06-O-1317
Z-06-51

A SUBSTITUTE ORDINANCE BY:
ZONING COMMITTEE

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY CREATING A NEW CHAPTER ENTITLED CHAPTER 18V. SPI-22 MEMORIAL DRIVE / OAKLAND CEMETERY DISTRICT REGULATIONS AND TO AMEND THE OFFICIAL ZONING MAP BY SUPPLANTING EXISTING ZONING DISTRICTS RG4, RG5, R5, C1, C1-C, C2, C2-C, C3, I1, I1-C, I2, MRC3, AND PDMU WITH SAID SPI-22 DISTRICT AND TO AMEND CHAPTER 28A.010 BY ADDING A NEW SUBSECTION (49) SPI-22 MEMORIAL DRIVE / OAKLAND CEMETERY DISTRICT, AND FOR OTHER PURPOSES.

NPUs "V" and "W" **COUNCIL DISTRICTS 1 and 5**

WHEREAS, the Memorial Drive-MLK Drive Revitalization Plan was adopted by City Council on October 1, 2001, and approved by the Mayor on October 9, 2001; and

WHEREAS, recommendations from the Memorial Drive-MLK Drive Revitalization Plan and should be implemented through the rezoning of the properties within the area; and

WHEREAS, the development of a compatible mixture of residential, commercial, entertainment, cultural and recreational uses should be encouraged; and

WHEREAS, infill development within traditional commercial areas that include proportionately significant residential uses should be encouraged; and

WHEREAS, the development of medium and high intensity housing that provides a range of housing opportunities for citizens along the Memorial Drive corridor should be encouraged; and

WHEREAS, the revitalization of mixed-use pedestrian oriented building forms and uses within the area should be encouraged; and

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

WHEREAS, historic buildings and sites should be preserved by facilitating adaptive re-use and rehabilitation; and

WHEREAS, Historic Oakland Cemetery should be enhanced and protected as a historic and cultural resource; and

WHEREAS, sufficient, safe and accessible open space for active and passive enjoyment by residents and workers should be provided; and

WHEREAS, opportunities for sufficient, safe and accessible pedestrian amenities including parks, plazas, greenways and public art for active and passive enjoyment should be maximized; and

WHEREAS, existing historic single-family neighborhoods should be preserved and protected from uses and building forms which are incompatible with their scale, character and needs; and

WHEREAS, public safety should be promoted through the provision of pedestrian-oriented street-level uses, sufficient sidewalk widths, adequate visibility and primary pedestrian access from buildings to sidewalks to create a sense of activity and liveliness along their façades; and

WHEREAS, existing transit infrastructure should be maximized; and

WHEREAS, the efficient utilization of unobtrusive accessible parking facilities should be promoted; and

WHEREAS, opportunities for economic development, both residential and commercial, where there is a planned relationship between the transportation system and development should be encouraged; and

WHEREAS, the visual aesthetics of city streets and built environments should be improved; and

WHEREAS, connections between the Capitol Gateway, Grant Park, Cabbagetown and Reynoldstown communities and between those communities and adjacent areas including, Downtown and the State Capitol area, DeKalb Avenue, the Old 4th Ward neighborhood, and Zoo Atlanta areas should be enhanced; and

WHEREAS, the City Sign Ordinance should be amended to include regulations for the SPI-22 Memorial Drive / Oakland Cemetery District.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended by adding a new Chapter 18V. SPI-22 Memorial Drive / Oakland Cemetery 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 Municipal Code, the Sign Ordinance, be amended by adding a new subsection (50) to read as follows:

(50) SPI-22 Memorial Drive / Oakland Cemetery District: The regulations for SPI-22 Memorial Drive / Oakland Cemetery District for Subareas 1,2,3, 4, and 5 shall be the same as the regulations in Subsection (5) C-1 (Commercial Service) District, with the following supplemental regulations;

i. No freestanding signs shall be permitted for new developments. One free-standing sign per property for purposes of building identification shall be permitted for pre-existing principal structures setback a minimum of 40 feet from the property line with street frontage. Said free-standing sign shall not be located in the sidewalk street furniture zone or clear zone, and shall not exceed 48 square feet in sign area and a height of 15 feet.

ii. No shopping center signs shall be permitted.

iii. No internally illuminated signs shall be permitted.

iv. Notwithstanding the provisions of 16-28A.010(5)(g), signs may project over the sidewalk clear zone for any section of the clear zone that is privately owned or over the supplemental zone, when a vertical clearance of eight (8) feet between the bottom of the sign and the sidewalk pavement is provided.

v. Maximum Height of Business Identification Signs: The height of business identification signs shall comply with the provisions of Section 16-28A.007(b)(9)(m), except that business identification signs for 2nd story tenants may extend to a maximum of 40 feet above ground-level provided that:

   i. The sign shall be located directly above an independent sidewalk-level entrance to the 2nd story tenant, or

   ii. The sign shall be located directly above the storefront windows for the 2nd story tenant.

Section 4: That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

ATTACHMENT "A"
Chapter 16-18V
SPI-22 MEMORIAL DRIVE / OAKLAND CEMETERY SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS

Section 16-18V.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 in the SPI-22 Memorial Drive/Oakland Cemetery District. These regulations shall supplant existing districts or portions of existing districts as shown on the attached map referenced in Section 16-18V.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 16 other than historic protection regulations and Sections 16-18V.007, 16-18V.014 and 16-18V.019, the more stringent regulations shall apply.

The regulations set forth in Sections 16-18V.001 through and including Section 16-18V.021 shall apply to all properties located within the SPI-22 Memorial Drive/Oakland Cemetery Special Public Interest District, including all subareas within the District. The remaining regulations set forth in Section 16-18V.022 through Section 16-18V.026 shall apply only to the subareas identified therein.

Section 16-18V.002. Statement of Intent.

The intent of the Council in establishing SPI-22 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 Drive/ MLK Jr. Drive Area Revitalization Study as adopted by the City of Atlanta;
2. Encourage a compatible mixture of residential, commercial, entertainment, cultural and recreational uses;
3. Encourage the development of mixed-use pedestrian oriented building forms and uses within the area;
4. Promote the revitalization of pedestrian-oriented shopping and entertainment streets through sidewalk-level oriented buildings and uses;
5. Encourage the development of medium and high intensity housing that provides a range of housing opportunities for citizens within the district;
6. Create a diversified 24-hour urban environment where people can live, work, shop, meet and play;
7. Preserve existing historic single-family neighborhoods from uses and building forms which are incompatible with their scale, character and needs by providing a location for needed neighborhood commercial and retail uses.
8. Preserve historic buildings and sites within the district by facilitating adaptive re-use and rehabilitation;
9. Enhance and protect Oakland Cemetery as a historic and cultural resource;
10. Encourage infill development within traditional commercial areas that include proportionately significant residential uses;
11. Promote public safety through the provision of pedestrian-oriented street-level uses, sufficient sidewalk widths, adequate visibility and primary pedestrian access from buildings to sidewalks to create a sense of activity and liveliness along their façades;

12. Facilitate safe, pleasant, and convenient sidewalk level pedestrian circulation and bike usage that minimizes conflict with vehicles;
13. Maximize opportunities for sufficient, safe and accessible pedestrian amenities including parks, plazas, greenways and public art for active and passive enjoyment;
14. Improve the aesthetics of street and built environments;
15. Enhance the efficient utilization of parking facilities by encouraging shared parking and alternative modes of transportation;
16. Provide accessible and sufficient parking in an unobtrusive manner;
17. Encourage the use of MARTA and other public transit facilities;
18. Encourage opportunities for economic development, both residential and commercial, where there is a planned relationship between the transportation system and development;
19. Provide connections between the Capitol Gateway, Grant Park, Cabbagetown and Reynoldstown communities and between those communities and adjacent areas including, Downtown and the State Capitol area, DeKalb Avenue, the Old 4th Ward neighborhood, and Zoo Atlanta areas.

Section 16-18V-003. Boundaries of District Established

The boundaries of the SPI-22 Memorial Drive/Oakland Cemetery Special Public Interest District are shown on map Attachment B which by this reference is incorporated into and made a part of this chapter and this part. The Memorial Drive / Oakland Cemetery Special Public Interest District is divided into five (5) subareas as shown on said map Attachment B and are described as follows:

Subarea 1 – MLK Lofts (including the King Memorial Transit Station Area)
Subarea 2 – Capitol-Oakland Corridor
Subarea 3 – Capitol Gateway
Subarea 4 – Grant Park North
Subarea 5 – Memorial Green

Section 16-18V.004. Application Procedures.

A Special Administrative Permit (SAP) application and a specified number of copies each of a site plan, landscape plan and elevation drawings of each exterior façade shall be submitted, as applicable, and approved by the Director of the Bureau of Planning prior to an applicant filing for a building permit. All exterior demolition, 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, modification of the building footprint, or modification of building facades that alters the configuration of openings, shall be subject to said site plan and building elevation approval. Before making an 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 pre-application conference shall be held within 14 days of the date of the request by the applicant, unless a longer period is mutually agreed upon. All applications for a SAP 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 18.

Where regulations may require the approval of a SAP for other purposes so specified, processing by the Director of the Bureau of Planning shall, without additional application, include consideration of other special administrative permits. Where such regulations require special exception or special use permit action, the special administrative permit for building permit purposes shall not be issued until the necessary approval has been obtained for special exception or special use permit.

The Director of the Bureau of Planning may exempt certain classes of applications for special administrative permits from detailed review requirements as set forth upon written findings that generally within these districts, the actions proposed are of such a character or of such a scale as to make detailed reviews and approval by the Planning Director unnecessary. Where applications for special administrative permits are determined by reference to such findings to be thus exempted, the permit shall be issued if otherwise lawful.

For the purposes of this Chapter a unified development plan approved under a single SAP and meeting all maximum floor area ratio requirements, minimum open space requirements, minimum setback requirements, and minimum off-street parking requirements may be subdivided, even if the resultant parcels do not otherwise meet these requirements. Any changes from the approved SAP shall require a new or amended SAP, which shall be based on the geographic extent of the original SAP; shall meet maximum floor area ratios, minimum open space requirements, and off-street parking requirements of such; and shall indicate built or planned improvements on all parcels. Where a single property owner no longer owns all parcels, the applicant shall obtain authorization from all property owners prior to permit submittal, with the exception of public streets deeded to the City of Atlanta.

Section 16-18V.005. Use Regulations

1. See SPI-22 Memorial Drive/Oakland Cemetery: Use Table for permitted principal uses and special permits. Any principal use not specifically listed in the table below is prohibited.
2. Permitted Principal Uses:
   a. A building or premises shall be used only for the principal purposes as indicated with a "P" in SPI-22 Memorial Drive / Oakland Cemetery: Use Table.
   b. For the purposes of this Chapter, uses at sidewalk-level in what would otherwise be classified as an independent primary parking structure or lot shall not constitute principal uses and shall not be permitted.
   c. 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.
   d. Outdoor sales or displays are permissible only by special permit as set forth below.
3. Permitted Accessory Uses and Structures:
   Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically includes clubhouses, pools, other recreation amenities, and parking to serve authorized residential and non-residential uses within the district, subject to the restrictions contained elsewhere in this Chapter.
4. Special Permits:
   The following uses are permissible only by special permits of the type indicated subject to limitations and requirements set herein or elsewhere in this part, and subject to the applicable procedures and requirements set forth in Part 16, Chapter 25. SPECIAL PERMITS.
   a. Special use permits shall be required as indicated with "SUP" in the SPI-22 Memorial Drive/Oakland Cemetery: Use Table.
   b. Special administrative permits shall be required as indicated with "SAP" in the SPI-22 Memorial Drive/Oakland Cemetery: Use Table.
   c. Special exceptions: None.

SPI-22 Memorial Drive / Oakland Cemetery: Use Table P = Permitted Principal Use and Structure SAP = Special Administrative Permit Required SUP = Special Use Permit Required X = Not Permitted	Subareas				
	MLK Lofts	Capitol-Oakland Corridor	Capitol Gateway	Grant Park North	Memorial Green
	1	2	3	4	5
Commercial / Retail					
Bakeries and catering establishments	P	P	P	P	-
Eating and drinking establishments limited to 10,000 sq ft. (Drive-through facilities are not permitted)	P	P	P	P	-
Grocery Stores limited to 35,000 sq. ft.	P	X	P	P	
Laundry and dry cleaning establishments; laundry and dry cleaning establishments where equipment is operated by customers	P	P	P	P	-
Photocoping, printing or blueprinting shops	P	P	P	P	-
Professional or personal service establishments including barber shops, beauty shops, manicure shops and similar, but not hiring halls	P	P	P	P	-
Retail establishments (not including auto sales or rental) with the following size limitations: • Subarea 1: a maximum size of 20,000 sq ft. • Subareas 2, 3, and 4: a maximum size of 20,000 sq ft when entirely within 200 feet of the right-of way of arterial or collector streets, and 10,000 sq ft in other areas.	P	P	P	P	-
Sales and repair of office equipment or installations; home appliances, plumbing, air conditioners, lawnmowers, bicycles, clocks and watches, shoes, leather goods and similar household goods within enclosed buildings.	P	P	P	P	-
Sales and leasing agencies for new and used bicycles and mopeds. (Automobile sales and leasing agencies are not permitted)	P	P	P	P	-
Tailoring, custom dressmaking, millinery and similar establishments	P	X	P	P	-
Education / Child Care					
Business or commercial schools	P	X	P	P	-
Child care centers, kindergartens and special schools	P	X	P	P	-
Public schools and private schools having similar academic curricula and institutions of higher learning, including colleges and universities	P	P	P	P	-
Institutional					
Banks, savings and loan associations, and similar financial institutions, subject to Section 16-18V.015(7)	P	P	P	P	-
Churches, synagogues, temples, and other religious worship facilities	SUP	SUP	SUP	SUP	-
Community service facilities and similar establishments	P	P	P	P	-
Museums, art galleries, libraries, and similar cultural facilities	P	P	P	P	-
Manufacturing					
Manufacturing, wholesaling, repairing, assembly, processing, preparation, packaging or treatments of articles, foods, components, products, clothing, machines and appliances and the like uses, where character of operations, emissions and byproducts do not create adverse effects beyond the boundaries of the property. The use of heavy drop hammers, punch presses or other machinery; or processing methods creating excessive noise or vibration is prohibited. • In Subarea 1: an SUP is required if greater than 15,000 sq. ft.	P / SUP	X	X	SUP	-
Medical / Health					
Clinics (including veterinary), laboratories, and similar uses, but not blood donor stations except at hospitals. Veterinary clinics shall be located within soundproof buildings when located within 300 feet of any residential use.	P	X	P	P	-
Hospitals	SUP	X	SUP	SUP	-
Nursing homes, personal care homes, assisted living facilities, and rehabilitation centers.	SUP	X	SUP	SUP	-

SPI-22 Memorial Drive / Oakland Cemetery: Use Table (continued) P = Permitted Principal Use and Structure SAP = Special Administrative Permit Required SUP = Special Use Permit Required X = Not Permitted		Subareas				
		MLK Lofts	Capitol-Oakland Corridor	Capitol Gateway	Grant Park North	Memorial Green
		1	2	3	4	5
Office						
Offices		P	X	P	P	-
Recreation / Entertainment						
Civic, service, garden, neighborhood or private club or lodges		P	P	P	P	-
Commercial recreation establishments, including bowling alleys, theatres, convention halls, places of assembly, and similar uses with primary activities conducted within fully enclosed buildings		P	P	P	P	-
Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies	Less than 90 days duration	SAP	SAP	SAP	SAP	-
	90 days or more duration	SUP	SUP	SUP	SUP	-
Sports arenas and complexes		SUP	X	SUP	X	-
Residential Dwellings / Lodgings						
Dormitories, fraternities and sororities associated with an institution of higher learning		P	X	P	P	-
Hotels and motels		SUP	SUP	SUP	SUP	-
Multi-family dwellings		P	X	P	P	-
Single-family and two-family dwellings • In Subarea 4: only permitted as a principal use when adjacent to Woodward Avenue or McDonald Street or Kelly Street and not adjacent to Memorial Drive.		X	X	X	X / P	-
Single room occupancy residences		SUP	X	SUP	SUP	-
Transportation / Parking						
Helicopter landing facilities or pickup or delivery stations		SUP	X	SUP	SUP	-
Structures and uses required for the operation of MARTA or a public utility but not including uses involving storage, train yards, warehousing, switching or maintenance shop as the primary purpose.		P	P	P	P	-
Utilities						
Broadcasting towers, line-of-sight relay devices for telephonic, radio or television communications subject to Transitional Height Planes (Section 16-18V.009)	Less than seventy (70) feet in height, and an alternative design mounting structures as contemplated by Section 16-25.002(3)(h)(iv)(i)	SAP	SAP	SAP	SAP	-
	Greater than seventy (70) feet in height, except alternative design mounting structures as contemplated by Section 16-25.002(3)(h)(iv)(i)	SUP	SUP	SUP	SUP	-
Digital industry switchboards, relay equipment, and associated power generators as principal uses		SUP	X	SUP	SUP	-
Other						
Drive-in and drive-through facilities, subject to Section 16-18V.015(7)		P	P	P	P	-

Section 16-18V.006. Redevelopment Requirements.

The provisions in Part 16, Chapter 24, Nonconformities shall apply, with the exception of those structures located in Subarea 1- MLK Lofts that were built prior to the year 1955 and that are damaged or demolished by any means may be repaired or rebuilt to their previous building footprint and use if not more than thirty (30) months after the effective date of damage or demolition. Any structure located in Subarea 1 falling under this exception shall be exempt from all applicable requirements of this district except for Section 16-18V.009. Sidewalks.

Section 16-18V.007. Transitional Uses, Height and Yards.

1. Adjoining Lot with Same Frontage: Where a lot in this district abuts a lot in any R-1 through R-5, R-G, MR, RLC, or PD-H district at the side along the same street frontage, and without an intervening street or railroad right of way, 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 even where otherwise specifically authorized.
2. Transitional height limit: Maximum height where any subarea of this district adjoins residential districts R-1 through R-5, RG-1, RG-2, MR-1, MR-2, RLC, or PD-H without an intervening street or railroad right-of-way shall be provided as follows: (See Diagram 1a)
   a. Any portion of a building or structure which is less than 40 feet from the buildable area adjacent to said residential districts shall be a maximum of 35 feet in height;
   b. Any portion of a building or structure which is 40 feet or greater from the buildable area adjacent to said residential districts shall be the maximum height as indicated on the SPI-22 Memorial Drive / Oakland Cemetery: Development Controls Table.
3. Transitional yards: Any mixed-use or multi-family development, with the exception of attached single family dwellings with no unit above or below, and where any subarea of this district adjoins an R-1 through R-5, RG-1, RG-2, MR-1, MR-2, RLC, or PD-H without an intervening street or railroad right-of-way shall provide permanent opaque walls six (6) feet in height and maintained in sightly condition and shall provide either:
   a. A minimum of ten (10) feet 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. Where not used for the purpose of private alleys or drives such yards shall be planted as approved by the City Arborist and maintained as a landscaped strip;
   b. Where an existing and publicly recorded alley shall be used to serve accessory parking or loading areas: the required wall shall be located between the building and the alley provided that it does not obstruct visibility at ingress and egress points into said parking or loading areas.

Section 16-18V.008. Development Controls.

See SPI-22 Memorial Drive/Oakland Cemetery: Development Controls Table for bulk limitations, building coverage, open space requirements, yard requirements, height requirements and minimum lot requirements subject to subsections 1 through 6 below.

1. For purposes of this Chapter, and notwithstanding the provisions of Section 16-29.001(24), mixed-use development is defined as any development which contains as principal uses both residential and non-residential uses on the same development site, and in which both of such uses are at least 20% of the total floor area, excluding accessory uses. When either the total non-residential or residential floor area of a development is less than 20% of the total floor area, minimum Residential Useable Open Space Requirements (UOSR) or Public Space Requirements (PSR) shall not apply to said floor area.
2. Residential uses, including portions of mixed-use developments, may utilize Net Area of a Regular Lot (NLA) or Gross Area of a Regular Lot (GLA) when calculating maximum permitted residential floor area, provided UOSR is calculated using the corresponding lot area. Non-residential uses shall utilize NLA.
3. Transit Station Area Density Bonus: Developments located within the King Memorial Transit Station Area shall be permitted a floor area ratio bonus as indicated on the SPI-22 Memorial Drive / Oakland Cemetery: Development Controls Table.
4. Subarea 4- Grant Park North Residential Concurrency Requirement:
   a. For new developments: No Certificate of Occupancy shall be issued for any non-residential uses until such time as the Certificate of Occupancy has been issued for an equal or greater amount of residential use which shall be located directly above said non-residential uses within the same building.

b. Where additions to primary structures or the construction of new buildings exceed 2,000 square feet: No Certificate of Occupancy shall be issued for any non-residential uses until such time as the Certificate of Occupancy has been issued for an equal or greater amount of residential use on the same site.
c. Where additions to primary structures or the construction of new buildings is to be 2,000 square feet or less: The residential concurrency requirements above shall not apply.

5. There are no Total Open Space Requirements (TOSR). The following areas shall be counted towards USOR or PSR:
   a. The entire covered or uncovered horizontal area of residential balconies which are enclosed on three (3) sides may count towards UOSR.
   b. The uncovered horizontal area of rooftop stormwater treatment gardens may count towards UOSR or PSR.
   c. The required sidewalk and supplemental zone may count toward UOSR or PSR when in conformance with the standards and requirements of Section 16-18V.009 and 16-18V.010 according to the following criteria:
      i. When the net lot is utilized only the portion of the public sidewalk within the net lot may be counted towards UOSR or PSR.
      ii. When the gross lot is utilized portions of the public sidewalk located within the right-of-way may be counted toward UOSR or PSR.
   d. The total area of new on-street parking may count towards UOSR or PSR provided the following criteria are met:
      i. No on-street parking currently exists in the public right-of-way adjacent to the project area for which credit is sought;
      ii. The new on-street parking is located where there is no existing street travel lane;
      iii. Curb extensions are provided at street intersections where applicable; and
      iv. All other sidewalk requirements of this Chapter are met.
6. Zero-lot-line subdivision is permitted for residential uses provided the minimum lot size established in the SPI-22 Memorial Drive / Oakland Cemetery: Development Controls Table is provided. The additional requirements of section 16-28.007 shall also apply.

SPI-22 Memorial Drive / Oakland Cemetery: Development Controls Table		**Subareas**				
		MLK Lofts	**Capitol Oakland Corridor**	**Capitol Gateway**	**Grant Park North**	**Memorial Green**
		1	**2**	**3**	**4**	**5**
Bulk Limitations	Non-residential Maximum FAR[1]	2.0	2.0	1.0	1.0[2]	-
	Residential Maximum FAR[1]	4.0	None	2.5	2.5[2]	-
	Maximum Achievable Combined Base FAR[1]	6.0	2.0	3.0	3.0[2]	-
	Bonus Residential Maximum FAR[1] within designated King Memorial Transit Station Area (as identified in Map Attachment B)	2.0	-	-	-	-
	Maximum Achievable Combined Bonus FAR[1]	8.0	-	-	-	-
Building Coverage	Maximum Building Coverage, as percent of NLA	85%	85%	85%	85%	-
Minimum Open Space Requirements[3]	Non-Residential Public Space Requirement (PSR)[4]	10%	10%	10%	10%	-
	Residential Usable Open Space Requirements (UOSR)[4] shall be equal to the lesser of	15% floor area or 80% lot area	15% floor area or 80% lot area	15% floor area or 80% lot area	15% floor area or 80% lot area	-

SPI-22 Memorial Drive / Oakland Cemetery: Development Controls Table (continued)			Subareas				
			MLK Lofts	Capitol Oakland Corridor	Capitol Gateway	Grant Park North	Memorial Green
			1	2	3	4	5
Minimum Yard Requirements (not adjacent to street)[5]	Minimum Side & Rear Yard with no windows placed on the portion of a façade adjacent to such yard[6]		None	None	None	None	-
	Minimum Side & Rear Yard with windows placed on the portion of a façade adjacent to such yard[6,7]		3ft or more	3ft or more	3ft or more	3ft or more	-
	Minimum Transitional Yard[6]		10ft	10ft	10ft	10ft	-
Height Requirements	Minimum Building Façade Height adjacent to Memorial Drive[8]		n/a	35ft	35ft	35ft	-
	Minimum Building Façade Height adjacent to all other streets (not Memorial Drive)		28ft	28ft	24ft	24ft	-
	Maximum Building Height (subject to transitional height limits)[8]		200ft or 76ft[9]	64ft	66 ft or 225 ft[10]	66ft or 58 ft or 50 ft or 35ft[11]	-
Minimum Lot Requirements	Minimum Street Frontage	non-residential uses	None	None	None	50ft	-
		residential uses	20 ft	20 ft	20 ft	50ft	-
	Minimum Lot Size	non-residential uses	None	None	None	7,500 sq. ft.	-
		residential uses	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.	7,500 sq. ft.	-

1. FAR shall be multiplied by NLA or GLA to determine maximum permitted floor area, subject to Section 16-18V.008(2) above.
2. See Section 16-18V.008(4).
3. For mixed-use developments, except as authorized in Section 16-18V.008(1), both residential and non-residential requirements shall be met separately.
4. See Section 16-28.012 for definition and measurements.
5. Sidewalk and supplemental zone requirements shall be the minimum setback requirements for yards adjacent to streets.
6. Subject to transitional yard requirements per Section 16-18V.007(3).
7. Subject to Building Code requirements. See Diagram 1b.
8. Subject to transitional height limit per Section 16-18V.007(2). See also Section 16-18V.011. See Diagram 1a. Note: Locations for Maximum Building Height are to be measured at ground-level from the property line adjacent to said street(s).
9. MLK Lofts Subarea #1 Maximum Heights:
   a) 200 feet in height when located greater than 200 feet adjacent to either Martin Luther King Jr. Drive or Oakland Avenue.
   b) All other areas: 76 feet in height.
10. Capitol Gateway Subarea #3 Maximum Heights:
   a) 225 feet in height when located greater than 50 feet adjacent to Memorial Drive and west of Fraser Street.
   b) All other areas: 66 feet in height.
11. Grant Park North Subarea #4 Maximum Heights:
   a) 66 feet in height when located equal to or less than 200 feet adjacent to Memorial Drive and east of Cherokee Avenue.
   b) 66 feet in height when located equal to or less than 200 feet measured adjacent to Memorial Drive and equal to or greater than 150 feet west of Harden Street.
   c) 58 feet in height when located equal to or less than 200 feet adjacent to Memorial Drive at all other areas.
   d) 50 feet in height when located greater than 200 feet measured at ground-level from the property line adjacent to Memorial Drive and adjacent to either Hill Street or Cherokee Avenue or Boulevard.
   e) All other areas: 35 feet in height.

Section 16-18V.009. Sidewalks.

Public sidewalks shall be located along all streets and shall have the widths identified in the SPI-22 Memorial Drive/Oakland Cemetery: Sidewalk and Supplemental Zone Table.

1. Street furniture and tree planting zone: is the portion of a sidewalk located between the sidewalk clear zone and the curb that is reserved for the placement of street trees and street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper vending boxes, transit shelters, bicycle racks, benches and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. See Diagram 2. The Street furniture and tree planting zone shall have the width requirements specified in the SPI-22 Memorial Drive/Oakland Cemetery: Sidewalk and Supplemental Zone Table.
2. Sidewalk clear zone: is the portion of the sidewalk that is continuous hardscape (subject to Section 16-18V.025(1), and unobstructed by any permanent objects for a minimum height of eight feet reserved for pedestrian circulation and passage, except as authorized in Section 16-18V.009(3) and Section 16-18V.009(4). See Diagram 2. No fixed elements, including traffic control boxes and other utility structures shall be placed above ground in the clear zone. The clear zone shall have a consistent cross-slope not exceeding two percent. The sidewalk clear zone shall have the width requirements specified in the SPI-22 Memorial Drive / Oakland Cemetery: Sidewalk and Supplemental Zone Table except where property within these districts abuts an R, R-G, MR, PD-H, or LW district without an intervening street or railroad right-of-way, the sidewalk area within 20 feet of such districts shall taper as necessary to provide a smooth transition to the existing R, R-G, MR, PD-H, LW or Oakland Cemetery Landmark district sidewalk. In the event that the abutting R, R-G, MR, PD-H, LW or Oakland Cemetery Landmark district has no existing sidewalk, the sidewalk shall taper to a width of six feet.
3. Outdoor dining within required sidewalk:
   a. Buildings existing prior to the adoption of this ordinance with adjacent sidewalks that do not meet the requirements of this Chapter, may have outdoor dining that encroaches into the existing sidewalk provided the following criteria are met:
      i Shall have a minimum of six feet of unobstructed sidewalk area adjacent to the curb when located adjacent to local streets;
      ii Shall have a minimum of eight feet of unobstructed sidewalk area adjacent to the curb when located adjacent to arterial or collector streets.
   b. New developments located adjacent to local streets may have outdoor dining that encroaches into the sidewalk clear zone when a minimum of six feet of unobstructed clear zone is provided.
   c. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of 36 inches including any plant material.
   d. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this Chapter.
   e. No permanent structure or ornamentation shall be located within the encroachment area and no element shall be attached to the sidewalk in any way.
4. Encroachment of steps, stoops and landscaping: Along local streets only, new developments with sidewalk-level residential units may have steps, stoops and landscaping encroach into the sidewalk clear zone when a minimum of six feet of unobstructed clear zone is provided and said area is not located within the public right-of-way.
5. Street trees: are required as indicated in SPI-22 Memorial Drive/Oakland Cemetery: Sidewalk and Supplemental Zone Table. Street trees shall be planted a maximum of thirty (30) feet on center within the street furniture and tree planting zone and spaced equal distance apart. All newly planted trees shall have a minimum of three (3) inches in caliper measured thirty-six (36) inches above ground, a minimum of twelve (12) feet in height, a minimum mature height of forty (40) feet, and limbed up to a minimum height of seven (7) feet. Trees shall have a minimum planting area of forty (40) square feet. Tree-planting areas shall be planted with evergreen ground cover such as mondo grass or liriope spicata,

except where tree grates are installed. 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 as approved by the Director of Planning.

6. Tree Grates: are not required. Where tree grates are installed they shall be a minimum size of four (4) feet by eight (8) 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.
7. Paving Materials: All paving within the street furniture and tree planting zone 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.
8. Decorative pedestrian lights: where installed, shall be placed a maximum of sixty (60) feet on center and spaced equidistant between street trees within the street furniture and tree planting zone. See Diagram 4. All said lights shall be Atlanta Type "C" or other as approved by the Director of the Bureau of Planning.
9. Trash receptacles or similar elements: where installed, 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 and shall be placed within the street furniture and tree planting zone.
10. Visibility at Intersections: Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections, as measured from the curb, between the heights of two and one-half feet and eight feet above grade. See Section 16-28.008(9): Visibility at intersections.
11. Overhead Utilities: Upon redevelopment of a parcel reasonable efforts shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.

Section 16-18V.010. Supplemental Zone.

For purposes of this chapter the Supplemental Zone is defined as the area between any building, including parking deck or any surface parking lot and the back of the required sidewalk, when no intervening building exists. See Diagram 2. Except as otherwise specified below, the square footage contained within a supplemental zone which meets all of the following supplemental zone requirements may be counted towards UOSR or Public Space requirements (PSR) as indicated in Section 16-18V.008 and Section 16-28.012.

1. The Supplemental zone shall have the width requirements specified in the Memorial Drive/Oakland Cemetery: Sidewalk and Supplemental Zone Table.
2. Supplemental zone general requirements:
   a. When sidewalk-level residential units are provided, the supplemental zone shall be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of two-thirds of the supplemental zone area.
   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, subject to the provisions in Section 16-25.002(3).
   c. The supplemental zone shall be no more than 24 inches above the adjacent public sidewalk for a minimum linear 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 topographic considerations render this requirement unreasonable.

e. Outdoor dining may be located in the supplemental zone and may be separated from the sidewalk only with movable planters, fencing, or similar barriers provided they do not exceed a height of 36 inches including any plant material.
f. Balconies may be located within the supplemental zone provided they do not encroach more than 5 feet into a supplemental zone.
g. Retail display windows or cases may project into the required supplemental zone but not cover more than two-thirds of its horizontal area and have a minimum depth of three (3) feet.
h. Patio decks shall not be permitted within the supplemental zone.

SPI-22 Memorial Drive / Oakland Cemetery: Sidewalk and Supplemental Zone Table

	Street Furniture and Tree Planting Zone Minimum Width	Sidewalk Clear Zone Minimum Width	Supplemental Zone		Street Trees in Street Furniture and Tree Planting Zone
			Minimum Width	Maximum Width	
Memorial Drive	5 feet	10 feet	5 feet	25 feet	Required
Martin Luther King Jr. Drive (west of Grant St.)	5 feet	10 feet	5 feet	25 feet	Required
Martin Luther King Jr. Drive (east of Grant St.)	5 feet	10 feet	15 feet	25 feet	Required
Biggers Street	5 feet	10 feet	None or 5 feet*	20 feet	Required
Capitol Avenue	5 feet	10 feet	5 feet	25 feet	Required
Hill Street (south of Martin Luther King Jr. Dr.)	5 feet	10 feet	None or 5 feet*	15 feet	Required
Hill Street (north of Martin Luther King Jr. Dr.)	4 feet	6 feet	None	20 feet	Required
Grant Street – east side (north of Martin Luther King Jr. Dr.)	5 feet	10 feet	5 feet	15 feet	Required
Grant Street – west side (north of Martin Luther King Jr. Dr.)	2 feet	6 feet	None	20 feet	Required
George Street	None	6 feet	None	20 feet	None
Cherokee Street	5 feet	10 feet	None or 5 feet*	20 feet	Required
Boulevard	5 feet	10 feet	None or 5 feet*	20 feet	Required
All other Streets	5 feet	6 feet	None or 5 feet*	20 feet	Required

* 5 feet minimum required adjacent to sidewalk-level residential use; otherwise no supplemental zone requirement.

Section 16-18V.011. Relationship of Building to Street

1. The regulations in this section shall apply to all buildings and structures, including parking structures, adjacent to a required sidewalk or provided supplemental zone having a habitable space with a finished floor not more than five (5) feet above or below the adjacent sidewalk. Such floor or floors shall be considered the sidewalk-level. See Diagrams 3 and 4.
2. Active uses: shall be required within buildings at sidewalk-level along Memorial Drive, Martin Luther King Jr. Drive, Capitol Avenue, Hill Street (south of Martin Luther King, Jr. Drive), Cherokee Avenue, and Boulevard, and along portions of local streets directly adjacent to Oakland Cemetery or a public park, except at ingress and egress points into parking structures or loading areas. For the purposes of this chapter active uses shall be serviced by plumbing, heating, and electricity and are limited to residential, retail, eating and drinking

establishments, museum, gallery, office, institutional, auditorium, library, hotel lobby, or cultural facility uses, and shall not include parking, non-residential storage areas, driveway or queuing lanes parallel to the adjacent street. Minimum active use depths from the street-facing building façade shall be provided as follows:

a. Single-family, two-family or multi-family residential buildings with no residential units located above or below a unit: minimum depth of 10 feet.
b. All other uses (as specified above): minimum depth of 20 feet. See Diagram 3.
c. When two or more floors meeting the definition of sidewalk-level exist within the same building, this requirement shall only apply to the frontage of each floor located within five vertical feet above or below the grade of the adjacent sidewalk. See Diagram 4.

3. Minimum building façade height and floor delineation: The street-facing building façade shall rise vertically at the back of the required sidewalk or provided supplemental zone for the minimum building façade height as indicated on the SPI-22 Memorial Drive / Oakland Cemetery Development Controls Table. Building floors shall be delineated above sidewalk-level through windows, belt courses, cornice lines or similar architectural detailing.
4. Minimum sidewalk-level floor to ceiling height: shall be 12 feet for non-residential uses. See Diagram 3.
5. Minimum Building Frontage:
   a. Building facades shall be built to the back of and predominantly parallel to the required supplemental zone (as applicable) or sidewalk clear zone adjacent to Memorial Drive, Martin Luther King Jr. Drive, Capitol Avenue, Hill Street (south of Martin Luther King Jr. Drive), Cherokee Avenue, and Boulevard, for a minimum of 80 percent of the length of said supplemental or sidewalk clear zone. This shall not be construed as meaning that the building façade may not be articulated for doors, storefront windows, columns, or similar architectural features which may be recessed from the back of the required sidewalk a maximum depth of 18 inches from the facade to allow for articulation.
   b. Doors may be recessed from the back of the building façade as follows:
      i. Lobby doors and associated entries may be recessed a maximum depth of 10 feet.
      ii. Vehicular doors may be recessed a maximum depth of 20 feet.
      iii. Other doors may be recessed a maximum depth of five (5) feet.
6. Pedestrian entrances to all sidewalk-level uses with public or private street frontage:
   a. Shall be architecturally articulated, face, be visible from, and be directly accessible from the sidewalk adjacent to such street.
   b. When located along Memorial Drive, Martin Luther King Jr. Drive, Hill Street (south of Martin Luther King Jr. Drive), Cherokee Avenue, or Boulevard, shall face, be visible from, and be directly accessible from the sidewalk along one such street, with the exception of single-family and two-family dwellings and multi-family buildings with no unit located above or below another residential unit.
   c. The use of fire-escape, entrance-only and exit-only doors as primary entrances is explicitly prohibited.
   d. Having non-residential uses:
      i. Shall remain unlocked during business hours.
      ii. Shall be at-grade with the closest portion of the adjacent required sidewalk.
   e. Having residential uses:
      i. Shall be linked to the required sidewalk with a pedestrian walkway a minimum of four (4) feet wide.
      ii. All such buildings, except assisted living facilities, with more than four (4) residential units that are adjacent to the required sidewalk shall have individual entrances to such units directly accessible from the adjacent sidewalk and shall open directly onto the adjacent sidewalk, park, plaza or terrace adjacent to the sidewalk unless existing topographic considerations render this requirement unreasonable. All pedestrian walkways providing such access shall be perpendicular to the street, unless existing topographic considerations render this requirement unreasonable, and shall be permitted to share said walkway with one (1) adjacent unit.

iii. Said buildings shall have porches or stoops or wheelchair access at each sidewalk-level pedestrian entrance.
iv. All residential uses not located at sidewalk-level shall have pedestrian access to the sidewalk via a common lobby fronting and accessible from said sidewalk.

7. Fenestration requirements: Buildings shall provide either a Storefront Façade Treatment or a Residential Façade Treatment along all street-fronting sidewalk-levels which shall apply to all uses including parking decks, except churches and fire stations and have the following requirements:
   a. Windows and door glass shall utilize clear glass or tinted glass. Tinted glass shall have a transmittance factor of 50 percent or greater and shall have a visible light reflectance factor of 10 or less. Painted glass, reflective glass or other similarly treated or opaque windows are not permitted.
   b. Fenestration, including entryways, shall be provided for a minimum horizontal linear percentage for each façade specified below in Section 16-18V.011(7)(c) and Section 16-18V.011(7)(d).
   c. Storefront Façade Treatment: Adjacent to Memorial Drive, Martin Luther King Jr. Drive, or Capitol Avenue or other buildings on other streets having commercial uses at sidewalk-level, a storefront façade shall be required for a minimum of 65 percent of the horizontal length of the sidewalk-level façade per the following requirements (See Diagram 5):
      i. The length of façade without intervening fenestration or entryways shall not exceed 20 horizontal linear feet.
      ii. A minimum of ninety (90) percent of the required fenestration shall allow visibility into habitable space for a minimum depth of ten (10) feet from the interior window pane. The remainder of provided fenestration shall allow visibility for a minimum depth of three (3) feet measured similarly.
      iii. Beginning at a point not higher than three (3) feet above the adjacent sidewalk to a height no less than 10 feet above the finished floor elevation when the finished floor elevation is less than three (3) above the sidewalk; or
      iv. Beginning at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk.
      v. From its base to a height not less than the height of the adjacent primary pedestrian entrance, fenestration described in subsection iii and iv above shall be a single piece of plate glass having a minimum width of two (2) feet.
   d. Residential Façade Treatment: Along all streets, except Memorial Drive, Martin Luther King, Jr. Drive, Capitol Avenue, and George Street, a residential façade treatment shall be provided for sidewalk-level residential uses for a minimum of 25 percent of the length of the sidewalk-level façade with each façade being calculated independently, in addition to the following requirements:
      i. Windows on each street frontage façade shall be a minimum three (3) feet in height and substantially similar in size on all sidewalk-level facades.
      ii. Equally sized vertical windows shall be arranged horizontally.
      iii. Windowpanes shall be recessed a minimum two (2) inches from the adjacent façade.
8. External storefront security grilles, gates and security doors: shall be fully retractable during business hours and shall permit visibility into the interior of protected space when in use. External housing and shields for such systems shall be painted the same color as the frames of the storefront system they protect.
9. A street address number shall be located directly above or beside the primary building and business establishment entrances along the required sidewalk, shall be clearly visible from the sidewalk and shall be a minimum of six (6) inches in height.
10. Awnings and Canopies: shall not encroach beyond the sidewalk clear zone.
11. Sidewalk arcades: Arcades shall be prohibited.

12. Fences and walls: shall meet the following regulations:
    a. For residential uses adjacent to the sidewalk: fences shall not exceed four (4) feet in height when located between the primary building and the street.
    b. For non-residential 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.
    c. For non-residential uses not adjacent to the sidewalk: Fences and walls located between the primary building and the lot line and not exceeding six (6) feet in height may be erected but shall not be permitted between the primary building and the street except as set forth below in Section 16-18V.011(12)(d).
    d. 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.
    e. Retaining walls located adjacent to a sidewalk along a public or private street shall not exceed a height of 36 inches and the combined height of a fence and retaining wall shall not exceed a height of six (6) feet, unless existing topographic considerations render this requirement unreasonable. Retaining walls shall not be finished with split-faced concrete or cinderblock. See Section 16-29.001(25).
    f. No 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. No barbed or razor wire fence shall be permitted.
13. Associated vehicular services such as air pumps and car washes shall not be located between a building and the street.

Section 16-18V.012. Signage.

Refer to Section 16-28A. SIGN ORDINANCE.

Section 16-18V.013. Loading Areas, Dock Entrances, Mechanical & Accessory Features.

1. Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground-level or sidewalk-level outdoor dining area, public sidewalk, public right-of-way, private street or an adjacent R-1 through R-5, RLC, R-G, MR, PD-H or Grant Park Historic district. In addition, all external dumpsters and loading areas serving residential uses shall be enclosed with opaque walls six (6) feet in height.
2. Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way, private street or an adjacent R-1 through R-5, RLC, R-G, MR, PD-H or Grant Park Historic district.
3. Building mechanical and accessory features (including satellite dishes):
    a. Shall be located to the side, rear, or roof of the principal structure and be in the location of least visibility from the public right-of-way, private street or an adjacent R-1 through R-5, RLC, R-G, MR, PD-H or Grant Park Historic district. Screening with plant or fence materials shall be required if the equipment is otherwise visible.
    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.

Section 16-18V.014. Off-Street Loading Requirements.

Minimum off-street spaces shall be provided according to the following SPI-22 Memorial Drive/Oakland Cemetery: Loading Table. All loading berths shall provide vertical clearance of fourteen (14) feet and shall not be located within the required sidewalk clear zone. See Section 16-18V.013 for screening requirements and Section 16-18V.016 for lighting requirements.

SPI-22 Memorial Drive / Oakland Cemetery: Loading Table		
	Unit of Measure	Required Loading Spaces
Multi-family Dwellings	Up to 20 units	0
	21 units to 50 units	1
	51 units and above	2
All Other Uses	Up to 10,000 sq. ft. floor area	0
	10,001 sq. ft. to 40,000 sq. ft. floor area	1
	40,001 sq. ft. to 100,000 sq. ft. floor area	2
	100,001 sq. ft. floor area and above	2 + 1*
Numbers Marked * indicate 12' x 55' in size. Others 12' x 35'.		

Section 16-18V.015. Driveway Curb Cuts, Driveways and Parking Structures.

1. Driveway curb cuts:
   a. Shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the Commissioner of Public Works.
   b. Shall not be permitted on any street that functions at the location on the right-of-way in question as an arterial street or collector street when access may be provided from a local street with the exception of hotels and hospitals.
   c. All sidewalk paving materials shall be continued across any intervening driveway curb cut at the same prevailing grade and cross slope as the adjacent sidewalk clear zone.
   d. Shall have a band of textured concrete adjacent to the street which is in-line and equal in width to the street furniture zone and shall have a textured band of concrete adjacent to the back of that sidewalk and in-line with the supplemental zone of a minimum width of five feet.
   e. Maximum permitted number of driveway curb cuts for each development, subject to the provisions of Section 16-25.002(3):
      i. Developments with only one street frontage, which is less than 300 feet in length: one (1);
      ii. Developments with only one street frontage, which is greater than or equal to 300 feet in length: two (2);
      iii. Developments with more than one street frontage: one (1) located on each street frontage, with the exceptions as indicated in Section 16-18V.015(1)(b).
      iv. For the purposes of this Section, two curb cuts serving two one-way driveways shall only be counted as one curb cut.
2. Driveways:
   a. Driveways or circular drives, except 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 with the exception of hotels, hospitals, childcare centers, kindergartens and special schools, subject to provisions in Section 16-25.002(3).
   b. Driveways that are outside the lot boundaries shall be permitted provided they are directly connected to a public street, subject to provisions in Section 16-25.002(3).
   c. All contiguous ground-floor residential units shall share one common drive, located in rear yards or side yards without street frontage, to serve garages and parking areas.
   d. Independent driveways are not required when access is provided to a private alley. For single and two family dwellings independent driveways are not required.
   e. Notwithstanding the provisions of Section 16-28.006(10), the Director of the Bureau of Planning may authorize a common or joint driveway when adjacent lots have direct vehicular access to a street or a driveway from a private street which functions as a public street 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.

3. Parking structures, either principal or accessory use: when located immediately adjacent to any public right-of-way, public park, private street or adjacent R-1 through R-5, RLC, R-G, MR, PD-H or Grant Park Historic district:
   a. Shall have the appearance of a horizontal storied building on all levels and shall conceal automobiles from view. Said deck shall have an appearance similar to that of the adjoining or attached residential, commercial or mixed-use structure.
   b. Parking deck facades shall have openings screened with mesh or decorative panels, tinted or sandblasted spandrel glass, or similar screening elements so as to prevent views into the parking structure.
   c. Parking decks shall be illuminated with uplighting or shall contain shielded internal light bulbs to eliminate light spillage outside the deck. See Section 16-18V.016 for additional lighting requirements.
   d. Shall meet the active-use and façade treatment requirements as applicable in Section 16-18V.011 unless topographic considerations render this requirement unreasonable. In such case, a continuous minimum five feet wide landscaped strip shall be provided between the structure and the public sidewalk, except at ingress and egress points into the structure. Said 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 16-18V.009(5). 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.
   e. Shall provide a continuous landscaped strip between the structure and property line located immediately adjacent to any public park, private street or adjacent R-1 through R-5, RLC, R-G, MR, PD-H or Grant Park Historic district to be planted as indicated above in Section 16-18V.015(3)(d).
4. All developments, including parking decks, shall have walkways a minimum width of four feet connecting ground level parking to the public sidewalks and to all building entrances.
5. Entrances to garages and carports that serve a single residential unit, and which are located less than 20 feet behind the façade of the principal structure, shall face the rear yard or a side yard which has no street frontage.
6. Drop-off lanes: Where on-street parking is provided, certain parking spaces may be utilized as drop-off spaces, when permitted by the Commissioner of Public Works. Drop-off spaces or lanes are otherwise prohibited.
7. Drive-through service windows, drive-in facilities and associated queuing areas are permitted only when completely enclosed within a building or parking structure and subject to the active use requirement of Section 16-18V.011(2) except at ingress and egress points. Such facilities shall also be limited to one drive-through or drive-in facility and one queuing lane. Drive-through facilities for eating and drinking establishments are not permitted.

Section 16-18V.016. Lighting, Security, and Maintenance Requirements.

1. All lighting, including all parking decks and lots, loading areas, and lit canopies, shall reduce light spillage onto adjacent residentially used properties by providing cutoff luminaries that 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.
3. All 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 Section 16-28.014 for additional requirements.

Section 16-18V.017. Minimum Landscaping Requirements for Surface Parking Lots.

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 in addition to the street tree planting requirements, with additional requirements as follows:

1. Said surface parking lot requirements shall apply to all lots regardless of size;
2. Existing parking lots shall not be required to reduce the number of parking spaces by more than three (3) percent as a result of implementing the following surface parking lot landscaping regulations.
   a. All parking bays shall be terminated with a landscape strip a minimum width of five (5) feet and equal to the length of the parking bay.
   b. All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum mature height of 30 inches; and
   c. All required landscaped buffer strips, regardless of length, shall have a minimum of one (1) tree planted per 30 feet of length with a minimum caliper of two and one half inches.

Section 16-18V.018. Off-Street Bicycle Parking and Showering Requirements.

1. Bicycle Parking: All spaces provided shall include a metal anchor sufficient to secure the bicycle/moped frame when used in conjunction with a user-supplied lock and shall be of 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 within the public right-of-way as applicable.
   a. Non-residential developments shall have no fewer than two bicycle/moped parking spaces or be required to exceed a maximum of 50 spaces and shall provide bicycle/moped parking facilities at a ratio of at least one bicycle/moped parking space for every 4,000 square feet of non-residential floor area to be located within the street furniture zone or supplemental zone a maximum horizontal distance of 100 feet of the building entrance.
   b. Multi-family developments shall provide said facilities at a ratio of at least one bicycle/moped parking space for every five multi-family units but shall not be required to exceed a maximum of 50 spaces. Each space shall be located either:
      i. At least as close as the closest non-handicapped automobile parking space; or
      ii. Within the street furniture zone or supplemental zone a maximum horizontal linear distance of 100 feet of the building entrance.
2. Showering facilities: All buildings having 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 in excess of 50,000 square feet but shall not be required to exceed four. Said facilities shall be available to all building office tenants and their employees.

Section 16-18V.019. Off-Street Parking Requirements.

1. Off-street surface parking lots:
   a. Shall not be located between a building and the street without an intervening building with the exception of the redevelopment of existing structures in Subarea 1.
   b. Parking facilities 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 during non-normal business hours by compliance with the SPI-22 Memorial Drive / Oakland Cemetery: Parking Table.
2. No portion of any parcel on which a building has been demolished, destroyed, or otherwise removed after the adoption of this ordinance shall be utilized for an independent primary park-for-hire surface parking lot.

3. The provisions of Section 16-28.008(7) shall apply and are incorporated herein, the following parking requirements shall apply as specified in the Memorial Drive / Oakland Cemetery: Parking Table.
4. Office uses, additional requirements:
   a. All office developments over 100,000 square feet shall reserve and designate at least five percent of the-parking spaces "Carpool Only." Carpool spaces shall be used only by carpool vehicles in which at least two of the persons are employees or tenants of the building. Such spaces shall be located near the building's employee entrance or other preferable locations within the employee parking areas as approved by the Commissioner of Public Works; and
   b. All new parking structures shall be built to accommodate vanpool access at entry level. The minimum ceiling height for vanpools is eight feet two inches (8'-2").

SPI-22 Memorial Drive / Oakland Cemetery: Parking Table		
Use	**Minimum Parking Requirement[1]**	**Maximum Parking Allowed**
Banks/Financial Institutions **Business/Commercial Schools** **Clubs & Lodges** **Printing Shops**	5.0 spaces per 1,000 sq. ft.	12.5 spaces per 1,000 sq. ft.
Childcare Centers **Hotels and Motels**	1.67 spaces per 1,000 sq. ft.	5.0 spaces per 1,000 sq. ft.
Schools and colleges **Churches, recreation or community centers and other places of assembly**	• 1.0 space for each four fixed seats (with 18 inches if bench length counted as one seat); or 1.0 space for each 35 sq. ft. of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater. + • Public or private elementary or middle school: 1.0 space per classroom. • High school: 2.0 spaces per classroom. • Colleges and universities: 4.0 spaces per classroom.	• 1.5 spaces for each four fixed seats (with 18 inches if bench length counted as one seat); or 2.0 spaces for each 35 sq. ft. of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater. + • Public or private elementary or middle school: 2.0 spaces per classroom. • High school: 4.0 spaces per classroom. • Colleges and universities: 8.0 spaces per classroom.
Dormitories, Fraternities and Sororities	0.5 spaces for each bedroom + 2.5 spaces per 1,000 sq. ft. common areas.	1.0 space per bedroom up to two bedrooms + 1/2 space for each bedroom unit three or more + 5.0 spaces per 1,000 sq. ft. common areas.
Eating and Drinking Establishments • **Indoor Dining** **or** • **Covered outdoor dining**	• Subareas 1 & 2: 2.5 spaces per 1,000 sq. ft. • Subareas 3 & 4: 4.0 spaces per 1,000 sq. ft. or 2.5 spaces per 1,000 square feet when located in a mixed-use building.	7.0 spaces per 1,000 sq. ft.
Eating and Drinking Establishments • **Uncovered outdoor dining**	• Subareas 1 & 2: 1.5 spaces per 1,000 sq. ft. or none[2]. • Subareas 3 & 4: 3.0 spaces per 1,000 sq. ft. or 1.5 spaces per 1,000 square feet when located in a mixed-use building or none[2].	7.0 spaces per 1,000 sq. ft.
Nursing homes, personal care homes, assisted living facilities, and rehabilitation centers	1.0 space per four beds	2.5 spaces per four beds

SPI-22 Memorial Drive / Oakland Cemetery: Parking Table (continued)		
Use	**Minimum Parking Requirement[1]**	**Maximum Parking Allowed**
Office (also subject to Section 16-18V.019(4))	• Subareas 1, 2, & 3: None • Subarea 4: 3.0 spaces per 1,000 sq. ft.	• 3.5 spaces per 1,000 sq. ft. within Transit Station Area • 4.0 spaces per 1,000 sq.ft outside Transit Station Area
Residential	None	1.0 space per bedroom up to two bedrooms + 1/2 space for each bedroom unit three or more + 1/3 space per unit guest parking, not to exceed 10 spaces.
Retail	1.67 spaces per 1,000 sq. ft.	5.0 spaces per 1,000 sq. ft.
All other non-residential uses	1.67 spaces per 1,000 sq. ft.	4.0 spaces per 1,000 sq. ft.

[1] Minimum parking requirements may be reduced provided a shared parking arrangement subject to 16-18V.019(5).

[2] There shall be no minimum parking requirement when uncovered outdoor dining is 25% or less than the total gross floor area of the said eating and drinking establishment.

5. Shared or off-site parking arrangements may be permitted by the Director of the Bureau of Planning subject to the following criteria:
   a. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
   b. All shared parking spaces shall be signed;
   c. An applicant shall submit the following:
      i A to-scale map indicating location of proposed parking spaces;
      ii Hours of business operation of non-residential parking users;
      iii Written consent of property owners agreeing to the shared parking arrangement;
      iv Copies of parking leases. Renewed leases shall be filed with the Bureau of Planning. Lapse of a required lease agreement shall terminate the Special Administrative permit for shared parking.

Section 16-18V.020. Membership in Transportation Management Associations and Transportation Management Plans.

Any development that has an office component greater than 200,000 square feet of total gross leasable floor area of space shall become a member of an existing Transportation Management Association (TMA) which provides service to the area or shall provide a Transportation Management Plan (TMP) with the criteria listed below. The Bureau of Buildings shall not issue occupancy permits for any development in this district until such time as the developer or leasing agent for each of the components has submitted to the Director of the Bureau of Planning, written confirmation of TMA membership or has submitted a Transportation Management Plan. The local TMA may assist with the preparation of the TMP.

The TMP shall contain strategies to reduce single occupancy vehicle trips generated by the project and shall be based on an annual commute mode survey. Said survey shall be based on a continuous five-day workweek for all estimated employees arriving at the work site and for all residents leaving the residential site between 6:00 A.M. and 10:00 A.M., Monday through Friday. Based upon the survey information, the employer and residential manager shall develop a TMP which shall include any of the following:

1. Commute alternatives:
   a. Incentives for public transit ridership such as transit cards;
   b. Carpooling and vanpooling;
   c. Commuter bicycling and walking programs;

   d. Alternative work hours:
2. Transportation demand strategies:
   a. Improvements to alternative modes such as vanpooling;
   b. Financial incentives given to employees who use commute alternatives;
   c. Parking management programs;
   d. Commute alternatives information and marketing;
   e. Shared parking arrangements;
   f. Provision for a mixture of uses on-site;
   g. Pedestrian links to adjacent uses.
3. A program to promote and maintain employee participation in carpooling, vanpooling, and use of mass transit, including a method of monitoring the number of ride sharers and their travel patterns.

Section 16-18V.021. Pedestrian Bridges and Tunnels

Pedestrian bridges and tunnels, buildings, parking structures and privately owned vehicular bridges and tunnels shall be allowed when located above or below railway right-of-way or interstate highways, however, they shall otherwise be prohibited when located above or below public streets.

Section 16-18V.022. Specific Regulations for Subarea 1- MLK Lofts

Reserved.

Section 16-18V.023. Specific Regulations for Subarea 2- Capitol-Oakland Corridor

Reserved.

Section 16-18V.024. Specific Regulations for Subarea 3- Capitol Gateway

Reserved.

Section 16-18V.025. Specific Regulations for Subarea 4- Grant Park North

1. All required sidewalks:
   a. Shall be provided consistent with a sidewalk plan approved by the Grant Park Neighborhood Association and the Bureau of Planning or;
   b. The original layout, pattern and paving materials of sidewalks and curbs shall be retained for that block.
2. EIFS (External Insulating Finishing System) is prohibited for any exterior wall surface.

Section 16-18V.026. Specific Regulations for Subarea 5- Memorial Green

Reserved.

Section 16-18V.027. Illustrative Diagrams

The illustrations contained within this section are graphic depictions of several of the requirements of this Chapter. Unless otherwise indicated, each diagram is intended to specifically illustrate the indicated Section; all suggestions of architectural style, on-street parking, and tree shape requirements do not constitute a requirement of this Chapter.

DIAGRAM 1a: Transitional Yard & Height Requirements-
(Adjacent to residential districts R-1 through R-5, RG-1, RG-2, MR-1, MR-2, RLC, or PD-H)

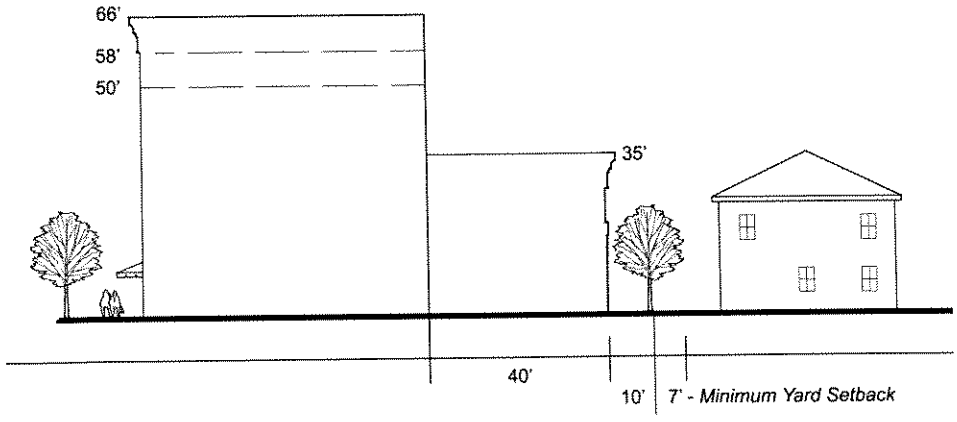
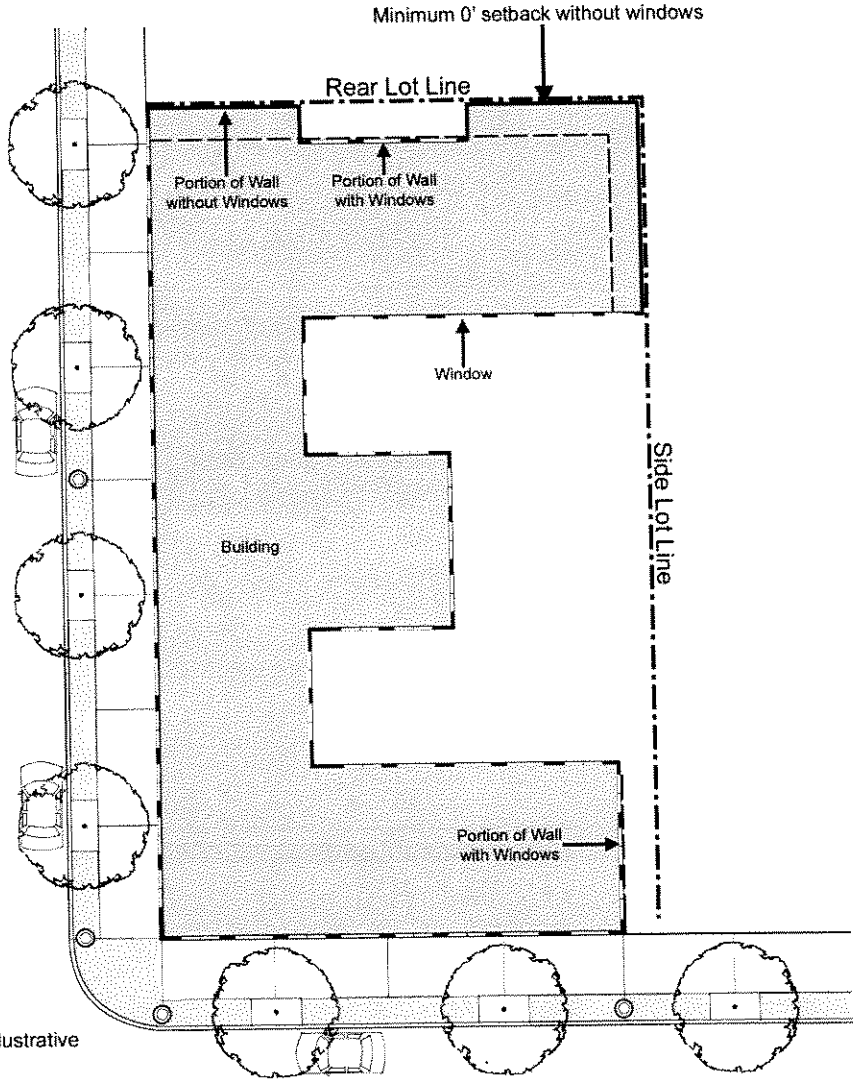


DIAGRAM 1b: Setback Requirements-
(Non-adjacent to residential districts R-1 through R-5, RG-1, RG-2, MR-1, MR-2, RLC, or PD-H)



Note: Building footprint is for illustrative purposes only.

Image Courtesy of Tunnell-Spangler-Walsh & Associates

DIAGRAM 2: Streetscape Requirements

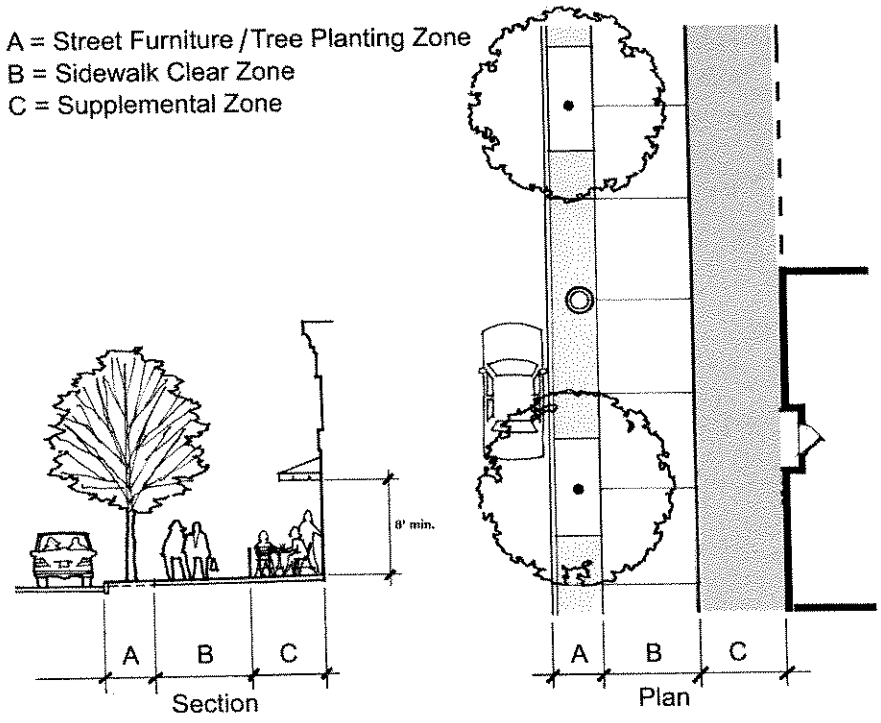


Image Courtesy of Tunnell-Spangler-Walsh & Associates

DIAGRAM 3: Sidewalk-Level Active-Use Requirements

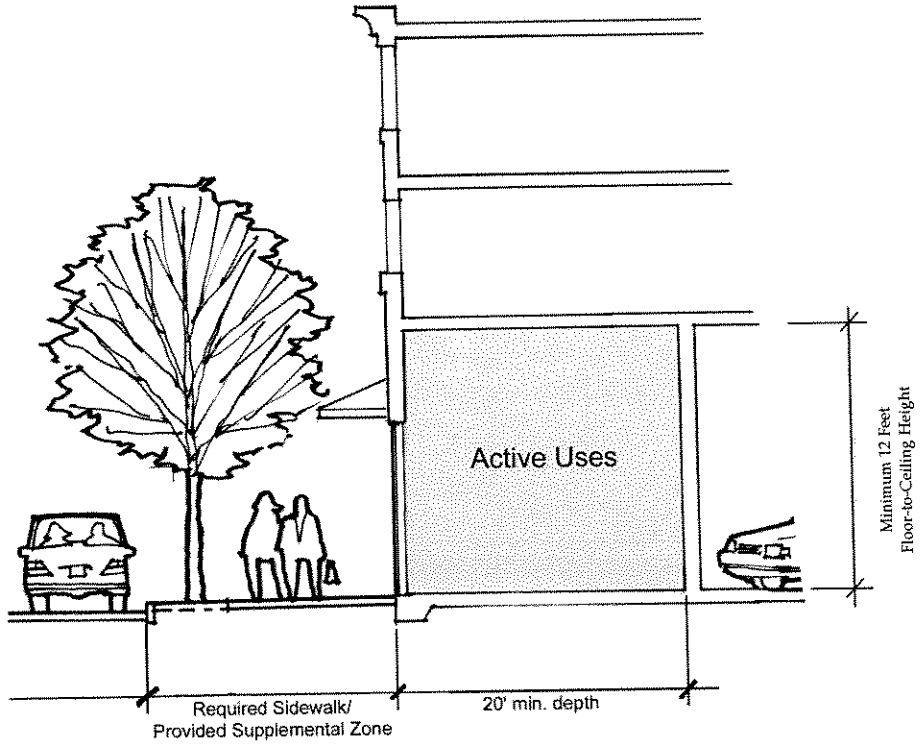


Image Courtesy of Tunnell-Spangler-Walsh & Associates

DIAGRAM 4: Sidewalk-Level Definition / Street Tree and Lighting Placement

A = Required Sidewalk
B = Active Uses, for mininum depth of 20 feet from the interior wall

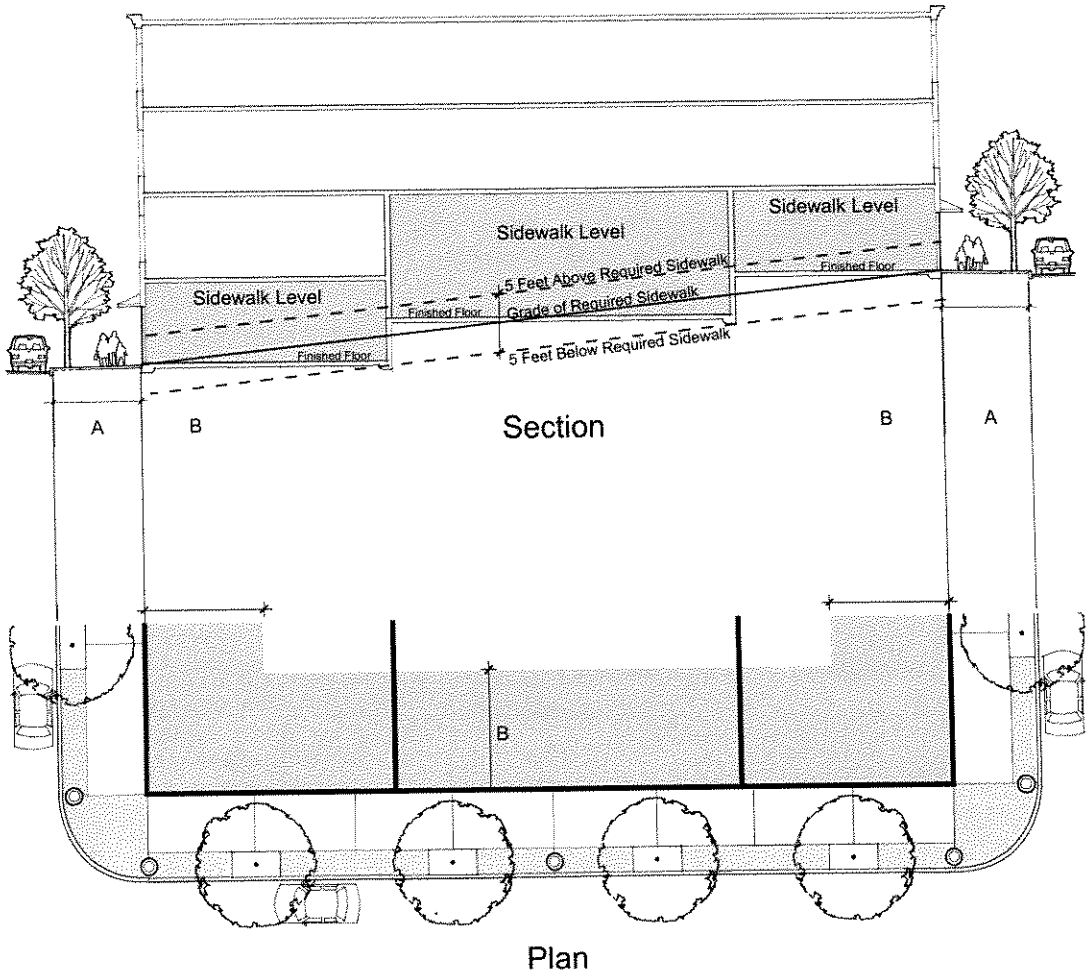


Image Courtesy of Tunnell-Spangler-Walsh & Associates

DIAGRAM 5: Storefront Façade Treatment

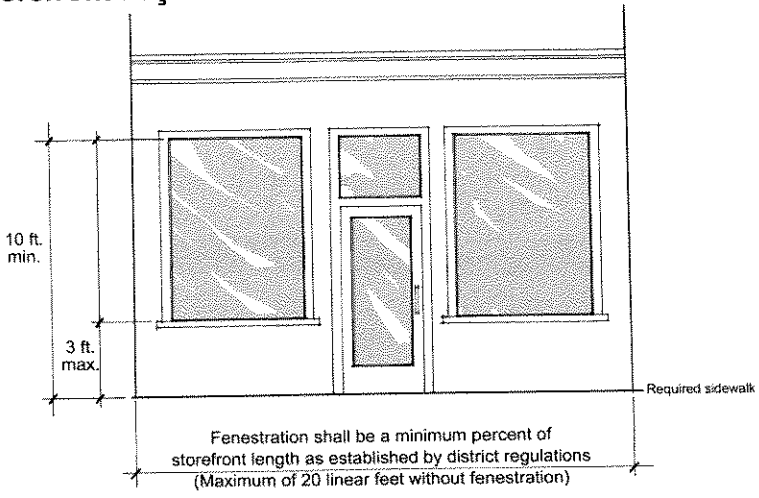


Image Courtesy of Tunnell-Spangler-Walsh & Associates

RCS# 333
6/19/06
6:37 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

06-O-1317 Z-06-51 06-O-1318 Z-06-52
06-O-1319 Z-06-53 TO ZRB AND ZONING
REFER

YEAS:	10
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	4
EXCUSED:	2
ABSENT	0

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

MULTIPLE