, Cherokee Avenue, Grant Street and Boulevard and have retail uses shall meet the following regulations:

1. Street-fronting buildings including parking decks shall meet the following sidewalk level requirements:
 - a. The length of facade without intervening fenestration or entryway shall not exceed 20 feet.
 - b. Fenestration shall be provided for a minimum of 65 percent of the length of the frontage:
 - i. Beginning at a point not more than three feet above the sidewalk, to a height no less than ten feet above the sidewalk, or
 - ii. Beginning at the finished floor elevation to a height no less than ten feet above the finished floor elevation when the finished floor elevation is three or more feet above the sidewalk, or
 - iii. Beginning at a point not more than sidewalk level, to a height no less than ten feet above

the finished floor elevation when the finished floor elevation is below the sidewalk.

- c. Fenestration shall not utilize painted glass, reflective glass or other similarly treatment or opaque windows. Entrances may be counted towards fenestration requirements.
2. Buildings with street-fronting residential units shall be exempt from these rules but must comply with regulation set forth in XX-XXx.014 (5) a and b

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.025. Specific regulations for subarea 1: Capitol Cultural and Office District

1. SubArea Boundaries: Subarea 1, Capitol Cultural and Office District Boundaries as defined in attachment X are as follows, East-- I-75/85 and the Capitol Gateway Community, West—Capitol Avenue, North-- Martin Luther King Drive, South—Memorial Drive and I-20

2. SubArea Intent: Subarea 1, Capitol Cultural and Office District regulations are intended to provide connectivity from the existing State Capitol Building and Capitol Hill to the Memorial Drive Corridor and Eastside neighborhoods. Recommended uses include a park/ mall connection over the I-75/85 expressway, state or private office space and supporting retail and parking areas, cultural and museum spaces, residential development and associated parking. All uses and spaces to be planned as recommended by the Memorial/ MLK Area Revitalization Study as adopted by the City of Atlanta.

1. Permitted uses. *In addition to those uses authorized in section XX-XXx.005, a building or premise may be used for the following permitted uses and structures:*

- a. Banks and financial institutions.
- b. Business or commercial schools.
- c. Churches, synagogues, temples and other religious facilities.
- d. Clubs and lodges.
- e. Dormitories, fraternities and sororities.
- f. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment. The additional requirements of sections XX-XXx.XXX andXX-XXx.XXX shall also apply.
- g. Hotels and motels.
- h. Institutions of higher learning, including colleges and universities.
- i. Public and private schools.

2. Side and rear yards. Side and rear yards shall be permitted to have private alleys or drives a

maximum of twenty feet in width.

- a. Rear yards: 20 feet.
- b. Side yards:
 - i. Nonresidential uses: None.
 - ii. Residential uses: 20 feet, except that the side yard may be reduced to zero feet when a residential use has no residential windows adjacent to such yard.
- c. Front Yards: None beyond sidewalk line. See Sec.XX-XXx. Sidewalks.

3. Development controls.

a. Maximum permitted floor areas:

- i. For nonresidential uses, floor area shall not exceed an amount equal to four (4.0) times net lot area.
- ii. For residential uses, floor area shall not exceed an amount equal to four (4.0) times net lot area.
- iii. For mixed-use, floor area ratio shall not exceed five and five-tenths (5.5) times net lot area (the sum of the nonresidential (i) and residential (ii) above), but not greater than the maximum ratios permitted for each (see section XX-XXx.XXX).

4. Site limitations.

- a. Minimum building facade heights: 35 feet as measured from the highest point on a block street frontage
- b. Maximum building heights: North of Memorial Drive-- 72 feet as measured from the highest point on a block street frontage, South of memorial Drive—124 feet as measured from the highest point on a block street frontage

5. Drive-through service windows and drive-in facilities shall not be located between the principal structure and the street.

(Ord. No. 200x-xx, § x, xx-xx-xx)

Sec. XX-XXx.026. Specific regulations for subarea 2: Capitol Gateway District

1. SubArea Boundaries: Subarea 2, Capitol Gateway District Boundaries as defined in attachment X are as follows, East—Conally Street, West— I-75/85 and Fraser Street, North-- Martin Luther King, Jr. Drive, South-- I-20

2. SubArea Intent: Subarea 1, Capitol Gateway District regulations are intended to provide for a cohesive, urban, pedestrian scaled, mixed-use, mixed-income community. All uses and spaces to be planned as recommended by the Memorial/ MLK Area Revitalization Study as adopted by the City of Atlanta.

1. Permitted uses. *In addition to those uses authorized in section XX-XXx.005, a building or premise may be used for the following permitted uses and structures:*

- a. Banks and financial institutions.
- b. Business or commercial schools.
- c. Churches, synagogues, temples and other religious facilities.
- d. Clubs and lodges.
- e. Dormitories, fraternities and sororities.
- f. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment. The additional requirements of sections XX-XXx.XXX and XX-XXx.XXX shall also apply.
- g. Hotels and motels.
- h. Institutions of higher learning, including colleges and universities.
- i. Public and private schools.

2. Side and rear yards. Side and rear yards shall be permitted to have private alleys or drives a maximum of twenty feet in width.

- a. Rear yards: None.
- b. Side yards:
 - i. Nonresidential uses: None.
 - ii. Residential uses: None
- c. Front Yards: None beyond sidewalk line. See Sec.XX-XXx. Sidewalks.

3. Development controls.

a. Maximum permitted floor areas:

- i. For nonresidential uses, South of Memorial Drive floor area shall not exceed an amount equal to One-half (.5) times net lot area. North of Memorial Drive floor area shall not exceed an amount equal to One (1.0) times net lot area.
- ii. For residential uses, South of Memorial Drive floor area shall not exceed an amount equal to One and one-half (1.5) times net lot area. North of Memorial Drive floor area shall not exceed an amount equal to Two and one-half (2.5) times net lot area.
- iii. For mixed-use, South of Memorial Drive floor area ratio shall not exceed One and one-half (1.5) times net lot area (the sum of the nonresidential (i) and residential (ii) above), but not greater than the maximum ratios permitted for each (see section XX-XXx.XXX). North of Memorial Drive floor area ratio shall not exceed Three (3.0) times net lot area

(the sum of the nonresidential (i) and residential (ii) above), but not greater than the maximum ratios permitted for each (see section XX-XXx.XXX).

- iv. Non-residential uses south of Memorial Drive shall be allowed to a maximum of one-third (1/3) of total development including residential uses. Residential uses shall be a minimum of two-thirds (2/3) of the total development.

4. Site limitations.

- a. Minimum building facade heights: 25 feet as measured from the highest point on a block street frontage
- b. Maximum building heights: South of Memorial Drive- 66 feet as measured from the highest point on a block street frontage, North of Memorial Drive- 72 feet as measured from the highest point on a block street frontage

5. Drive-through service windows and drive-in facilities shall not be located between the principal structure and the street.

Sec. XX-XXx.027. Specific regulations for subarea 3: Capitol-Oakland Park and Cultural District

1. SubArea Boundaries: Subarea 3, Capitol-Oakland Park and Cultural District Boundaries as defined in attachment X are as follows, East—Oakland Cemetery, West— Conally Street, North-- Martin Luther King, Jr. Drive, South—Mmeorial Drive

2. SubArea Intent: Subarea 3, Capitol-Oakland Park and Cultural District regulations are intended to provide for a public green space connection between the Georgia State Capitol Building and Oakland Cemetery and accompanying cultural and interpretive uses. All uses and spaces to be planned as recommended by the Memorial/ MLK Area Revitalization Study as adopted by the City of Atlanta.

1. Permitted uses. *The Capitol-Oakland Park and Cultural District is intended to be a publically owned open green space and will include the following uses only:*

- a. Incidenta l subsidiary cultural and interpretive uses to be housed in the park.
 - b. Small, park-related retail spaces.
 - c. Park administrative and maintenance facilities.
- 2. Side and rear yards.** Side and rear yards shall be permitted to have private alleys or drives a maximum of twenty feet in width.
- a. Rear yards: Not Applicable.
 - b. Side yards:
 - i. Nonresidential uses: Not Applicable.

Attachment A

- ii. Residential uses: Not Applicable.
- c. Front Yards: Not Applicable.

3. Development controls.

- a. Maximum permitted floor areas: Not Applicable

4. Site limitations.

- a. Minimum building facade heights: Not Applicable
- d. Maximum building heights: Not Applicable

Sec. XX-XXx.028. Specific regulations for subarea 4: Memorial Drive- Grant Park District

1. SubArea Boundaries: Subarea 4, Memorial Drive- Grant Park District Boundaries as defined in attachment X are as follows, East—Boulevard, West— Hill Street, North-- Memorial. Drive, South— Rear of Memorial Drive Street Frontage

2. SubArea Intent: Subarea 4, Memorial Drive- Grant Park District regulations are intended to provide for a continuous, urban, pedestrian scale, mixed-use environment providing density, new multi-family housing and neighborhood commercial uses in the Memorial Drive Corridor. All uses and spaces to be planned as recommended by the Memorial/ MLK Area Revitalization Study as adopted by the City of Atlanta.

1. Permitted uses. *In addition to those uses authorized in section XX-XXx.005, a building or premise may be used for the following permitted uses and structures:*

- a. Banks and financial institutions.
- b.. Business or commercial schools.
- c. Churches, synagogues, temples and other religious facilities.
- d. Clubs and lodges.
- e. Dormitories, fraternities and sororities.
- f. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment. The additional requirements of sections XX-XXx.XXX andXX-XXx.XXX shall also apply.
- g. Institutions of higher learning, including colleges and universities.
- h. Public and private schools.

2. Side and rear yards. Side and rear yards shall be permitted to have private alleys or drives a maximum of twenty feet in width.

- a. Rear yards: 20 feet.
- b. Side yards:
 - i. Nonresidential uses: None.
 - ii. Residential uses: 20 feet, except that the side yard may be reduced to zero feet when a residential use has no residential windows adjacent to such yard.
- c. Front Yards: None beyond sidewalk line. See Sec.XX-XXx. Sidewalks.

3. Development controls.

a. Maximum permitted floor areas:

- i. For nonresidential uses, floor area shall not exceed an amount equal to One (1.0) times net lot area.
- ii. For residential uses, floor area shall not exceed an amount equal to Three (3.0) times net lot area
- v. For mixed-use, floor area ratio shall not exceed Three and one-half (3.5) times net lot area (the sum of the nonresidential (i) and residential (ii) above, but not greater than the maximum ratios permitted for each (see section XX-XXx.XXX).
- vi. Non-residential shall be allowed to a maximum of one-third (1/3) of total development including residential uses. Residential uses shall be a minimum of two-thirds (2/3) of the total development.

4. Site limitations.

- a. Minimum building facade heights: 35 feet as measured from the highest point on a block street frontage
- b. Maximum building heights: Along Memorial Drive, Hill Street and Boulevard- 66 feet as measured from the highest point on a block street frontage, at the intersections of Memorial Drive and Hill Street and Boulevard to a distance of 75 feet from each corner- 76 feet as measured from the highest point on a block street frontage.

5. Drive-through service windows and drive-in facilities shall not be located between the principal structure and the street.

Sec. XX-XXx.029. Specific regulations for subarea 5: MLK Drive- MLK MARTA Station and Loft District

1. SubArea Boundaries: Subarea 5, MLK Drive- MLK MARTA Station and Loft District Boundaries as defined in attachment X are as follows, East—Oakland Avenue, West— I-75/85, North-- MARTA and Rail Corridor, South—Martin Luther King, Jr. Drive.

2. SubArea Intent: Subarea 5, MLK Drive- MLK MARTA Station and Loft District regulations are

intended to provide for a continuous, urban, pedestrian scale, mixed-use environment providing density, new multi-family housing and neighborhood commercial uses in the MLK, Jr. Drive Corridor, and to preserve existing historical industrial buildings that have been converted to residential uses. All uses and spaces to be planned as recommended by the Memorial/ MLK Area Revitalization Study as adopted by the City of Atlanta.

1. Permitted uses. *In addition to those uses authorized in section XX-XXx.005, a building or premise may be used for the following permitted uses and structures:*

- a. Banks and financial institutions.
- b. Business or commercial schools.
- c. Churches, synagogues, temples and other religious facilities.
- d. Clubs and lodges.
- e. Dormitories, fraternities and sororities.
- f. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment. The additional requirements of sections XX-XXx.XXX andXX-XXx.XXX shall also apply.
- g. Institutions of higher learning, including colleges and universities.
- h. Public and private schools.

2. Side and rear yards. Side and rear yards shall be permitted to have private alleys or drives a maximum of twenty feet in width.

- a. Rear yards: None.
- b. Side yards:
 - i. Nonresidential uses: None.
 - ii. Residential uses: 20 feet, except that the side yard may be reduced to zero feet when a residential use has no residential windows adjacent to such yard.
- c. Front Yards: None beyond sidewalk line. See Sec.XX-XXx. Sidewalks.

3. Development controls.

a. Maximum permitted floor areas:

- i. For nonresidential uses, West of Grant Street-- floor area shall not exceed an amount equal to One (1.0) times net lot area. East of Grant Street-- floor area shall not exceed an amount equal to Five (5.0) times net lot area.
- ii. For residential uses, floor area shall not exceed an amount equal to Five (5.0) times net lot area
- vii. For mixed-use, floor area ratio shall not exceed Six (6.0) times net lot area (the sum of the nonresidential (i) and residential (ii) above, but not greater than the maximum ratios

- permitted for each (see section XX-XXx.XXX).
- viii. Non-residential shall be allowed to a maximum of one-third (1/3) of total development including residential uses. Residential uses shall be a minimum of two-thirds (2/3) of the total development.

4. Site limitations.

- a. Minimum building facade heights: 35 feet as measured from the highest point on a block street frontage
- b. Maximum building heights: West of Grant Street- 86 feet as measured from the highest point on a block street frontage, East of Grant Street- 124 feet as measured from the highest point on a block street frontage

5. Drive-through service windows and drive-in facilities shall not be located between the principal structure and the street.

Sec. XX-XXx.030. Specific regulations for subarea 6: Memorial Drive- Cabbagetown District

1. SubArea Boundaries: Subarea 6, East Side of Boulevard to the rear of street frontage, North and South sides of Memorial Drive to the Rear of Street Frontage to Pearl Street.

2. SubArea Intent: Subarea 6, Memorial Drive- Cabbagetown District regulations are intended to provide for a continuous, urban, pedestrian scale, mixed-use environment providing density, new multi-family housing and neighborhood commercial uses in the Boulevard and Memorial corridors at a scale compatible with the Cabbagetown neighborhood. All uses and spaces to be planned as recommended by the Memorial/ MLK Area Revitalization Study as adopted by the City of Atlanta.

1. Permitted uses. *In addition to those uses authorized in section XX-XXx.005, a building or premise may be used for the following permitted uses and structures:*

- a. Banks and financial institutions.
- b. Business or commercial schools.
- c. Churches, synagogues, temples and other religious facilities.
- d. Clubs and lodges.
- e. Dormitories, fraternities and sororities.
- f. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment. The additional requirements of sections XX-XXx.XXX and XX-XXx.XXX shall also apply.
- g. Institutions of higher learning, including colleges and universities.

h. Public and private schools.

2. Side and rear yards. Side and rear yards shall be permitted to have private alleys or drives a maximum of twenty feet in width.

a. Rear yards: 20 feet.

b. Side yards:

i. Nonresidential uses: None.

ii. Residential uses: 20 feet, except that the side yard may be reduced to zero feet when a residential use has no residential windows adjacent to such yard.

c. Front Yards: None beyond sidewalk line. See Sec.XX-XXx. Sidewalks.

3. Development controls.

a. Maximum permitted floor areas:

i. For nonresidential uses, floor area shall not exceed an amount equal to One-half (.5) times net lot area.

ii. For residential uses, floor area shall not exceed an amount equal to One and one-half (1.5) times net lot area.

ix. For mixed-use, floor area ratio shall not exceed Two (2.0) times net lot area (the sum of the nonresidential (i) and residential (ii) above, but not greater than the maximum ratios permitted for each (see section XX-XXx.XXX).

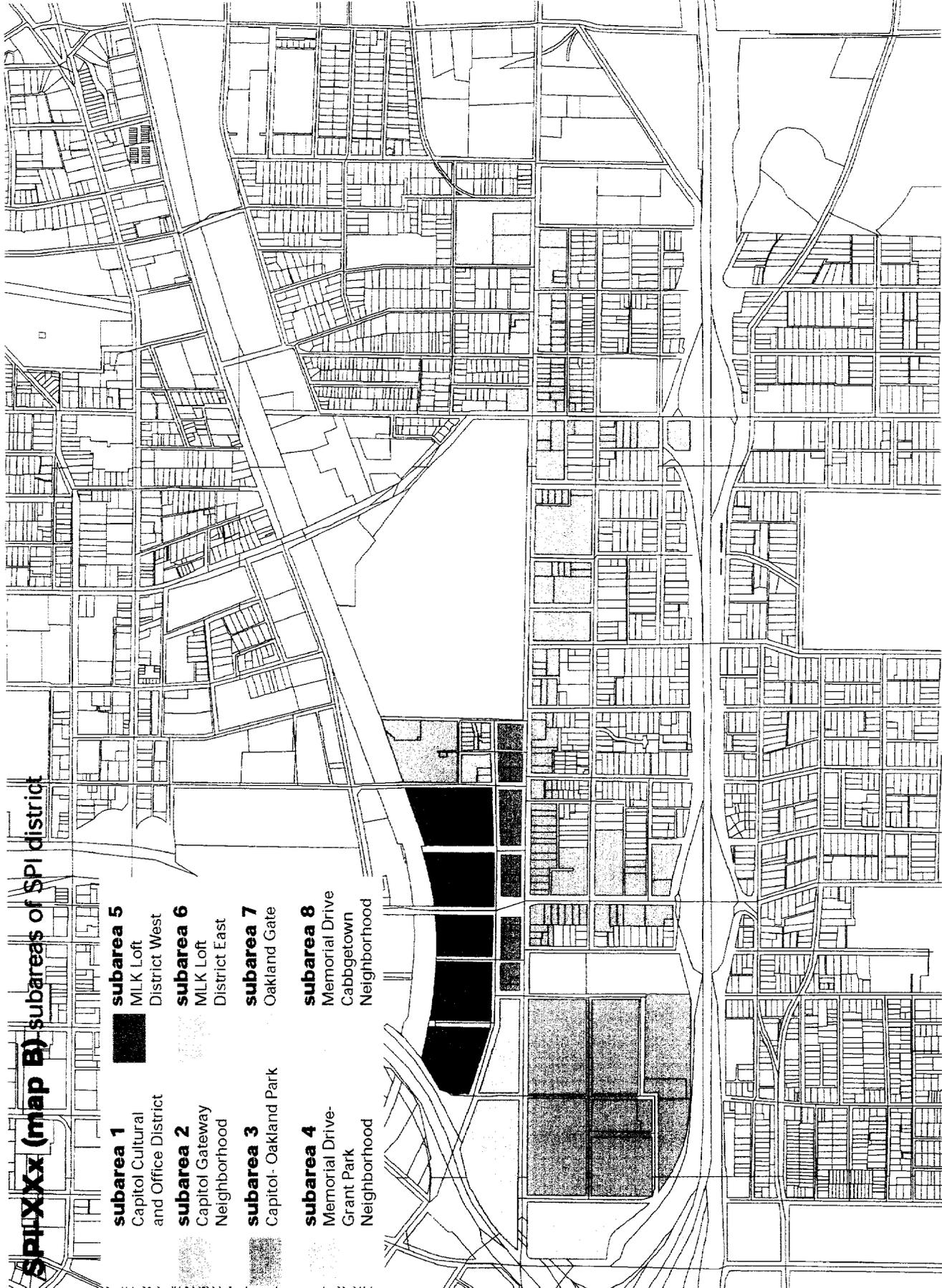
x. Non-residential shall be allowed to a maximum of one-third (1/3) of total development including residential uses. Residential uses shall be a minimum of two-thirds (2/3) of the total development.

4. Site limitations.

a. Minimum building facade heights: Along Boulevard and Memorial Drive-- 35 feet as measured from the highest point on a block street frontage, along secondary residential streets— None

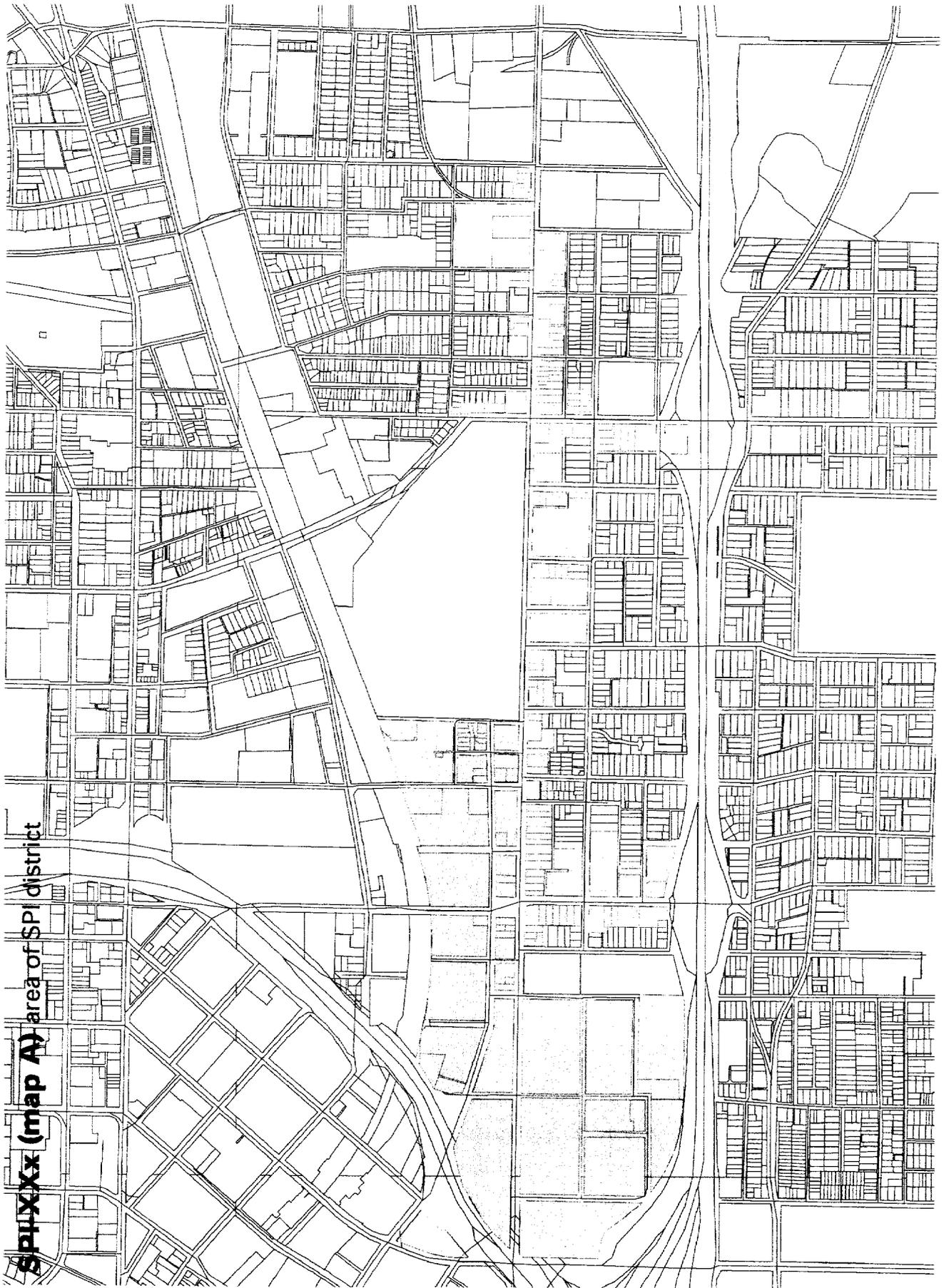
b. Maximum building heights: Along Boulevard and Memorial Drive-- 52 feet as measured from the highest point on a block street frontage. along secondary residential streets-- 35 feet as measured from the highest point on a block street frontage.

5. Drive-through service windows and drive-in facilities shall not be located between the principal structure and the street.



SPI Xxx (map B) subareas of SPI district

- subarea 1**
Capitol Cultural and Office District
- subarea 2**
Capitol Gateway Neighborhood
- subarea 3**
Capitol - Oakland Park
- subarea 4**
Memorial Drive-Grant Park Neighborhood
- subarea 5**
MLK Loft District West
- subarea 6**
MLK Loft District East
- subarea 7**
Oakland Gate
- subarea 8**
Memorial Drive Cabbagetown Neighborhood



RCS# 6316
12/06/04
5:33 PM

Atlanta City Council

Regular Session

MULTIPLE

04-O-0784 Z-04-46 AND
04-O-1407 U-04-13
FILE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

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

MULTIPLE

41) 04-0-0784

(Do Not Write Above This Line)

AN ORDINANCE 2-04- BY: *Carla Smith* *Metropolitan*

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, BY CREATING A NEW CHAPTER ENTITLED CHAPTER 18V, SP1-22, MEMORIAL DRIVE - MARTIN LUTHER KING, JR. DRIVE, CORRIDOR REGULATIONS AND TO AMEND THE OFFICIAL ZONING MAP BY SUPPLANTING EXISTING ZONING DISTRICTS R-5, RG-4, RG-5, C-1, C-1-C, C-2, C-2-C, C-3 I-1, I-1-C, I-2, PD-H, SP1-1 AND YD-20A AND TO AMEND CHAPTER 23A.010 BY ADDING A NEW SUBSECTION (47) SP1-22, MEMORIAL DRIVE - MARTIN LUTHER KING, JR. DRIVE CORRIDOR DISTRICT; AND FOR OTHER PURPOSES. NPU-M, V, W, O COUNCIL DISTRICTS 1 & 5

FILED BY CITY COUNCIL DEC 06 2004

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

Date Referred 4/19/04

Referred To: ZRB + Zoning

First Reading

Committee _____
 Date _____
 Chair _____

Committee Zoning
 Date Dec 2004
 Chair [Signature]
 Action: [Signature]
 Fav, Adv, Held (see rev. side) [Signature]
 Other: [Signature]
 Members [Signature]
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action: _____
 Fav, Adv, Held (see rev. side) _____
 Other: _____
 Members _____
 Refer To _____

COUNCIL ACTION

2nd 1st & 2nd 3rd Readings

Consent V Vote RC Vote

CERTIFIED

DEC 06 2004

MANAGER OF CITY PRESIDENT

[Signature]

[Signature]

MAYOR'S ACTION