



## Z-17-93: City of Atlanta Zoning Ordinance Quick Fixes Phase I

### Overview

**Why:** The Mayor and City Council began the process of reviewing the Atlanta Zoning Ordinance by performing a diagnostic of the existing zoning code provisions in combination with professional City staff and a consultant team. The diagnostic, performed over one year, resulted in a document that made a series of recommendations for future changes to the Zoning Ordinance, including amendments to the regulations.

**What:** The Diagnostic categorized the recommendations into 1) those that could be completed in a relatively short period of time or “quick fixes”, and 2) those that would require a comprehensive overhaul of the current Zoning Ordinance and would likely require a period of two to four years to complete.

The proposed “quick fix” amendments seek to clarify and improve certain provisions of the Atlanta Zoning Ordinance and Subdivision Ordinance, provide consistency with the City’s Comprehensive Development Plan and other comprehensive planning processes, update consistency with state and federal law, and advance the public health, safety and welfare.

The first phase of “quick fix amendments consists of a series of Zoning Ordinance amendments, as well as, some related to Subdivision Ordinance amendments, involving the following subject area categories: accessory structure height (section 1); accessory structure size (section 2); accessory uses in residential districts (section 3); bicycle parking (section 4); deletion of unused SPI zoning districts (section 5); independent driveways (section 6 ); RG and MR single-family and two-family lot sizes (section 7); MRC building placement (section 8); master plans (section 9); nonconforming façade heights (section 10); transfer of special use permits (section 11); sidewalk standards in conventional zoning districts (section 12); temporary storage containers (section 13); and nonconforming lot replats (section 14). The quick fixes identified above represent the topics consistently brought forward by the various stakeholders during the Diagnostic phase of the Zoning Assessment.

The launch of community engagement for the “quick fixes” included the conduct of two public forums on September 19, 2017 and September 20, 2017. In an effort to further provide opportunities for engagement and understanding, the Department of City Planning held nine (9) open house sessions throughout the City. These open houses provided an opportunity for the community to sit down with planning staff on a one-on-one basis to ask questions and provide comments.

This fact sheet will be accompanied by an “Information Booklet” inclusive of graphics to enhance understanding of the proposed amendments. Staff from the Office of Zoning and Development are also available to further explained the proposed amendments. In closing, it is further emphasized that these “quick fixes” are designed to clarify and improve certain provisions of the Atlanta Zoning Ordinance and Subdivision Ordinance, provide consistency with the City’s Comprehensive Development Plan and other comprehensive planning processes, update consistency with state and federal law, and advance the public health, safety and welfare.

**When:** The Zoning Review Board (ZRB) is scheduled to hold a public hearing on February 1 or February 8, 2018, at the earliest.

# Atlanta Zoning Ordinance Update



## Open House Session



Department of

**CITY PLANNING**

**Office of Zoning and Development**

55 Trinity Avenue

Atlanta, GA 30303

## Background

In 2015 the City of Atlanta commissioned a team of consultants to conduct a comprehensive assessment of the City's Zoning Ordinance. This included review of:

1. The ability of the Zoning Ordinance to implement City policies, including those in the Comprehensive Development Plan, small area plans, and other documents;
2. Public perceptions of, and experiences with, the Zoning Ordinance;
3. The usability and clarity of the Zoning Ordinance to administer and use; and
4. Best practices in zoning nationwide.

Upon completion of the assessment,, the consultant prepared recommendations for consideration to the Office of Zoning and Development's consideration about how the Zoning Ordinance could be improved. These recommendations and the technical review of the Ordinance are found in the Zoning Ordinance Diagnostic report. Recommendation types include:

- **Quick Fixes:** Updates that are relatively easy to prepare, meet a critical need, and with broad public support (12 months).
- **Future Code Changes:** Updates that should be undertaken as part of the full Zoning Ordinance updates in 3-5 years.

### Quick Fixes Topics

- Accessory structure height
- Accessory structure size
- Accessory uses in Residential (R) Districts
- Bike parking standards
- Deletion of unused districts
- Independent driveways
- Multi-Family / Residential General (MR/RG) single and two family minimum lot sizes
- Mixed Residential Commercial (MRC) building placement
- Unified development plans
- Non-conforming minimum façade heights
- Special Use Permit (SUP) transfers
- Sidewalk requirements
- Storage pods in R-districts
- Non-conforming plats

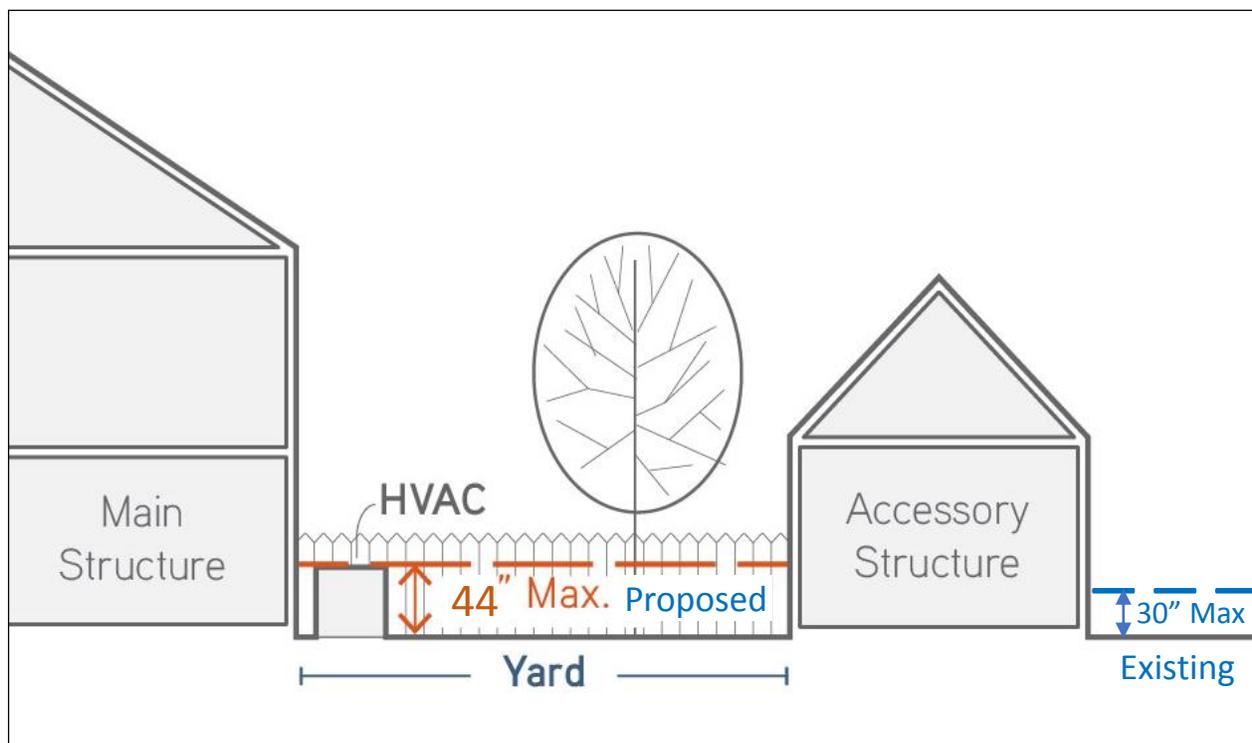
# Topic 1: Accessory structure height

## What are we trying to solve?

- Current regulations limit the height of accessory structures in side yards to 30 inches.
- Modern, highly efficient HVAC (heating, ventilation, and air conditioning) condensers are taller than 30 inches.
- Replacing old HVAC condensers with new ones frequently requires a variance because most new units are over 30 inches in height.

## What is being proposed?

- Increase the height of HVAC systems in required yards to 44 inches to accommodate new HVAC condensers.
- All other accessory structures within required yards would remain to a maximum of 30 inches.



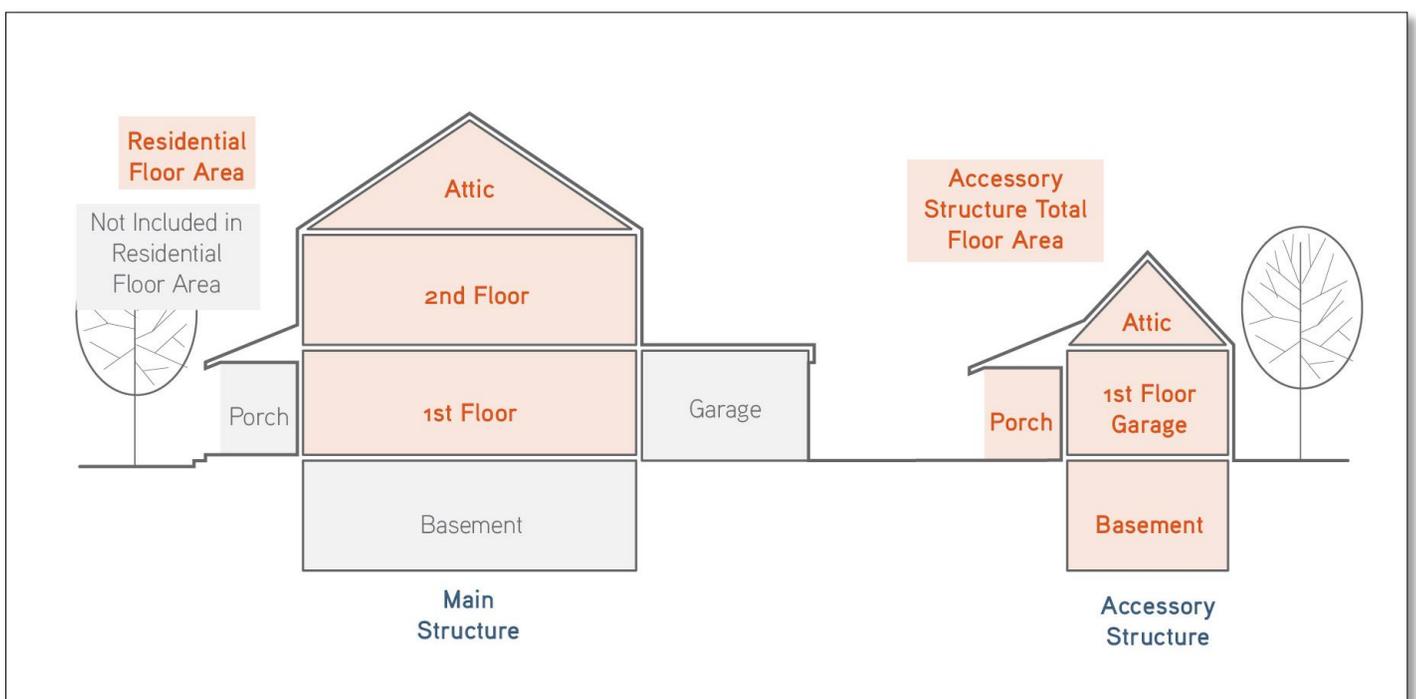
## Topic 2: Accessory structure size

### What are we trying to solve?

- There are special regulations for accessory structures such as detached garages.
- The regulations limit the “total floor area” of accessory structures to less than 30% of the “floor area of the main structure.”
- It is unclear if “floor area of the main structure” includes:
  - The total building footprint.
  - The habitable floor area.
  - Basements.
- The accessory structure floor area regulation needs more specificity.

### What is being proposed?

- ✓ Refine the reference to the “main structure” by linking the term to the citywide definition of “residential floor area,” which excludes basements.
- ✓ Provide specificity in how the floor area of the accessory structure is applied, and clarify that floor area is intended to mean the gross floor area of the entire accessory structure, regardless of whether or not it is conditioned/habitable.



## Topic 3: Accessory uses in Residential Districts

### What are we trying to solve?

- Regulations discourage amenities such as pools, club houses, and common open space in residential subdivisions.
- Subdivision regulations don't allow the creation of lots that are smaller than the minimum size required for a single family house.
- The Zoning Ordinance does not clearly allow an individual lot in Residential Districts to be used solely for the types of amenities that are typically provided in residential subdivisions.

### What is being proposed?

#### ✓ Update the subdivision regulations to:

- Clarify that “amenity areas” may include structures for amenity elements, such as swimming pools, tennis courts, club houses and similar features.
- Expand the definition of a “lot” to include amenity areas.
- Requires amenity areas to be buffered from adjoining areas so they do not negatively impact surrounding properties.
- Clarify that the standards for “building lots” do not apply to amenity areas.

#### ✓ Update the Zoning Ordinance to expand the accessory use and structure regulations to include new “amenity areas.” This will allow a lot to be used as an amenity area only when provided as part of a subdivision and only for use as an open space.



Lot allowed to be used as an amenity area when provided as part of a subdivision

This is applicable in R-1 through R-5 Districts, and single and two-family subdivisions in RG and MR Districts.

## Topic 4: Bike parking standards

### What are we trying to solve?

- There are 18 separate, often conflicting, sets of bike parking standards.
- Many current standards:
  - Do not include requirements for residential uses.
  - Allow bike parking to be poorly located.
- No current standards include premium/long-term bike parking requirements.

### What is being proposed?

- ✓ Create one consistent set of citywide bike parking standards.
- ✓ Require bike parking for each building on a site.
- ✓ Require bike parking for both non-residential and multi-family uses.
- ✓ Establish standards for exterior racks and interior enclosed bike parking.
- Require the following **fixed bicycle rack standards**:
  - May not be inside a building, but may be covered.
  - Must be publicly accessible and lit.
  - Must be accessible to a street or trail without the use of stairs.
  - Must include a metal anchor to secure the bicycle in conjunction with a lock.
  - Must be as close as the closest automobile space (except handicapped).
  - May not block the sidewalk and must be in the amenity zone, a maximum of 100 ft from the building door.
  - Must be of a type specified by the City, if located in the public right-of-way.
- Require the following **enclosed bicycle parking standards**:
  - May be enclosed storage lockers, a room in a building, or in a parking structure.
  - Must be accessible to occupants, entrances, and walkways. Must be secure, weather resistant, and lit.
  - Must be accessible to a street or trail without the use of stairs or elevators.
- Require showers and lockers for all offices greater than 50,000 sf.

# Topic 5: Deletion of unused districts

## What are we trying to solve?

- There are three Midtown zoning districts in the text of the Zoning Ordinance that were replaced over a decade ago by Special Public Interest Districts (SPIs).
- These unused districts make the Zoning Ordinance longer than it needs to be.

## What is being proposed?

- Delete the following unused districts:
  - SPI 3 Midtown District Regulations
  - SPI 4 Arts Center District Regulations
  - SPI 10 Upper Midtown Neighborhood Regulations

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### Special Public Interest Districts

SPI-1	Special Public Interest District: Central Core
SPI-3	<del>Midtown District Regulations</del>
SPI-4	<del>Arts Center District Regulations</del>
SPI-5	Special Public Interest District: Inman Park
SPI-6	Special Public Interest District: Poncey- Highland
SPI-7	Special Public Interest District: Candler Park
SPI-8	Special Public Interest District: Home Park
SPI-9	Special Public Interest District: Buckhead Commercial Core
SPI-10	<del>Upper Midtown neighborhood Regulations</del>
SPI-11	Special Public Interest District: Vine City and Ashby Station
SPI-12	Special Public Interest District: Buckhead/Lenox Station
SPI-14	Special Public Interest District: Berkeley Park
SPI-15	Special Public Interest District: Lindbergh Transit Station Area
SPI-16	Special Public Interest District: Midtown
SPI-17	Special Public Interest District: Piedmont Avenue
SPI-18	Special Public Interest District: Mechanicsville
SPI-19	Special Public Interest District: Buckhead Peachtree Corridor
SPI-20	Special Public Interest District: Greenbriar
SPI-21	Special Public Interest District: Historic West End/Adair Park
SPI-22	Special Public Interest District: Memorial Drive/Oakland Cemetery

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## Topic 6: Independent driveways

### What are we trying to solve?

- The Zoning Ordinance requires “conforming lots” to have their own driveway. The driveway must be entirely on the lot and directly connected to a public street.
- The regulation does not allow private alleys or shared driveways.
- The regulation applies, even if the zoning district doesn’t require parking. This is a challenge in designated historic districts or districts where no parking is required.
- Relief from this requirement can only be granted by the Board of Zoning Appeals.

### What is being proposed?

- Delete the requirement for independent driveways in order to allow more creative design approaches.



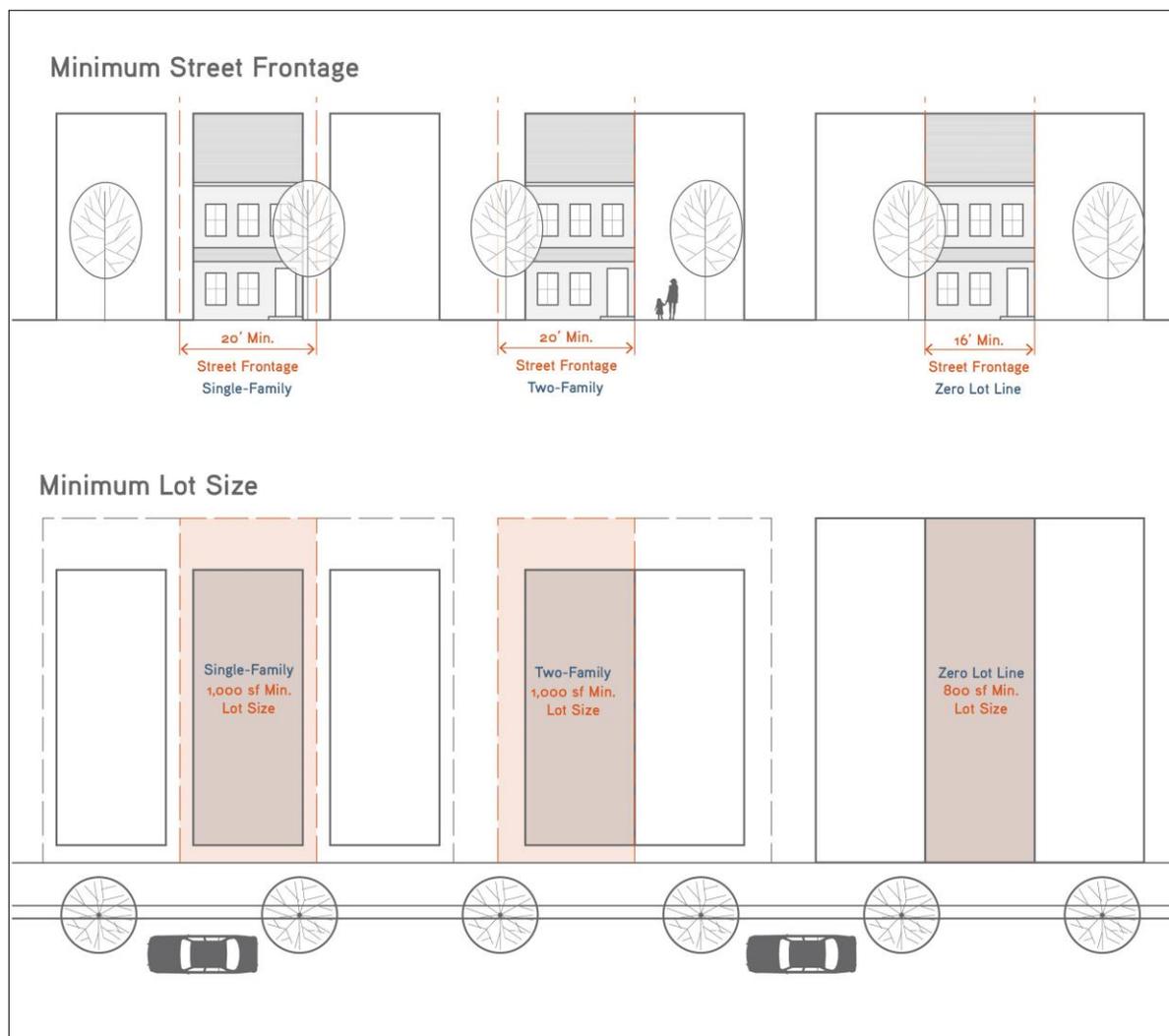
## Topic 7: MR/RG Single and Two-Family Minimum Lot Sizes

### What are we trying to solve?

- Today multi-family districts allow single-family and two-family houses. However, the minimum required lot sizes for these uses are much larger than is characteristic of Atlanta's historic patterns.
- The large lot sizes discourage providing single-family and two-family houses in multi-family districts, even if they would be appropriate or desirable.

### What is being proposed?

- Allow the following lots sizes in MR and RG districts:
  - Detached single-family and two-family lot: minimum 1,000 sq ft lot, minimum 20 ft width
  - Zero lot line (i.e. townhouses): minimum 800 sq ft lot, minimum 16 ft width (typical)



## Topic 7: MR/RG Single and Two-Family Minimum Lot Sizes

### Minimum lot size.

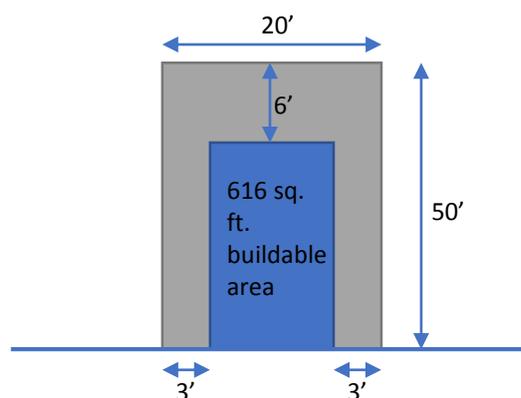
- MR-1 through MR-4: ~~2,000~~ **1,000**-square feet for single-family and duplex, 2,000 square feet for all other uses.
- MR-5 through MR-6: ~~5,000~~ **1,000** square feet for single-family and duplex; 5,000 square feet for all other uses.

### Minimum street frontage.

- MR-1, MR-2 and MR-4B: ~~20~~ **16** linear feet for zero lot line development; 20 linear feet for all other uses.
- MR-3 through MR-4 A and MR-5 through MR-6: ~~40~~ **20** linear feet for single-family and duplex; 16 linear feet for zero lot line development; 40 linear feet for all other uses.

### Zero-lot-line development.

- Zero-lot-line subdivision is permitted for residential uses provided a minimum of ~~1,000~~ **800** square feet in lot area is provided.



Example 1: MR-1 District

~1000 Square Feet of lot - ~616 Square Feet buildable area with 3 feet of side yard setbacks and 6 feet rear yard setback

## Topic 8: MRC building placement

### What are we trying to solve?

- MRC is a mixed-use district that is used across the city.
- Current regulations do not require a side/rear yard setback for non-residential uses or for residential uses with no windows along a side/rear lot line.
- Residential uses with windows along a side/rear lot line must provide a minimum 20 ft side/rear yard setback.
- Twenty feet is far greater than required by building code. It is also inconsistent with Atlanta's traditional development patterns and good urban design.

### What is being proposed?

- Eliminate the 20 ft setback requirement for residential units with windows.
- Retain existing transitional yard requirements adjacent to R and RG districts.



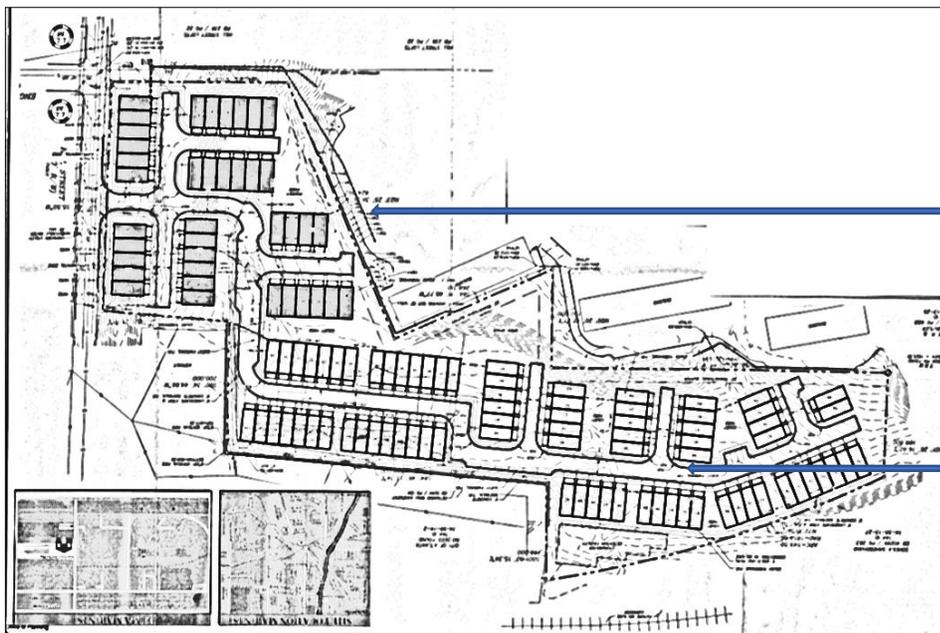
## Topic 9: Unified Development Plans

### What are we trying to solve?

- Most districts discourage coordinated master planned developments.
- If master planned developments are subdivided, each lot must comply with all zoning requirements, despite being part of a master planned development. This discourages common parking areas, larger open spaces, and good urban design.
- Relief may only be granted by variance/special exception, but master planned developments often do not meet the code's technical hardship requirements.

### What is being proposed?

- Allow unified development plans by Special Administrative Permit in all districts, except R-1 through R-5, R-LC, and PD- districts.
- Use the current provisions of SPI-12 as a model for the citywide standards.
- Allow the site (before subdivision) to determine conformance with side and rear setbacks, transitional yards, transitional height plains, lot coverage, on-site parking and loading, open space, and floor area ratio.



Subdivision plan with Pre-approved Site Development Plan must comply with zoning requirements utilizing the entire area under common control.

Each lot after subdivision may or may not comply with zoning requirements

# Topic 10: Non-Conforming Minimum Façade Heights

## What are we trying to solve?

- Many new zoning districts require minimum building facade heights along certain streets.
- Existing buildings with facades that are less than the minimum height requirement face challenges when making small additions because the code requires the additions to be taller than the existing building.
- Relief from this requirement can only be granted by the Board of Zoning Adjustment.

## What is being proposed?

- Allow existing buildings that do not meet the minimum building facade height requirement to expand their footprint up to 35 ft in any direction before the minimum building facade height requirements apply.



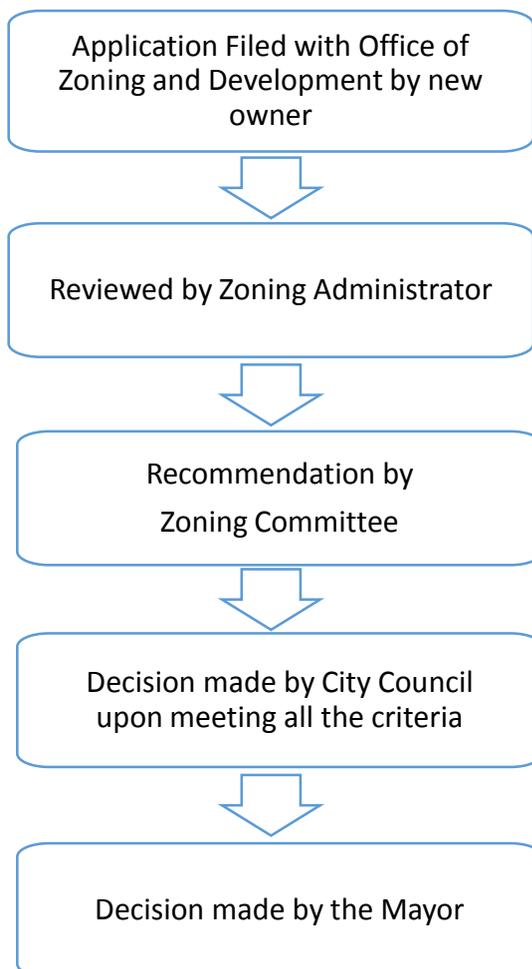
# Topic 11: SUP Transfers

## What are we trying to solve?

- The transfer of ownership of a Special Use Permit (SUP) must be approved by the City Council, even though the permit itself and its provisions do not change.
- The transfer of ownership would function better as an administrative process.

## What is being proposed?

- Give the Office of Zoning and Development the authority to approve the transfer of ownership of a Special Use Permit.
- Require change of ownership applicants to provide verification of their ability to adhere to the terms and conditions of the Special Use Permit of which they are proposing to receive ownership. This would not allow for any changes to the conditions, criteria, or site plans assigned to previously approved SUPs.



**Existing transfer process**



**Proposed transfer process**

# Topic 12: Sidewalk Requirements



## What are we trying to solve?

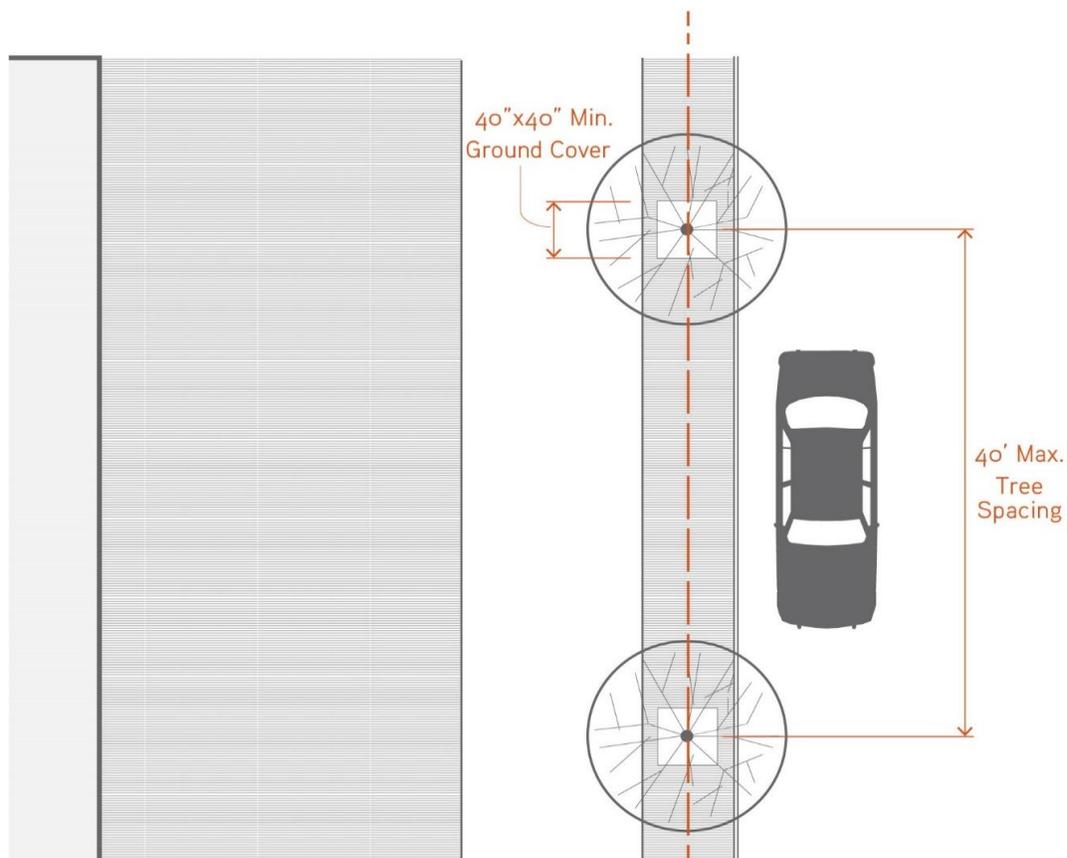
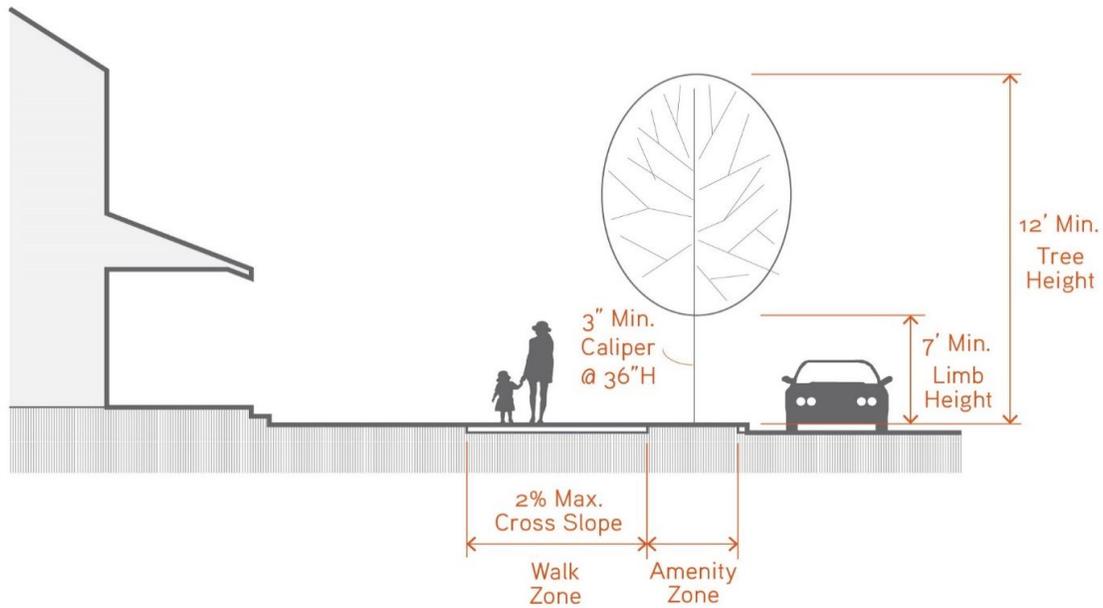
- Newer zoning districts require sidewalks to be installed with development.
- Older zoning districts (e.g. O-I, R-LC, RG, C, I) lack sidewalk requirements.
- Single-family developments are only required to provide sidewalks when subdivision occurs.
- New infill houses that are not part of subdivisions can be built without repairing or upgrading the sidewalks in front of them.

## What is being proposed?

- Require the following new sidewalks to be installed with development in O-I, R-LC, RG, C, and I:
  - Minimum 5 ft amenity zone along the curb for items such as street trees, benches, utility poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar items.
  - Minimum 10 ft walk area on arterial and collector streets.
  - Minimum 6 ft walk area on other streets.
- Require the following new sidewalks to be installed with development in R-4 and R-5 (except when historic, landmark, or overlay standards apply):
  - Repair existing sidewalk, or
  - Install amenity zone and walk area to match abutting properties', or
  - If no sidewalk exists on abutting properties, install amenity zone and walk area to match the block, or
  - If no sidewalk exists on the block, install a minimum 2 ft amenity zone and minimum 5 ft walk area.
  - Walk areas may be reduced to a minimum of 3 ft to avoid existing trees.
- Enable the Director of the Office of Zoning and Development to make adjustments to sidewalk requirements if:
  - Existing sidewalks are not in need of repair; or
  - Trees existing in the proposed sidewalk zone contain trees having a diameter at breast height (DBH) of 6 inches or more; or
  - Topographic conditions would result in a sidewalk 12 inches above or below the finished curb; or
  - Topographic conditions would prevent driveway access upon completion of the sidewalk; or
  - Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings in the sidewalk area; or
  - Sidewalks on the block are of a different size;
  - There are no sidewalks on the block; or
  - If historic district or SPI district regulations conflict.

# Topic 12: Sidewalk Requirements

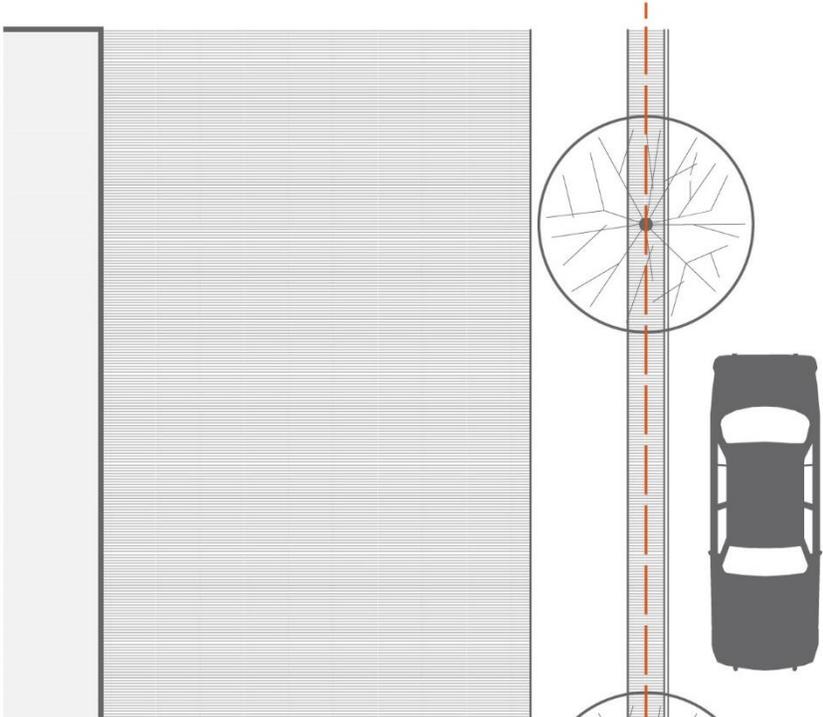
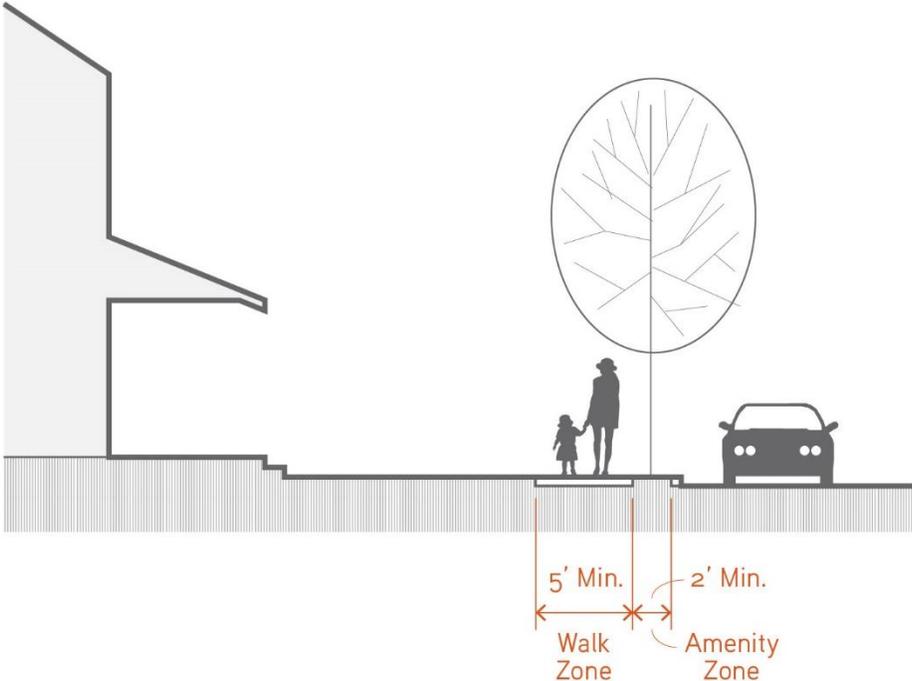
## General Sidewalk Standards



# Topic 12: Sidewalk Requirements

Additional Sidewalk Standards

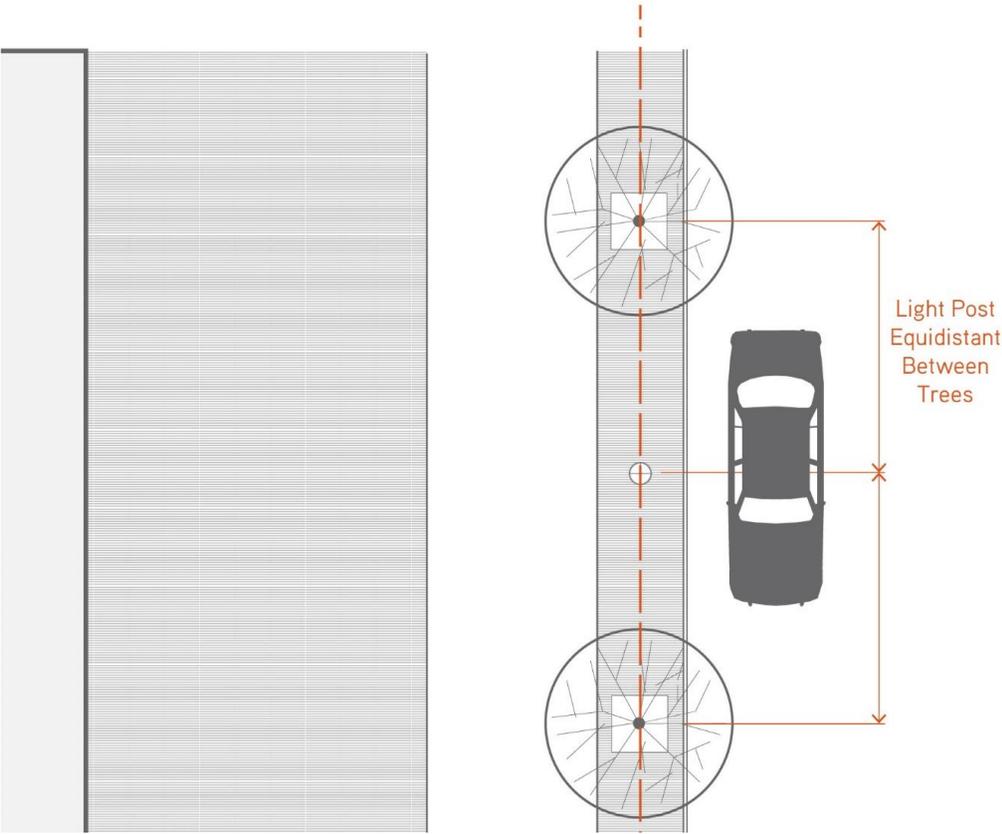
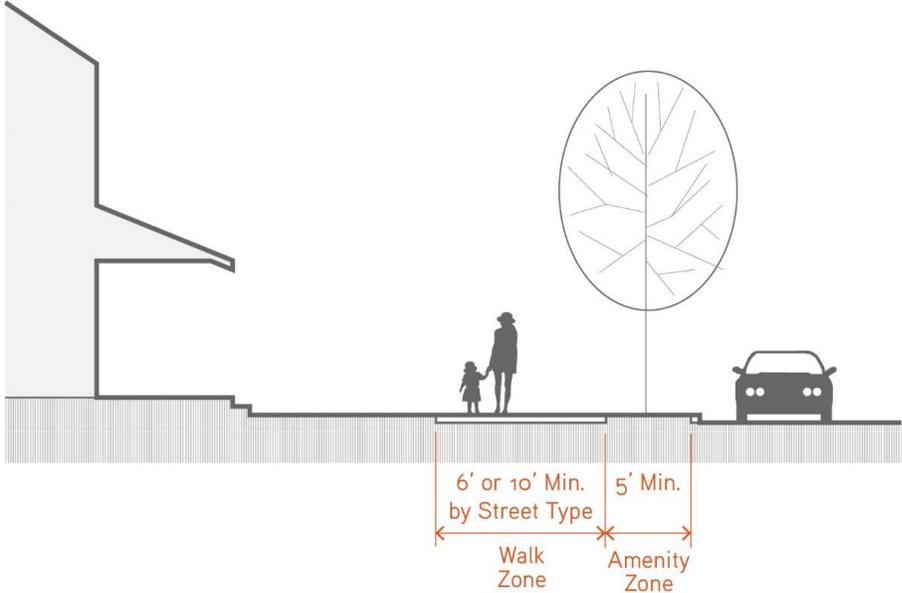
R-4 & R-5



# Topic 12: Sidewalk Requirements

## Additional Sidewalk Standards

O-I, R-LC, RG, C & I



## Topic 13: Storage Pods in R-districts

### What are we trying to solve?

- Storage pods are increasingly used on properties for short-term storage needs.
- There are no standards for their location and duration in the Zoning Ordinance.

### What is being proposed?

- Define “storage pods”.
- Create new regulations in R-1 through R-5 districts.
- Create a maximum time limit of 60 days in any 365-day period per lot.
- Require storage pods to have visible notation on the exterior of the container stating the dates of delivery and retrieval of the pod.
- Require storage pods to be located away from streets and visibility triangles.



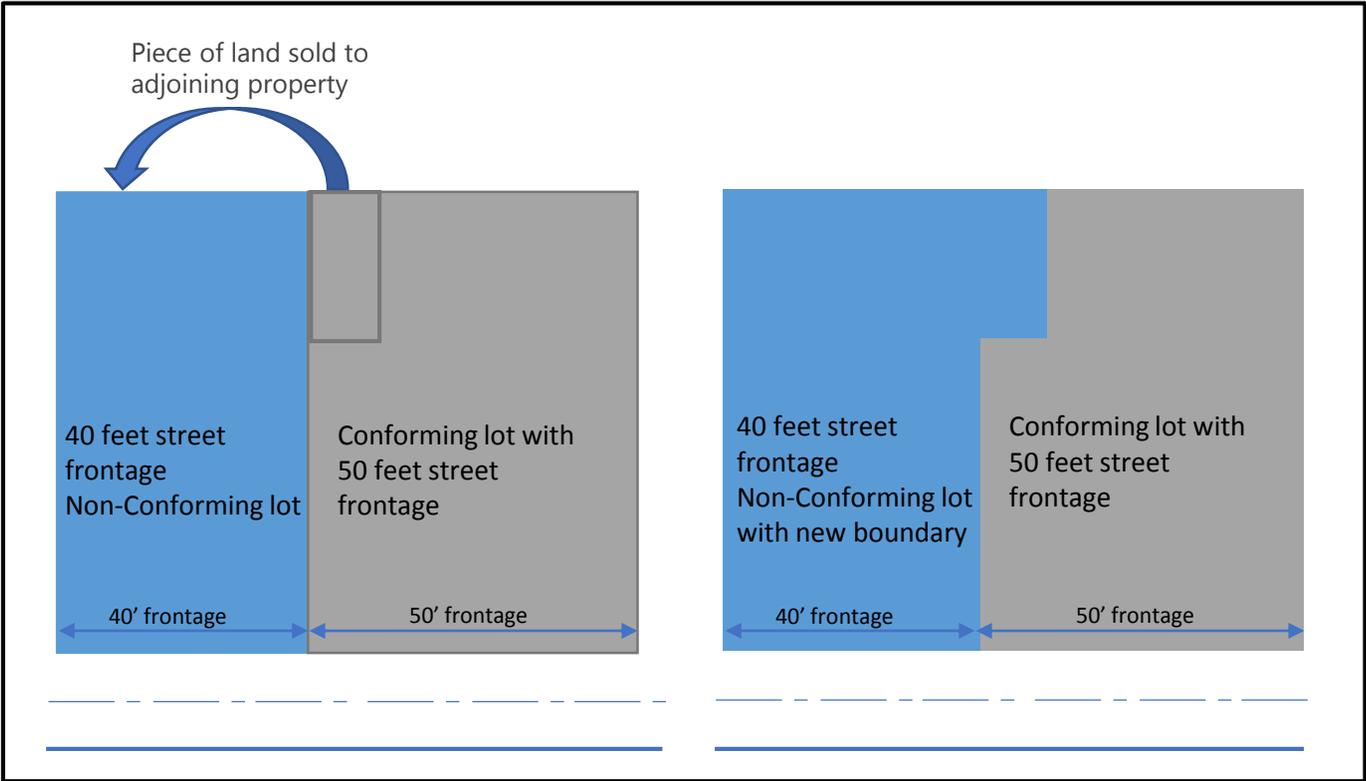
# Topic 14: Non-Conforming Lots

### What are we trying to solve?

- There needs to be clarity in the subdivision requirements regarding limitations on non-conforming lots when they are created between adjoining properties during the re-plat process.

### What is being proposed?

- Update the portion of the subdivision code that addresses re-plats between adjoining properties.
- Prohibit the creation of non-conforming lots that would increase the degree of nonconformity with both the subdivision and zoning regulations.



Example: R-5 zoning district re-platting process which does not increase the degree of non-conformity.

# Thank You!

For more information please contact [info@canvasplanninggroup.com](mailto:info@canvasplanninggroup.com)  
or visit [www.zoningatl.com](http://www.zoningatl.com)

**AN ORDINANCE BY  
ZONING COMMITTEE**

**Z-17-93**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ATLANTA (PART 16), AS AMENDED, AND THE LAND SUBDIVISION ORDINANCE OF THE CITY OF ATLANTA (PART 15), AS AMENDED, BY AMENDING AND CLARIFYING VARIOUS PROVISIONS OF THE TEXT OF THESE ORDINANCES, INCLUDING INDIVIDUAL ZONING DISTRICT AND SUBDIVISION REGULATIONS, WITH REGARD TO THE PROVISIONS THAT FOLLOW: ACCESSORY STRUCTURE HEIGHT (SECTION 1 BELOW); ACCESSORY STRUCTURE SIZE (SECTION 2 BELOW); ACCESSORY USES IN RESIDENTIAL DISTRICTS (SECTION 3 BELOW); BICYCLE PARKING (SECTION 4 BELOW); DELETION OF UNUSED SPI ZONING DISTRICTS (SECTION 5 BELOW); INDEPENDENT DRIVEWAYS (SECTION 6 BELOW); RG AND MR SINGLE-FAMILY AND TWO-FAMILY LOT SIZES (SECTION 7 BELOW); MRC BUILDING PLACEMENT (SECTION 8 BELOW); MASTER PLANS (SECTION 9 BELOW); NONCONFORMING FAÇADE HEIGHTS (SECTION 10 BELOW); TRANSFER OF SPECIAL USE PERMITS (SECTION 11 BELOW); SIDEWALK STANDARDS IN CONVENTIONAL ZONING DISTRICTS (SECTION 12 BELOW); TEMPORARY STORAGE CONTAINERS (SECTION 13 BELOW); NONCONFORMING LOT REPLATS (SECTION 14 BELOW); TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the current Atlanta Zoning Ordinance was adopted in 1982 and has been amended numerous times since its adoption; and

**WHEREAS**, a wide variety of state and federal statutory provisions have been adopted and amended since 1982 that impact the City's zoning ordinances, subdivision ordinances, and other land use provisions; and

**WHEREAS**, the combination of numerous amendments over the years, and changing laws and regulations at the state and federal levels, has resulted in a zoning ordinance that is unnecessarily complex and difficult to access, particularly for members of the public and property owners; and

**WHEREAS**, the tremendous growth and change of the City, as well as the various changes that have occurred in the zoning ordinance since 1982, created a need to review existing zoning, subdivision, and other land use regulations and consider a new, updated approach to how the city's zoning, subdivision and other land use regulations are structured and the extent to which they adequately address and protect the public health, safety and welfare; and

**WHEREAS**, the Mayor and City Council of the City of Atlanta undertook to begin the process of substantially reviewing and revising the Atlanta Zoning Ordinance, including related laws, by

performing a comprehensive “diagnostic” analysis of existing zoning code provisions with the assistance of professional city staff and a coalition of consultants; and

**WHEREAS**, this diagnostic was performed over a period of one year and included a wide variety of stakeholder input, professional analysis, and public input, including public forums and Zoning Committee presentations; and

**WHEREAS**, this diagnostic process resulted in a document completed in late 2016 that summarized the information and comments gathered, analyzed the current ordinance against best practices nationally and current legal considerations, and made a series of recommendations for future changes to the Zoning Ordinance, including related regulations and substantial structural code alterations; and

**WHEREAS**, the recommendations set forth in the diagnostic were broken down into two basic components: those that could be completed in a relatively short period of time, which were referred to as “quick fixes”; and those that would require a comprehensive overhaul of the current Zoning Ordinance and would likely require a period of two to four years to complete; and

**WHEREAS**, a consultant team was retained to review, seek public input on, and draft amendments to those ordinance provisions identified in the diagnostic as quick fix changes, to be followed by the introduction of legislation codifying these proposed changes in the Zoning Ordinance and related regulations in two phases; and

**WHEREAS**, this Ordinance constitutes the first phase “quick fix” amendments, and consists of a series of Zoning Ordinance amendments, all of which have followed the procedural requirements of the Zoning Ordinance for adoption of text amendments, as well as some related Subdivision Ordinance amendments, involving the following subject area categories: accessory structure height (section 1 below); accessory structure size (section 2 below); accessory uses in residential districts (section 3 below); bicycle parking (section 4 below); deletion of unused SPI zoning districts (section 5 below); independent driveways (section 6 below); RG and MR single-family and two-family lot sizes (section 7 below); MRC building placement (section 8 below); master plans (section 9 below); nonconforming façade heights (section 10 below); transfer of special use permits (section 11 below); sidewalk standards in conventional zoning districts (section 12 below); temporary storage containers (section 13 below); and nonconforming lot replats (section 14 below);

**WHEREAS**, after lengthy and careful review occurring over a period of years, including the diagnostic referenced above and the required zoning ordinance amendment public hearings, as well as several public forums held throughout the City of Atlanta, the City Council finds that the following amendments are needed in order to clarify and improve certain provisions of the Atlanta Zoning Ordinance and Subdivision Ordinance, provide consistency with the City’s

Proposed amendments are in boldface and italicized type.

Comprehensive Development Plan and other comprehensive planning processes, update consistency with state and federal law, and advance the public health, safety and welfare;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS** as follows:

**SECTION 1 – ACCESSORY STRUCTURE HEIGHT**

**Section 1.A.** That Section 16-28.006(7) of the Zoning Ordinance, which currently reads as follows:

“16-28.006(7) *Yard Defined. General Limitations on Occupancy:* A yard is an open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward (except as provided in section 16-28.008 below); provided, however, that fences and walls may be permitted in any yard subject to height and sight distance requirements established by these or other regulations, and further provided that poles, posts and other customary yard accessories, ornaments and furniture shall be permitted in any yard, subject to section 16-28.008(9).”

be amended to read as follows:

16-28.006(7) *Yard Defined. General Limitations on Occupancy:* A yard is an open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward (except as provided in section 16-28.008 below); provided, however: ***(a) that fences and walls may be permitted in any yard subject to height and sight distance requirements established by these or other regulations; (b) that poles, posts and other customary yard accessories, ornaments and furniture shall be permitted in any yard, subject to section 16-28.008(9); and (c) that HVAC mechanical equipment may extent up to 44 inches above the general ground level of the graded lot.***

**Section 1.B.** That Section 16-28.008(1) of the Zoning Ordinance, which currently reads as follows:

“16-28.008(1) *Limitations on projections into required yards and open spaces:* Eaves, sills, belt courses, energy generation devices, cornices, ornamental features, chimneys, flues, ducts, pipes, air conditioners, bay windows, and the like may project not more than 20 inches into any required yard or open space, except where such projections are prohibited by other lawful regulations.”

be amended to read as follows:

Proposed amendments are in boldface and italicized type.

16-28.008(1) *Limitations on projections into required yards and open spaces:* Eaves, sills, belt courses, energy generation devices, cornices, ornamental features, chimneys, flues, ducts, pipes, window or similarly affixed air conditioners, bay windows, and the like may project not more than 20 inches into any required yard or open space, except where such projections are prohibited by other lawful regulations. ***For additional provisions related to the placement of structures within yards see Sec 16-28.006(7).***

## **SECTION 2 – ACCESSORY STRUCTURE SIZE**

**Section 2.** That Section 16-28.004 of the Zoning Ordinance, which currently reads as follows:

“Sec. 16-28.004. - Accessory uses and structures.

The following regulations and requirements apply to accessory uses and structures:

- (1) Except as otherwise specifically provided in this part, use of accessory buildings as dwellings or lodgings is prohibited.
- (2) Accessory buildings shall be constructed concurrent with or after construction of principal buildings.
- (3) Accessory buildings in R-1 through R-5 districts shall not exceed 20 feet in height, shall not cover more than 25 percent of the area of the rear yard, shall not contain a total floor area greater than 30 percent of the main structure.”

be amended to read as follows:

Sec. 16-28.004 Accessory uses and structures.

The following regulations and requirements apply to accessory uses and structures:

- (1) Except as otherwise specifically provided in this part, use of accessory buildings as dwellings or lodgings is prohibited.
- (2) Accessory buildings shall be constructed concurrent with or after construction of principal buildings.
- (3) Accessory buildings in R-1 through R-5 districts shall not exceed 20 feet in height, shall not cover more than 25 percent of the area of the rear yard, and shall not contain a total floor area greater than 30 percent of the main structure. ***For purposes of calculating the total floor area of the main structure, the definition of residential floor area set forth in the first sentence of section 16-29.001(13)(a) shall apply, except where modified by the provisions of 16-24.008. For purposes of calculating the total floor area of the accessory building, all gross floor area of the accessory building shall be included whether or not it is conditioned or habitable.***

Proposed amendments are in boldface and italicized type.

### **SECTION 3 – ACCESSORY USES IN RESIDENTIAL SUBDIVISIONS**

**Section 3.A.** That Section 15-06.001(c) of the Subdivision Ordinance, which currently reads as follows:

“(c) *Amenity Area*: An area of land that: (1) is held in common ownership by owners of the applicable subdivision; (2) consists of permanent open space; and (3) is permanently maintained by the collective owners.”

be amended to read as follows:

(c) *Amenity Area*: An area of land that: (1) is held in common ownership by owners of the applicable subdivision; (2) consists of permanent open space, ***or, structures that are customarily used for the joint enjoyment of the subdivision’s residents such as swimming pools, tennis courts, clubhouses, and similar facilities;*** and (3) is permanently maintained by the collective owners.

**Section 3.B.** That Section 15-06.001(v) of the Subdivision Ordinance, which currently reads as follows:

“(v) *Lot*: A parcel of land, designed to be used for the development of a one- or two-family dwelling that meets the requirements of this part and part 16 of this code and has been given final approval by the director and has been recorded in the records of the Clerk of the Superior Court of Fulton or DeKalb County, as is appropriate.”

be amended to read as follows:

(v) *Lot*: A parcel of land, designed to be used for the development of a one- or two-family dwelling, ***or an amenity area***, that meets the requirements of this part and part 16 of this code and has been given final approval by the director and has been recorded in the records of the Clerk of the Superior Court of Fulton or DeKalb County, as is appropriate.

**Section 3.C.** That the sentences of Section 15-08.005(c) of the Subdivision Ordinance that precede the table, which currently read as follows:

“(c) Each lot to be created shall have a developable area for a residence and for accessory uses that meets the requirements of this part and of part 16 of this code. Lots which contain floodplains, wetlands, areas of severe slope, or other restrictive easements shall be reviewed by the director of the bureau of planning to ensure that the developable area is of the size and shape required by this part to permit the intended residential use. The minimum developable area for a dwelling shall be one (1)

Proposed amendments are in boldface and italicized type.

continuous area containing a minimum square footage for a dwelling as follows, and minimum square footage to allow space for accessory uses, and a total developable area as follows:” (TABLE)

be amended to read as follows:

*(c) Except for lots created for use as an amenity area, each lot to be created shall have a developable area for a residence and for accessory uses that meets the requirements of this part and of part 16 of this code. Lots created for use as an amenity area shall be reviewed by the Director of the Office of Zoning and Development to ensure that the amenity area is sufficiently buffered from and will not negatively impact surrounding properties, is of a size and shape to safely and adequately accomplish its proposed use, and is in an appropriate location that is accessible to the subdivision’s residents.* Lots which contain floodplains, wetlands, areas of severe slope, or other restrictive easements shall be reviewed by said Director to ensure that the developable area is of the size and shape required by this part to permit the intended residential use. The minimum developable area for a dwelling shall be one (1) continuous area containing a minimum square footage for a dwelling as follows, and minimum square footage to allow space for accessory uses, and a total developable area as follows: (TABLE)

**Section 3.D.** That the introductory language in Section 15-08.005(d) of the Subdivision Ordinance that precedes the list of referenced standards, which currently reads as follows:

“(d) *Layout of Building Lots.* Building lots shall be laid out and designed as follows, and no lot shall be approved unless the following standards have been met:” (LIST OF STANDARDS)

be amended to read as follows:

*(d) Layout of Building Lots. Except for lots created for use as an amenity area authorized by the Director of Zoning and Development pursuant to section 15-08.005(c), all building lots shall be laid out and designed as follows, and no lot shall be approved unless the following standards have been met:* (LIST OF STANDARDS)

**Section 3.E.** That Section 16-28.004 of the Zoning Ordinance, which will read as follows after inclusion of the amendments set forth in **Section 2** of this Ordinance:

“Sec. 16-28.004 Accessory uses and structures.

The following regulations and requirements apply to accessory uses and structures:

Proposed amendments are in boldface and italicized type.

(1) Except as otherwise specifically provided in this part, use of accessory buildings as dwellings or lodgings is prohibited.

(2) Accessory buildings shall be constructed concurrent with or after construction of principal buildings.

(3) Accessory buildings in R-1 through R-5 districts shall not exceed 20 feet in height, shall not cover more than 25 percent of the area of the rear yard, and shall not contain a total floor area greater than 30 percent of the main structure. For purposes of calculating the total floor area of the main structure, the definition of residential floor area set forth in the first sentence of section 16-29.001(13)(a) shall apply, except where modified by the provisions of 16-24.008. For purposes of calculating the total floor area of the accessory building, all gross floor area of the accessory building shall be included whether or not it is conditioned or habitable.”

be further amended to read as follows, inclusive of the amendments made in **Section 2** of this Ordinance:

Sec. 16-28.004. Accessory uses and structures.

The following regulations and requirements apply to accessory uses and structures:

(1) Except as otherwise specifically provided in this part, use of accessory buildings as dwellings or lodgings is prohibited.

(2) Accessory buildings shall be constructed concurrent with or after construction of principal buildings.

(3) Accessory buildings in R-1 through R-5 districts shall not exceed 20 feet in height, shall not cover more than 25 percent of the area of the rear yard, and shall not contain a total floor area greater than 30 percent of the main structure. For purposes of calculating the total floor area of the main structure, the definition of residential floor area set forth in the first sentence of section 16-29.001(13)(a) shall apply, except where modified by the provisions of 16-24.008. For purposes of calculating the total floor area of the accessory building, all gross floor area of the accessory building shall be included whether or not it is conditioned or habitable.

***(4) “Amenity areas” as defined in Section 15-06.001(c) that lie within subdivisions reviewed and approved pursuant to Part 15, shall be authorized as accessory uses and structures in the R-1 through R-5 districts, and in single and two-family subdivisions in the RG and MR districts, and may be used and platted as an irregular lot within such subdivisions provided said lot continues to be used exclusively for an amenity area pursuant to Part 15. Should such lot cease to be used as an amenity area, it shall be used only for the purposes of “open space” within the meaning of Section 15-06.001(z).***

Proposed amendments are in boldface and italicized type.

## **SECTION 4 – BICYCLE PARKING**

**Section 4.A.** That Section 16-28.014(6) of the Zoning Ordinance, relating to bicycle parking, which currently reads as follows:

*“(6) Bicycle and moped parking facilities:*

(a) A building, commercial establishment or other property, whether privately or publicly owned or operated, which provides automobile parking facilities, whether free of charge or for a fee, to any employees, tenants, customers, clients, patrons or other members of the public customarily utilizing such building, commercial establishment or property shall provide parking facilities in the ratio of at least one (1) bicycle/moped parking space for every 20 automobile parking spaces. Provided, however, that no building, commercial establishment or other property subject to the provisions of this section shall have fewer than three (3) bicycle/moped parking spaces. Facilities shall not be required to exceed a maximum of 50 spaces; provided further that the requirements of this section shall not apply to properties being operated primarily as commercial parking facilities, residences, churches, restaurants and nightclubs.

(b) Bicycle/moped spaces shall be at least as close as the closest automobile space, except for handicapped parking spaces, or as near a regularly used building entrance as possible without interfering with pedestrian traffic. Each space shall include a metal anchor which will secure the frame and both wheels in conjunction with a user-supplied lock. If bicycle/moped parking is not visible to the general visiting public, then a sign no larger than 10" × 15" shall be displayed which directs cyclists to the bicycle/moped parking.

(c) The provisions of this section shall apply to property owners, persons occupying the property pursuant to a leasehold interest, or other managers or operators of buildings, commercial establishments and property subject to the provisions of this section.

(d) The provisions of this section shall apply to any building, commercial establishment or property for which a permit for new construction is issued following the effective date of this part, and to the alteration of existing buildings in all cases where sufficient space exists to provide such parking facilities.

(e) The board of zoning adjustment is hereby empowered to waive or reduce the bicycle/moped parking requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of bicycle/moped parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot.”

be deleted in its entirety and replaced with the following provisions so that, as amended, said Section 16-28.014(6) reads as follows:

### **Sec. 16-28.014(6) Bicycle Parking Requirements:**

#### ***(6) Bicycle parking requirements***

Proposed amendments are in boldface and italicized type.

*(a) Bicycle parking shall be provided for each building as specified in the following “Table of Bicycle Parking Requirements.” Bicycle parking requirement shall be calculated based on gross floor area and shall be calculated separately for separate buildings.*

*Table of Bicycle Parking Requirements*

	<i>Fixed Rack Spaces</i>	<i>Bicycle Parking</i>	<i>Enclosed Bicycle Parking Spaces</i>	<i>Maximum Combined Requirement</i>
<i>Residential Uses</i>				
Multifamily (less than 10 units)	<i>1 per 5 units, 2 min.</i>		<i>n/a</i>	<i>No more than 50 spaces required</i>
Multifamily (10 or more units)	<i>1 per 10 units, 2 min.</i>		<i>1 per 10 units, 2 min.</i>	<i>No more than 50 spaces required</i>
<i>Non-residential uses</i>				
Offices	<i>1 per 8,000 sf, 2 min.</i>		<i>1 per 8,000 sf, 2 min.</i>	<i>No more than 50 spaces required</i>
All other non-residential uses	<i>1 per 4,000 sf, 2 min.</i>		<i>n/a</i>	<i>No more than 50 spaces required</i>

*(b) Fixed bicycle racks parking spaces shall conform to the following minimum standards:*

- i. Shall not be located inside a building, but may be covered.*
- ii. Shall be publicly accessible and provided with lighting at all hours.*
- iii. Shall be spaced to provide clear and maneuverable access to a public street or multi-use trail without the use of stairs.*
- iv. Shall be located on site or in the adjacent public right-of-way.*
- v. Shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock.*
- vi. When located on-site, shall be located at least as close as the closest automobile space serving the building, except for handicapped parking spaces.*
- vii. When located in the public right-of way, shall not impede pedestrian use of the sidewalk and shall only be located within a street furniture and tree planting zone*

*a maximum distance of 100 feet of the building entrance the rack is intended to serve.*

*viii. When located in the public right-of-way, shall be of a type specified by the Office of Zoning and Development in coordination with the Department of Public Works.*

*ix. When two bikes can be locked on both sides without conflict, each side can be counted as one required space.*

*(c) Enclosed bicycle parking spaces shall conform to the following minimum standards:*

*i. Shall provide enclosed bicycle storage in lockers, a room within a building, or within a parking structure.*

*ii. Shall be accessible to all building occupants and to public entrances and walkways, secure, weather resistant, and provided with lighting at all hours.*

*iii. Shall provide clear and maneuverable access to a public street or multi-use trail without the use of stairs or elevators.*

*(d) Buildings containing over 50,000 square of gross square feet of 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 gross square feet of office space in excess of 50,000 square feet. Said facilities shall be available to all office tenants and their employees, provided that the number of shower facilities shall not be required to exceed four.*

*(e) The board of zoning adjustment is hereby empowered to waive or reduce the bicycle parking requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of bicycle parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot.*

*Section 4.B. That Sections 16-18A.017, 16-18I.025, 16-18K.017, 16-18L.017, 16-18O.024, 16-18P.024, 16-18Q.022, 16-18R.020, 16-18T.023, 16-18U.025, 16-18V.018, Sec. 16-32.024, Sec. 16-33.022, Sec. 16-23.023, Sec. 16-35.022, and 16-36.021 of the Zoning Ordinance, relating to bicycle parking, be deleted in their entirety, and the following sentence be inserted in lieu thereof in each said section:*

*“See section 16-28.014(6) Bicycle Parking Requirements.”*

Section 4.C. That Section 16-20C.009(1)(a) of the Zoning Ordinance, relating to parking requirements, be deleted in its entirety, and the following Section 16-20C.009(1)(a) be inserted in lieu thereof:

(a) Parking requirements. Off-street parking and bicycle parking requirements shall be as specified in the Martin Luther King, Jr. Landmark District Parking Table and subject to the following:

<b><i>TABLE 2: Martin Luther King Jr. Landmark District Parking Table</i></b>	<b><i>Minimum Parking: Bicycles</i></b>	<b><i>Minimum Parking: Automobiles</i></b>	<b><i>Maximum Parking: Bicycles</i></b>	<b><i>Maximum Parking: Automobiles</i></b>
<b><i>Single-family dwellings, Two-family dwellings</i></b>	<b><i>See section 16-28.014(6) Bicycle Parking Requirements</i></b>	<b><i>None</i></b>	<b><i>See section 16-28.014(6) Bicycle Parking Requirements</i></b>	<b><i>Two spaces for every one residential unit</i></b>
<b><i>All other Residential and Dwelling Uses</i></b>	<b><i>See section 16-28.014(6) Bicycle Parking Requirements</i></b>	<b><i>None</i></b>	<b><i>See section 16-28.014(6) Bicycle Parking Requirements</i></b>	<b><i>2.5 spaces for every one residential unit</i></b>
<b><i>Non-Residential Uses</i></b>	<b><i>See section 16-28.014(6) Bicycle Parking Requirements</i></b>	<b><i>None</i></b>	<b><i>See section 16-28.014(6) Bicycle Parking Requirements</i></b>	<b><i>2.5 spaces for every 1,000 square feet of floor area</i></b>

Section 4.D. That Section 16-20R.018(1)(a) of the Zoning Ordinance, relating to parking requirements, be deleted in its entirety, and the following Section 16-20R.018(1)(a) be inserted in lieu thereof:

<i>(a) Parking requirements. Off-street parking and bicycle parking requirements shall be as specified in the Means Street Landmark District Parking Table and subject to the following: Means Street Landmark District Parking Table</i>	<i>Minimum Parking: Bicycles</i>	<i>Minimum Parking: Automobiles</i>	<i>Maximum Parking: Bicycles</i>	<i>Maximum Parking: Automobiles</i>
<i>Residential Uses</i>	<i>See section 16-28.014(6) Bicycle Parking Requirements</i>	<i>1 space for every 1 residential unit</i>	<i>See section 16-28.014(6) Bicycle Parking Requirements</i>	<i>2.5 spaces for every 1 residential unit</i>
<i>Non-Residential Uses</i>	<i>See section 16-28.014(6) Bicycle Parking Requirements</i>	<i>None</i>	<i>See section 16-28.014(6) Bicycle Parking Requirements</i>	<i>5 spaces for every 1,000 square feet of floor area *</i>
<i>* Eating and drinking establishments with alcoholic beverage licenses shall be permitted a maximum of 10 spaces per 1,000 square feet of floor area.</i>				

**SECTION 5 – DELETION OF UNUSED SPI DISTRICTS**

***Section 5.*** That Chapters 18C, 18D, and 18J of Part 16 (Zoning Ordinance), formerly known as SPI-3 Midtown District, SPI-4 Arts Center District, and SPI-10 Upper Midtown Neighborhood District, are hereby deleted in their entirety.

**SECTION 6 – INDEPENDENT DRIVEWAYS**

**Section 6.** That Section 16-28.006(10) of the Zoning Ordinance, which currently reads as follows:

*“(10) Independent Driveway Required on Conforming Lot: Each conforming lot shall have its own independent driveway entirely within its boundaries and directly connected to a public street. No lot shall be considered conforming if it does not have, or cannot be provided with, a driveway meeting this requirement.”*

Proposed amendments are in boldface and italicized type.

*be deleted in its entirety.*

## **SECTION 7 – RG AND MR SINGLE-FAMILY AND TWO-FAMILY LOT SIZES**

**Section 7.A.** That Sections 16-08.007(2) and 16-08.007(2a) of the Zoning Ordinance, relating to minimum lot requirements, which currently read as follows:

*(2) Single-family and two-family dwellings: Minimum lot width of 50 feet; minimum net lot area of 5,000 square feet, except zero-lot-line development.*

*(2a) Single-family zero-lot-line development: Single-lot area: 2,500 square feet with a minimum combined area of 5,000 square feet; lot width: Not less than ten feet, with a minimum combined width of 50 feet. (See section 16-28.007.)”*

be amended to read as follows:

***(2) Single-family and two-family dwellings: Minimum lot width of 20 feet; minimum net lot area of 1,000 square feet, except zero-lot-line development.***

***(2a) Single-family zero-lot-line development: Single-lot area: 800 square feet with a minimum combined area of 5,000 square feet; Lot width: not less than 16 feet, with a minimum combined width of 50 feet. (See section 16-28.007.)***

**Section 7.B.** That sections 16-35.010(4)(a) and 16-35.010(4)(b) of the Zoning Ordinance, relating to minimum lot size, which currently read as follows:

*“4. Minimum lot size.*

*a. MR-1 through MR-4: 2,000 square feet.*

*b. MR-5 through MR-6: 5,000 square feet.”*

be amended to read as follows:

***4. Minimum lot size.***

***a. MR-1 through MR-4: 1,000 square feet for single-family and duplex, except zero lot line development; 2,000 square feet for all other uses.***

***b. MR-5 through MR-6: 1,000 square feet for single-family and duplex, except zero lot line development; 5,000 square feet for all other uses.***

Proposed amendments are in boldface and italicized type.

**Section 7.C.** That sections 16-35.010(5)(a) and 16-35.010(5)(b) of the Zoning Ordinance, relating to minimum street frontage, which currently read as follows:

*Minimum street frontage.*

a. *MR-4B: 20 linear feet.*

b. *MR-1 and MR-2: 25 linear feet.*

c. *MR-3 through MR-4 A and MR-5 through MR-6: 40 linear feet.*

be amended to read as follows:

*Minimum street frontage.*

*a. MR-1, MR-2 and MR-4B: 16 linear feet for zero lot line development; 20 linear feet for all other uses.*

*b. MR-3 through MR-4A and MR-5 through MR-6: 20 linear feet for single-family and duplex; 16 linear feet for zero lot line development; 40 linear feet for all other uses.*

**Section 7.D.** That section 16-35.024 of the Zoning Ordinance, relating to zero-lot-line development, which currently reads as follows:

Zero-lot-line subdivision is permitted for residential uses provided a minimum of 1,000 square feet in lot area is provided. The additional requirements of section 16-28.007 shall also apply.

be amended to read as follows:

*Zero-lot-line subdivision is permitted for residential uses provided a minimum of 800 square feet in lot area is provided. The additional requirements of section 16-28.007 shall also apply.*

## **SECTION 8 – MRC BUILDING PLACEMENT**

**Section 8.** That Section 16-34.010(4) of the Zoning Ordinance, relating to required side and rear yards in MRC, which currently reads as follows:

**“(4) Side or rear yard.** For residential uses, a minimum 20 feet side and rear yard setback shall be required, except that the side yard may be reduced to zero feet when a residential use has no residential windows adjacent to such yard. For nonresidential uses: No requirement.”

Proposed amendments are in boldface and italicized type.

be amended to read as follows:

- (4) Side or rear yard. No requirement.*

## **SECTION 9 - MASTER PLANS**

**Section 9.A.** That a new Section 16-28.030 be added to Chapter 28 of Part 16 of the Zoning Ordinance, which new section shall read as follows:

### ***Sec. 16-28.030. Unified Development Plans***

***The following rules apply in all zoning districts except R-1 through R-5, RLC, Planned Development Districts, and Buildings, Sites or Districts designated pursuant to Chapter 20 of Part 16.***

- (1) Unified development plans are authorized by Special Administrative Permit (SAP) when one or more parcels of land is under common control. The required SAP for unified development plan shall only be used to demonstrate conformance with the provisions of this section.***
- (2) Unified development plans shall be used to establish conformance with side and rear setbacks, transitional yards, transitional height plains, lot coverage, on-site parking and loading, open space, and floor area ratio utilizing the entire area under common control.***
- (3) When a single unified development plan is located in two or more zoning districts, the portion of land in each district shall conform independently, except as otherwise provided for by the Zoning Ordinance or as follows:***
  - a) Open space may be located anywhere in the area subject to the unified development plan.***
  - b) On-site parking and loading may be located anywhere in the area subject to the unified development plan.***
- (4) Properties developed pursuant to an initial unified development plan approved under a single SAP may be subdivided into different ownership that can be acknowledged as separate parcels, even if any of the subdivided parcels would not meet all of the side and rear setbacks, transitional yards, transitional height plains, lot coverage, on-site parking and loading, open space, and floor area ratio requirements after the subdivision is completed provided that:***
  - a) Any subdivision undertaken pursuant to this section shall be granted only if the amount of floor area existing or currently under development pursuant to a validly issued building permit meets the applicable requirements of the zoning district;***
  - b) Where uses are limited to a particular amount of floor area by any condition of zoning or any SAP approval not required under this section, this section shall not be construed to require the director to apportion the uses that may be undertaken on any individual parcel or reserve any amount of floor area that may be dedicated to a particular use for future development of other parcels unless an approved site plan shows specified uses attached to specific parcels;***

Proposed amendments are in boldface and italicized type.

- c) *The director shall analyze uses permitted on any parcel in a unified development plan based on the mix of existing uses and noted requirements and the uses proposed in the SAP under review; and where any SAP is pending concerning a limiting amount of floor area allowed for a particular use, the amount of such floor area available shall be removed from that available area of the overall unified development plan as of the date of initial SAP application;*
  - d) *No properties developed under a unified development plan can be subdivided in a manner that prevents access to sufficient exits by occupants of any structure or prevents access to the entire parcel by police, fire and emergency service personnel, even where served by private streets; and*
  - e) *An owner of a subdivided parcel of a unified development plan shall be allowed to rebuild equal or lesser floor area of any structure which is located on that part of property in their ownership without permission of other owners holding other parcels in the unified development provided, however, that this authorization shall not allow the uses or requirements to be amended unless approved by the director and all owners.*
- (5) *Any changes from the approved unified development plan shall require a new or amended SAP, which shall be based on the same area of land as the initial approval. 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 9.B.** *That Section 16-18U.007 of the Zoning Ordinance, relating to subdivision of master planned developments in SPI 21, is hereby deleted in its entirety.*

**Section 9.C.** *That Section 16-18I.005(2) of the Zoning Ordinance, relating to unified plans in SPI 19, is hereby deleted in its entirety.*

**Section 9.D.** That the last paragraph in Sections 16-18A.004, 16-18R.004, and 16-18V.004 of the Zoning Ordinance, which currently reads as follows:

“For the purposes of this chapter, a unified development plan approved under a single SAP and meeting all floor area ratio requirements, open space requirements, and 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 and shall meet floor area ratio requirements, 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.”

be amended so as to *delete said last paragraph in each of said sections in their entirety.*

**Section 9.E.** That the first sentence in Section 16-25.002(3) of the Zoning Ordinance, relating to Special Permits, which currently reads as follows:

Proposed amendments are in boldface and italicized type.

“(3) *Construction, generally*: No special permit shall be issued unless it is determined that, in addition to meeting the special requirements set forth within the district within which such special permit is located, satisfactory provisions and arrangements have been made concerning the following, applicable to each application, provided however that where site plans and conditions are attached to special use permits, the site plan and the conditions shall control with respect to the setbacks, lot coverage of the buildings on the site and floor area ratio allowed by such site plans and conditions.”

be amended to read as follows:

(3) *Construction, generally*: No special permit, ***except as provided for in Section 16-28.030 for unified development plans, shall be issued unless it is determined that***, in addition to meeting the special requirements set forth within the district within which such special permit is located, satisfactory provisions and arrangements have been made concerning the following, applicable to each application, provided however that where site plans and conditions are attached to special use permits, the site plan and the conditions shall control with respect to the setbacks, lot coverage of the buildings on the site and floor area ratio allowed by such site plans and conditions.

#### **SECTION 10 – NONCONFORMING FACADE HEIGHTS**

**Section 10.** That a new Section 16-25.002(6) be added to Chapter 25 of Part 16 of the Zoning Ordinance, which new section shall read as follows:

***Sec. 16-25.002(6). Special administrative permits (SAP) involving the application of minimum building façade height standards to expansion of existing non-conforming buildings. The Director of the Office of Zoning and Development may approve an expansion of existing nonconforming building façade heights for SAP applications that involve existing structures that do not meet the zoning district requirements for minimum building façade heights. Such expansion shall be limited to a maximum dimension of 35 horizontal linear feet of new building façade. The allowable 35 foot horizontal linear expansion of nonconforming building facades shall be permitted for each of the two sides of the respective building façade.***

#### **SECTION 11 – TRANSFER OF SPECIAL USE PERMITS**

**Section 11.** That Section 16-25.002(2)(a.) of the Zoning Ordinance, relating to transfers of special use permits, which currently reads as follows

Proposed amendments are in boldface and italicized type.

“a. *Special use permits:* The transfer of a special use permit is authorized upon the approval of the city council after a request for such transfer has been filed with the bureau of planning by the new owner or operator, accompanied by an affidavit certifying that the new operator or owner is thoroughly familiar with and will abide by the terms of the original special use permit.”

be amended to read as follows:

a. *Special use permits:* The transfer of a special use permit is authorized upon the approval of the ***Director of the Office of Zoning and*** Development after a request for such transfer has been filed with the Office of Zoning and Development by the proposed new owner or operator, accompanied by an affidavit certifying that the new operator or owner is thoroughly familiar with and will abide by the terms of the original special use permit including all conditions, *as well as all other materials required by an application form promulgated by the Director. The Director shall approve the request only upon a finding that the new owner or operator meets each of the following criteria:*

*(i) Has the intent and the ability to adhere to all terms and conditions of the special use permit;*

*(ii) Has secured, or will immediately secure upon approval of the request, all federal, state and local licenses, permits and other certifications required to operate the Special Use Permit; and*

*(iii) Does not have a history of code or criminal violations directly pertaining to the Special Use Permit’s operational characteristics that would jeopardize the public’s health or safety in the operation of that Permit.*

*Otherwise, the Director shall deny the request. The decision shall be in writing, made within thirty days of the filing of a complete application, and transmitted to the applicant. An aggrieved person may appeal the decision of the Director to the BZA in accordance with section 16-30.010. Transfers approved by the Director shall be maintained by the Office of Zoning and Development*

## **SECTION 12 – SIDEWALK STANDARDS IN CONVENTIONAL ZONING DISTRICTS**

*Section 12.A. That a new section 16-06.011 be added to Chapter 6 of Part 16 of the Zoning Ordinance (R-4 Single Family residential), which new section shall read as follows:*

*Sec. 16-06.011. Sidewalks.*

Proposed amendments are in boldface and italicized type.

*Whenever the following regulations are at variance with historic district regulations of Part 16 Chapter 20 or SPI district regulations, the more stringent regulations shall apply.*

- 1. Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.*
- 2. Amenity zone requirements: The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be two feet. This zone is reserved for the placement of street trees in a manner that does not obstruct pedestrian access or motorist visibility.*
- 3. Walk zone requirements: The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of five feet. Said zone shall contain a consistent cross-slope not exceeding two percent.*
- 4. Paving: All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.*
- 5. Street tree planting requirements: Street trees are required and shall be planted in the ground within the amenity zone and spaced a maximum of 40 feet apart from other amenity zone street trees. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or liriope spicata. All tree plantings, replacement and removal shall be approved by the city arborist.*
- 6. Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development subject to documentation of the following:*
  - a. Sidewalks exist that are not in need of repair;*
  - b. Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;*
  - c. Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;*
  - d. Topographic conditions exist that that would prevent driveway access to the property upon completion of the proposed sidewalk;*
  - e. Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;*
  - f. Sidewalks on either side of the parcel block face or the opposing block face that are of a dimension different than these requirements. In this case, the new sidewalk dimensions shall match the dimensions of the sidewalks found on the block;*
  - g. Parcels that are on block faces that do not have sidewalks or that have opposing block faces that do not have sidewalks may be permitted to waive these sidewalk requirements;*
  - h. The existence of an Overlay zoning district pursuant to Chapter 20 of Part 16 or an Overlay SPI District; or*

- i. *Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly-funded by the City of Atlanta.*

**Section 12.B.** *That a new section 16-06A.011 be added to Chapter 6A of Part 16 of the Zoning Ordinance (R-4A Single Family residential), which new section shall read as follows:*

**Sec. 16-06A.011. Sidewalks.**

*Whenever the following regulations are at variance with historic district regulations of Part 16 Chapter 20 or SPI district regulations, the more stringent regulations shall apply.*

1. *Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.*
2. *Amenity zone requirements: The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be two feet. This zone is reserved for the placement of street trees in a manner that does not obstruct pedestrian access or motorist visibility.*
3. *Walk zone requirements: The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of five feet. Said zone shall contain a consistent cross-slope not exceeding two percent.*
4. *Paving: All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.*
5. *Street tree planting requirements: Street trees are required and shall be planted in the ground within the amenity zone and spaced a maximum of 40 feet apart from other amenity zone street trees. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or liriope spicata. All tree plantings, replacement and removal shall be approved by the city arborist.*
6. *Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development subject to documentation of the following:*
  - a. *Sidewalks exist that are not in need of repair;*
  - b. *Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;*
  - c. *Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;*
  - d. *Topographic conditions exist that that would prevent driveway access to the property upon completion of the proposed sidewalk;*
  - e. *Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;*
  - f. *Sidewalks on either side of the parcel block face or the opposing block face that are of a dimension different than these requirements. In this case, the new*

*sidewalk dimensions shall match the dimensions of the sidewalks found on the block;*

- g. Parcels that are on block faces that do not have sidewalks or that have opposing block faces that do not have sidewalks may be permitted to waive these sidewalk requirements;*
- h. The existence of an Overlay zoning district pursuant to Chapter 20 of Part 16 or an Overlay SPI District; or*
- i. Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly-funded by the City of Atlanta.*

**Section 12.C. That a new section 16-06B.011 be added to Chapter 6 of Part 16 of the Zoning Ordinance (R-4B Single Family residential), which new section shall read as follows:**

***Sec. 16-06B.011. Sidewalks.***

***Whenever the following regulations are at variance with historic district regulations of Part 16 Chapter 20 or SPI district regulations, the more stringent regulations shall apply.***

- 1. Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.***
- 2. Amenity zone requirements: The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be two feet. This zone is reserved for the placement of street trees in a manner that does not obstruct pedestrian access or motorist visibility.***
- 3. Walk zone requirements: The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of five feet. Said zone shall contain a consistent cross-slope not exceeding two percent.***
- 4. Paving: All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.***
- 5. Street tree planting requirements: Street trees are required and shall be planted in the ground within the amenity zone and spaced a maximum of 40 feet apart from other amenity zone street trees. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or *liriope spicata*. All tree plantings, replacement and removal shall be approved by the city arborist.***
- 6. Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development subject to documentation of the following:***
  - a. Sidewalks exist that are not in need of repair;***

- b. Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;*
- c. Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;*
- d. Topographic conditions exist that that would prevent driveway access to the property upon completion of the proposed sidewalk;*
- e. Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;*
- f. Sidewalks on either side of the parcel block face or the opposing block face that are of a dimension different than these requirements. In this case, the new sidewalk dimensions shall match the dimensions of the sidewalks found on the block;*
- g. Parcels that are on block faces that do not have sidewalks or that have opposing block faces that do not have sidewalks may be permitted to waive these sidewalk requirements;*
- h. The existence of an Overlay zoning district pursuant to Chapter 20 of Part 16 or an Overlay SPI District; or*
- i. Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly- funded by the City of Atlanta.*

*Section 12.D. That a new section 16-07.011 be added to Chapter 7 of Part 16 of the Zoning Ordinance (R-5 Single Family residential), which new section shall read as follows:*

*Sec. 16-07.011. Sidewalks. (R-5 Two Family Residential)*

*Whenever the following regulations are at variance with historic district regulations of Part 16 Chapter 20 or SPI district regulations, the more stringent regulations shall apply.*

- 1. Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.*
- 2. Amenity zone requirements: The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be two feet. This zone is reserved for the placement of street trees in a manner that does not obstruct pedestrian access or motorist visibility.*
- 3. Walk zone requirements: The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of five feet. Said zone shall contain a consistent cross-slope not exceeding two percent.*
- 4. Paving: All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.*

5. *Street tree planting requirements: Street trees are required and shall be planted in the ground within the amenity zone and spaced a maximum of 40 feet apart from other amenity zone street trees. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or lirioppe spicata. All tree plantings, replacement and removal shall be approved by the city arborist.*
6. *Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development subject to documentation of the following:*
  - a. *Sidewalks exist that are not in need of repair;*
  - b. *Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;*
  - c. *Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;*
  - d. *Topographic conditions exist that that would prevent driveway access to the property upon completion of the proposed sidewalk;*
  - e. *Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;*
  - f. *Sidewalks on either side of the parcel block face or the opposing block face that are of a dimension different than these requirements. In this case, the new sidewalk dimensions shall match the dimensions of the sidewalks found on the block;*
  - g. *Parcels that are on block faces that do not have sidewalks or that have opposing block faces that do not have sidewalks may be permitted to waive these sidewalk requirements;*
  - h. *The existence of an Overlay zoning district pursuant to Chapter 20 of Part 16 or an Overlay SPI District; or*
  - i. *Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly- funded by the City of Atlanta.*

*Section 12.E. That a new section 16-08.011 be added to Chapter 8 of Part 16 of the Zoning Ordinance ((RG Residential General), which new section shall read as follows:*

*Sec. 16-08.011. Sidewalks.*

1. *Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.*
2. *Amenity zone requirements: The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be five feet. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper*

- boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.*
- 3. Walk zone requirements: The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of 10 feet for arterial and collector streets and six feet for all other streets. Said zones shall contain a consistent cross-slope not exceeding two percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight feet.*
  - 4. Paving: All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.*
  - 5. Street tree planting requirements: Street trees are required and shall be planted in the ground within the amenity zone and spaced equidistance and on-center between street lights a maximum of 40 feet apart. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or liriope spicata. All tree plantings, replacement and removal shall be approved by the city arborist.*
  - 6. Pedestrian and street lights shall be placed equidistant and on-center between required street trees within the amenity zone.*
  - 7. Where property within the district abuts an R district without an intervening street, the sidewalk area within 20 feet of such districts shall taper when necessary to provide a smooth transition to the existing R districts sidewalk. In the event that the abutting R district has no existing sidewalk the sidewalk shall taper to a width of six feet, measured from the street curb, or as approved by the Director of the Office of Zoning and Development.*
  - 8. Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development subject to documentation of the following:*
    - a. Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;*
    - b. Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;*
    - c. Topographic conditions exist that that would prevent driveway access to the property upon completion of the proposed sidewalk;*
    - d. Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;*
    - e. The existence of an Overlay zoning district pursuant to Chapter 20 of Part 16, an Overlay SPI District, or the BeltLine Overlay District; or*
    - f. Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly- funded by the City of Atlanta.*

**Section 12.F. That a new section 16-09.012 be added to Chapter 9 of Part 16 of the Zoning Ordinance (RLC District), which new section shall read as follows:**

**Sec. 16-09.012. Sidewalks.**

- 1. Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.**
- 2. Amenity zone requirements: The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be five feet. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.**
- 3. Walk zone requirements: The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of 10 feet for arterial and collector streets and six feet for all other streets. Said zones shall contain a consistent cross-slope not exceeding two percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight feet.**
- 4. Paving: All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.**
- 5. Street tree planting requirements: Street trees are required and shall be planted in the ground within the amenity zone and spaced equidistance and on-center between street lights a maximum of 40 feet apart. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or *liriope spicata*. All tree plantings, replacement and removal shall be approved by the city arborist.**
- 6. Pedestrian and street lights shall be placed equidistant and on-center between required street trees within the amenity zone.**
- 7. Where property within the district abuts an R district without an intervening street, the sidewalk area within 20 feet of such districts shall taper when necessary to provide a smooth transition to the existing R districts sidewalk. In the event that the abutting R district has no existing sidewalk the sidewalk shall taper to a width of six feet, measured from the street curb, or as approved by the Director of the Office of Zoning and Development.**
- 8. Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development subject to documentation of the following:**

- a. *Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;*
- b. *Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;*
- c. *Topographic conditions exist that that would prevent driveway access to the property upon completion of the proposed sidewalk;*
- d. *Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;*
- e. *The existence of an Overlay zoning district pursuant to Chapter 20 of Part 16, an Overlay SPI District, or the BeltLine Overlay District; or*
- f. *Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly- funded by the City of Atlanta.*

**Section 12.G. That a new section 16-10.010 be added to Chapter 10 of Part 16 of the Zoning Ordinance (O-I Office Institutional District), which new section shall read as follows:**

***Sec. 16-10.010. Sidewalks.***

- 1. ***Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.***
- 2. ***Amenity zone requirements: The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be five feet. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.***
- 3. ***Walk zone requirements: The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of 10 feet for arterial and collector streets and six feet for all other streets. Said zones shall contain a consistent cross-slope not exceeding two percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight feet.***
- 4. ***Paving: All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.***
- 5. ***Street tree planting requirements: Street trees are required and shall be planted in the ground within the amenity zone and spaced equidistance and on-center between street lights a maximum of 40 feet apart. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or***

- liriope spicata*. All tree plantings, replacement and removal shall be approved by the city arborist.
6. *Pedestrian and street lights shall be placed equidistant and on-center between required street trees within the amenity zone.*
  7. *Where property within the district abuts an R district without an intervening street, the sidewalk area within 20 feet of such districts shall taper when necessary to provide a smooth transition to the existing R districts sidewalk. In the event that the abutting R district has no existing sidewalk the sidewalk shall taper to a width of six feet, measured from the street curb, or as approved by the Director of the Office of Zoning and Development.*
  8. *Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development subject to documentation of the following:*
    - a. *Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;*
    - b. *Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;*
    - c. *Topographic conditions exist that that would prevent driveway access to the property upon completion of the proposed sidewalk;*
    - d. *Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;*
    - e. *The existence of an Overlay zoning district pursuant to Chapter 20 of Part 16, an Overlay SPI District, or the BeltLine Overlay District; or*
    - f. *Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly- funded by the City of Atlanta.*

***Section 12.H. That a new section 16-11.011 be added to Chapter 11 of Part 16 of the Zoning Ordinance (C-1 Community Commercial District), which new section shall read as follows:***

***Sec. 16-11.011. Sidewalks.***

1. *Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.*
2. *Amenity zone requirements: The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be five feet. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.*
3. *Walk zone requirements: The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of 10 feet for arterial and collector streets and six feet for all other streets. Said zones shall contain a consistent cross-slope not exceeding two percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight feet.*

4. *Paving: All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.*
5. *Street tree planting requirements: Street trees are required and shall be planted in the ground within the amenity zone and spaced equidistance and on-center between street lights a maximum of 40 feet apart. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or liriope spicata. All tree plantings, replacement and removal shall be approved by the city arborist.*
6. *Pedestrian and street lights shall be placed equidistant and on-center between required street trees within the amenity zone.*
7. *Where property within the district abuts an R district without an intervening street, the sidewalk area within 20 feet of such districts shall taper when necessary to provide a smooth transition to the existing R districts sidewalk. In the event that the abutting R district has no existing sidewalk the sidewalk shall taper to a width of six feet, measured from the street curb, or as approved by the Director of the Office of Zoning and Development.*
8. *Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development subject to documentation of the following:*
  - a. *Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;*
  - b. *Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;*
  - c. *Topographic conditions exist that that would prevent driveway access to the property upon completion of the proposed sidewalk;*
  - d. *Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;*
  - e. *The existence of an Overlay zoning district pursuant to Chapter 20 of Part 16, an Overlay SPI District, or the BeltLine Overlay District; or*
  - f. *Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly- funded by the City of Atlanta.*

***Section 12.I. That a new section 16-12.010 be added to Chapter 12 of Part 16 of the Zoning Ordinance (C-2 Commercial Service District), which new section shall read as follows:***

***Sec. 16-12.010. Sidewalks.***

1. *Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.*
2. *Amenity zone requirements: The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be five feet. This zone is reserved for the*

*placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.*

3. *Walk zone requirements: The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of 10 feet for arterial and collector streets and six feet for all other streets. Said zones shall contain a consistent cross-slope not exceeding two percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight feet.*
4. *Paving: All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.*
5. *Street tree planting requirements: Street trees are required and shall be planted in the ground within the amenity zone and spaced equidistance and on-center between street lights a maximum of 40 feet apart. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or liriopie spicata. All tree plantings, replacement and removal shall be approved by the city arborist.*
6. *Pedestrian and street lights shall be placed equidistant and on-center between required street trees within the amenity zone.*
7. *Where property within the district abuts an R district without an intervening street, the sidewalk area within 20 feet of such districts shall taper when necessary to provide a smooth transition to the existing R districts sidewalk. In the event that the abutting R district has no existing sidewalk the sidewalk shall taper to a width of six feet, measured from the street curb, or as approved by the Director of the Office of Zoning and Development.*
8. *Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development subject to documentation of the following:*
  - a. *Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;*
  - b. *Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;*
  - c. *Topographic conditions exist that that would prevent driveway access to the property upon completion of the proposed sidewalk;*
  - d. *Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;*
  - e. *The existence of an Overlay zoning district pursuant to Chapter 20 of Part 16, an Overlay SPI District, or the BeltLine Overlay District; or*

- f. *Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly-funded by the City of Atlanta.*

*Section 12.J. That a new section 16-13.010 be added to Chapter 13 of Part 16 of the Zoning Ordinance (C-3 Commercial District), which new section shall read as follows:*

*Sec. 16-13.010. Sidewalks.*

1. *Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.*
2. *Amenity zone requirements: The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be five feet. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.*
3. *Walk zone requirements: The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of 10 feet for arterial and collector streets and six feet for all other streets. Said zones shall contain a consistent cross-slope not exceeding two percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight feet.*
4. *Paving: All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.*
5. *Street tree planting requirements: Street trees are required and shall be planted in the ground within the amenity zone and spaced equidistance and on-center between street lights a maximum of 40 feet apart. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or liriope spicata. All tree plantings, replacement and removal shall be approved by the city arborist.*
6. *Pedestrian and street lights shall be placed equidistant and on-center between required street trees within the amenity zone.*

7. *Where property within the district abuts an R district without an intervening street, the sidewalk area within 20 feet of such districts shall taper when necessary to provide a smooth transition to the existing R districts sidewalk. In the event that the abutting R district has no existing sidewalk the sidewalk shall taper to a width of six feet, measured from the street curb, or as approved by the Director of the Office of Zoning and Development.*
8. *Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development subject to documentation of the following:*
  - a. *Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;*
  - b. *Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;*
  - c. *Topographic conditions exist that that would prevent driveway access to the property upon completion of the proposed sidewalk;*
  - d. *Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;*
  - e. *The existence of an Overlay zoning district pursuant to Chapter 20 of Part 16, an Overlay SPI District, or the BeltLine Overlay District; or*
  - f. *Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly- funded by the City of Atlanta.*

*Section 12.K. That a new section 16-14.010 be added to Chapter 14 of Part 16 of the Zoning Ordinance (C-4 Commercial District), which new section shall read as follows:*

*Sec. 16-14.010. Sidewalks.*

1. *Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.*
2. *Amenity zone requirements: The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be five feet. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.*
3. *Walk zone requirements: The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of 10 feet for arterial and collector streets and six feet for all other streets. Said zones shall contain a consistent cross-slope not exceeding two percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight feet.*
4. *Paving: All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any*

- existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.*
5. *Street tree planting requirements: Street trees are required and shall be planted in the ground within the amenity zone and spaced equidistance and on-center between street lights a maximum of 40 feet apart. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or liriopse spicata. All tree plantings, replacement and removal shall be approved by the city arborist.*
  6. *Pedestrian and street lights shall be placed equidistant and on-center between required street trees within the amenity zone.*
  7. *Where property within the district abuts an R district without an intervening street, the sidewalk area within 20 feet of such districts shall taper when necessary to provide a smooth transition to the existing R districts sidewalk. In the event that the abutting R district has no existing sidewalk the sidewalk shall taper to a width of six feet, measured from the street curb, or as approved by the Director of the Office of Zoning and Development.*
  8. *Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development subject to documentation of the following:*
    - a. *Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;*
    - b. *Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;*
    - c. *Topographic conditions exist that that would prevent driveway access to the property upon completion of the proposed sidewalk;*
    - d. *Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;*
    - e. *The existence of an Overlay zoning district pursuant to Chapter 20 of Part 16, an Overlay SPI District, or the BeltLine Overlay District; or*
    - f. *Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly- funded by the City of Atlanta.*

*Section 12.L. That a new section 16-15.012 be added to Chapter 15 of Part 16 of the Zoning Ordinance (C-5 Commercial District), which new section shall read as follows:*

*Sec. 16-15.012. Sidewalks.*

1. *Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.*
2. *Amenity zone requirements: The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be five feet. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper*

- boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.*
3. *Walk zone requirements: The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of 10 feet for arterial and collector streets and six feet for all other streets. Said zones shall contain a consistent cross-slope not exceeding two percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight feet.*
  4. *Paving: All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.*
  5. *Street tree planting requirements: Street trees are required and shall be planted in the ground within the amenity zone and spaced equidistance and on-center between street lights a maximum of 40 feet apart. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or liriope spicata. All tree plantings, replacement and removal shall be approved by the city arborist.*
  6. *Pedestrian and street lights shall be placed equidistant and on-center between required street trees within the amenity zone.*
  7. *Where property within the district abuts an R district without an intervening street, the sidewalk area within 20 feet of such districts shall taper when necessary to provide a smooth transition to the existing R districts sidewalk. In the event that the abutting R district has no existing sidewalk the sidewalk shall taper to a width of six feet, measured from the street curb, or as approved by the Director of the Office of Zoning and Development.*
  8. *Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development subject to documentation of the following:*
    - a. *Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;*
    - b. *Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;*
    - c. *Topographic conditions exist that that would prevent driveway access to the property upon completion of the proposed sidewalk;*
    - d. *Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;*
    - e. *The existence of an Overlay zoning district pursuant to Chapter 20 of Part 16, an Overlay SPI District, or the BeltLine Overlay District; or*
    - f. *Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly- funded by the City of Atlanta.*

***Section 12.M. That a new section 16-16.010 be added to Chapter 16 of Part 16 of the Zoning Ordinance (I-1 Light Industrial District), which new section shall read as follows:***

***Sec. 16-16.010. Sidewalks.***

***Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.***

- 1. Amenity zone requirements: The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be five feet. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.***
- 2. Walk zone requirements: The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of 10 feet for arterial and collector streets and six feet for all other streets. Said zones shall contain a consistent cross-slope not exceeding two percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight feet.***
- 3. Paving: All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.***
- 4. Street tree planting requirements: Street trees are required and shall be planted in the ground within the amenity zone and spaced equidistance and on-center between street lights a maximum of 40 feet apart. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or liriope spicata. All tree plantings, replacement and removal shall be approved by the city arborist.***
- 5. Pedestrian and street lights shall be placed equidistant and on-center between required street trees within the amenity zone.***
- 6. Where property within the district abuts an R district without an intervening street, the sidewalk area within 20 feet of such districts shall taper when necessary to provide a smooth transition to the existing R districts sidewalk. In the event that the abutting R district has no existing sidewalk the sidewalk shall taper to a width of six feet, measured from the street curb, or as approved by the Director of the Office of Zoning and Development.***
- 7. Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development subject to documentation of the following:***

- a. *Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;*
- b. *Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;*
- c. *Topographic conditions exist that that would prevent driveway access to the property upon completion of the proposed sidewalk;*
- d. *Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;*
- e. *The existence of an Overlay zoning district pursuant to Chapter 20 of Part 16, an Overlay SPI District, or the BeltLine Overlay District; or*
- f. *Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly- funded by the City of Atlanta.*

**Section 12.O.** *That a new section 16-17.010 be added to Chapter 17 of Part 16 of the Zoning Ordinance (I-2 Heavy Industrial District), which new section shall read as follows:*

**Sec. 16-17.010. Sidewalks. (I-2 Heavy Industrial)**

1. *Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.*
2. *Amenity zone requirements: The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be five feet. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.*
3. *Walk zone requirements: The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of 10 feet for arterial and collector streets and six feet for all other streets. Said zones shall contain a consistent cross-slope not exceeding two percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight feet.*
4. *Paving: All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.*
5. *Street tree planting requirements: Street trees are required and shall be planted in the ground within the amenity zone and spaced equidistance and on-center between street lights a maximum of 40 feet apart. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or*

- liriope spicata*. All tree plantings, replacement and removal shall be approved by the city arborist.
6. *Pedestrian and street lights shall be placed equidistant and on-center between required street trees within the amenity zone.*
  7. *Where property within the district abuts an R district without an intervening street, the sidewalk area within 20 feet of such districts shall taper when necessary to provide a smooth transition to the existing R districts sidewalk. In the event that the abutting R district has no existing sidewalk the sidewalk shall taper to a width of six feet, measured from the street curb, or as approved by the Director of the Office of Zoning and Development.*
  8. *Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development subject to documentation of the following:*
    - a. *Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;*
    - b. *Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;*
    - c. *Topographic conditions exist that that would prevent driveway access to the property upon completion of the proposed sidewalk;*
    - d. *Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;*
    - e. *The existence of an Overlay zoning district pursuant to Chapter 20 of Part 16, an Overlay SPI District, or the BeltLine Overlay District; or*
    - f. *Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly- funded by the City of Atlanta.*

### **SECTION 13 – TEMPORARY STORAGE CONTAINERS**

**Section 13.** That a new Section 12 be added to 16-28.008 of the Zoning Ordinance, regarding Temporary Storage Containers, which new section shall read as follows:

***Sec. 16-28.008 (12) Temporary Storage Containers on single and two family residential lots: For purposes of this Section, the phrase “Temporary Storage Container” shall mean a portable, weather resistant container holding 200 cubic feet or more of storage capacity that is designed and used for the temporary storage or shipment of household furniture, clothing, and other household goods, excluding refuse, and is transported by truck or trailer to desired locations for drop off and retrieval. In the R-1 through R-5 zoning districts, and on all other lots containing an existing single or two family residential dwelling, Temporary Storage Containers shall be temporarily authorized as accessory to such existing residential principal structures only when in compliance with each of the following requirements:***

- (a) Only one (1) Temporary Storage Container is authorized per each such residential lot for a period of time not to exceed 60 days in any 365 day period;***
- (b) Every Temporary Storage Container shall have a visible, waterproof notation located on the exterior of the Container that states the Container’s date of delivery and retrieval for the lot upon which it is located; and***

- (c) *Temporary Storage Containers shall not be located within the visibility triangle set forth in section 16-28.007(9) and shall not be located within 10 feet of the front lot line. Temporary Storage Containers shall not be located within any public right-of-way, street or sidewalk unless a permit to do so has been issued pursuant to Section 138-61 of the Code of Ordinances, provided that no such permit may exceed the 60 day time limit set forth in subsection 12(a) above.*

#### **SECTION 14 – NONCONFORMING LOT REPLATS**

**Section 14:** That Section 15-07.005(i) of the Land Subdivision Code, which currently reads as follows:

“(i)*Sale or Exchange of Land Between Adjoining Owners.* The director shall approve the replatting of land that is proposed to be sold or exchanged between adjoining property owners provided each of the following conditions are met:

- (1) A written request, accompanied by one original mylar plat showing existing and proposed property boundaries and all other applicable information specified in section 15-07.003, is submitted to the director.
- (2) No additional lot is created.
- (3) Each newly platted lot conforms to all requirements of part 16 of the Code of Ordinances; and
- (4) Each newly platted lot conforms to all requirements of this part 15 of the Code of Ordinances, provided that if either lot, as platted prior to the proposed replatting, does not conform to said part 15, this condition shall nevertheless be deemed to have been met, if said lot(s) are replatted in a manner that equals or reduces the degree of nonconformity.”

be amended to read as follows:

(i) *Sale or Exchange of Land Between Adjoining Owners.* The director shall approve the replatting of land that is proposed to be sold or exchanged between adjoining property owners provided each of the following conditions are met:

- (1) A written request, accompanied by one original mylar plat showing existing and proposed property boundaries and all other applicable information specified in section 15-07.003, is submitted to the director;
- (2) No additional lot is created; and
- (3) Each newly platted lot conforms to all requirements of ***Part 15*** and Part 16 of the Code of Ordinances, ***provided that if either lot, as platted prior to the proposed replatting, does not conform to all requirements of Part 15 and Part 16, this condition shall nevertheless be deemed to have been met if said lot(s) are replatted in a manner that equals or reduces the degree of nonconformity.***

#### **SECTION 15**

That all ordinances, parts of ordinances, and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.

Proposed amendments are in boldface and italicized type.

# Atlanta Zoning Ordinance Update



## Open House Session



Department of

**CITY PLANNING**

**Office of Zoning and Development**

55 Trinity Avenue

Atlanta, GA 30303

## Background

In 2015 the City of Atlanta commissioned a team of consultants to conduct a comprehensive assessment of the City's Zoning Ordinance. This included review of:

1. The ability of the Zoning Ordinance to implement City policies, including those in the Comprehensive Development Plan, small area plans, and other documents;
2. Public perceptions of, and experiences with, the Zoning Ordinance;
3. The usability and clarity of the Zoning Ordinance to administer and use; and
4. Best practices in zoning nationwide.

Upon completion of the assessment,, the consultant prepared recommendations for consideration to the Office of Zoning and Development's consideration about how the Zoning Ordinance could be improved. These recommendations and the technical review of the Ordinance are found in the Zoning Ordinance Diagnostic report. Recommendation types include:

- **Quick Fixes:** Updates that are relatively easy to prepare, meet a critical need, and with broad public support (12 months).
- **Future Code Changes:** Updates that should be undertaken as part of the full Zoning Ordinance updates in 3-5 years.

### Quick Fixes Topics

- Accessory structure height
- Accessory structure size
- Accessory uses in Residential (R) Districts
- Bike parking standards
- Deletion of unused districts
- Independent driveways
- Multi-Family / Residential General (MR/RG) single and two family minimum lot sizes
- Mixed Residential Commercial (MRC) building placement
- Unified development plans
- Non-conforming minimum façade heights
- Special Use Permit (SUP) transfers
- Sidewalk requirements
- Storage pods in R-districts
- Non-conforming plats

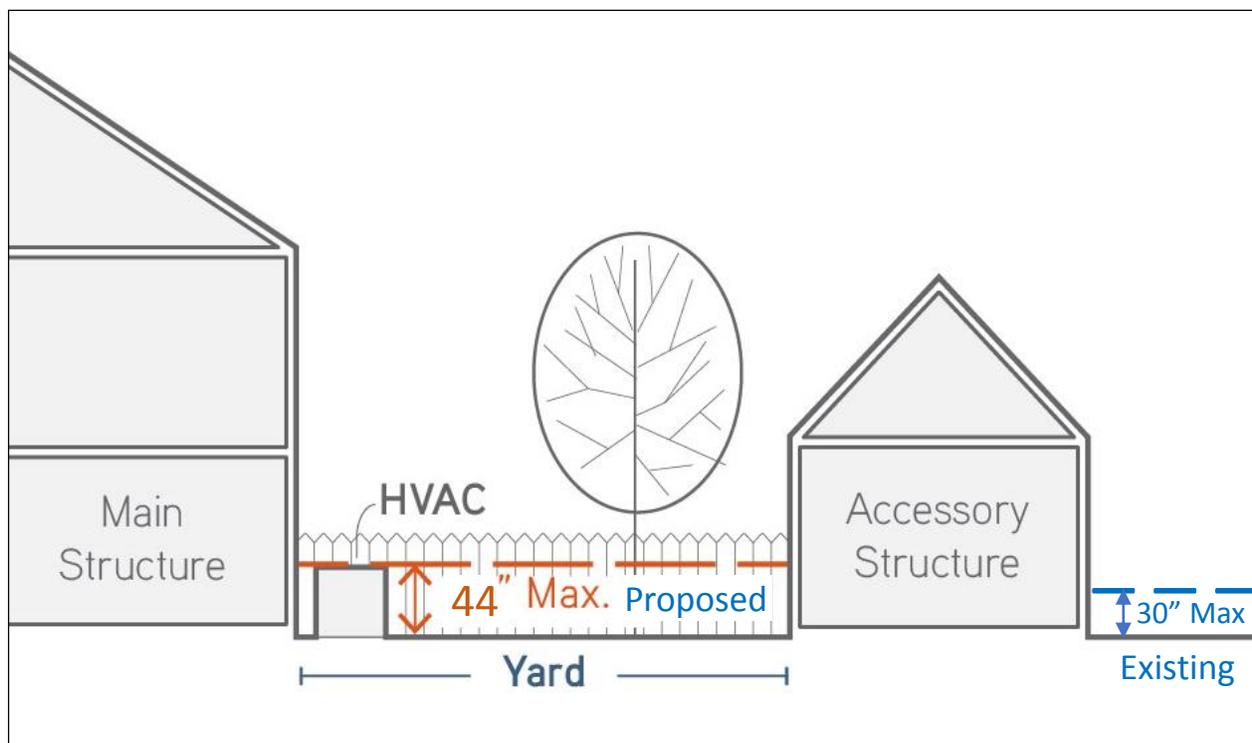
# Topic 1: Accessory structure height

## What are we trying to solve?

- Current regulations limit the height of accessory structures in side yards to 30 inches.
- Modern, highly efficient HVAC (heating, ventilation, and air conditioning) condensers are taller than 30 inches.
- Replacing old HVAC condensers with new ones frequently requires a variance because most new units are over 30 inches in height.

## What is being proposed?

- Increase the height of HVAC systems in required yards to 44 inches to accommodate new HVAC condensers.
- All other accessory structures within required yards would remain to a maximum of 30 inches.



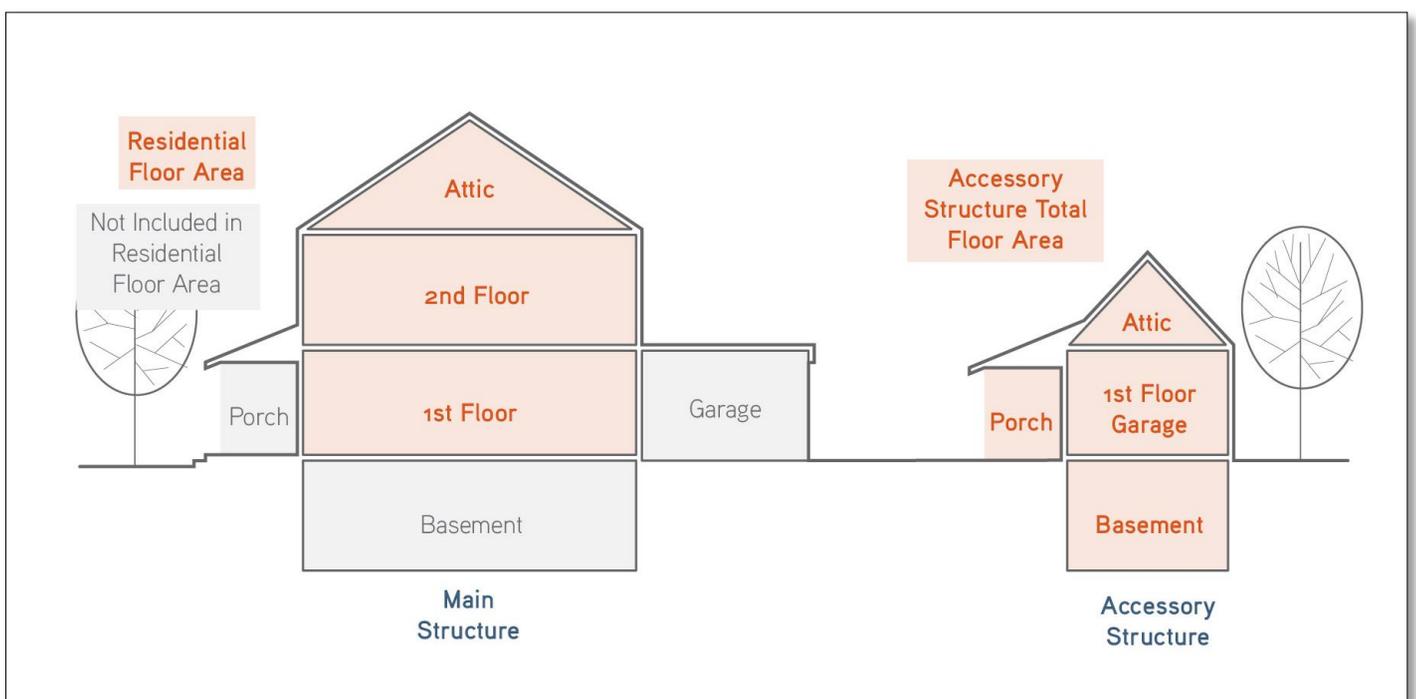
## Topic 2: Accessory structure size

### What are we trying to solve?

- There are special regulations for accessory structures such as detached garages.
- The regulations limit the “total floor area” of accessory structures to less than 30% of the “floor area of the main structure.”
- It is unclear if “floor area of the main structure” includes:
  - The total building footprint.
  - The habitable floor area.
  - Basements.
- The accessory structure floor area regulation needs more specificity.

### What is being proposed?

- ✓ Refine the reference to the “main structure” by linking the term to the citywide definition of “residential floor area,” which excludes basements.
- ✓ Provide specificity in how the floor area of the accessory structure is applied, and clarify that floor area is intended to mean the gross floor area of the entire accessory structure, regardless of whether or not it is conditioned/habitable.



## Topic 3: Accessory uses in Residential Districts

### What are we trying to solve?

- Regulations discourage amenities such as pools, club houses, and common open space in residential subdivisions.
- Subdivision regulations don't allow the creation of lots that are smaller than the minimum size required for a single family house.
- The Zoning Ordinance does not clearly allow an individual lot in Residential Districts to be used solely for the types of amenities that are typically provided in residential subdivisions.

### What is being proposed?

#### ✓ Update the subdivision regulations to:

- Clarify that “amenity areas” may include structures for amenity elements, such as swimming pools, tennis courts, club houses and similar features.
- Expand the definition of a “lot” to include amenity areas.
- Requires amenity areas to be buffered from adjoining areas so they do not negatively impact surrounding properties.
- Clarify that the standards for “building lots” do not apply to amenity areas.

#### ✓ Update the Zoning Ordinance to expand the accessory use and structure regulations to include new “amenity areas.” This will allow a lot to be used as an amenity area only when provided as part of a subdivision and only for use as an open space.



Lot allowed to be used as an amenity area when provided as part of a subdivision

This is applicable in R-1 through R-5 Districts, and single and two-family subdivisions in RG and MR Districts.

## Topic 4: Bike parking standards

### What are we trying to solve?

- There are 18 separate, often conflicting, sets of bike parking standards.
- Many current standards:
  - Do not include requirements for residential uses.
  - Allow bike parking to be poorly located.
- No current standards include premium/long-term bike parking requirements.

### What is being proposed?

- ✓ Create one consistent set of citywide bike parking standards.
- ✓ Require bike parking for each building on a site.
- ✓ Require bike parking for both non-residential and multi-family uses.
- ✓ Establish standards for exterior racks and interior enclosed bike parking.
- Require the following **fixed bicycle rack standards**:
  - May not be inside a building, but may be covered.
  - Must be publicly accessible and lit.
  - Must be accessible to a street or trail without the use of stairs.
  - Must include a metal anchor to secure the bicycle in conjunction with a lock.
  - Must be as close as the closest automobile space (except handicapped).
  - May not block the sidewalk and must be in the amenity zone, a maximum of 100 ft from the building door.
  - Must be of a type specified by the City, if located in the public right-of-way.
- Require the following **enclosed bicycle parking standards**:
  - May be enclosed storage lockers, a room in a building, or in a parking structure.
  - Must be accessible to occupants, entrances, and walkways. Must be secure, weather resistant, and lit.
  - Must be accessible to a street or trail without the use of stairs or elevators.
- Require showers and lockers for all offices greater than 50,000 sf.

# Topic 5: Deletion of unused districts

## What are we trying to solve?

- There are three Midtown zoning districts in the text of the Zoning Ordinance that were replaced over a decade ago by Special Public Interest Districts (SPIs).
- These unused districts make the Zoning Ordinance longer than it needs to be.

## What is being proposed?

- Delete the following unused districts:
  - SPI 3 Midtown District Regulations
  - SPI 4 Arts Center District Regulations
  - SPI 10 Upper Midtown Neighborhood Regulations

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### Special Public Interest Districts

SPI-1	Special Public Interest District: Central Core
SPI-3	<del>Midtown District Regulations</del>
SPI-4	<del>Arts Center District Regulations</del>
SPI-5	Special Public Interest District: Inman Park
SPI-6	Special Public Interest District: Poncey- Highland
SPI-7	Special Public Interest District: Candler Park
SPI-8	Special Public Interest District: Home Park
SPI-9	Special Public Interest District: Buckhead Commercial Core
SPI-10	<del>Upper Midtown neighborhood Regulations</del>
SPI-11	Special Public Interest District: Vine City and Ashby Station
SPI-12	Special Public Interest District: Buckhead/Lenox Station
SPI-14	Special Public Interest District: Berkeley Park
SPI-15	Special Public Interest District: Lindbergh Transit Station Area
SPI-16	Special Public Interest District: Midtown
SPI-17	Special Public Interest District: Piedmont Avenue
SPI-18	Special Public Interest District: Mechanicsville
SPI-19	Special Public Interest District: Buckhead Peachtree Corridor
SPI-20	Special Public Interest District: Greenbriar
SPI-21	Special Public Interest District: Historic West End/Adair Park
SPI-22	Special Public Interest District: Memorial Drive/Oakland Cemetery

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## Topic 6: Independent driveways

### What are we trying to solve?

- The Zoning Ordinance requires “conforming lots” to have their own driveway. The driveway must be entirely on the lot and directly connected to a public street.
- The regulation does not allow private alleys or shared driveways.
- The regulation applies, even if the zoning district doesn’t require parking. This is a challenge in designated historic districts or districts where no parking is required.
- Relief from this requirement can only be granted by the Board of Zoning Appeals.

### What is being proposed?

- Delete the requirement for independent driveways in order to allow more creative design approaches.



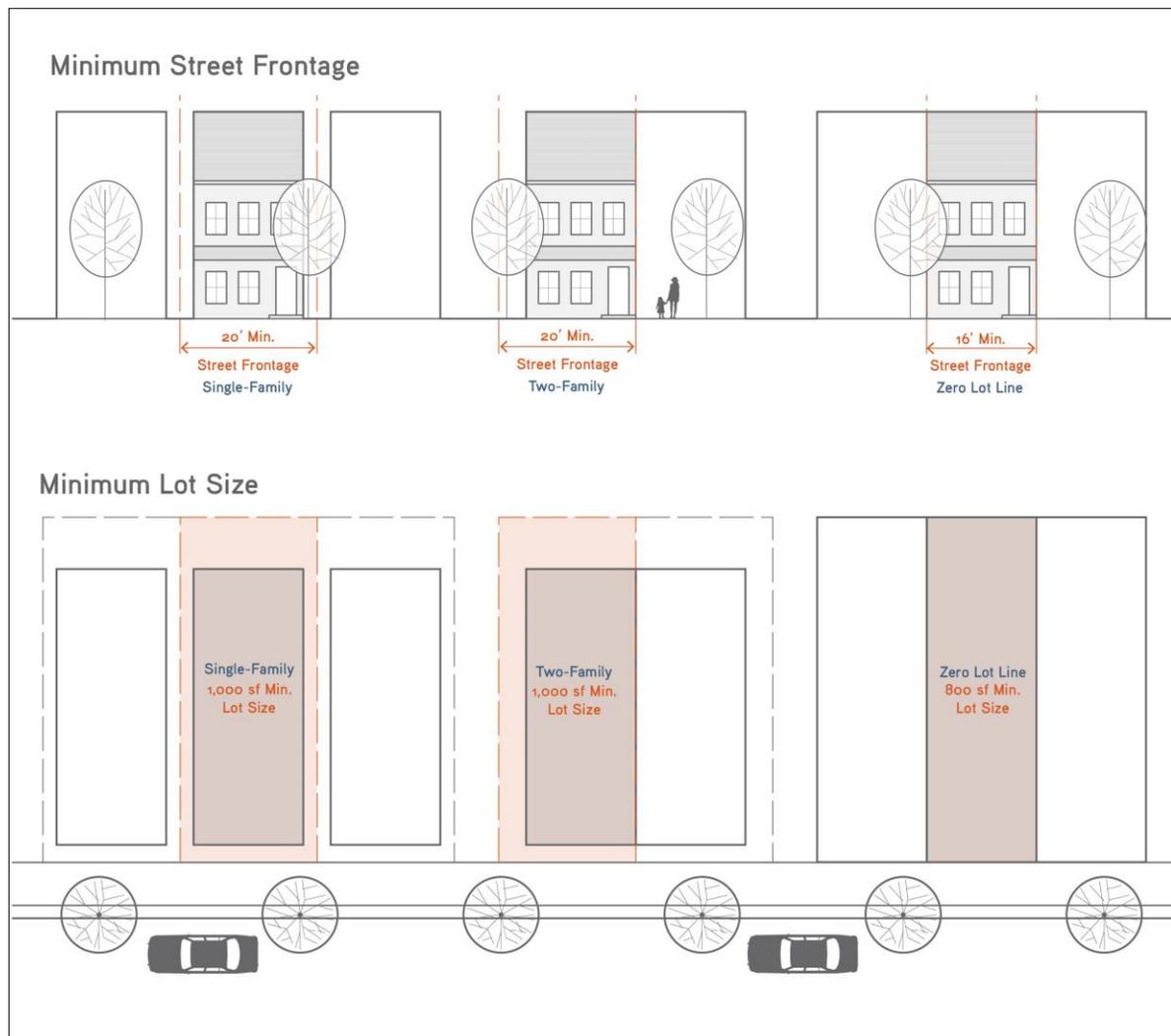
## Topic 7: MR/RG Single and Two-Family Minimum Lot Sizes

### What are we trying to solve?

- Today multi-family districts allow single-family and two-family houses. However, the minimum required lot sizes for these uses are much larger than is characteristic of Atlanta's historic patterns.
- The large lot sizes discourage providing single-family and two-family houses in multi-family districts, even if they would be appropriate or desirable.

### What is being proposed?

- Allow the following lots sizes in MR and RG districts:
  - Detached single-family and two-family lot: minimum 1,000 sq ft lot, minimum 20 ft width
  - Zero lot line (i.e. townhouses): minimum 800 sq ft lot, minimum 16 ft width (typical)



## Topic 7: MR/RG Single and Two-Family Minimum Lot Sizes

### Minimum lot size.

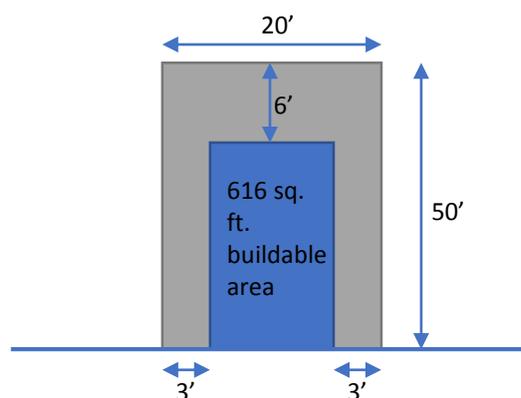
- MR-1 through MR-4: ~~2,000~~ **1,000**-square feet for single-family and duplex, 2,000 square feet for all other uses.
- MR-5 through MR-6: ~~5,000~~ **1,000** square feet for single-family and duplex; 5,000 square feet for all other uses.

### Minimum street frontage.

- MR-1, MR-2 and MR-4B: ~~20~~ **16** linear feet for zero lot line development; 20 linear feet for all other uses.
- MR-3 through MR-4 A and MR-5 through MR-6: ~~40~~ **20** linear feet for single-family and duplex; 16 linear feet for zero lot line development; 40 linear feet for all other uses.

### Zero-lot-line development.

- Zero-lot-line subdivision is permitted for residential uses provided a minimum of ~~1,000~~ **800** square feet in lot area is provided.



Example 1: MR-1 District

~1000 Square Feet of lot - ~616 Square Feet buildable area with 3 feet of side yard setbacks and 6 feet rear yard setback

## Topic 8: MRC building placement

### What are we trying to solve?

- MRC is a mixed-use district that is used across the city.
- Current regulations do not require a side/rear yard setback for non-residential uses or for residential uses with no windows along a side/rear lot line.
- Residential uses with windows along a side/rear lot line must provide a minimum 20 ft side/rear yard setback.
- Twenty feet is far greater than required by building code. It is also inconsistent with Atlanta's traditional development patterns and good urban design.

### What is being proposed?

- Eliminate the 20 ft setback requirement for residential units with windows.
- Retain existing transitional yard requirements adjacent to R and RG districts.



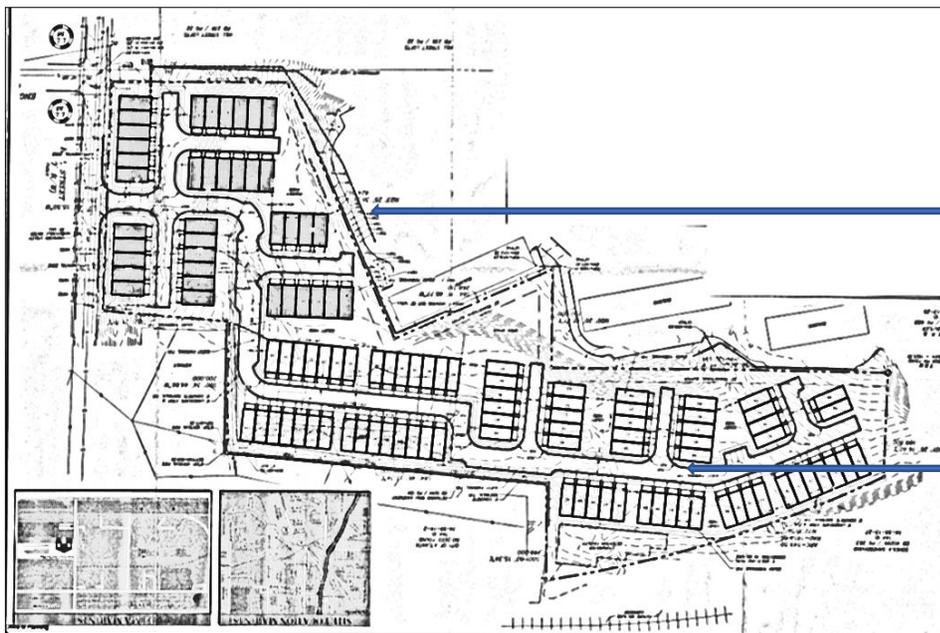
## Topic 9: Unified Development Plans

### What are we trying to solve?

- Most districts discourage coordinated master planned developments.
- If master planned developments are subdivided, each lot must comply with all zoning requirements, despite being part of a master planned development. This discourages common parking areas, larger open spaces, and good urban design.
- Relief may only be granted by variance/special exception, but master planned developments often do not meet the code's technical hardship requirements.

### What is being proposed?

- Allow unified development plans by Special Administrative Permit in all districts, except R-1 through R-5, R-LC, and PD- districts.
- Use the current provisions of SPI-12 as a model for the citywide standards.
- Allow the site (before subdivision) to determine conformance with side and rear setbacks, transitional yards, transitional height plains, lot coverage, on-site parking and loading, open space, and floor area ratio.



Subdivision plan with Pre-approved Site Development Plan must comply with zoning requirements utilizing the entire area under common control.

Each lot after subdivision may or may not comply with zoning requirements

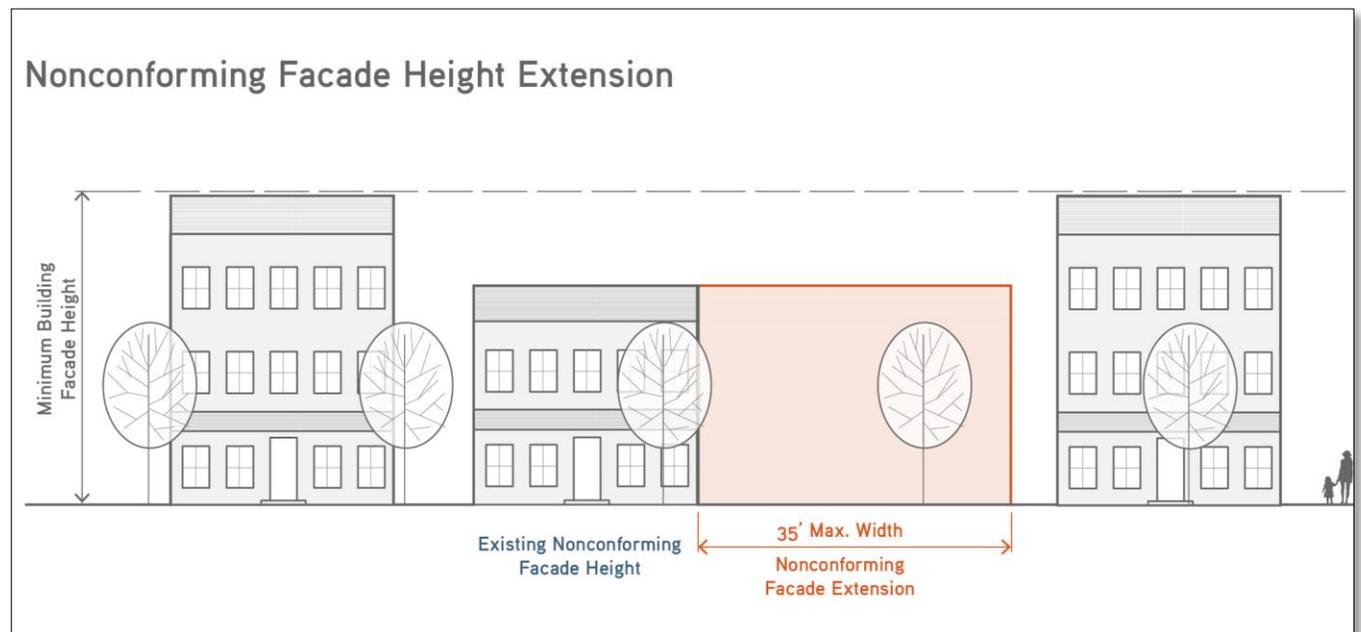
# Topic 10: Non-Conforming Minimum Façade Heights

## What are we trying to solve?

- Many new zoning districts require minimum building facade heights along certain streets.
- Existing buildings with facades that are less than the minimum height requirement face challenges when making small additions because the code requires the additions to be taller than the existing building.
- Relief from this requirement can only be granted by the Board of Zoning Adjustment.

## What is being proposed?

- Allow existing buildings that do not meet the minimum building facade height requirement to expand their footprint up to 35 ft in any direction before the minimum building facade height requirements apply.



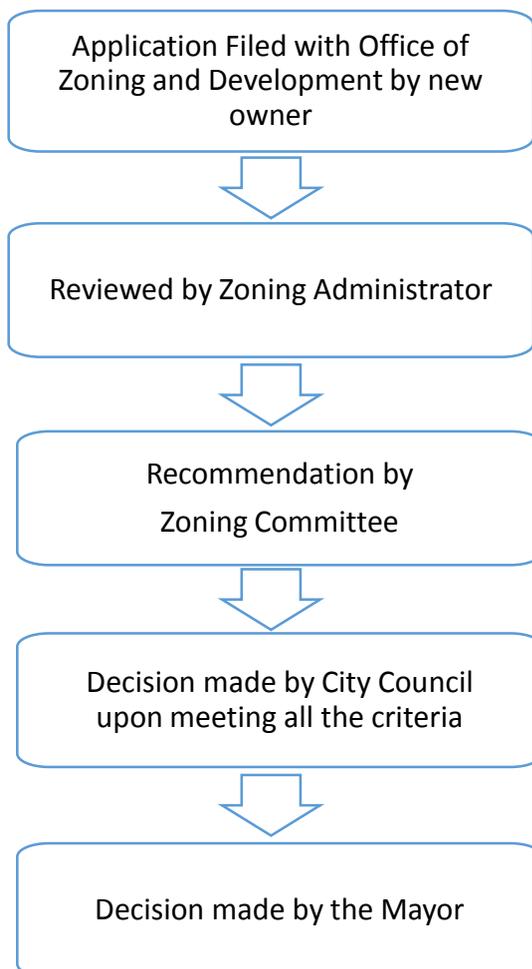
# Topic 11: SUP Transfers

## What are we trying to solve?

- The transfer of ownership of a Special Use Permit (SUP) must be approved by the City Council, even though the permit itself and its provisions do not change.
- The transfer of ownership would function better as an administrative process.

## What is being proposed?

- Give the Office of Zoning and Development the authority to approve the transfer of ownership of a Special Use Permit.
- Require change of ownership applicants to provide verification of their ability to adhere to the terms and conditions of the Special Use Permit of which they are proposing to receive ownership. This would not allow for any changes to the conditions, criteria, or site plans assigned to previously approved SUPs.



**Existing transfer process**



**Proposed transfer process**

# Topic 12: Sidewalk Requirements



## What are we trying to solve?

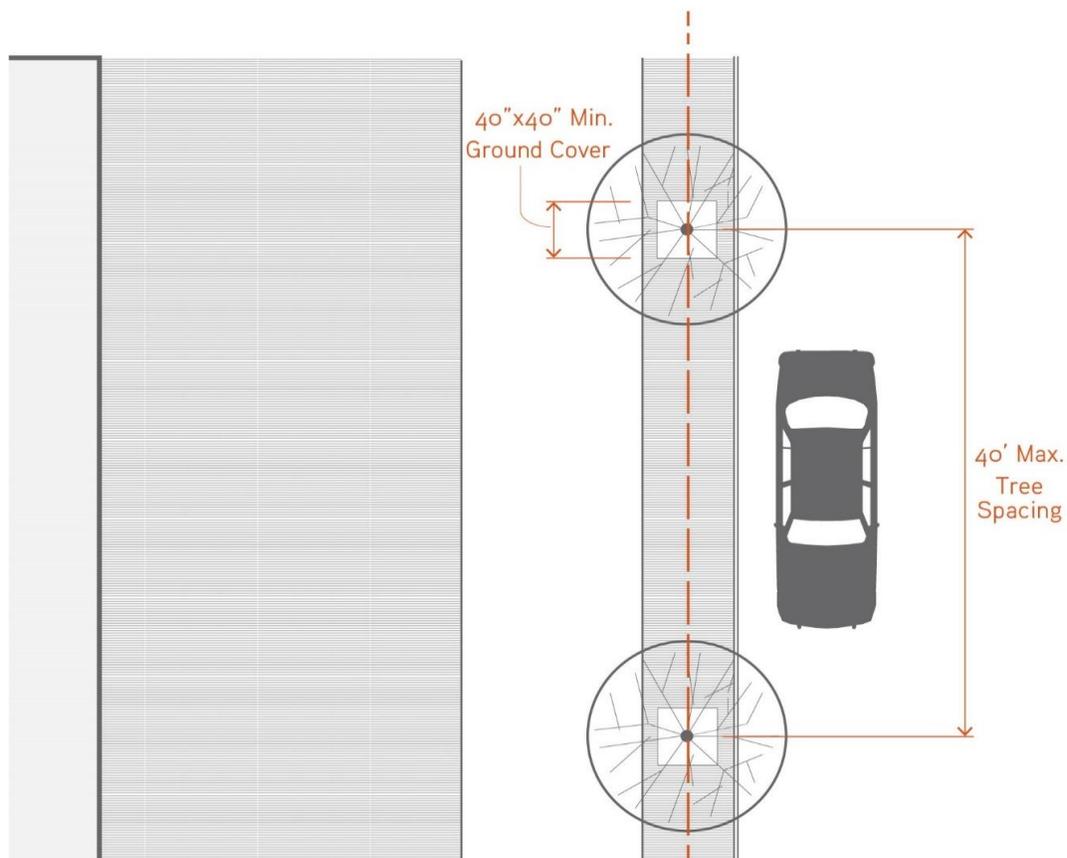
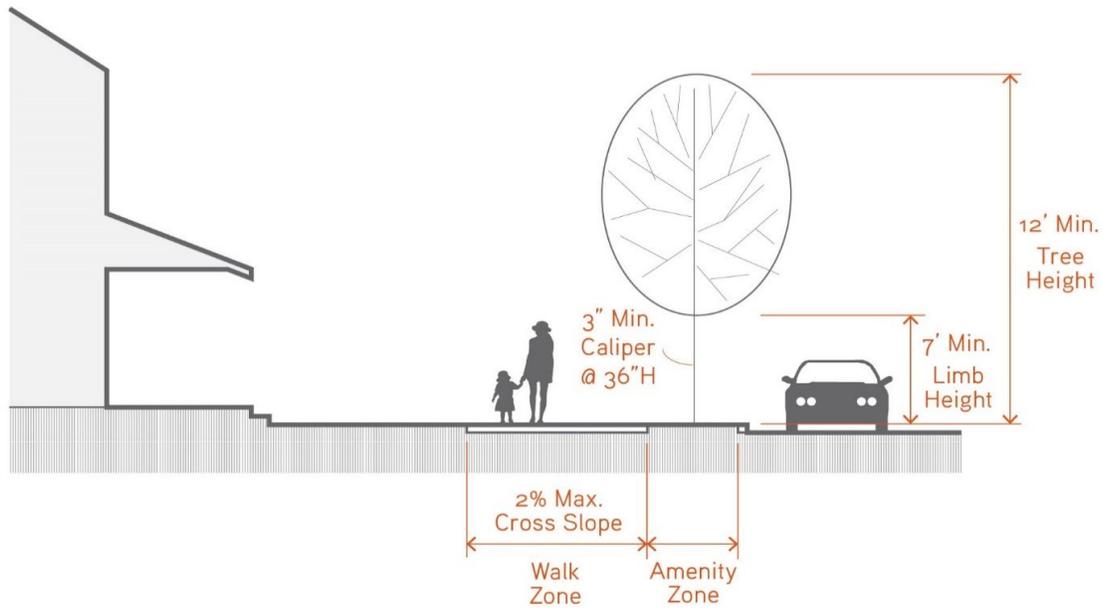
- Newer zoning districts require sidewalks to be installed with development.
- Older zoning districts (e.g. O-I, R-LC, RG, C, I) lack sidewalk requirements.
- Single-family developments are only required to provide sidewalks when subdivision occurs.
- New infill houses that are not part of subdivisions can be built without repairing or upgrading the sidewalks in front of them.

## What is being proposed?

- Require the following new sidewalks to be installed with development in O-I, R-LC, RG, C, and I:
  - Minimum 5 ft amenity zone along the curb for items such as street trees, benches, utility poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar items.
  - Minimum 10 ft walk area on arterial and collector streets.
  - Minimum 6 ft walk area on other streets.
- Require the following new sidewalks to be installed with development in R-4 and R-5 (except when historic, landmark, or overlay standards apply):
  - Repair existing sidewalk, or
  - Install amenity zone and walk area to match abutting properties', or
  - If no sidewalk exists on abutting properties, install amenity zone and walk area to match the block, or
  - If no sidewalk exists on the block, install a minimum 2 ft amenity zone and minimum 5 ft walk area.
  - Walk areas may be reduced to a minimum of 3 ft to avoid existing trees.
- Enable the Director of the Office of Zoning and Development to make adjustments to sidewalk requirements if:
  - Existing sidewalks are not in need of repair; or
  - Trees existing in the proposed sidewalk zone contain trees having a diameter at breast height (DBH) of 6 inches or more; or
  - Topographic conditions would result in a sidewalk 12 inches above or below the finished curb; or
  - Topographic conditions would prevent driveway access upon completion of the sidewalk; or
  - Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings in the sidewalk area; or
  - Sidewalks on the block are of a different size;
  - There are no sidewalks on the block; or
  - If historic district or SPI district regulations conflict.

# Topic 12: Sidewalk Requirements

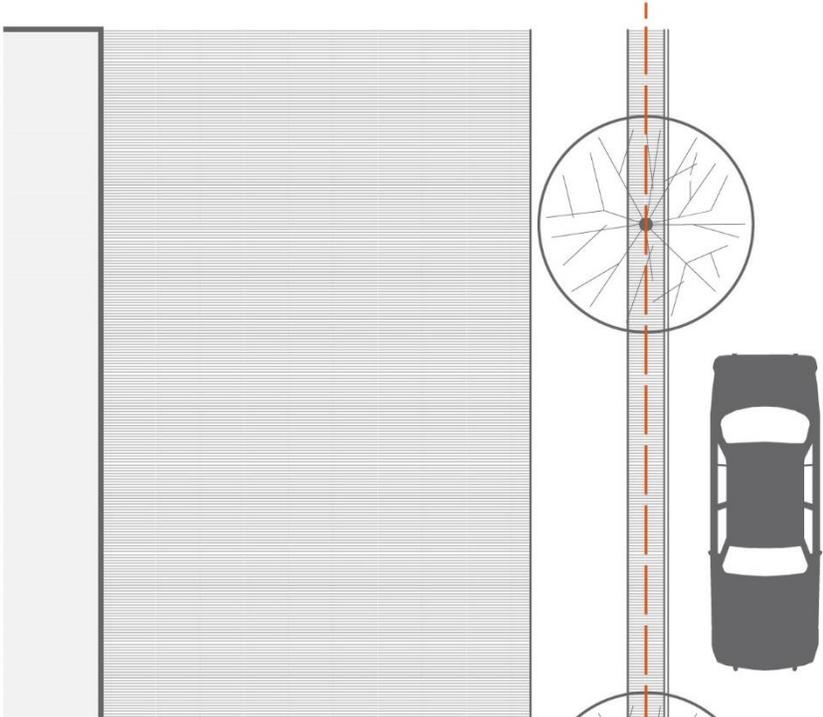
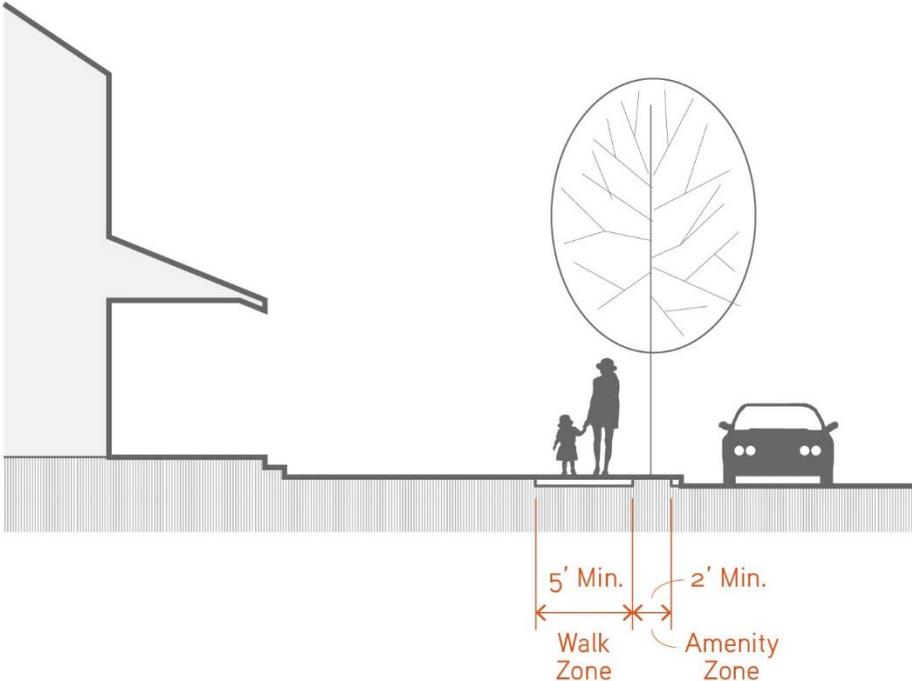
## General Sidewalk Standards



# Topic 12: Sidewalk Requirements

Additional Sidewalk Standards

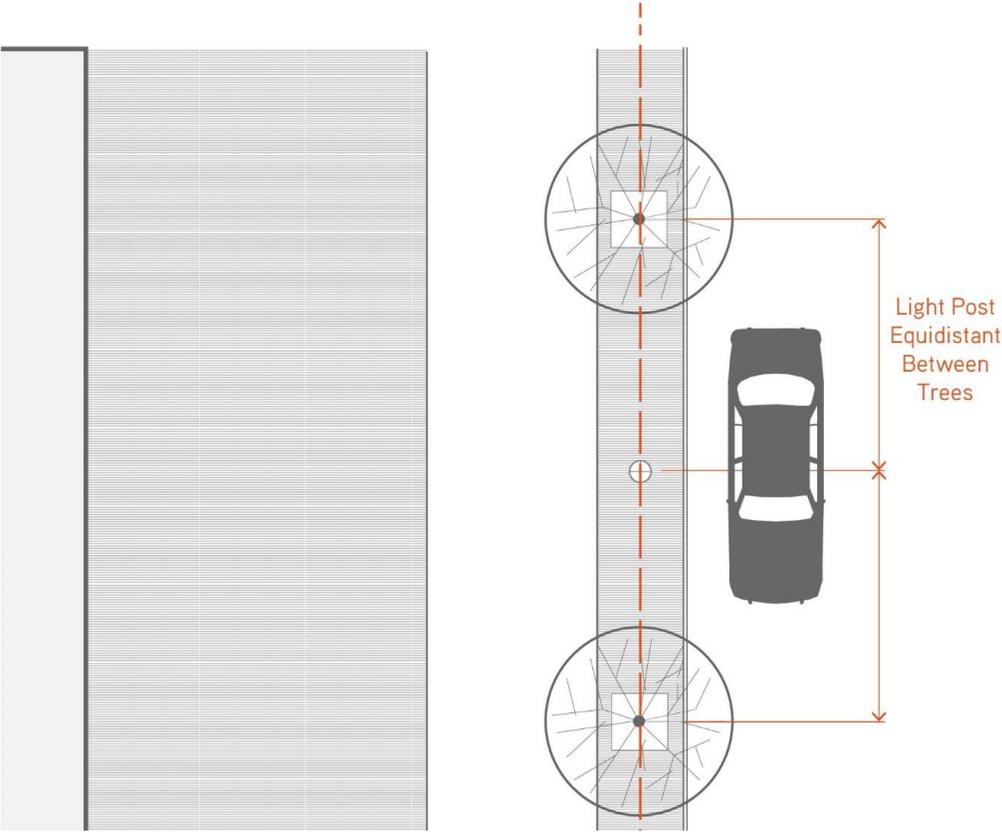
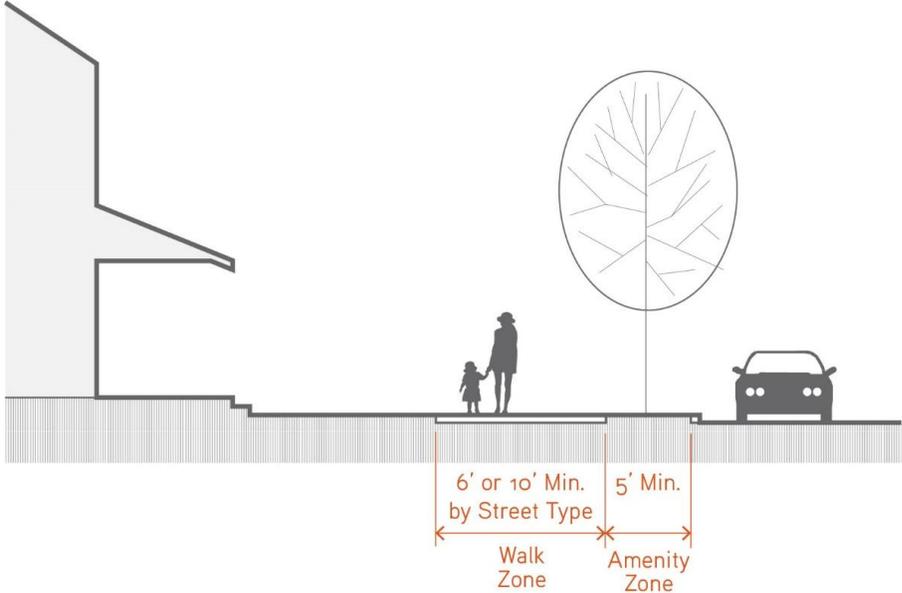
R-4 & R-5



# Topic 12: Sidewalk Requirements

## Additional Sidewalk Standards

O-I, R-LC, RG, C & I



## Topic 13: Storage Pods in R-districts

### What are we trying to solve?

- Storage pods are increasingly used on properties for short-term storage needs.
- There are no standards for their location and duration in the Zoning Ordinance.

### What is being proposed?

- Define “storage pods”.
- Create new regulations in R-1 through R-5 districts.
- Create a maximum time limit of 60 days in any 365-day period per lot.
- Require storage pods to have visible notation on the exterior of the container stating the dates of delivery and retrieval of the pod.
- Require storage pods to be located away from streets and visibility triangles.



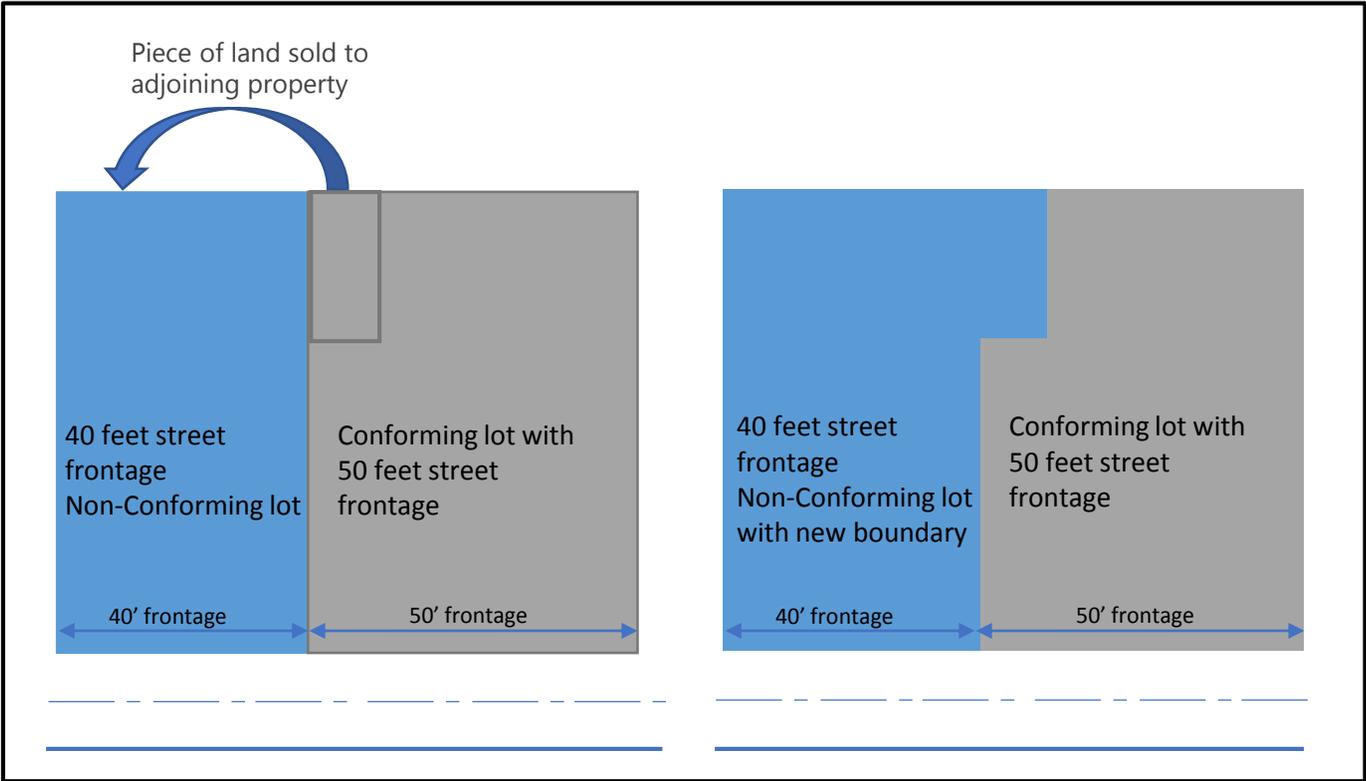
# Topic 14: Non-Conforming Lots

### What are we trying to solve?

- There needs to be clarity in the subdivision requirements regarding limitations on non-conforming lots when they are created between adjoining properties during the re-plat process.

### What is being proposed?

- Update the portion of the subdivision code that addresses re-plats between adjoining properties.
- Prohibit the creation of non-conforming lots that would increase the degree of nonconformity with both the subdivision and zoning regulations.



Example: R-5 zoning district re-platting process which does not increase the degree of non-conformity.

# Thank You!

For more information please contact [info@canvasplanninggroup.com](mailto:info@canvasplanninggroup.com)  
or visit [www.zoningatl.com](http://www.zoningatl.com)