



APPENDIX

APPENDIX

ZONING DISTRICTS

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CHAPTER 6. R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

CHAPTER 6. R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

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Sec. 16-06.001. Scope of provisions.

The regulations set forth in this chapter or set forth elsewhere in this part when referred to in this chapter are the regulations for the R-4 Single-Family Residential District.

(Code 1977, § 16-06.001)

Sec. 16-06.002. Statement of intent.

The intent of this chapter in establishing the R-4 Single-Family Residential District is as follows:

- (1) To provide for the protection of existing single-family communities and the development of new communities on lots of medium size at a density of not more than one dwelling unit per 9,000 square feet.
- (2) To provide for the development of recreational, educational and religious facilities as basic elements of a balanced community.

(Code 1977, § 16-06.002)

Sec. 16-06.003. Permitted principal uses and structures.

A building or premises shall be used only for the following principal purposes, and in no case shall there be more than one main building and one main use on a lot:

- (1) Repealed.
- (2) Public schools through the secondary level operated by the Atlanta Board of Education, having no dwelling or lodging facilities except for caretakers.
- (3) Single-family detached dwellings.
- (4) Structures and uses required for the operation of MARTA, but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purposes.

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(Code 1977, § 16-06.003)

Sec. 16-06.004. Permitted accessory uses and structures.

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures are permitted. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) Greenhouses, garden sheds, private garages and similar structures.
- (2) Barns for the keeping of horses, provided that no such barn shall be within 50 feet of any lot line.
- (3) Guest houses, servant quarters, or lodging facilities for caretakers or watchmen.
- (4) Swimming pools, tennis courts and similar facilities.
- (5) Home occupation, subject to the limitations set forth in [section 16-29.001](#)(17).
- (6) Structures necessary for active construction projects.
- (7) Devices for the generation of energy, such as solar panels, wind generators and similar devices.
- (8) Amateur radio service antenna structures 70 feet or less in height. Amateur radio service antenna towers over 70 feet in height shall be by special use permit and comply with the requirements of [16-25.002](#)(3)h, except that subsection h(ii) and subsection h(iv)(d) shall not be applicable to such applications.

Except in the case of home occupation, no accessory use shall be of a commercial nature.

No accessory building shall be constructed until construction of the principal building has actually begun, and no accessory building shall be used or occupied until the principal building is completed and in use.

(Code 1977, § 16-06.004)

Sec. 16-06.005. Special permits.

The following uses are permissible only by special permits of the kind indicated, subject to the limitations and requirements set forth herein or elsewhere in this part:

- (1) *Special use permits:*
 - (a) Cemeteries, mausoleums and columbariums.
 - (b) Child care nurseries, day care centers, prekindergartens, kindergartens, play and special schools or day care facilities for young children.
 - (c) Churches, synagogues, temples, mosques and other religious worship facilities.
 - (d) Civic, service, garden, neighborhood or private clubs.
 - (e) Colleges and universities, other than trade schools, business colleges and similar uses.
 - (f) Extraction or removal of sand, gravel, topsoil, clay, dirt, or other natural resources.
 - (g) Personal care homes and rehabilitation centers.
 - (h) Landfills.

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- (i) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by [section 16-25.002\(3\)\(i\)\(iv\)\(k\)](#).
 - (j) Nursing homes.
 - (k) Parks; playgrounds, stadiums, baseball or football fields, golf course, sports arena, and community centers.
 - (l) Private schools.
- (2) *Special administrative permits:*
- (a) Farmers' markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.
 - (b) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, alternative design mounting structures, and new or additional uses of existing structures as contemplated by [section 16-25.002\(3\)\(i\)\(iv\)\(k\)](#).
 - (c) Whenever an application for such a permit is made, the director of the bureau of planning shall provide prior notification to the pertinent district councilmember and at-large councilmembers.
- (3) *Special exceptions:*
- (a) Churches, synagogues, temples, mosques and other religious worship facilities, where lot area is one acre or less.
 - (b) Structures and uses required for operation of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shops as the primary purpose.

(Code 1977, § 16-06.005; Ord. No. 1997-06, § 4, 2-10-97; Ord. No. 1997-65, § 1, 11-10-97; Ord. No. 2001-96, §§ XII, XIII, 12-12-01; Ord. No. 2004-53, §§ 7A—7C, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2008-62(06-O-0038), § 3F, 7-7-08; Ord. No. 2011-39(10-O-1773), § 3G, 9-15-11)

Sec. 16-06.006. Transitional uses, structures, requirements.

None.

(Code 1977, § 16-06.006)

Sec. 16-06.007. Minimum lot requirements.

The following minimum lot requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Churches, temples, synagogues, mosques and similar religious facilities*, except when authorized by a special permit.
- (2) *Single-family detached dwellings and all other uses*: Every lot shall have an area of not less than 9,000 square feet and a frontage of not less than 70 feet.
- (3) If a lot has less area or width than herein required and was a lot of record on the effective date of this part, that lot shall be used only for a single-family dwelling.

(Code 1977, § 16-06.007; Ord. No. 2005-21, §§ 1, 2, 3-25-05)

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Sec. 16-06.008. Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Front yard*: There shall be a front yard having a depth of not less than 35 feet.
- (2) *Side yard*: There shall be two side yards, one on each side of the main building, each having a width of not less than seven feet.
- (3) *Rear yard*: There shall be a rear yard of not less than 15 feet.
- (4) *Accessory structures*: Accessory structures other than fences, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see [section 16-28.008\(5\)](#).
- (5) *Maximum floor area ratio*: The maximum floor area ratio within this district shall not exceed 0.50.
- (6) *Maximum lot coverage*: Maximum lot coverage within this district shall not exceed 50 percent of total lot area.

(Code 1977, § 16-06.008)

Sec. 16-06.009. Maximum height.

The following height limitations shall apply to all uses approved by special permits as well as permitted uses: No building shall exceed 35 feet in height. See [section 16-28.022](#) for excluded portions of structures.

(Code 1977, § 16-06.009)

Sec. 16-06.010. Minimum off-street parking requirements.

The following parking requirements shall apply to all uses approved by special permits as well as permitted uses (see [section 16-28.014](#)):

- (1) *Single-family detached dwellings*: One space per dwelling.
- (2) *Schools, colleges, churches, recreational or community centers and other places of assembly*: One space for each four fixed seats (with 18 inches of bench length counted as one seat), or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - (a) *Public or private elementary or middle school*: Two spaces for each classroom.
 - (b) *High school*: Four spaces for each classroom.
 - (c) *Colleges and universities*: Eight spaces for each classroom.
- (3) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required.
- (4) *Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools or day care centers for young children*: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient

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

(5) *Other uses*: One space for each 300 square feet of floor area.

(Code 1977, § 16-06.010; Ord. No. 2004-53, § 7D, 8-20-04)

CHAPTER 7. R-5 TWO-FAMILY RESIDENTIAL DISTRICT REGULATIONS

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Sec. 16-07.001. Scope of provisions.

The regulations set forth in this chapter or set forth elsewhere in this part when referred to in this chapter are the regulations in the R-5 Two-Family Residential District.

(Code 1977, § 16-07.001)

Sec. 16-07.002. Statement of intent.

The intent of this chapter in establishing the R-5 Two-Family Residential District is as follows:

- (1) To provide for the development of medium-density residential areas in a manner which will encourage owner occupancy of individual buildings and lots as well as provide variety in the rental housing stock available to residents of the city.
- (2) To encourage neighborhood maintenance and preservation by allowing the conversion of large single-family homes to two-family use.
- (3) To provide for development of the required recreational, religious and educational facilities as basic elements of a balanced community.

(Code 1977, § 16-07.002)

Sec. 16-07.003. Permitted principal uses and structures.

A building or premises shall be used only for the following principal purposes:

- (1) Single-family or two-family dwelling.
- (2) Public schools through the secondary level operated by the Atlanta Board of Education, having no dwelling or lodging facilities except for caretakers.
- (3) Single-family detached dwellings.

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- (4) Structures and uses required for operation of MARTA, but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purpose.

(Code 1977, § 16-07.003)

Sec. 16-07.004. Permitted accessory uses and structures.

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures are permitted. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) Greenhouses, garden sheds, private garages and similar structures.
- (2) Barns for keeping of horses, provided that no such barn shall be within 50 feet of any lot line.
- (3) Guest houses, servant quarters, or lodging facilities for caretakers or watchmen.
- (4) Swimming pools, tennis courts and similar facilities.
- (5) Home occupation, subject to limitations set forth in [section 16-29.001](#)(17).
- (6) Structures necessary for active construction projects.
- (7) Devices for the generation of energy, such as solar panels, wind generators and similar devices.
- (8) Amateur radio service antenna structures 70 feet or less in height. Amateur radio service antenna towers over 70 feet in height shall be by special use permit and comply with the requirements of [16-25.002](#)(3)h, except that subsection h(ii) and subsection h(iv)(d) shall not be applicable to such applications.

Except in the case of home occupation, no accessory use shall be of a commercial nature.

No accessory building shall be constructed until construction of the principal building has actually begun, and no accessory building shall be used or occupied until the principal building is completed and in use.

(Code 1977, § 16-07.004)

Sec. 16-07.005. Special permits.

The following uses are permissible only by special permits of the kinds indicated subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) *Special use permits:*
 - (a) Cemeteries, mausoleums and columbariums.
 - (b) Child care nurseries, day care centers, prekindergartens, kindergartens, play and other special schools or day care facilities for young children.
 - (c) Churches, synagogues, temples, mosques and other religious worship facilities.
 - (d) Civil, service, garden, neighborhood or private clubs.
 - (e) Colleges and universities, other than trade schools, business colleges and similar uses.
 - (f) Extraction or removal of sand, gravel, topsoil, clay, dirt, or other natural resources.
 - (g) Personal care homes, and rehabilitation centers.

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- (h) Landfills.
 - (i) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by [section 16-25.002\(3\)\(i\)\(iv\)\(k\)](#).
 - (j) Nursing homes.
 - (k) Parks; playgrounds, stadiums, baseball or football fields, golf course, sports arena, and community centers.
 - (l) Private schools.
- (2) *Special administrative permits:*
- (a) Zero-lot-line subdivision of lots with existing two-family dwellings. See [section 16-28.011\(6\)](#).
 - (b) Farmers' markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.
 - (c) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, alternative design mounting structures, and new or additional uses of existing structures as contemplated by [section 16-25.002\(3\)\(i\)\(iv\)\(k\)](#).
 - (d) Whenever an application for such a permit is made, the director of the bureau of planning shall provide prior notification to the pertinent district councilmember and at-large councilmembers.
- (3) *Special exceptions:*
- (a) Churches, synagogues, temples, mosques and other religious worship facilities, where lot area is one acre or less.
 - (b) Structures and uses required for operation of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shops as the primary purpose.

(Code 1977, § 16-07.005; Ord. No. 1995-40, § 1, 8-14-95; Ord. No. 1997-06, § 4, 2-10-97; Ord. No. 1997-65, § 1, 11-10-97; Ord. No. 2001-96, §§ XVIII, XIX, 12-12-01; Ord. No. 2004-53, §§ 10A—10C, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2008-62(06-O-0038), § 3I, 7-7-08; Ord. No. 2011-39(10-O-1773), § 3J, 9-15-11)

Sec. 16-07.006. Transitional uses, structures, requirements.

None.

(Code 1977, § 16-07.006)

Sec. 16-07.007. Minimum lot requirements.

The following minimum lot requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Churches, temples, synagogues, mosques and similar religious facilities*, except when authorized by a special permit. Repealed.

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CHAPTER 7. R-5 TWO-FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (2) *Single-family detached dwellings and all other uses:* Every lot shall have an area of not less than 7,500 square feet and a frontage of not less than 50 feet, except for zero-lot-line development.
- (3) *Single-family zero-lot-line development; single lot area:* 2,500 square feet with a minimum combined area of 7500 square feet; lot width: Not less than ten feet, with a minimum combined width of 50 feet. See section [16-28.007](#)
- (4) If a lot has less area or width than herein required and was a lot of record on the effective date of this part, that lot shall be used only for a single-family dwelling.
- (5) *Two-family dwellings and duplexes:* Lot size and lot frontage requirements shall be as stated in subsection (2) above.

(Code 1977, § 16-07.007; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2007-48(07-O-0642), § 3, 8-23-07)

Sec. 16-07.008. Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Front yard:* There shall be a front yard having a depth of not less than 30 feet.
- (2) *Side yard:* There shall be two side yards, one on each side of the main building, each having a width of not less than seven feet, except for zero-lot-line development where no side yard is required along the internal lot line.
- (3) *Rear yard:* There shall be a rear yard of not less than seven feet except for zero-lot-line units where the internal side or rear lot line may be reduced to zero feet.
- (4) *Accessory structures:* Accessory structures, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see [section 16-28.008](#)(5).
- (5) *Maximum floor area within this district:*
 - a. For a single-family detached dwelling on a lot which meets the minimum lot area requirement described in [section 16-07.007](#)(2): The maximum floor area ratio shall not exceed 0.50 of the net lot area.
 - b. For a single-family detached dwelling on a lot which does not meet the minimum lot area requirement described in [section 16-07.007](#)(2):
 1. The maximum floor area allowed shall not exceed the lesser of either: (i) 3,7.50 square feet of floor area; or (ii) a maximum floor area ratio of 0.65 of the net lot area unless otherwise permitted as stated in subpart 2 below;
 2. If the floor area ratio does not allow it least 1,800 square feet of floor area, a dwelling of such size may be built provided that all other provisions of this part shall apply unless relief from such provisions has been granted by the board of zoning adjustment.
 - c. For a duplex: The maximum floor area ratio shall be 0.60 of the net lot area.
 - d. For a two-family dwelling that is not a duplex: The maximum floor area ratio within this district shall not exceed 0.50 of the net lot area for the main unit of a two-family dwelling, provided however that the secondary dwelling unit shall not exceed 750 square feet.

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- (6) *Maximum lot coverage*: Maximum lot coverage within this district shall not exceed 55 percent of the net lot area.
- (7) *Location of structures in two-family dwellings*: Any structure of lesser floor area in any two-family dwelling unit shall be located no nearer to any street frontage than the structure of greater floor area. Any dwelling structure with a street-fronting elevation shall provide a pedestrian entrance on that elevation.

(Code 1977, § 16-07.008; Ord. No. 2000-33, § 2, 5-24-00; Ord. No. 2007-48(07-O-0642), § 4, 8-23-07)

Sec. 16-07.009. Maximum height.

The following height limitations shall apply to all uses approved by special permits as well as permitted uses: No building shall exceed 35 feet in height. See [section 16-28.022](#) for excluded portions of structures.

(Code 1977, § 16-07.009)

Sec. 16-07.010. Minimum off-street parking requirements.

The following parking requirements shall apply to all uses approved by special permit as well as permitted uses (see [section 16-28.014](#)):

- (1) *Single-family detached dwellings and single-family zero-lot-line detached, semidetached, and attached dwellings*: One space per dwelling.
- (2) *Two-family dwellings*: One space per dwelling for structures in which one of the dwelling units does not exceed 750 square feet. For two-family structures, other than those provided for above, parking shall be provided as follows:
 - a. One space per dwelling for dwellings with up to three bedrooms.
 - b. One space per dwelling plus one space for each bedroom above three bedrooms for dwellings with four or more bedrooms.

For the purpose of determining the number of bedrooms, all rooms suitable for occupancy other than those specifically designed as a kitchen, bathroom, living room or dining room, whether designated as a den, study, recreation room or similar name, shall be counted as a bedroom. Notwithstanding any other provisions of this part, for two-family dwellings in which either dwelling has four or more bedrooms, all parking shall be located in the side or rear yard behind the front façade of the building.

- (3) *Schools, colleges, churches, recreational or community centers and other places of assembly*: One space for each four fixed seats (with 18 inches of bench length counted as one seat), or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - (a) *Public or private elementary or middle school*: Two spaces for each classroom.
 - (b) *High school*: Four spaces for each classroom.
 - (c) *Colleges and universities*: Eight spaces for each classroom.
- (4) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required.

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- (5) *Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools or day care centers for young children:* One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children as approved by the director, bureau of traffic and transportation.
- (6) *Other uses:* One space for each 300 square feet of floor area.

(Code 1977, § 16-07.010; Ord. No. 2004-53, § 10D, 8-20-04)

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CHAPTER 9. R-LC RESIDENTIAL-LIMITED COMMERCIAL DISTRICT REGULATIONS

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[Sec. 16-09.002. Statement of intent.](#)

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[Sec. 16-09.011. Minimum off-street parking requirements.](#)

Sec. 16-09.001. Scope of provisions.

The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the regulations in R-LC Residential-Limited Commercial District.

(Code 1977, § 16-09.001)

Sec. 16-09.002. Statement of intent.

The intent of this chapter, in establishing the R-LC Residential-Limited Commercial District, is as follows:

- (1) To provide for the transition of areas from residential to office and limited commercial retail services which do not generate large volumes of traffic, noise, or other harmful effects, and which are compatible with residential uses.
- (2) To provide, in areas so indicated on the comprehensive development plan, for development of structures along major thoroughfares, especially between more intensely developed and higher traffic generating districts and residential districts, in order to permit a reasonable use along such thoroughfares without the inherent ill effect of strip commercial development.
- (3) To encourage conservation and preservation of structurally sound residences in these neighborhoods.

(Code 1977, § 16-09.002)

Sec. 16-09.003. Permitted principal uses and structures.

A building or premises shall be used only for the following principal purposes:

- (1) Barbershops, beauty shops, and similar personal service establishments.

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- (2) Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools for young children.
- (3) Churches, synagogues, temples, mosques and other religious worship facilities, having a minimum lot area of at least one acre.
- (4) Offices, studios, clinics (other than veterinary), clinical laboratories.
- (5) Multifamily dwellings.
- (6) Public schools or private schools having similar academic curricula and special schools for exceptional children.
- (7) Restaurants, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, which are operated in existing structures with no more than 2,000 square feet of floor space devoted to such use and having no drive-in service.
- (8) Repealed.
- (9) Single-family dwellings.
- (10) Specialty shops such as antique stores, gift shops, boutiques, art and craft stores, and apothecary shops, provided no such establishment shall occupy more than 2,000 square feet of floor area. Package stores are expressly prohibited.
- (11) Structures and uses required for operation of MARTA but not including uses involving storage, train yards, warehousing, switching or maintenance shop as the primary purpose.
- (12) Two-family dwelling.
- (13) Supportive housing.

Except for off-street parking and other authorized outdoor uses, all commercial sales and service activities shall be within completely enclosed buildings; and there shall be no unenclosed displays of merchandise. No wholesaling or jobbing shall be conducted from within the district.

(Code 1977, § 16-09.003; Ord. No. 1995-42, § 2, 8-28-95; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2005-41(06-O-0381), § 2, 7-12-05; Ord. No. 2008-62(06-O-0038), § 5C, 7-7-08; Ord. No. 2009-24(08-O-1251), § 2B, 6-9-09)

Sec. 16-09.004. Permitted accessory uses and structures.

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, wind generators and similar devices. No merchandise shall be stored other than that to be sold at retail on the premises, and no storage for such merchandise shall occupy more than 25 percent of the total floor areas on the premises. No off-premises storage of such merchandise shall be permitted the district as either a principal or accessory use.

(Code 1977, § 16-09.004)

Sec. 16-09.005. Special permits.

The following uses are permissible only by special permit of the kind indicated, subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) *Special use permits:*

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CHAPTER 9. R-LC RESIDENTIAL-LIMITED COMMERCIAL DISTRICT REGULATIONS

- (a) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by [section 16-25.002\(3\)\(i\)\(iv\)\(k\)](#).
 - (b) Personal care homes, assisted living facilities and rehabilitation centers.
 - (c) Nursing homes.
 - (d) Parks; playgrounds, stadiums, baseball or football fields, golf course, sports arena, and community centers.
 - (e) Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies of 90 days' or more duration.
 - (f) Outdoor dining at restaurants when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-4B, or R-5 district, or that is used as a residential property.
- (2) *Special administrative permits:*
- (a) Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies of less than 90-day duration.
 - (b) Zero-lot-line development. See [section 16-28.011\(6\)](#).
 - (c) Farmers' markets.
 - (d) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, alternative design mounting structures, and new or additional uses of existing structures as contemplated by [section 16-25.002\(3\)\(i\)\(iv\)\(k\)](#).
 - (e) Whenever an application for such a permit is made, the director of the bureau of planning shall provide prior notification to the pertinent district councilmember and at-large councilmembers.
- (3) *Special exceptions:*
- (a) Churches, temples, synagogues, mosques and other religious worship facilities, where lot area is less than one acre.
 - (b) Structures and uses required for operation of a public utility, except uses involving storage, train yards, warehousing, switching or maintenance shops as a primary purpose.

(Code 1977, § 16-09.005; Ord. No. 1997-06, § 4, 2-10-97; Ord. No. 1997-65, § 1, 11-10-97; Ord. No. 2001-96, §§ XXII, XXIII, 12-12-01; Ord. No. 2002-26, § 14, 3-14-02; Ord. No. 2004-53, §§ 12A—12C, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2005-41(06-O-0381), § 3, 7-12-05; Ord. No. 2008-62(06-O-0038), § 3K, 7-7-08; Ord. No. 2011-39(10-O-1773), § 3L, 9-15-11)

Sec. 16-09.006. Transitional uses, structures, requirements and height-limiting factors.

Where a lot in this district abuts a lot in the "R" district on a side or rear lot line without an intervening street, opaque fencing or screening not less than six feet in height shall be provided and maintained in sightly condition.

(Code 1977, § 16-09.006)

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Sec. 16-09.007. Minimum lot requirements.

The following minimum lot requirements shall apply to all uses provided by special permits as well as permitted uses:

- (1) *Churches, temples, synagogues, mosques and similar religious facilities:* Minimum net lot: One acre except when permitted by special exception.
- (2) *Single-family and two-family dwellings:* Minimum lot width of 50 feet and a minimum lot area of not less than 5,000 square feet.
- (3) *Multifamily dwellings, zero-lot-line dwellings and lodgings* shall be permitted according to the Land Use Intensity Ratios, table I, for sector 2 (see [section 16-08.007](#)).
- (4) *All other uses:* None.

(Code 1977, § 16-09.007; Ord. No. 2005-21, §§ 1, 2, 3-25-05)

Sec. 16-09.008. Bulk limitations.

The following bulk limitations shall apply to all uses approved by special permits as well as permitted uses: For nonresidential uses, floor area shall not exceed an amount equal to .50 times net lot area. Residential uses shall be permitted up to the maximum ratios established for sector 2 as shown on table I, [section 16-08.007](#).

(Code 1977, § 16-09.008)

Sec. 16-09.009. Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Front yard:* 30 feet.
- (2) *Side yard:* Seven feet, except where adjoining a residential district, then a 20-foot side yard shall be required.
- (3) *Rear yard:* 20 feet.

(Code 1977, § 16-09.009)

Sec. 16-09.010. Maximum height limitations.

The following height limitations shall apply to all uses approved by special permits as well as permitted uses: No building shall exceed 35 feet in height. See [section 16-28.022](#) for excluded portions of structures.

(Code 1977, § 16-09.010)

Sec. 16-09.011. Minimum off-street parking requirements.

The following parking requirements shall apply to all uses approved by special permit as well as permitted uses (see [section 16-28.014](#) and also [section 16-28.015](#) for off-street loading requirements):

- (1) *Schools, colleges, churches, recreational or community centers and other places of assembly:* One space for each four fixed seats with 18 inches of bench length counted as one seat or one

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space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:

- (a) *Public or private elementary or middle school*: Two spaces for each classroom.
 - (b) *High school*: Four spaces for each classroom.
 - (c) *Colleges and universities*: Eight spaces for each classroom.
- (2) Nursing homes are required to have one space for each four beds. Personal care homes, assisted living facilities, and rehabilitation centers with a residential component are required to have the amount of parking specified by the Land Use Intensity Ratios Table.
 - (3) *Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools or day care centers for young children*: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director, bureau of traffic and transportation.
 - (4) *Multifamily dwellings and lodgings*: See [section 16-08.007](#), table I, for applicable ratios according to appropriate floor area ratio.
 - (5) *Offices, studios, clinics, clinical laboratories*: One (1) space for each 300 square feet of floor area.
 - (6) *Barbershops, beauty shops, and similar personal service establishments*: One space for each 200 square feet of floor area.
 - (7) *Specialty shops*: One space for each 300 square feet of floor area.
 - (8) *Accessory uses*: All accessory uses shall provide one additional space per 300 square feet of floor area devoted to such space.
 - (9) *Other uses*: One space for each 300 square feet of floor area.
 - (10) *Restaurants*: One space for each 100 square feet of floor area. Where a restaurant derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in [section 16-29.001](#)(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.
 - (11) *Accessory outdoor dining*: Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

(Code 1977, § 16-09.011; Ord. No. 1996-60, § 1, 8-26-96; Ord. No. 2002-26, § 3, 3-14-02; Ord. No. 2004-53, § 12D, 8-20-04; Ord. No. 2005-41(06-O-0381), § 4, 7-12-05)

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Sec. 16-11.001. Scope of provisions.

The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the regulations in the C-1 Community Business District.

(Code 1977, § 16-11.001)

Sec. 16-11.002. Statement of intent.

The intent of this chapter in establishing C-1 Community Business District is as follows:

- (1) To provide for medium-intensity retail and service activities in areas already committed to development of this character, or consistent with areas so specified on the comprehensive development plan.
- (2) To encourage residential use either as single or mixed use development.

(Code 1977, § 16-11.002)

Sec. 16-11.003. Permitted principal uses and structures.

A building or premises shall be used only for the following principal purposes:

- (1) Banks, savings and loan associations, and similar financial institutions.
- (2) Repealed.
- (3) Business or commercial schools.
- (4) Child care centers, kindergartens and special schools.
- (5) Churches, synagogues, temples, mosques and other religious worship facilities, on lots of one acre or more.
- (6) Clubs and lodges.

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- (7) Commercial greenhouses.
- (8) Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly, and similar uses, with primary activities conducted within fully enclosed buildings. Pool halls, billiard parlors, amusement arcades and game rooms are allowed only by special use permits.
- (9) Repealed.
- (10) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.
- (11) Repealed.
- (12) Repealed.
- (13) Hospitals.
- (14) Repealed.
- (15) Institutions of higher learning, including colleges and universities.
- (16) Laundry and dry cleaning, collection stations or plants; limited to no more than 5,000 square feet floor area; laundry and dry cleaning establishments where equipment is operated by customers.
- (17) Multifamily dwellings, two-family dwellings and single-family dwellings.
- (18) Museums, galleries, auditoriums, libraries and similar cultural facilities.
- (19) Repealed.
- (20) Offices, clinics (including veterinary if animals are kept within soundproof buildings), laboratories, studios, and similar uses, but not blood donor stations except at hospitals.
- (21) Parking structures and lots, other than park-for-hire facilities.
- (22) Professional or personal service establishments, but not hiring halls.
- (23) Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar articles.
- (24) Retail establishments, including catering establishments, delicatessens and bakeries without wholesale operations.
- (25) Sales and leasing agencies for new passenger automobiles, bicycles, mopeds, and commercial vehicles not exceeding one ton in rated capacity, selling, servicing and repairing new vehicles and dealing in the disposal, servicing or repairing of used vehicles in connection therewith and all located on the same site.
- (26) Vault-storage facility not exceeding 7,500 square feet of floor area and having all pickup and delivery of items by passenger automobile or van.
- (27) Service stations and car washes.
- (28) Structures and uses requiring for operation of MARTA or a public utility but not including uses involving storage, train yards, warehousing, switching or maintenance shop as the primary purpose.
- (29) Tailoring, custom dressmaking, millinery and similar establishments limited to not more than 5,000 square feet in area.
- (30) Supportive housing.

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Except for off-street parking, automobile sales lots, and necessary activities at commercial greenhouses and service stations, or as authorized by special permit, all commercial sales and service activities shall be conducted within completely enclosed buildings, and there shall be no unenclosed displays of merchandise. No wholesaling or jobbing shall be conducted from within the district. No use or manner of operation shall be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television reception, or for other reasons is incompatible with the character of the district and its relation to adjoining residential districts.

(Code 1977, § 16-11.003; Ord. No. 1996-83, § 4, 12-2-96; Ord. No. 1997-16, § 1, 4-14-97; Ord. No. 2004-53, § 14A, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2005-41(06-O-0381), § 7, 7-12-05; Ord. No. 2009-24(08-O-1251), § 2D, 6-9-09; Ord. No. 2009-61(09-O-1076), § 2(2), 10-13-09)

Sec. 16-11.004. Permitted accessory uses and structures.

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, to include devices for generation of energy such as solar panels, wind generators and similar devices, except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises; and no storage for such merchandise shall occupy more than 25 percent of the total floor areas on the premises. No off-premises storage of such merchandise shall be permitted in the district as either a principal or accessory use.

(Code 1977, § 16-11.004)

Sec. 16-11.005. Special permits.

The following uses are permissible only by special permit of the kind indicated, subject to limitations and requirements set forth herein or elsewhere in this part:

(1) *Special use permits:*

- (a) Helicopter landing facilities or pickup or delivery stations.
- (b) Mortuaries, funeral homes.
- (c) Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies of 90 days' or more duration.
- (d) Poolrooms, billiard parlors, amusement arcades and game rooms.
- (e) Nursing homes, assisted living facilities, rehabilitation centers and personal care homes;
- (f) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by [section 16-25.002\(3\)\(i\)\(iv\)\(k\)](#).
- (g) Dormitories, fraternity houses and sorority houses, officially affiliated with an accredited college, university or private school and only for the time period that such affiliation is in effect, such that loss of affiliation shall result in the loss of permission for the use.
- (h) Hotels and motels.
- (i) Single room occupancy residence.
- (j) Bingo parlors.
- (k) Park-for-hire facilities.

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(l) Outdoor dining at eating and drinking establishments when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, or R-5 district, or that is used as a residential property.

(m) Shelter.

(2) *Special administrative permits:*

(a) Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies of less than 90 days' duration.

(b) Zero-lot-line development (see [section 16-28.011\(6\)](#)).

(c) Farmers' markets.

(d) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, alternative design mounting structures, and new or additional uses of existing structures as contemplated by [section 16-25.002\(3\)\(i\)\(iv\)\(k\)](#).

(e) Whenever an application for such a permit is made, the director of the bureau of planning shall provide prior notification to the pertinent district councilmember and at-large councilmembers.

(3) *Special exceptions:*

(a) Churches, synagogues, temples, mosques and other religious worship facilities, where lot area is less than one acre.

(b) Off-street parking within 500 feet of primary use.

(Code 1977, § 16-11.005; Ord. No. 1995-02, § 1, 1-11-95; Ord. No. 1997-06, § 4, 2-10-97; Ord. No. 1997-16, § 2, 4-14-97; Ord. No. 1997-65, § 1, 11-10-97; Ord. No. 1998-80, § 1, 10-13-98; Ord. No. 2001-96, §§ XXVI, XXVII, 12-12-01; Ord. No. 2002-26, § 15, 3-14-02; Ord. No. 2004-53, §§ 14B, 14C, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2008-62(06-O-0038), §§ 4B(3), 5E, 6B, 7-7-08; Ord. No. 2009-24(08-O-1251), § 2D(1), 6-9-09; Ord. No. 2011-39(10-O-1773), § 3N, 9-15-11)

Sec. 16-11.006. Transitional uses, structures, requirements.

(1) *Transitional Uses:* Where a lot in this district abuts a lot in any R-1 through R-G district at the side along the same street frontage, and without an intervening street, the first lot within this district, or the first 100 feet of such lot if it is wider than 100 feet, shall not be used for any drive-in facility, service station, mortuary or funeral home, [or] sales lot for automobiles.

(2) *Transitional Height Planes:* Where this district adjoins a district in R-1 through R-G classification without an intervening street, height within the district shall be limited as follows: No portion of any structure shall protrude through a height limiting plane beginning 35 feet above the buildable area boundary nearest to the common district boundary and extending inward over this district at an angle of 45 degrees.

(3) *Transitional yards:*

(a) *Side yard:* Adjacent to an R district without an intervening street, 20 feet is required which shall not be used for the purpose of parking, paving, loading, servicing or storage activity and shall be planted and/or maintained in a natural state.

(b) *Rear yard:* There shall be a rear yard of 20 feet when adjacent to an R district that shall not be used for parking, or paving or for purpose of parking, loading or servicing.

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- (c) *Screening*: Where a lot in this district abuts a lot in an "R" district on the side or rear lot lines without an intervening street, opaque fencing or screening not less than six feet in height shall be provided and maintained in a sightly condition. See [section 16-28.008](#)(9).

(Code 1977, § 16-11.006)

Sec. 16-11.007. Development controls.

- (1) *Bulk limitations*: for nonresidential uses and lodging uses, floor area shall not exceed an amount equal to 2.0 times net lot area. Multifamily dwellings shall be permitted up to the maximum ratios established for sector 3 shown on table I [section 16-08.007](#)
- (2) *Minimum lot width, area, all uses*: No fixed minimum lot widths or areas are established for these districts, except as follows:
- (a) *Churches, synagogues, temples, mosques and similar religious facilities*: Minimum net lot, one acre except by special exception.
- (b) *Single-family and two-family dwellings*: Minimum lot width of 50 feet; minimum net lot area of 5,000 square feet.
- (c) *Multifamily dwellings*: See [section 16-11.007](#)(1), "Bulk limitations."

(Code 1977, § 16-11.007; Ord. No. 2005-21, §§ 1, 2, 3-25-05)

Sec. 16-11.008. Minimum yard requirements.

- (a) *Front yard setback*: Ten-foot minimum.
- (b) *Side*: None, except if a building is not constructed to the lot line it shall be set back at least five feet from the lot line and except as required in [section 16-11.006](#)
- (c) *Rear*: None, except as required in [section 16-11.006](#)
- (d) *Side street side*: On corner lots there shall be a setback along the side street side of not less than half the required depth of the front yard.

(Code 1977, § 16-11.008; Ord. No. 1999-53, § 1, 6-16-99)

Sec. 16-11.009. Maximum height limitations.

None, except as required in [section 16-11.006](#).

(Code 1977, § 16-11.009)

Sec. 16-11.010. Minimum off-street parking requirements.

The following parking requirements shall apply to all uses approved by special permit as well as permitted uses (see [section 16-28.014](#) and also [section 16-28.015](#) for loading requirements):

- (1) *Schools, colleges, churches, recreational or community centers and other places of assembly*: One space for each four fixed seats with 18 inches of bench length counted as one seat, or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
- (a) *Public or private elementary or middle school*: Two spaces for each classroom.

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- (b) *High school*: Four spaces for each classroom.
- (c) *Colleges and universities*: Eight spaces for each classroom.
- (2) *Nursing homes, convalescent homes, and similar care facilities*: One space per four beds.
- (3) *Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools or day care centers for young children*: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director, bureau of traffic and transportation.
- (4) *Dwellings and lodgings*: See [section 16-08.007](#), table I, for applicable ratios according to the appropriate floor area ratio.
- (5) *Banks, savings and loan institutions and the like*: One space for each 200 square feet of floor area.
- (6) *Business colleges, trade schools, conservatories, dancing schools and the like*: One space for each 200 square feet of floor area.
- (7) *Drive-in establishments*. See [section 16-28.021](#)
- (8) *Dormitories, fraternity houses and sorority houses*. One space for two beds plus one space for each 200 square feet of floor area designated or occupied other than for sleeping purposes.
- (9) *Clubs, lodges*: One space for each 200 square feet of floor area.
- (10) *Retail establishments, including catering, delicatessen and bakeries, but not other uses as provided below*: One space for each 200 square feet of floor area.
- (11) *Eating and drinking establishments*: One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in [section 16-29.001](#)(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.
- (12) *Laundry and dry cleaning plants, collection stations; self-operated facilities*: One space for each 200 square feet of floor area.
- (13) *Tailoring, custom dressmaking, millinery and similar establishments*: One space for each 400 square feet of floor area.
- (14) *Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and watches, and the like*: One space for each 200 square feet of floor area.
- (15) *Bowling alleys, poolrooms, billiard parlors and the like*: One space for each 100 square feet of floor area.
- (16) *Theaters*: One space for each 100 square feet of floor area.
- (17) *Hotels and motels*: One space per rental unit plus one-half space per employee, plus one space per 100 square feet of restaurant/lounge gross leasable area, plus one space per 300 square feet of gross leasable area of other convention facilities.
- (18) *Accessory uses*: All accessory uses cited in [section 16-11.004](#) shall provide one additional space per 300 square feet of floor area devoted to such space.
- (19) *Other uses*: One space for each 300 square feet of floor area.

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- (20) *Single room occupancy residences*: One space for each two dwelling units plus one space for each employee.
- (21) *Accessory outdoor dining*: Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.
- (22) *Shelter*: One parking space for each on duty staff member, whether paid or unpaid. In addition to staff parking, a space of sufficient size is required for each van, bus or other vehicle used by the facility and one additional parking space shall be provided for each 2,000 square feet of the facility.

(Code 1977, § 16-11.010; Ord. No. 1996-59, § 1, 8-26-96; Ord. No. 2002-26, § 4, 3-14-02; Ord. No. 2005-41(06-O-0381), §§ 8, 9, 7-12-05; Ord. No. 2008-62(06-O-0038), §§ 4B(2), 5J, 6B(1), 7-7-08; Ord. No. 2009-24(08-O-1251), § 2D(2), 6-9-09)

CHAPTER 12. C-2 COMMERCIAL SERVICE DISTRICT REGULATIONS

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[Sec. 16-12.001. Scope of provisions.](#)

[Sec. 16-12.002. Statement of intent.](#)

[Sec. 16-12.003. Permitted principal uses and structures.](#)

[Sec. 16-12.004. Permitted accessory uses and structures.](#)

[Sec. 16-12.005. Special use permits.](#)

[Sec. 16-12.006. Transitional uses, structures, requirements.](#)

[Sec. 16-12.007. Development controls.](#)

[Sec. 16-12.008. Maximum height limitations.](#)

[Sec. 16-12.009. Minimum off-street parking requirements.](#)

Sec. 16-12.001. Scope of provisions.

The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the regulations in the C-2 Commercial Service District.

(Code 1977, § 16-12.001)

Sec. 16-12.002. Statement of intent.

The intent of this chapter, in establishing the C-2 Commercial Service District, is as follows:

- (1) To provide a broad range of sales, service, and repair activities.
- (2) To encourage residential use either as a principal use or in mixed use developments.

(Code 1977, § 16-12.002)

Sec. 16-12.003. Permitted principal uses and structures.

A building or premises shall be only used for the following principal purposes:

- (1) Banks, savings and loan associations, and similar financial institutions.
- (2) Repealed.
- (3) Business or commercial schools.
- (4) Child care centers, kindergartens and special schools.
- (5) Churches, synagogues, temples, mosques and other religious worship facilities, on lots of one acre or more.
- (6) Clubs and lodges.
- (7) Commercial greenhouses.

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- (8) Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly, and similar uses, with primary activities conducted within fully enclosed buildings. Pool halls, billiard parlors, amusement arcades and game rooms are allowed only by special use permits.
- (9) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.
- (10) Repealed.
- (11) Repealed.
- (12) Repealed.
- (13) Hospitals.
- (14) Repealed.
- (15) Institutions of higher learning, including colleges and universities.
- (16) Laundry and dry cleaning, collection stations or plants; limited to no more than 7,500 square feet in area; laundry and dry cleaning establishments where equipment is operated by customers.
- (17) Mortuary and funeral homes.
- (18) Multifamily dwellings, two-family dwellings and single-family dwellings.
- (19) Museums, galleries, auditoriums, libraries and similar cultural facilities.
- (20) New and used car sales and rental, including other motorized vehicles such as mopeds and motorcycles.
- (21) Repealed.
- (22) Offices, clinics (including veterinary), laboratories, studios, and similar uses, but not blood donor stations except at hospitals. Veterinary clinics shall be located within soundproof buildings when located within 300 feet of any residential use.
- (23) Parking structures and lots, other than park-for-hire facilities.
- (24) Plumbing, tinsmithing, or cabinet shops, general service and repair establishments.
- (25) Printing shops.
- (26) Professional or personal service establishments, but not hiring halls.
- (27) Repair garages, paint and body shops.
- (28) Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar devices.
- (29) Retail establishments, including catering establishments, delicatessens and bakeries with wholesale operations.
- (30) Vault-storage facility, not exceeding 7,500 square feet in floor area.
- (31) Service stations, car washes.
- (32) Structures and uses required for operation of MARTA or a public utility but not including uses involving storage, train yards, warehousing, switching or maintenance shop as the primary purpose.
- (33) Tailoring, custom dressmaking, millinery and similar establishments.

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(34) Repealed.

(35) Supportive housing.

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

(Code 1977, § 16-12.003; Ord. No. 1996-83, § 5, 12-2-96; Ord. No. 2004-53, § 15A, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2005-41(06-O-0381), § 10, 7-12-05; Ord. No. 2009-24(08-O-1251), § 2E, 6-9-09; Ord. No. 2009-61(09-O-1076), §§ 2(2), 3(2), 5(2), 10-13-09)

Sec. 16-12.004. Permitted accessory uses and structures.

Uses and structures are allowed which are incidental and subordinate to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, wind generators and similar devices. No merchandise shall be stored other than that to be sold at retail on the premises, and no storage for such merchandise shall occupy more than 25 percent of the total floor area of the premises except as otherwise specified.

No off-premises storage of such merchandise shall be permitted in the district as either a principal or accessory use.

(Code 1977, § 16-12.004)

Sec. 16-12.005. Special use permits.

The following uses are permissible only by special permit of the kind indicated, subject to limitations and requirements set forth herein or elsewhere in this part:

(1) *Special use permits:*

- (a) Helicopter landing facilities or pickup or delivery stations.
- (b) Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies of 90 days' or more duration.
- (c) Poolrooms, billiard parlors, amusement arcades and game rooms.
- (d) Nursing homes, assisted living facilities, rehabilitation centers and personal care homes.
- (e) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by [section 16-25.002\(3\)\(i\)\(iv\)\(k\)](#).
- (f) Dormitories, fraternity houses and sorority houses, officially affiliated with an accredited college, university or private school and only for the time period that such affiliation is in effect, such that loss of affiliation shall result in the loss of permission for the use.
- (g) Hotels and motels.
- (h) Single room occupancy residence.
- (i) Bingo parlors.
- (j) Park-for-hire facilities.
- (k) Shelter.

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(2) *Special administrative permits:*

- (a) Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sale areas, or outdoor areas for religious ceremonies of less than 90-day duration.
- (b) Zero-lot-line development (see [section 16-28.011\(6\)](#)).
- (c) Farmers' markets.
- (d) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, alternative design mounting structures, and new or additional uses of existing structures as contemplated by [section 16-25.002\(3\)\(i\)\(iv\)\(k\)](#).
- (e) Whenever an application for such a permit is made, the director of the bureau of planning shall provide prior notification to the pertinent district councilmember and at-large councilmembers.

(3) *Special exceptions:*

- (a) Churches, synagogues, temples, mosques and other religious worship facilities on lots of less than one acre.
- (b) Off-street parking within 500 feet of primary use.

(Code 1977, § 16-12.005; Ord. No. 1995-02, § 1, 1-11-95; Ord. No. 1997-06, § 4, 2-10-97; Ord. No. 1997-16, § 4, 4-14-97; Ord. No. 1997-65, § 1, 11-10-97; Ord. No. 2001-96, §§ XXVIII, XXIX, 12-12-01; Ord. No. 2004-53, §§ 15B, 15C, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2008-62(06-O-0038), §§ 4C(1), 5F, 5G, 6C, 7-7-08; Ord. No. 2009-24(08-O-1251), § 2E(1), 6-9-09; Ord. No. 2011-39(10-O-1773), § 3O, 9-15-11)

Sec. 16-12.006. Transitional uses, structures, requirements.

- (1) *Transitional uses:* Where a lot in this district abuts a lot in any R-1 through R-G district at the side along the same street frontage, and without an intervening street, the first lot within this district, or the first 100 feet of such lot if it is wider than 100 feet, shall not be used for any secured-storage facility, drive-in facility, car wash, service station, mortuary or funeral home, sales lot for automobiles, or body shop.
- (2) *Transitional height planes:* Where this district adjoins a district in the R-1 through R-G classification without an intervening street, height within the district shall be limited as follows: No portion of any structure shall protrude through a height-limit plane beginning 35 feet above the buildable area boundary nearest to the common district boundary and extending inward over this district at an angle of 45 degrees.
- (3) *Transitional Yards:*
 - (a) *Side yard:* Adjacent to an R District without an intervening street, 20 feet is required which shall not be used for the purpose of parking, paving, loading, servicing or storage activity and shall be planted and/or maintained in a natural state.
 - (b) *Rear yard:* There shall be a rear yard of 20 feet adjacent to an R district which shall not be paved or used for parking or paving or servicing.
 - (c) *Screening:* Where a lot in this district abuts a lot in an R-1 through R-G district on the rear or side yard lot line without an intervening street, opaque fencing or screening not less than six feet in height shall be provided and maintained in slightly condition. See [section 16-28.008\(9\)](#).

(Code 1977, § 16-12.006; Ord. No. 2009-61(09-O-1076), § 3(3), 10-13-09)

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Sec. 16-12.007. Development controls.

- (1) *Bulk limitations:* For nonresidential uses and lodging uses, floor area shall not exceed an amount equal to 3.0 times net lot area. Multifamily dwellings shall be permitted up to the maximum ratios established for sector 3 shown on Table I, [section 16-08.007](#)
- (2) *Minimum lot width, area, all uses:* No fixed minimum lot widths or areas are established for these districts, but lot dimensions shall be sufficient to meet other requirements set forth herein. Churches, synagogues, temples, mosques and other religious worship facilities on lots or less than one acre require a special exception.
- (3) *Minimum yard requirements:*
 - (a) *Front yard setback:* 10 foot minimum.
 - (b) *Side:* None, except if a building is not constructed to the lot line, it shall be set back at least five feet from the lot line, and except as required in [section 16-12.006](#)
 - (c) *Rear:* None except as required in [section 16-12.006](#)
 - (d) *Side street side:* On corner lots there shall be a setback along the side street side of not less than half the required depth of the front yard.

(Code 1977, § 16-12.007; Ord. No. 1999-53, § 2, 6-16-99; Ord. No. 2005-21, §§ 1, 2, 3-25-05)

Sec. 16-12.008. Maximum height limitations.

None, except as required in [section 16-12.006](#).

(Code 1977, § 16-12.008)

Sec. 16-12.009. Minimum off-street parking requirements.

The following parking requirements shall apply to all uses provided by special permit as well as permitted uses (see [section 16-28.014](#). See also [section 16-28.015](#) for loading requirements):

- (1) *Schools, colleges, churches, recreational or community centers and other places of assembly:* One space for each four fixed seats with 18 inches of bench length counted as one seat or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - (a) *Public or private elementary or middle school:* Two spaces for each classroom.
 - (b) *High school:* Four spaces for each classroom.
 - (c) *Colleges and universities:* Eight spaces for each classroom.
- (2) *Nursing homes, convalescent homes, and similar care facilities:* One space per four beds.
- (3) *Child care centers, day care centers, prekindergarten, kindergarten, play and other special schools or day care centers for young children:* One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director, bureau of traffic and transportation.
- (4) *Dwellings and lodgings:* Off-street parking requirements shall be as follows: See [section 16-08.007](#), table I, for applicable ratios according to the appropriate floor area ratio.

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- (5) *Banks, savings and loan institutions, and the like*: One space for each 200 square feet of floor area.
- (6) *Business colleges, trade schools, conservatories, dancing schools, and the like*: One space for each 200 square feet of floor area.
- (7) *Dormitories, fraternity houses and sorority houses*. One space for two beds plus one space for each 200 square feet of floor area designated or occupied other than for sleeping purposes.
- (8) *Clubs, lodges*: One space for each 200 square feet of floor area.
- (9) *Plumbing, tinsmithing, or cabinet shops, general service or repair establishments*: One space for each 200 square feet of floor area.
- (10) *Printing shops*: One space for each 200 square feet of floor area.
- (11) *Repair garages, paint and body shops*: One space for each 200 square feet of floor area.
- (12) *Car washes*: See [section 16-28.021](#)
- (13) *Drive-in establishments*: [Section 16-28.021](#)
- (14) *Hotels and motels*: One space per rental unit plus one-half space per employee; one space per 100 square feet of restaurant/lounge gross leasable area; one space per 300 square feet of other convention facilities (GLA).
- (15) *Temporary storage centers*: One space for each 600 square feet of floor area.
- (16) *Eating and drinking establishments*: One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in [section 16-29.001\(13\)\(b\)](#), areas within the existing building footprint where walls have been removed and a permanent roof remains.
- (17) *Other uses*: One space for each 300 square feet of floor area.
- (18) *Single room occupancy residences*: One space for each two dwelling units plus one space for each employee.
- (19) *Accessory outdoor dining*: Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.
- (20) *Shelter*: One parking space for each on duty staff member, whether paid or unpaid. In addition to staff parking, a space of sufficient size is required for each van, bus or other vehicle used by the facility and one additional parking space shall be provided for each 2,000 square feet of the facility.
- (21) *Secured-storage facilities*: One space per 50 individual units/compartments plus one space for each employee on the peak working shift.

(Code 1977, § 16-12.009; Ord. No. 1996-59, § 2, 8-26-96; Ord. No. 2002-26, § 5, 3-14-02; Ord. No. 2005-41(06-O-0381), §§ 11, 12, 7-12-05; Ord. No. 2008-62(06-O-0038), § 4C(2), 6C(1), 7-7-08; Ord. No. 2009-24(08-O-1251), § 2E(2), 6-9-09; Ord. No. 2009-61(09-O-1076), § 3(4), 10-13-09)

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[Sec. 16-18G.012. Subarea 2: additional regulations.](#)

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Sec. 16-18G.001. Scope of provisions.

The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the regulations in the SPI-7 Candler Park District. These regulations shall supplant districts or portions of districts as shown on the attached map.

(Ord. No. 1999-63, § 1, 12-15-98)

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

The intent of the council in establishing the Candler Park Special Public Interest District is as follows:

- (1) To physically and architecturally reintegrate the Candler Park neighborhood by developing public park space and new low density housing in areas that were cleared as a result of public action for the construction of a freeway plan subsequently abandoned;
- (2) To provide for the development of new housing fronting the public park and to provide for open space so as to protect the views to and from the public park and open space.
- (3) To assure that the development and management of this neighborhood public park and open space provides a passive, neighborhood park space, including neighborhood facilities but not including any regional facilities such as an amphitheater, in a manner consistent with the Freedom Park Concept Plan.
- (4) To provide for the development of single-family and low-density housing on lots so specified in this chapter in order to implement the goals and objectives of the City of Atlanta Comprehensive Development Plan and the Freedom Park Concept Plan;

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- (5) To provide through the administration of specific standards and criteria that new housing achieve architectural, site design and street design consistency with the identified significant characteristics of the Candler Park Historic District which is listed in the U.S. Department of Interior National Register of Historic Places.
- (6) To assure that in the process of knitting the neighborhood together through the construction of new housing and park space that the cumulative diversity which typifies the neighborhood is maintained through the prohibition of the repetition of any single house design within the same block face and other reasonable design regulations that are intended to preserve and enhance the architectural and historic significance of the district;
- (7) To encourage owner occupancy of new housing in single-family structures while permitting low-density multi-family housing in designated locations adjacent to Moreland Avenue;
- (8) To develop a transition from Freedom Parkway, the Carter Library and Policy Center, Druid Hills Historic District and the Candler Park Historic District, in a way that encourages visual continuities, urban design linkages, a coordinated park system, transportation corridors, existing historic neighborhood street patterns and an integrated pedestrian and bicyclist network of paths:
- (9) To prohibit future use of the parkland for any expressway or motorized vehicular purpose;
- (10) To provide distinct entrances into the Candler Park Historic District.

(Ord. No. 1999-63, § 1, 12-15-98)

Sec. 16-18G.003. Boundaries of district and subareas established.

The boundaries of the Candler Park Special Public Interest District are shown on Map attachment "A" which by this reference is incorporated herein and is made a part of this chapter. The Candler Park Special Public Interest District is divided into three subareas as shown on said Map Attachment "A", as follows:

- (1) Subarea 1: Public open space or park consisting of property south of North Avenue between Moreland Avenue and Candler Park Drive.
- (2) Subarea 2: This subarea is comprised of three separate areas, defined as those properties which have a front yard on the following streets:
 - a. The west side of Page Avenue, the south side of Clifton Terrace, and the east side of Terrace Avenue;
 - b. The south side of Druid Place;
 - c. The north side of North Avenue.
- (3) Subarea 3: Property located to the east of Moreland Avenue, between Druid Place and Mansfield Avenue.

(Ord. No. 1999-63, § 1, 12-15-98)

Sec. 16-18G.004. General regulations.

The following regulations shall apply to all properties located within the Candler Park Special Public Interest District, including all subareas of said district:

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- (1) The provisions set forth in sections 16-18.005, [16-18.006](#) and [16-18.007](#) relating to requirements for special administrative permits shall not apply to the SPI-7 Candler Park District.
- (2) Any proposed amendment to this chapter shall be processed, considered and decided pursuant to the procedures and criteria contained in [chapter 27](#) of this part. Prior to action by the zoning review board on any amendment affecting this district, said amendment shall first referred by the director of the bureau of planning to the Atlanta Urban Design Commission so as to provide an opportunity for review and written comment on said proposed amendment.
- (3) Subdivision, consistent with the Freedom Park Concept Plan and applicable state law, is required pursuant to Part 15 of the Code of Ordinances. Notwithstanding the requirements of [section 15-07.002](#) of part 15, the director of the bureau of planning shall be authorized to initiate the subdivision of this district in accordance with applicable state law and the Freedom Park concept plan. For the purpose of subdivision approval as to the number, size, width, shave and siting, of lots in single-family districts, substantial compliance with historic lot patterns shall constitute compliance with Part 16 of the Code of Ordinances.

(Ord. No. 1999-63, § 1, 12-15-98)

Sec. 16-18G.005. Subarea 1: parkland, specific regulations.

The following specific regulations shall apply to Subarea 1:

- (1) Subarea 1, in its entirety, shall consist of a public park.
- (2) The Freedom Park Concept Plan, shown on Map Attachment "B," consisting of goals and objectives, text, and a conceptual site plan, is hereby made a part of these regulations for the purpose of determining the conformance and appropriateness of any development. The final design, construction, and management of Subarea 1 shall be consistent with said Freedom Park Concept Plan. All proposed development or redevelopment shall require the approval of the AUDC, certifying consistency with said Freedom Park Concept Plan and compliance with all other requirements of this section.
- (3) There shall be no buildings in the park.
- (4) No motorized vehicular use shall be permitted in the park. There shall be no facilities of any kind for motorized vehicles in the park, except that motorized wheelchairs or other similar, small motorized vehicles designed for use by handicapped persons, when so used, shall be permitted in the park.
- (5) Passive use shall be encouraged, with no formal recreation, entertainment, or assembly facilities.

(Ord. No. 1999-63, § 1, 12-15-98)

Sec. 16-18G.006. Residential subareas 2 and 3: specific regulations.

Subareas 2 and 3 together are identified as the residential subareas. In addition to the general regulations and provisions of this chapter, the following specific regulations shall apply to the residential subareas:

- (1) The specific regulations for the residential subareas shall consist of [section 16-18G.006](#) through section 16-18G.0013.
- (2) No building permit shall be issued by the bureau of buildings within the SPI-7 Candler Park District without the prior approval and issuance of a certificate of compliance from the Atlanta

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Urban Design Commission (AUDC). The purpose of this requirement is to assist the bureau of buildings with review of proposed permits for consistency with the requirements of sections [16-18G.006](#) through [16-18G.013](#) of this chapter. In addition to all materials otherwise required by the bureau of buildings, applications for building permits in these subareas shall include: a site plan at a minimum scale of one inch, equals 20 feet; typical building sections and exterior elevations at a minimum scale of one-fourth inch equals one foot; and outline specifications for all exterior building and landscaping materials. Larger scale drawings at appropriate scale shall be required of significant details when necessary for adequate review. Following transmittal of a complete application from the bureau of buildings to the AUDC, the AUDC shall review said application for consistency with the criteria and standards set forth in sections [16-18G.006](#) through [16-18G.013](#). The burden is on the applicant to demonstrate said consistency. If the application is consistent with said criteria and standards, it shall be approved and the AUDC shall issue a certificate of compliance certifying said compliance. The AUDC shall have the authority to impose conditions on said certificates as appropriate. If the application is not consistent with said criteria and standards, it shall be denied. Immediately following said action, the AUDC shall transmit the application together with its denial or approval to the bureau of buildings. The bureau of buildings shall then review the application for compliance with all remaining applicable provisions of this chapter and other applicable ordinances. No building permit shall be issued for any application that has not received the required certificate of compliance. Appeals from the final decision of the director may be taken pursuant to the provisions of [section 16-30.010](#) to the board of zoning adjustment.

- (3) All regulations as stated herein shall be minimum standards, which shall be followed and shall be applied. AUDC shall notify NPU-N of any variance application, and shall allow NPU-N a maximum of 45 days from the mailing date of such application to NPU-N, so that NPU-N may provide AUDC with written comments on such application.
- (4) The Atlanta Urban Design Commission shall have the sole power to hear, grant, and deny variances from the provisions of this [chapter 18G](#) when, due to special conditions, a literal enforcement of its provisions in a particular case will result in an unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in [Chapter 26](#) of Part 16 of the Code of Ordinances, which provisions are hereby incorporated herein.
- (5) The City of Atlanta Tree Ordinance shall apply.

(Ord. No. 1999-63, § 1, 12-15-98)

Sec. 16-18G.007. Residential subareas 2 and 3: permitted principal uses and structures.

- (1) *Subarea 2:* A building or premise shall be used only for a single-family detached dwelling. In no case shall there be more than one main building and one main use on a lot.
- (2) *Subarea 3:* A building or premise shall be used for two-family, multi-family attached dwellings, or supportive housing.

(Ord. No. 1999-63, § 1, 12-15-98; Ord. No. 2009-24(08-O-1251), § 20, 6-9-09)

Sec. 16-18G.008. Residential subareas 2 and 3: permitted accessory uses and structures.

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures are permitted. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) Greenhouses, garden sheds, private garages, and similar structures.

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- (2) When a private garage is part of a principal structure, the vehicular entry door shall not be located on the front façade of the main building, and all vehicular access to the garage shall be from the rear or side of the principal structure. Garages, when detached from the main residential structure, shall be located to the rear of the main structure within the buildable area of the lot and, on corner lots, shall be subject to side yard setbacks.
- (3) Swimming pools, tennis courts, and similar private recreational facilities and areas, subject to the following limitations: Such active recreation facilities in any yard, required or other, adjacent to a street shall require a special exception from the AUDC, which shall be issued only upon finding that:
 - a. The location will not be objectionable to occupants of neighboring property or the neighborhood in general by reason of noise, lights, or concentrations of persons or vehicular traffic; and
 - b. The area for such activity could not reasonably be located elsewhere on the lot. The AUDC may condition the special exception based on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to ameliorate any negative effects of the proposed facility on the neighborhood.
- (4) Home occupations, subject to limitations set forth in [section 16-29.001\(17\)](#).
- (5) Structures necessary for active on site construction projects.
- (6) Devices for the generation of energy, such as solar panels, wind generators, and similar devices, when not located in or to the front of the main building.
- (7) The following regulations shall apply to all permitted accessory uses and structures:
 - a. Except in the case of home occupation, no accessory use shall be of a commercial nature.
 - b. No accessory building shall be constructed until construction of the principal building has actually begun, and no accessory building shall be used or occupied until the principal building is completed and is in use.
 - c. Accessory buildings shall not cover more than 25 per cent of the rear yard.
 - d. Accessory structures shall be placed to the rear of the main structure within the buildable area of the lot.
 - e. Accessory buildings shall not exceed 25 feet in height or the height of the main structure, whichever is less, and shall not contain a total floor area greater than 30 percent of the main structure.

(Ord. No. 1999-63, § 1, 12-15-98)

Sec. 16-18G.009. Residential subareas 2 and 3: minimum yard requirements; maximum floor area ratio.

The following yard requirements shall apply to all permitted uses. Distances shall be construed as minimum requirements except where otherwise specifically indicated:

- (1) Front yards:
 - a. Subarea [2A](#): Page Avenue: 50 feet minimum, 55 maximum; Clifton Terrace and Terrace Avenue 45 feet minimum, 50 feet maximum.
 - b. Subarea 2B: 40 feet minimum, 45 feet maximum.

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- c. Subarea 2C: 42 feet minimum, 47 feet maximum.
 - d. Subarea 3: 20 feet. The front yard shall be the yard adjacent to Moreland Avenue.
- (2) Side yards:
- a. Subarea 2: 7 feet.
 - b. Subarea 3: 7 feet, with the exception of the side yards adjacent to Druid Place and Mansfield Avenue which shall be a minimum width of ten feet.
- (3) Rear yards: 7 feet. In Subarea 3 the rear yard shall be considered to be the yard adjacent to the adjoining single-family district.
- (4) Accessory structures: Accessory structures, other than fences, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure.
- (5) Maximum floor area ratio: The residential, or dwelling, floor area ratio shall not exceed 0.50.
- (6) Minimum lot size:
- a. Subarea 2: Every lot shall have a minimum area of 7,500 square feet and a minimum frontage of 50 feet.
 - b. Subarea 3: Every lot shall have a minimum net lot area of 10,000 square feet and a minimum lot width of 70 feet. For the purpose of obtaining a building permit, the ratios indicated for Total Open Space (TOSR), and Usable Open Space (USOR) shall be used according to the nearest Floor Area Ratio (FAR) (shown on table 1) to the actual FAR for the development as indicated on the plans presented.

(Ord. No. 1999-63, § 1, 12-15-98)

Sec. 16-18G.010. Residential subareas 2 and 3: minimum off-street parking requirements.

In addition to the provisions of [section 16-28.008\(7\)](#), which shall apply and are incorporated herein, the following parking requirements shall apply to all permitted uses.

- (1) There shall be a minimum of two spaces per dwelling unit.
- (2) No parking shall be permitted in a required front yard or half-depth front yard or between a primary residence and a street.

(Ord. No. 1999-63, § 1, 12-15-98)

Sec. 16-18G.011. Residential subareas 2 and 3: architectural requirements.

In addition to the regulations and provisions of this chapter, and except as otherwise specifically provided herein, the following architectural regulations shall apply.

- (1) *Definitions.* For the purposes of interpreting this code section, the following definitions shall apply;
 - a. *Neighborhood* means the Candler Park Neighborhood as it exists on the official neighborhood map of the City of Atlanta.
 - b. *Substantially proportional* means that the element in question, such as roof pitch, scale, mass, or height, is sufficiently proportional to that found in the chosen architectural style to allow a trained observer to identify the new construction as originating from said architectural style.

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- c. *Substantially characteristic* means that the material in question, such as brickwork, stonework, or roofing material, reflects visual qualities that are sufficiently characteristic of those found in the chosen architectural style to allow a trained observer to confirm that the new construction is consistent with said architectural style.
- (2) *Statement of intent.* The council finds that the following established residential architectural styles currently exist in the neighborhood and contribute to its unique character: Late Victorian; Transitional style of bungalow between late Victorian and Craftsman; Bungalows with Greek Revival, Tudor or Craftsman detailing; American Four Square; and Queen Anne. These residential structures generally exhibit the following significant characteristics: small rectangular shaped lots; houses which are generally situated near the front centers of these lots and stand back a uniform distance from the streets; and, due to the hilly topography, many houses with low retaining walls at the sidewalk and with steps which lead up from the sidewalk. The purpose of the following regulations is to set forth basic, minimum standards of architectural design and construction that are consistent with these existing historic styles of residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of the regulations to limit the design of new housing to replication of existing structures, but rather to foster residential design that incorporates the historic architectural elements and materials that are specific to the neighborhood in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these existing architectural styles while simultaneously encouraging consistent, creative designs that are more than a mere aggregation of random historic elements, through the use of specific standards and criteria. In addition, these regulations are intended to integrate the aesthetic and physical characteristics of new construction and landscape in this area into the existing neighborhood and public park areas in a meaningful way so as to restore and promote the public health, safety and welfare of the community.
- (3) *Standards and criteria.* The following standards and criteria shall apply to all new construction in the residential subareas:
- a. All new construction on each vacant lot shall be representative of a single architectural style chosen from those styles set forth in subsection (2) above.
 - b. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
 - c. All front façades, front porches, front steps, and front doors of the principal structure shall face and be parallel to the street.
 - d. The form and pitch of the roof of new construction shall be substantially proportional to the chosen architectural style.
 - e. The height, scale and massing of new construction shall be substantially proportional to the chosen architectural style. In no case shall the height of a structure exceed 35 feet. (See section [16-28.022](#) for excluded portions of structures.)
 - f. The first floor of the principal structure shall be on foundations and elevated above grade a minimum of three entrance step risers, each of which shall be no less than seven inches in height.
 - g. Front porches on the principal structure shall be required. The design and size of said porch shall be substantially proportional to the chosen architectural style, provided that they shall be a minimum of 12 feet wide or one third the width of the front façade, whichever is greater, and a minimum of eight feet deep. Front porches shall contain roofs, balustrades, columns, steps, and other features typical of the chosen architectural style. Porches may be enclosed with screen wire or glass, provided that the main characteristics

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of the porch such as balustrades, columns or porch railings, and balusters are visible and maintained. Front porches may extend up to ten feet into the required front yard. All front porch steps shall have closed risers and ends.

- h. Decks shall be located to the rear of a principal structure and shall not be visible from the public right-of-way.
- i. When any portion of a chimney is visible as a façade element, the chimney shall originate at grade, and shall be faced with either brick or stone masonry.
- j. Fences and walls, visible from the public right-of-way upon completion, subject to the provisions of [section 16-28.008\(5\)](#) and the following limitations, may occupy required yards:
 - 1. Fences and walls not exceeding six feet in height may be erected in side or rear yards.
 - 2. All fences located in a required front yard or in a required yard adjacent to a street shall be constructed of brick, stone, ornamental iron, or wood pickets, in a manner which is substantially characteristic of the chosen architectural style.
 - 3. Visible portions of retaining walls located in a required front yard or in a required yard adjacent to the street shall be constructed of stone, brick or smooth stucco in a manner which is substantially characteristic of the chosen architectural style.
 - 4. If more than one retaining wall is otherwise authorized in the front yard setback, the combined height of said retaining walls should not exceed four feet.
- k. The following aspects of fenestration, if visible from the public right-of-way upon completion, shall be substantially proportional to the chosen architectural style:
 - 1. The style of the individual window.
 - 2. The size and shape of the individual window opening.
 - 3. The overall pattern of fenestration as it relates to the building façade.
 - 4. Generally, fenestration shall be double hung.
- l. Mechanical equipment shall be located to the side and rear of the principal structure and where possible, in the least visible location. Screening with appropriate plant or fence materials is required if the equipment is visible from the public right-of-way.
- m. The following building materials and design elements of new construction, if visible from the public right-of-way upon completion, shall be substantially characteristic of the chosen architectural style, and shall apply in addition to all other applicable regulations:
 - 1. The dimensions of the exposed face of lap siding and wood shingles.
 - 2. The type of brick and pattern of brickwork.
 - 3. The type of stone and pattern of stone work.
 - 4. The material and texture of stucco.
 - 5. The dimensions and placing of architectural ornamentation and trim. This is not intended to require the exact reproduction of existing molding profiles.
 - 6. The size and type of doors.
 - 7. The materials and pattern of roofing.

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8. Visible foundation materials. Foundations shall constitute a distinct building element and shall contrast with the primary façade siding material.
9. Visible portions of chimneys.
10. Front porches, including materials, features, and steps.
- n. Roof-top equipment such as attic ventilators, and HVAC vents, skylights, solar panels, communication equipment, air conditioner units, or any service or utilities equipment, when otherwise permitted and authorized by this Part 16, shall not be visible from any public right-of-way, provided that ridge vents may be visible from the right-of-way.
- o. Service and utilities equipment including gas, water, electricity, telephone, furnaces, and air conditioning units, when otherwise permitted and authorized by this Part 16, shall not be located in a front yard or a half-depth front yard.
- p. Satellite receiving-only dish antennas shall not be authorized other than by special exception by the board of zoning adjustment pursuant to [Section 16-28.008](#) (11).
- q. Exterior lighting systems shall be designed and installed so as to be directed towards the lot on which it is located and so that no direct light is cast upon adjoining property.
- r. Grading shall not excessively or unnecessarily alter the existing topography of the site. New grades shall meet existing topography in a smooth transition. Erosion shall be prevented and runoff kept to a minimum.
- s. Every effort shall be made to preserve existing trees. A certificate of compliance shall be required for the removal of any tree with a caliper at breast height of 12 inches or greater. Trees so removed shall be replaced with trees approved by the city arborist. Before any site preparation work shall begin, a tree plan shall be approved by the city arborist. This plan shall include:
 1. Location of all existing trees with type and caliper indicated;
 2. Location of all existing trees to be saved indicated;
 3. Location of all proposed trees located with type and caliper indicated.

(Ord. No. 1999-63, § 1, 12-15-98)

Sec. 16-18G.012. Subarea 2: additional regulations.

In addition to the architectural requirements in [section 16-18G.011](#) above, all new construction in Subarea 2 shall comply with the following requirements:

- (1) No individual house design shall be substantially repeated on the same side of a street block.
- (2) A planting strip shall be provided adjacent and parallel to the street two feet in width, or in conformity with the width of the existing or pre-existing strip, whichever is greater, and shall remain unpaved.
- (3) A sidewalk not less than five feet in width shall be provided between the planting strip and the required front yard, parallel to the street. Sidewalks shall be paved with a hexagonal paver or stamped with a hexagonal design of a size consistent with the historic sidewalk paving pattern.
- (4) Fences not exceeding four feet in height may be erected in the front yard. Walls, other than necessary retaining walls, shall not be erected in the front yard.
- (5) Driveways within the front yard or half-depth front yard shall be a maximum of ten feet in width.
- (6) Zero lot line development is prohibited.

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(Ord. No. 1999-63, § 1, 12-15-98)

Sec. 16-18G.013. Subarea 3: additional regulations.

In addition to the architectural requirements in [section 16-18G.011](#) above, all new construction in Subarea 3 shall comply with the following requirements:

- (1) Density shall be limited to a maximum of eight units per acre.
- (2) The primary entrance to each residence shall face, be parallel to and be visible from the sidewalk on Moreland Avenue.
- (3) No residential unit shall be located above or below another.
- (4) Any private garage shall be accessible by vehicle only from the rear yard.
- (5) Any parking area shall be located to the rear of the principal structure.
- (6) There shall be a 6 foot high solid wood privacy wall located between Subarea 3 and any adjacent single-family district. Masonry pillars are permitted.
- (7) Fencing or hedges located between Moreland Avenue and the façade line of any building, or in any front yard, shall be a maximum height of three feet.
- (8) Walls shall not be located between the residential structure and Moreland Avenue.
- (9) The distance between any two detached residential structures shall be a minimum of 14 feet.

(Ord. No. 1999-63, § 1, 12-15-98)

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Sec. 16-34.001. Authority.

This chapter is enacted pursuant to the City of Atlanta's exclusive zoning and planning authority granted by the Constitution of the State of Georgia, including but not limited to the Article 9, Section 2, Paragraph 3 and Article 9 Section 2, Paragraph 4, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. § 36-70-3, the City of Atlanta Charter, §§ 3-061 through 3-603, and Charter Appendix IV, §§ 41,42,45,48 and 70, as well as the general police powers of the City of Atlanta and such other authority as may be provided by applicable, state, federal and local laws.

The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are regulations which are applicable in those parts of the city designated as MRC Mixed Residential Commercial district. The passage of an ordinance approving the classification of an area of the city for Mixed Residential Commercial zoning shall supplant the zoning classifications applicable to the area so designated. Whenever the following regulations are at variance with said existing historic protection regulations, the historic protection regulations shall apply. Whenever the following regulations conflict with provisions of part 16 other than historic protection regulations, the more stringent regulation shall apply.

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.002. Findings, purpose and intent.

The city finds that the size, scale and character of commercial uses directly affect the adjacent neighborhood districts and the public health, safety and welfare. The city finds that highway-oriented retail, service, office and dining uses which are intended to serve larger areas of the city instead of a single neighborhood or small group of neighborhoods must be located on streets that are suited for this type of development and must be done in a manner which is compatible with the adjacent neighborhoods or group of neighborhoods. The city finds there is a need to protect existing and developing neighborhood areas and building forms from the incompatible uses resulting from intense highway-oriented development and to preserve and restore existing, traditional and pedestrian scale buildings in established, historic neighborhood districts, as well as create new pedestrian oriented commercial nodes. The city finds that there is a substantial need to encourage a balanced mix of uses to include proportionately significant residential uses and to facilitate safe, attractive and convenient pedestrian circulation. The city finds that it is necessary to improve air quality by promoting walking and reducing the number of vehicular trips. The city finds that it is necessary to establish adequate parking requirements by encouraging shared parking arrangements. The city finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations. The purpose and intent of this chapter, in establishing the Mixed Residential Commercial (MRC) district, is as follows:

1. Create a diversified city where people across the spectrum of age, income, ethnicity, and culture can live, work, shop, meet, and play;
2. Encourage infill and rehabilitation development within traditionally commercial areas that include proportionately significant residential uses;
3. Encourage the development of multi-family housing within commercial areas;
4. Alleviate development pressure on existing residential neighborhoods by placing reasonable controls on development and expansion of strip commercial areas within primarily single-family neighborhoods;

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5. Place reasonable controls on the development of larger scale highway-oriented retail, service, office and dining uses which are intended to serve larger areas of the city than a single neighborhood or a small group of neighborhoods;
6. Improve the aesthetics of the built environment;
7. Protect existing neighborhoods from uses and building forms which are incompatible with the scale, character and needs of the adjacent neighborhoods;
8. Ensure pedestrian-oriented building forms;
9. Provide for a pedestrian-oriented environment on streets and sidewalks;
10. Promote public safety through the provision of pedestrian-oriented street-level uses, sufficient sidewalk widths, adequate visibility from adjacent buildings and primary pedestrian access from buildings to adjacent sidewalks;
11. Ensure residents have convenient pedestrian access to nearby commercial uses;
12. Provide stable single-family neighborhoods with nodal commercial areas which are such a size that all uses are within convenient walking distance of one another;
13. Promote an appropriate balance and scale of commercial uses which meet the needs of nearby residents;
14. Encourage a compatible mixture of residential, commercial, cultural and recreational uses;
15. Provide a range of housing types and prices to meet different housing needs;
16. Reserve the space between the building and the sidewalk for pedestrian related uses;
17. Provide appropriately scaled, continuous pedestrian oriented uses and activities adjacent to sidewalks along streets with identified pedestrian needs;
18. Encourage a grid of connected streets to improve access and reduce congestion;
19. Facilitate safe, pleasant and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles;
20. Facilitate safe and convenient bicycle usage;
21. Prevent encroachment of incompatible commercial uses and minimize commercial parking into residential neighborhoods;
22. Provide sufficient parking in an unobtrusive manner;
23. Reduce parking requirements by encouraging shared parking and alternative modes of transportation;
24. Maximize opportunities for pedestrian amenities, including parks, plazas, greenways and public art;
25. Provide sufficient, safe and accessible parks, plazas and greenways for active and passive enjoyment;
26. Improve the quality of air and water through provisions for the planting of trees, greenspace protection, bicycle parking and electric vehicle parking.

(Ord. No. 2002-40, § 1, 5-28-02)

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Sec. 16-34.003. Special administrative permit requirement for building permits—Effect on other special permit requirements.

Except as provided below, no building permit in any Mixed Residential Commercial district shall be issued unless and until it has been approved through the issuance of a special administrative permit (SAP) under the requirements so specified in [section 16-25.004](#), as meeting applicable requirements and intent as set forth for the district involved. A SAP application and seven copies each of a site plan, landscape plan and elevation drawings of each exterior façade shall be submitted, as applicable, and approved by the director of the bureau of planning prior to the issuance of a building permit, with an eighth copy to be mailed concurrently to the appropriate NPU chair or his/her designee-for information purposes.

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

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.004. Districts established.

Three MRC districts are established, the intent of which is described below:

1. *MRC-1.* Low density residential and commercial uses intended to serve a single neighborhood or small group of adjacent neighborhoods.
2. *MRC-2.* Medium density residential and commercial uses along corridors and intended to serve a group of adjacent neighborhoods.
3. *MRC-3.* High density commercial and residential uses along major corridors intended to serve larger areas of the city, and provide larger commercial uses with a significant employment concentration.

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.005. Permitted principal uses and structures.

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

1. Automobile service stations, car washes.
2. Banks, savings and loan associations, and similar financial institutions.
3. Barber shops, beauty shops, manicure shops and similar personal service establishments.
4. Business or commercial schools.
5. Childcare centers, kindergartens and special schools.
6. Clubs and lodges.
7. Commercial greenhouses.
8. Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly and similar uses with primary activities conducted within fully enclosed buildings. Pool halls, billiard parlors and amusement arcades allowed only by special use permits.

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9. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment when located on subterranean levels or the second floor above sidewalk level and higher, or on ground floors provided that retail, office, institutional, or residential uses are provided for a minimum depth of 20 feet from any building façade along the public sidewalk.
10. Restaurants, bars, coffee shops, delicatessens, taverns and other eating and drinking establishments including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.
11. Institutions of higher learning, including colleges and universities.
12. Laundry and dry-cleaning stores, collection stations or plants; laundry and dry cleaning establishments where customers operate equipment.
13. Mortuary and funeral homes.
14. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.
15. New and used car sales, including other motorized vehicles such as mopeds and motorcycles.
16. Nursing homes and convalescent centers.
17. Offices, studios, clinics (including veterinary), laboratories and similar uses, but not blood donor stations except at hospitals. Veterinary clinics including all kennels and accessory areas shall be enclosed within sound proof buildings when located within 300 feet of any residential use from the closest point of the nearest residential building to the closest point of the veterinary clinic, subject to the provisions in [chapter 74](#), article IV, noise control.
18. Park-for-hire parking decks.
19. Plumbing, air conditioning service and repair.
20. Photocopying or blueprinting shops.
21. Professional or service establishments, but not hiring halls.
22. Public schools or private schools having similar academic curricula and special schools for exceptional children.
23. Repair garages, paint and body shops.
24. Retail establishments.
25. Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar household goods.
26. Subject to the requirements of [section 16-34.010\(7\)](#), mixed-use storage facility having less than 100,000 square feet of total floor area of storage use.
27. Single-family, two-family and multi-family dwellings.
28. Structures and uses required for operation of MARTA or a public utility but not including uses involving storage, train yards, warehousing switching or maintenance shop as the primary use.
29. Tailoring, custom dressmaking, millinery and similar establishments.
30. Supportive housing.

Any principal use and structure not specifically listed above is prohibited in this district.

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

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

Pursuant to [section 16-28.016](#), adult businesses are not permitted uses in any district.

(Ord. No. 2002-40, § 1, 5-28-02; Ord. No. 2005-41(06-O-0381), § 54, 7-12-05; Ord. No. 2009-24(08-O-1251), § 2AF, 6-9-09; Ord. No. 2009-61(09-O-1076), §§ 2(2), 4(2), 10-13-09)

Sec. 16-34.006. Permitted accessory uses and structures.

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically includes clubhouses, pools, and other recreation amenities, and parking to serve authorized residential and nonresidential uses within the district subject to the restrictions contained elsewhere in this chapter.

Accessory parking structures and lots for required parking are permitted within 300 feet of primary use as measured from the nearest property line, without a special exception.

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.007. Special permits.

The following uses are permissible only by additional special permits of the type indicated subject to limitations and requirements set forth in this Chapter 34 or elsewhere in this part, and subject to the applicable procedures and requirements set forth in [section 16-25.001](#) et seq.

1. *Special use permits.*
 - a. Bingo parlors.
 - b. Broadcasting towers and line-of-sight relay devices for telephonic, radio or television communications greater than 70 feet in height, except alternative design mounting structures as contemplated by subsection [16-25.002\(3\)\(h\)\(iv\)\(i\)](#), and subject to transitional height planes (chapter 1, [section 19-1006](#)).
 - c. Churches, synagogues, temples, mosques and other religious worship facilities having a minimum lot area greater than one acre.
 - d. Community centers and similar establishments, when not owned by a governmental agency.
 - e. Community centers.
 - f. Dormitories, fraternity houses and sorority houses.
 - g. Group home, congregate care home and rehabilitation centers.
 - h. Helicopter landing facilities or pickup or delivery stations.
 - i. Hospitals.
 - j. Hotels.
 - k. 90 days or more duration: Outdoor amusement enterprises, exhibits, entertainment, meetings, displays or sales areas, or outdoor areas for religious ceremonies.
 - l. Park-for-hire surface parking lots.

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- m. Poolrooms, billiard parlors, amusement arcades.
- n. Repealed.
- n. Rooming houses and boardinghouses.
- o. Single room occupancy residence.
- p. Truck stops.
- q. Transfer of development rights. Transfer of development rights is permissible provided each of the following criteria are met in addition to those set forth in [section 16-28.023](#)
 - i. The donor parcel must be either National Register listed, National Register eligible or property designated under the city's historic preservation ordinance;
 - ii. The transfer documents must ensure that the historic property shall remain in perpetuity; and
 - iii. If the historic property is not designated under the city's historic preservation ordinance at the time of transfer, it must be so designated prior to issuance of any building permit for the receiving property if said permit involves, in any way, the transferred development rights.
- r. Shelter.
(See [section 16-28.023](#) for further requirements of the Transfer of development rights process.

2. *Special administrative permits.*

- a. Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, and an alternative design mounting structures as contemplated by subsection [16-25.002\(3\)\(h\)\(iv\)\(i\)](#), and subject to transitional height planes (chapter 1, [section 19-1006](#)).
- b. Driveways located between the sidewalk and the building for childcare centers, kindergartens and special schools, subject to provisions in subsection [16-25.002\(3\)](#).
- c. Small family care home, subject to the limitations set forth in subsection [16-29.011\(16\)](#).
- d. 90 days or less duration: Outdoor amusement enterprises, exhibits, entertainment, meetings, display or sales areas, or outdoor areas for religious ceremonies.
- e. Outdoor displays of merchandise or sales areas within the supplemental zone adjacent to commercial uses.
- f. Off-site parking and shared parking within 1,000 feet of a primary use as measured from the nearest property line.
- g. Relocation of minimum open space requirements. At the option of the property owner, up to 50 percent of a development's required UOSR or public space may be relocated to an offsite parcel within one-half mile of the donating parcel provided the following criteria are met:
 - i. The receiving parcel is in accordance with the City of Atlanta Comprehensive Development Plan as being a designated recipient parcel;
 - ii. The receiving parcel contains the required amount of open space and said open space in the receiving parcel is located adjacent to and visible from a public street and accessible to the public during normal city park hours;

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- iii. All of the open space in the receiving parcel meets the definition of UOSR in subsection [16-28.010\(5\)\(a\)](#) except that no portion of any public right-of-way shall be included; and
- iv. The open space in the receiving parcel:
 - a. Shall provide active or passive recreational amenities;
 - b. Shall be no greater than 24 inches above or below the adjacent public sidewalk for a minimum distance of 15 feet from the beginning of the adjacent sidewalk;
 - c. Shall be visible and accessible from any point along 90 percent of any adjacent sidewalk; and
 - d. Shall permit and encourage pedestrians to walk on a minimum of 80 percent of the surface of the parcel excluding fountains, pedestrian furniture, public art and similar elements.
- h. Retaining walls greater than two feet in height between the building façade line and the street, where existing topography does not require retaining walls of a greater height, and except where necessary to meet the provisions in subsection [16-25.002\(3\)](#).
- i. Two curb cuts along one street frontage on properties with a single street frontage greater than 30 feet, subject to provisions in subsection [16-25.002\(3\)](#).
- j. Variation in residential open space requirements for buildings built before 1950.
- k. Variations in fenestration requirements.
 - i. Fenestration in keeping with the scale of the nearest commercial storefront built before 1950 in the same or adjacent blocks, which is closest to meeting the requirements in subsection [16-34.014\(6\)](#).
 - ii. Fenestration may be varied where there are development constraints related to topography.
- l. Variations in street tree requirements. Variations are subject to constraints such as overhead or underground utilities.
- m. Reduction of parking requirements may be permitted by the director of the bureau of planning subject to a shared parking arrangement under the following criteria:
 - i) The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
 - ii) All shared parking spaces shall be clearly marked; and
 - iii) An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - a) A to-scale map indicating location of proposed parking spaces;
 - b) Hours of business operation of nonresidential parking users;
 - c) Written consent of property owners agreeing to the shared parking arrangement;
 - d) Copies of parking leases. Renewed leases shall be filed with the bureau of planning. Lapse of a required lease agreement shall terminate the special administrative permit for shared parking.
- n. Variations in driveway requirements. Driveways that are outside the lot boundaries provided they are directly connected to a public street, subject to provisions in subsection [16-25.002\(3\)](#).

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- o. Variations in surface parking lot landscaping and barrier requirements. Variations may be granted only upon making all of the following findings:
 - i) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, subsurface conditions, overhead structures or the existence of sufficient trees in the public right-of-way within ten feet of the property line;
 - ii) Such conditions are peculiar to the particular piece of property involved; and
 - iii) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this article and of part 16 of this Code.
- p. Variations for sidewalk and supplemental zone width requirements. In blocks where 50 percent or more of the buildings were built before 1950, width requirements may be reduced to match the existing building setbacks, as measured from the curb, of the nearest two adjacent buildings located on the same side of the street
- q. Variations in width requirements for new streets when counted towards open space requirements when any of the following are provided:
 - i) Addition of bike lanes;
 - ii) Addition of angled parking;
 - iii) Addition of landscaped medians and roundabouts;
 - iv) Elimination of on-street parking on one side of a one-way street.
- r. Outdoor dining within required sidewalk for pre-existing buildings. Buildings existing prior to the adoption of this ordinance with adjacent sidewalks that do not meet the requirements of this chapter, may have outdoor dining that encroaches into the sidewalk provided the following criteria are met:
 - i. Shall have a minimum of eight feet of unobstructed sidewalk area adjacent to the curb when located adjacent to on-street parking;
 - ii. Shall have a minimum of six feet of unobstructed sidewalk area adjacent to the curb when not located adjacent to on-street parking;
 - iii. No permanent structure or ornamentation shall be located within the encroachment area and no element shall be attached to the sidewalk in any way;
 - iv. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter; and
 - v. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of 36 inches including any plant material.
- s. Outdoor dining within required sidewalk for new construction: New developments may have outdoor dining that encroaches into the sidewalk a maximum of two feet provided the following criteria are met:
 - i. No permanent structure or ornamentation shall be located within the encroachment area and no element shall be attached to the sidewalk in any way;
 - ii. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter; and
 - iii. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of 36 inches

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including any plant material. Special exceptions: Churches, synagogues, temples, mosques and other religious worship facilities having a minimum lot area less than one acre.

t. Farmers' markets.

(Ord. No. 2002-40, § 1, 5-28-02; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2008-62(06-O-0038), §§ 3R, 5Q, 7-7-08; Ord. No. 2009-24(08-O-1251), § 2AF(2), 6-9-09; Ord. No. 2011-39(10-O-1773), § 3AI, 9-15-11)

Sec. 16-34.008. Redevelopment requirements.

Subject to the provisions in part 16, [chapter 24](#), Nonconformities.

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.009. Transitional uses and yards.

1. *Adjoining lot with same frontage.* Where a lot in this district abuts a lot in any R-1 through R-G, MR, RLC or PD-H district at the side along the same street frontage, and without an intervening street, such lot within this district, or the first 100 feet on such lot if it is wider than 100 feet, shall not be used for any drive-through service window or drive-in facility, car wash, service station, mortuary or funeral home, sales lot for automobiles, repair garage, or paint and body shop even where otherwise specifically authorized.
2. *Transitional height planes.* Where this district adjoins residential districts R-1 through R-5, R-G 1, R-G 2, MR-1, MR-2, RLC or PD-H district without an intervening street, height within this district shall be limited by the transitional height plane requirements as defined in chapter 1, [section 19-1006](#)
3. *Transitional yards.*
 - a. Where this district adjoins an R-1 through R-5, R-G, MR, RLC or PD-H district without an intervening street or without meeting the conditions in subsection [16-33.009\(3\)\(b\)](#) of this chapter, a minimum of 20 feet is required which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of private alleys or drives up to ten feet in width. Such yards shall be planted as approved by the city arborist and maintained as a landscaped strip.
 - b. Where this district adjoins an RLC, R-G, MR, PD-H, NC or LW district and contains a building, structure, or use located in both zoning districts, a transitional yard is not required, provided that the portion of the building, structure, or use within 20 feet of such designations shall only contain principal or accessory uses and structures permitted in such district.
 - c. Screening. In addition to the above transitional yard requirements, permanent opaque walls six feet in height shall be provided and shall be maintained in slightly condition.

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.010. Development controls.

1. *Bulk limitations.* See specific regulations at sections [16-34.026](#) through [16-34.028](#), (Table A provides a summary of the density and open space requirements for each district). Bulk limitations: For purposes of this chapter, and notwithstanding the provisions of Code section 16-29.001(24), mixed-use development is defined as any development which contains as principal uses both residential

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and nonresidential uses on the same development site, and in which both of such uses are at least 20 percent of the total floor area, excluding accessory uses.

Table A: Summary of Density and Open Space Requirements

MRC District	Base FAR* (net lot area)		
	Nonresidential	Residential	Combined
MRC-1	1.0	0.696	1.696
MRC-2	2.5	0.696	3.196
MRC-3	4.0	3.2	7.20

Bonus FAR* (net lot area)				
Residential (Open Space & Streets)	Residential (Affordable Housing [^])	Residential (Ground Floor Commercial [^])	Residential (Civic)	Max. FAR with Bonuses
Two sq. ft. of residential floor area for every one sq. ft. of open space	1.0	None	One sq. ft. of residential floor area for every one sq. ft. of civic space	2.696
Two sq. ft. of residential floor area for every one sq. ft. of open space	0.5	One sq. ft. of residential floor area for every two sq. ft. of commercial space	One sq. ft. of residential floor area for every one sq. ft. of civic space	3.696
Two sq. ft. of residential floor area for every one sq. ft. of open space	1.0	One sq. ft. of residential floor area for every three sq. ft. of commercial space	One sq. ft. of residential floor area for every one sq. ft. of civic space	8.20

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Min. Open Space Requirements		
Public Space**	TOSR	UOSR
10% or 20%	None	LUI
10% or 20%	None	LUI
10% or 20%	None	LUI

* Residential floor area may be calculated utilizing gross lot area.

** Public space requirements: 10% for lots less than or equal to one acre, 20% for lots greater than one acre.

^ Bonus residential FARs requires a minimum of 20% of the bonus residential FAR to be affordable, and a minimum of 20% of the building footprint must provide sidewalk level, street-fronting retail and dining uses.

Sq. ft. = Square feet.

2. *Affordable new sales housing units or rental housing units requirements.*
 - a. See specific regulations at sections [16-34.026](#) through [16-34.028](#)
 - b. Affordable housing shall have the meaning set forth in part 19, chapter 1, [section 19-1006](#)
 - c. Affordable requirements shall be in place for a minimum of 20 years.
 - d. No housing unit associated with a development project for which bonus FAR calculations were applied shall be issued an occupancy permit until such time as documentation is provided to the bureau of buildings establishing that the affordable housing requirements have been met and have been instituted as part of the warranty deed as an allowable exception to title for each affordable unit that is a part of said development project.
3. *Maximum building coverage.* 85 percent of the net lot area.
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.
5. *Minimum open space requirements.* When either the residential or nonresidential component of the development is a minor use of less than 20 percent of the total floor area minimum open space requirements do not apply to such minor use.
 - a. For residential uses, including all residential components of mixed use developments: Open space requirements as indicated on Table I, "Land use intensity ratios" shall be required for useable open space (UOSR) only. For developments greater than 6.40 FAR, the UOSR for 6.40 FAR shall apply.

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- b. For nonresidential uses, including all nonresidential components of mixed-use developments:
 - i. *Developments of less than or equal to one-half acre:* A minimum of ten percent of the net lot area shall be public space.
 - ii. *Developments greater than one-half acre:* A minimum of 20 percent of the net lot area shall be public space. (See [section 16-28.012](#) for definitions and measurements. Required yards and requirements for sidewalk and supplemental zone widths which are constructed on private property may be counted towards this requirement. Such public space may include planted areas, fountains, community gardens, parks plazas, hardscape elements related to sidewalks and plazas, and similar features which are located on private property.)
- c. For mixed-uses. The sum of minimum open space requirements specified in subsections a. and b. above for nonresidential and residential shall be met.
- d. Residential balconies. Balconies for residential units, which are enclosed on not more than three sides, may be counted towards UOSR for a maximum depth of six feet.
- e. New streets incentive. New public streets, or private streets which function as public streets may be counted towards UOSR and public space requirements provided the following criteria are met:
 - i. Connects two other public streets or private streets which meet the requirements of items ii, iii, and iv below; and
 - ii. Meets the requirements of [section 16-34.012](#); and
 - iii. The maximum width shall be 36 feet which shall include, two on-street parallel parking lanes, two travel lanes and sidewalk extensions at intersections and shall have granite curbs; and
 - iv. When adjacent to a park area, new streets shall meet all above requirements along each park edge.
 - v. Gates shall not be permitted across said streets.
- f. Connectivity incentive. Developments which provide connectivity across public rights-of-way which do not provide pedestrian access, such as railroads and freeways, may be permitted by the Director of the bureau of planning to be counted towards UOSR or public space requirements subject to the following criteria:
 - i. Said connectivity shall be achieved through the use of public streets, private streets which function as public streets, pedestrian walkways or bike and jog paths; and
 - ii. Meets the requirements of [section 16-34.012](#); and
 - iii. Pedestrian walkways shall be a minimum width of six feet and bike and jog paths shall be a minimum width of ten feet.
 - iv. Streets, pedestrian walkways and bike and jog paths shall connect to other public streets, pedestrian walkways, bike and jog paths or parks.
- g. On-street parking incentive. New on-street parking may be counted towards UOSR or public space requirements provided the following criteria are met:
 - i. No on-street parking currently exists in the public right-of-way adjacent to the project area for which credit is sought; and
 - ii. The new on-street parking is located where there is no existing street lane; and
 - iii. The on-street parking occupies an entire block face or a minimum distance of 200 feet; and

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- iv. Sidewalk extensions are provided at street intersections; and
 - v. All other sidewalk requirements of this chapter are met.
6. *Showering facilities.* All office buildings containing over 50,000 square feet of gross office space shall provide showering facilities, which shall include showers and lockers, in a ratio of at least two showering facilities for every 50,000 square feet of gross office space, which facilities shall be available to all building tenants and their employees, provided that no office building shall be required to exceed a maximum of four showering facilities.
7. Mixed-use storage facilities shall meet the following requirements:
- (i) Non-storage use(s) required on site: At least ten percent of the total floor area of the site shall be used for one or more of the following non-storage permitted uses: Personal service establishments; Commercial recreation establishments, Eating and drinking establishments and similar uses; Retail establishments; Sales and repair establishments, Tailoring and similar establishments; or residential uses as specified in [section 16-34.005](#)
 - (ii) Non-storage uses in the same structure: If the non-storage use(s) are within the same structure as the storage use, the non-storage use(s) shall occupy a minimum depth of 20 feet of any street fronting façade with a minimum floor to ceiling height of 12 feet along any ground level except for perpendicular vehicular ingress and egress at a maximum width of 30 feet.
 - (iii) Non-storage uses in separate structures: If the storage use and the non storage use(s) are in separate structures, the storage use shall be no closer to a public street than the non-storage use(s) and must occupy the greater of either: 25 percent of the overall façade(s) length along any street frontage or 20 feet in façade length along any street frontage.
 - (iv) Architectural detailing: Building floors shall be delineated above the ground floor to have the appearance of a horizontal storied structure on all levels executed through windows, belt courses, cornice lines or similar architectural detailing.
 - (v) Loading entrances: Loading entrances visible from any public or private street shall be screened with automatic doors so that loading related activities are not visible from such public or private street(s) unless in active use.

(Ord. No. 2002-40, § 1, 5-28-02; Ord. No. 2009-61(09-O-1076), § 4(3), 10-13-09)

Sec. 16-34.011. Site limitations.

- 1. Minimum building façade heights and maximum building heights. See specific regulations for each subarea at sections [16-34.026](#) through [16-34.028](#)
- 2. New development proposing to contain an entire block face greater than 600 feet in length shall be traversed by streets which create block faces no more than 400 feet in length. For the purposes of this chapter, a block face shall be measured from the back of sidewalk clear zones or required supplemental zones. Such streets shall function as public streets and shall connect two other public streets or private streets which meet the requirements of subsection [16-34.010\(5\)\(e\)](#).
- 3. Properties adjacent to the right-of-way of public streets which dead-end or cul-de-sac, shall provide a street connection to said right-of-way of public street and shall meet the requirements of subsection [16-34.010\(5\)\(e\)](#) and [section 16-34.012](#)
- 4. Properties adjacent to a public space such as a park space, greenway trail, railroad right-of-way which has been abandoned or a railroad right-of-way with an existing or proposed rail-trail:

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- a. Shall have a minimum of a 20-foot wide buffer along the property line adjacent to said public space. Said buffer shall be completely landscaped excluding walkways, benches and other such recreational features as approved by the director of the bureau of planning, or
 - b. Shall provide a new public access street, pedestrian walkway, or bike and jog path between any development and said space and shall meet the following requirements:
 - i. Streets shall meet the requirements of subsection [16-34.010\(5\)\(e\)](#).
 - ii. Pedestrian walkways shall be a minimum width of six feet and bike and jog paths shall be a minimum width of ten feet.
 - iii. Wherever possible, streets, pedestrian walkways and bike and jog paths shall connect to other streets, pedestrian walkways, bike and jog paths and parks.
 - c. Shall not locate off-street parking areas or loading docks between any building and said space except in cases where meeting this would require the development to be in conflict with the requirements of [section 16-34.016](#) or [section 16-34.020](#)
 - d. Shall include an entrance to all adjacent uses which:
 - i. Shall face and be visible from the park space, greenway, abandoned rail line or rail line with an existing or proposed rail-trail.
 - ii. Shall be directly accessible from said space from the park space, greenway, abandoned rail line or rail line with an existing or proposed rail-trail.
 - iii. Wherever possible shall open directly onto the adjacent sidewalk, or an outdoor dining area or plaza adjacent to the sidewalk.
5. Drive-through service windows and drive-in facilities shall not be located between the principal structure and the street. Drive-through service windows and drive-in facilities are prohibited in MRC-1.

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.012. Sidewalks.

Public sidewalks shall be located along all public streets and shall have minimum widths as specified herein. No sidewalk shall be less than 15 feet in width. Sidewalks shall consist of two zones: A street furniture and tree planting zone and a clear zone. The following regulations shall apply to all public sidewalks:

1. Street furniture and tree planting zone requirements. The street furniture and tree planting zone shall have a minimum width of five feet. Said zone shall be located immediately adjacent to the curb and shall be continuous. Said zone shall meet the tree planting requirements of subsection [16-34.012\(3\)](#). In addition to the required planting of trees, this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility and as approved by the director of the bureau of planning.
2. Clear zone requirements. The clear zone shall be a minimum width of ten feet. Said zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be continuous. Said zone shall be hardscape, and shall be unobstructed for a minimum height of eight feet except as authorized in subsection [16-34.014\(8\)](#).
3. Street tree planting requirements. Street trees are required and shall be planted in the ground a maximum of 40 feet on center within the street furniture and tree planting zone and spaced

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equal distance between street lights. All newly planted trees shall be a minimum of three inches in caliper measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven feet. Trees shall have a minimum planting area of 32 square feet. All plantings, planting replacement and planting removal shall be approved by the city arborist. The area between required plantings shall either be planted with evergreen ground cover such as mondo grass or liriopse spicata or shall be paved as approved by the director of planning.

4. Tree grates. Tree grates are not required where all sidewalk width requirements are met. Where tree grates are required or otherwise installed, they shall be a minimum of four feet by eight feet, shall be a type specified by the director of planning in accordance with uniform design standards utilized by the director for placement of such objects in the public right-of-way, and shall be placed within the street furniture and tree planting zone. Where tree grates are not required or otherwise installed, tree planting areas shall be permitted to be planted with evergreen ground cover such as mondo grass or liriopse spicata.
5. Paving. All paving within the street furniture and tree planting zone shall be a type specified by the director of planning in accordance with uniform design standards utilized by the director for placement of such objects in the public right-of-way.
6. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade. See subsection [16-28.008\(9\)](#), Visibility at intersections.
7. No awning or canopy shall encroach beyond the clear zone.
8. Where property within this district abuts an R, R-G, MR, PD-H, or LW district without an intervening street, the sidewalk area within 20 feet of such districts shall taper as necessary to provide a smooth transition to the existing R, R-G, MR, PD-H, or LW districts sidewalk. In the event that the abutting R, R-G, MR, PD-H or LW district has no existing sidewalk, the sidewalk shall taper to a width of six feet.
9. Decorative pedestrian lights, where installed, shall be placed a maximum of 40 feet on center and spaced equal distance between required trees along all streets. Where installed, said lights shall be located within either the street furniture and tree planting zone or the supplemental zone. All said lights shall be Atlanta Type "C" as approved by the planning bureau.
10. Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
11. Trash receptacles or similar elements, where installed, shall be a type specified by the director of planning in accordance with uniform design standards utilized by the director for placement of such objects in the public right-of-way and shall be placed within the street furniture and tree planting zone.

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.013. Supplemental zone.

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

1. Supplemental zone general requirements.

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- a. When sidewalk level residential units are provided, supplemental zone shall be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of two-thirds of the supplemental zone area;
 - b. Terraces, porches and stoops shall have a maximum finished floor height of 24 inches above finished-grade, unless existing topographical considerations render this requirement unreasonable, subject to the provisions in subsection [16-25.002\(3\)](#);
 - c. The supplemental zone shall be no more than 24 inches above the adjacent public sidewalk for a minimum linear distance of 15 feet from the nearest edge of the adjacent public sidewalk, unless existing topographical considerations render this requirement unreasonable; and
 - d. Any authorized walls surrounding landscaped and grassed areas shall not exceed a maximum height of 24 inches, except retaining walls, which shall not exceed a maximum height of 36 inches unless existing topography requires a retaining wall of greater height.
 - e. Fencing permitted only when:
 - i. The supplemental zone is located between sidewalk level residential units and the adjacent street; or
 - ii. Said fencing is used to separate authorized outdoor dining from the required sidewalk.
2. Supplemental zone widths. Along front and side façades shall be a minimum width of five feet when located along streets which function as arterial streets and collector streets.
 3. Supplemental zones containing a depth of 15 feet or less shall meet the following additional requirements:
 - a. No balcony shall encroach more than ten feet into the supplemental zone area.
 - b. Shall not be counted towards UOSR or public space requirements unless visible and accessible to the general public from the adjacent public sidewalk, with the exception of areas adjacent to sidewalk level residential units.
 4. Supplemental zones containing a depth greater than 15 feet shall be counted towards UOSR or public space requirements only when the following additional requirements are met:
 - a. Shall permit and encourage pedestrians to walk on a minimum of 80 percent of the surface of the supplemental zone excluding fountains, pedestrian furniture, public art and similar elements.
 - b. When adjacent nonresidential ground floor uses are provided, shall be visible and accessible from any point along 90 percent of any adjacent sidewalk.
 - c. When adjacent nonresidential ground floor uses are provided, all sides of buildings fronting said zone meet the requirements of subsection [16-34.014\(6\)](#).
 - d. When adjacent residential ground floor uses are provided, shall provide a pedestrian walkway from said space to the adjacent public sidewalk. Said pedestrian walkway shall be perpendicular to the street and shall connect directly to the public sidewalk and shall be uncovered and open to the sky along its entire length.
 5. Developments of greater than one acre in area and adjacent to existing transit stops which have no shelters shall provide a shelter within the supplemental zone for a minimum of one such stop. The design and location of such stop shall be approved by the director of the bureau of planning.

(Ord. No. 2002-40, § 1, 5-28-02)

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Sec. 16-34.014. Relationship of building to street.

1. For purposes of this chapter, sidewalk-level shall be defined as any floor of a building with a finished-floor elevation less than or equal to five feet above the adjacent sidewalk or less than or equal to five feet below the adjacent sidewalk.
2. Delineation of building floors at third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
3. The primary pedestrian entrance for pedestrians to access all sidewalk level uses and business establishments with public or private street frontage:
 - a. Shall face and be visible from the public street when located adjacent to such street. When located adjacent to a street that functions as an arterial street or a collector street, said entrance shall face and be visible from such street.
 - b. Shall be directly accessible and visible from the sidewalk adjacent to such street.
 - c. Shall remain unlocked during business hours for nonresidential uses.
4. A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six inches in height.
5. Along streets that function as arterial streets and collector streets, sidewalk level uses with street frontage shall only be retail, office, institutional, or residential. Said uses shall be provided for a minimum depth of 20 feet from any building façade along the public sidewalk.
6. Fenestration. (For parking deck requirements see subsection [16-34.018](#)(11)):
 - a. Street-fronting nonresidential uses, with the exception of churches and fire stations, along streets that function as arterial streets and collector streets shall meet the following sidewalk level requirements:
 - i. Storage, digital industry switchboards, power generators and other relay equipment and rooms housing such equipment shall be permitted, with the exception of a minimum depth of 20 feet of the ground floor street frontage beginning at any building façade along the public sidewalk.
 - ii. The length of façade without intervening fenestration or entryway shall not exceed 20 feet.
 - iii. Fenestration shall be provided for a minimum of 75 percent of the length of all street frontages:
 - a. Beginning at a point not more than three feet above the sidewalk, to a height no less than ten feet above the sidewalk; or
 - b. Beginning at the finished floor elevation to a height no less than ten feet above the finished floor elevation when the finished floor elevation is three or more feet above the sidewalk; or
 - c. Beginning at a point not more than sidewalk level, to a height no less than ten feet above the finished floor elevation when the finished floor elevation is below the sidewalk.
 - iv. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.
 - b. Fenestration shall be provided for a minimum of 50 percent of the length of the street frontage for residential uses on all streets and for nonresidential uses, with the exception of churches and fire stations, on all streets other than streets that function as arterial streets and collector streets.

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7. Buildings with residential uses at the sidewalk level shall meet the following regulations:
 - a. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five-feet wide.
 - b. All such buildings with more than four residential units that are adjacent to the sidewalk shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access shall be perpendicular to the street, unless topography prohibits, and shall be permitted to share said walkway with one adjacent unit.
 - c. Such buildings shall have windows at sidewalk-level on each street frontage façade which are substantially similar in size to the sidewalk level front façade windows.
8. Sidewalk arcades. Buildings with nonresidential uses at the sidewalk level may have sidewalk arcades, which shall meet the following regulations:
 - a. Shall provide an at-grade sidewalk surface.
 - b. Arcade supports shall be a maximum width of five feet.
 - c. Shall provide a minimum of 25 feet of clear unobstructed space between arcade supports.
 - d. A building with a sidewalk arcade shall meet the above requirements of subsection [16-34.014\(6\)](#).
9. Fences and walls shall meet the following regulations.
 - a. For residential uses adjacent to the sidewalk, fences shall not exceed 42 inches in height when located between the primary building and the street or between any supplemental zone and the adjacent street.

For nonresidential uses adjacent to the sidewalk, fences are prohibited when located between the building and the sidewalk except where specifically authorized elsewhere in this chapter for outdoor dining.
 - b. Retaining walls located adjacent to a sidewalk along a public street shall not exceed a height of two feet and the combined height of a fence where otherwise authorized and retaining wall shall not exceed a height of five feet, unless existing topography prohibits retaining walls of a lesser height. Retaining walls shall be finished poured concrete or shall be faced with stone, brick or smooth stucco. See subsection 16-29.001(25)(b).
 - c. No walls, except retaining walls, shall be located between the street and any building, with the exception of screening for authorized off-street loading areas.
 - d. Fences and walls located between the primary building and the lot line and not exceeding six feet in height may be erected, but shall not be permitted between the primary building and the street.
10. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.
11. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between a building and the street.

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.015. Signage.

Refer to chapter 16-28A., Sign ordinance.

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(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.016. Loading areas, loading dock entrances and building mechanical and accessory features.

1. Loading areas. Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground level or sidewalk level outdoor dining area, public sidewalk or public right-of-way. In addition, dumpsters and loading areas serving residential uses shall be enclosed with opaque walls six feet in height.
2. Loading dock entrances for nonresidential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.
3. Building mechanical and accessory features.
 - a. Shall be located to the side or rear of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way.
 - b. When located on rooftops shall be incorporated in the design of the building and screened with building materials similar to the building.
 - c. Shall not be permitted between the building and any public street.

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.017. Off-street loading requirements.

See table of loading requirements, [section 16-28.015](#) Off-street loading requirements.

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.018. Curb cuts and parking structures.

1. All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone.
2. Driveways shall have a band of textured concrete adjacent to the street which is in-line with and equal in width to the street furniture zone and shall have a textured band of concrete adjacent to the sidewalk which is in-line with the supplemental zone and a minimum width of five feet from the sidewalk.
3. Driveway and curb cut widths shall be 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the commissioner of public works.
4. No circular drives shall be located between any building and any public street with the exception of hotels.
5. Curb cuts and driveways shall not be permitted on any street that functions as an arterial street or collector street when access may be provided from a side or rear street located immediately adjacent to a contiguous property, with the exception of hotel patron drop-off drives.
6. Unless authorized by subsection [16-34.018\(4\)](#), driveways, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.

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7. Except as authorized in subsection [16-34.018](#)(4), and in subsection [16-34.011](#)(2), no more than one curb cut shall be permitted for each development, provided that properties with more than one street frontage may have one curb cut located on each street frontage.
8. Entrances to garages and carports that serve a single residential unit shall face the rear yard, or a side yard which has no street frontage.
9. All contiguous ground-floor residential units shall share one common drive, located in rear yards or side yards without street frontage, to serve garages, carports and parking areas.
10. In addition to [section 16-28.028](#), parking deck façades shall have the appearance of a horizontal storied building.
11. Additional parking deck treatment along specific streets:
 - a. When located along streets that function as arterial streets or collector streets:
 - i. Shall meet the requirements of subsection [16-34.014](#)(6); or
 - ii. Shall meet the requirements of subsection [16-34.014](#)(7).
 - b. When located along all other streets:
 - i. Shall meet the requirements of subsection [16-34.014](#)(6); or
 - ii. Shall meet the requirements of subsection [16-34.014](#)(7); or
 - iii. Shall provide a continuous minimum five-foot wide landscaped strip between the structure and the public sidewalk, except at ingress and egress points into the structure. The landscaped strip shall be planted with street trees spaced a maximum distance of 20 feet on center, which shall also meet the tree requirements in subsection [16-34.012](#)(3). The landscape strip shall also be planted with evergreen ground cover such as mondo grass, liriope spicata, ivy or evergreen shrubs with a maximum mature height of 24 inches. All plantings, planting replacement and planting removal shall be approved by the city arborist.
12. Notwithstanding the provisions of subsection [16-28.006](#)(10), a common or joint driveway may be authorized by the director of the bureau of planning when adjacent lots have direct vehicular access to a street, and a driveway from a private street which functions as a public street may be authorized by the director of the bureau of planning, based on traffic considerations, when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such agreement is provided to the bureau of planning.
13. All developments, including parking decks, shall have sidewalks a minimum width of four feet connecting ground level parking to the public sidewalks and to all building entrances. See [section 16-34.020](#), Minimum landscaping for parking lots and barrier requirements.
14. No drop-off lanes shall be permitted along public streets.

(Ord. No. 2002-40, § 1, 5-28-02; Ord. No. 2008-67(08-O-0196), § 21, 7-21-08)

Sec. 16-34.019. Lighting, security, and maintenance requirements.

1. All lighting including all parking decks and lots and lit canopies shall reduce light spillage onto residentially used properties by providing cutoff luminaires which have a maximum 90 degree illumination.
2. All lighting that up-lights trees, buildings or other elements, shall be located a minimum height of eight feet above the sidewalk, driveway or pedestrian area when not located within completely landscaped areas.

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3. All surface parking lots and structures, whether a nonconforming principal use or accessory in use, and whether commercial or noncommercial, shall have the following minimum requirements:
 - a. Lighting shall be provided throughout all parking facilities to equal a minimum of two footcandle of light. A footcandle of light is a uniformly distributed flux of one lumen on a surface of one square foot in area. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it shall be the responsibility of the parking facility to independently provide these required levels of illumination.
 - b. Parking facilities shall be maintained in a clean, safe and sanitary condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the drivability of the parking lot. See [section 16-28.014](#) for additional requirements.
 - c. Parking facilities operating before the effective date of this section shall have 24 months to comply herewith.

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.020. Minimum landscaping for surface parking lots, barrier requirements.

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

1. Said parking lot requirements shall apply to all lots regardless of size;
2. All parking bays shall be terminated with a landscaped strip a minimum width of five feet and equal to the length of the parking bay.
3. All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum height of 30 inches; and
4. All landscaped buffer areas and strips along sidewalks, drives, private streets and public rights-of-way shall have a minimum of one tree with a minimum caliper of three and one-half inches.

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.021. Off-street parking requirements.

In addition to the provisions of subsection [16-28.008](#)(7), which shall apply and are incorporated herein the, following parking requirements shall apply to all uses approved by special permits. (See also sections [16-28.013](#) and [16-28.014](#).)

1. Off-street surface parking shall not be located between a building and the street without an intervening building.
2. Parking facilities shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking during non-normal business hours by compliance with subsection 7. below.
3. For office uses minimum requirements unless otherwise stated:
 - a. All developments shall reserve and designate at least five percent of the employee parking spaces "Carpool Only." Carpool spaces shall be used only by carpool vehicles in which at least two of the persons are employees or tenants of the building. Such spaces shall be located near the building's employee entrance or other preferable locations within the

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employee parking areas as approved by the director of the bureau of traffic and transportation.

- b. All new parking structures shall be built to accommodate vanpool access. The minimum ceiling height for vanpools is eight feet two inches.
4. Alternative fuel vehicle charging stations. All automobile parking facilities shall include alternative fuel vehicle charging stations, or similar facilities, in a ratio of at least one station for every 100 automobile parking spaces. No development shall be required to exceed a maximum of five such spaces.
5. For residential uses. See Table I, "Land use intensity ratios", for minimum parking requirements under appropriate FAR for the development.
6. Single room occupancy residence. One parking space for each two dwelling units, plus one space for each employee, shall be provided on the site.
7. For nonresidential uses minimum requirements unless otherwise stated:
 - a. Banks, savings and loan institutions, and the like: One space for each 200 square feet of floor area.
 - b. Business colleges, trade schools, conservatories, dancing schools, and the like: One space for each 200 square feet of floor area.
 - c. Child care centers, day care centers, prekindergartens, play and other special schools or day care centers for young children: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director, bureau of traffic and transportation.
 - d. Clubs, lodges, and commercial recreational establishments: One space for each 200 square feet of floor area.
 - e. Dormitories: No parking requirements.
 - f. Eating and drinking establishments, including accessory outdoor dining covered with a permanent structure:
 - i. *Within MRC-1*: One parking space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area.
 - ii. *Within MRC-2*: One parking space for each 300 square feet of floor area. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area.
 - iii. *Within MRC-3*: One parking space for each 600 square feet of floor area. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of floor area.
 - g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements: One space for each 600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area. Where an eating and drinking establishment derives more than 60

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percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of outdoor dining area.

- h. Specific regulations for retail and eating and drinking establishments within 500 feet of a MARTA rail station entrance, as measured along public streets and pedestrian walkways: Establishments with a floor area of 500 square feet or less shall have no parking requirements.
- i. Fraternities, sororities: One space for two beds plus one space for each 200 square feet of floor area designated or occupied other than for sleeping purposes.
- j. Hotels and motels: One space per rental unit plus one-half space per employee; one space per 100 square feet of restaurant/lounge gross leasable area; one space per 300 square feet of other convention facilities (GLA).
- k. Nursing homes, convalescent homes, and similar care facilities: One space for four beds.
- l. Office uses: No minimum. A maximum of two and one-half spaces for each 1,000 square feet of floor area. Parking during off-peak hours (after 6:00 p.m.) may be shared for other uses.
- m. Photocopying shops: One space for each 200 square feet of floor area.
- n. Schools, colleges, churches, recreation or community centers and other places of assembly: One space for each four fixed seats (with 18 inches if bench length counted as one seat or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - i. Public or private elementary or middle school: Two spaces for each classroom.
 - ii. High school: Four spaces for each classroom.
 - iii. Colleges and universities: Eight spaces for each classroom.
- o. For all other nonresidential uses: One parking space for each 600 square feet of floor area shall be provided on the site.
- p. *Shelter*: One parking space for each on duty staff member, whether paid or unpaid. In addition to staff parking, a space of sufficient size is required for each van, bus or other vehicle used by the facility and one additional parking space shall be provided for each 2,000 square feet of the facility.

(Ord. No. 2002-40, § 1, 5-28-02; Ord. No. 2005-41(06-O-0381), § 55, 7-12-05; Ord. No. 2009-24(08-O-1251), § 2AF(3), 6-9-09)

Sec. 16-34.022. Membership in transportation management associations and transportation management plans.

Any development in a MRC district that has an office component greater than 100,000 square feet of total gross leasable floor area of space shall become a member of an existing transportation management association (TMA) which provides service to the area or shall provide a transportation management plan (TMP) with the criteria listed below. The bureau of buildings shall not issue occupancy permits for any development in this district until such time as the developer or leasing agent for each of the components has submitted to the director of the bureau of planning, written confirmation of TMA membership or has submitted a transportation management plan. The local TMA may assist with the preparation of the TMP.

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The TMP shall contain strategies to reduce single occupancy vehicle trips generated by the project and shall be based on an annual commute mode survey. Said survey shall be based on a continuous five-day workweek for all estimated employees arriving at the work site and for all residents leaving the residential site between 6:00 a.m. and 10:00 a.m., Monday through Friday. Based upon the survey information, the employer and residential manager shall develop a TMP which shall include, but not be limited to:

1. Commute alternatives.
 - a. Incentives for public transit ridership such as transit cards;
 - b. Carpooling and vanpooling;
 - c. Commuter bicycling and walking programs;
 - d. Alternative work hours:
 - i. Staggered work hours;
 - ii. Compressed work weeks;
 - iii. Flexible work hours (flextime);
 - iv. Telecommuting.
2. Transportation demand strategies.
 - a. Improvements to alternative modes such as vanpooling;
 - b. Financial incentives given to employees who use commute alternatives;
 - c. Parking management programs;
 - d. Commute alternatives information and marketing;
 - e. Shared parking arrangements;
 - f. Provision for a mixture of uses on-site;
 - g. Pedestrian links to adjacent uses.
3. A program to promote and maintain employee participation in carpooling, vanpooling, and use of mass transit, including a method of monitoring the number of ride sharers and their travel patterns.

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.023. Minimum bicycle parking requirements.

All nonresidential developments which provide automobile parking facilities shall provide bicycle/moped parking facilities at a ratio of at least one bicycle/moped parking space for every 20 automobile parking spaces. Multi-family developments shall provide said facilities at a ratio of at least one bicycle/moped parking space for every five multi-family units. No development, except a one- or two-family development, shall have fewer than three bicycle/moped parking spaces nor be required to exceed a maximum of 50 spaces. Bicycle/moped spaces shall be located within the street furniture zone a maximum distance of 100 feet of the building entrance, or shall be located at least as close as the closest automobile space, except for handicapped parking spaces. Each space shall include a metal anchor sufficient to secure the bicycle/moped frame when used in conjunction with a user-supplied lock. The additional requirements of subsection [16-28.014\(6\)](#) shall also apply.

(Ord. No. 2002-40, § 1, 5-28-02)

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Sec. 16-34.024. Pedestrian bridges and tunnels.

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

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.025. Zero-lot-line development.

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.

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.026. Specific regulations for MRC-1.

1. *Development controls.*

a. Maximum permitted floor areas without bonuses:

- i. For nonresidential uses, floor area shall not exceed an amount equal to one times net lot area.
- ii. For residential uses, floor area shall not exceed an amount equal to six hundred ninety-six thousandths times net lot area.
- iii. For developments that combine residential and nonresidential uses, floor area shall not exceed one and six hundred ninety-six thousandths times net lot area [the sum of the nonresidential i. and residential ii. above], but not greater than the maximum floor areas permitted for each (see subsection 16-29.001(24)).

b. Maximum permitted floor areas with bonuses. Under no circumstances shall the floor area of any development with bonuses exceed an amount equal to two and six hundred ninety-six thousandths times gross lot area.

- i. *Open space and streets bonus.* Developments shall be permitted a bonus equal to two additional square feet of residential floor area for each one square feet of open space provided above the minimum required herein without the bonus. Said bonus shall be permitted provided that the following regulations are met:
 - a) Open space shall meet the requirements of subsection [16-34.007](#)(2)(g)(iv).
 - b) Streets shall meet the requirements of [section 16-34.012](#) and subsection [16-34.010](#)(5)(e).
- ii. *Affordable housing bonus.* Developments containing residential uses shall be permitted a floor area bonus of one times net lot area, provided that a minimum of 20 percent of the total floor area developed shall be used for affordable sales housing units or affordable rental housing units. The percentage mix of affordable studio, one-bedroom, two-bedroom, and three-bedroom units shall be proportionally similar to the percentage mix in the overall development.
- iii. *Civic bonus.* Developments which provide buildings housing recreational centers, community centers and community service facilities which are available to the general public during normal city recreational center, community center or community service hours shall be permitted a residential floor area bonus equal to the total recreational center, community center or community service facility floor area.

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- iv. *Open space bonus.* Residential uses shall be permitted to calculate any of the above floor areas in subsection [16-34.026\(1\)](#) utilizing gross lot area, for purposes of providing additional density based on such calculation. Developments utilizing the open space bonus shall not be permitted any reduction in open space requirements.
- c. *Additional nonresidential requirements.*
 - i. Nonresidential uses shall be located on or below the street-level floor only.
 - ii. When nonresidential square footage exceeds 20,000 square feet or one-half times net lot area, an equivalent or greater amount of residential square footage shall be provided until such time as the maximum permitted floor areas are met.
2. *Site limitations.*
 - a. *Minimum building façade heights.* Buildings shall have a minimum façade height of 24 feet along each façade adjacent to any sidewalk or supplemental zone.
 - b. *Maximum building heights.* Structures or portions of structures which are within 150 feet of any R-1 through R-5, R-G 1, R-G 2, MR-1, MR-2, or PD-H district shall have a maximum height of 35 feet. Structures that are between 150 feet and 300 feet from any R-1 through R-5, R-G 1, R-G 2, MR-1, MR-2, or PD-H district shall have a maximum height of 52 feet. Structures or portions of structures that are greater than 300 feet from any R-1 through R-5, R-G 1, R-G 2, MR-1, MR-2, or PD-H district shall have a maximum height of 225 feet.

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.027. Specific regulations for MRC-2.

1. *Development controls.*
 - a. Maximum permitted floor areas without bonuses:
 - i. For nonresidential uses, floor area shall not exceed an amount equal to two and one-half times net lot area.
 - ii. For residential uses, floor area shall not exceed an amount equal to six hundred ninety-six thousandths times net lot area.
 - iii. For developments that combine residential and nonresidential uses; floor area shall not exceed three and one hundred ninety-six thousandths times net lot area [the sum of the nonresidential i. and residential ii. above], but not greater than the maximum floor areas permitted for each (see subsection 16-29.001(24)).
 - b. Maximum permitted floor area with bonuses. Under no circumstances shall the floor area of any development with bonuses exceed an amount equal to three and six hundred ninety-six thousandths times gross lot area.
 - i. *Open space and streets bonus.* Developments shall be permitted a bonus equal to two additional square feet of residential floor area for each one foot of open space provided above the minimum required herein without the bonus. Said bonus shall be permitted provided that the following regulations are met:
 - a) Open space shall meet the requirements of subsection [16-34.006\(2\)\(g\)\(iv\)](#).
 - b) Streets shall meet the requirements of [section 16-34.012](#) and subsection [16-34.010\(5\)\(e\)](#).
 - ii. *Affordable housing bonus.* Developments containing residential uses shall be permitted a floor area of one-half times net lot area, provided that a minimum of 20 percent of the total

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floor area developed shall be used for affordable sales housing units or affordable rental housing. The percentage mix of affordable studio, one-bedroom, two-bedroom, and three-bedroom units shall be proportionally similar to the percentage mix in the overall development.

- iii. *Ground-floor commercial bonus.* Developments which provide street-fronting, sidewalk level retail establishments or eating and drinking establishments which comprise a minimum of 20 percent of the building footprint and meet all of the requirements of subsection [16-34.014\(6\)](#) shall be permitted a residential floor area bonus for every one square foot of said space built, up to two additional square feet of buildings are permitted.
 - c. *Civic bonus.* Developments which provide buildings housing recreational centers, community centers and community service facilities which are available to the general public during normal city recreational center, community center or community service hours shall be permitted a residential floor area bonus equal to the total recreational center, community center or community service facility floor area.
 - d. *Open space bonus.* Residential uses shall be permitted to calculate any of the above floor areas in subsection [16-34.027\(1\)](#) utilizing gross lot area, for purposes of providing additional density based on such calculation. Developments utilizing the open space bonus shall not be permitted any reduction in open space requirements.
2. *Site limitations.*
- a. *Minimum building façade heights:* Buildings shall have a minimum façade height of 24 feet along each façade adjacent to any sidewalk or supplemental zone.
 - b. *Maximum building heights:* Structures or portions of structures which are within 150 feet of any R-1 through R-5; R-G 1; R-G 2; MR-1, MR-2, or PD-H district shall have a maximum height of 52 feet. Structures or portions of structures that are greater than 150 feet from any R-1 through R-5, R-G 1, R-G 2, MR-1, MR-2, or PD-H district shall have a maximum height of 225 feet.

(Ord. No. 2002-40, § 1, 5-28-02)

Sec. 16-34.028. Specific regulations for MRC-3.

1. *Development controls.*
 - a. *Maximum permitted floor areas without bonuses:*
 - i. For nonresidential uses, floor area shall not exceed an amount equal to four times net lot area.
 - ii. For residential uses, floor area shall not exceed an amount equal to three and two-tenths times net lot area.
 - iii. For developments that combine residential and nonresidential uses, floor area shall not exceed seven and two-tenths times net lot area [the sum of the nonresidential i. and residential ii. above], but not greater than the maximum floor areas permitted for each (see subsection 16-29.001(24)).
 - b. *Maximum permitted floor area with bonuses:* Under no circumstances shall the floor area of any development with bonuses exceed an amount equal to eight and two-tenths times gross lot area.
 - i. *Open space and streets bonus:* Developments shall be permitted a bonus equal to two additional square feet of residential floor area for each one square feet of open space

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provided above the minimum required herein without the bonus. Said bonus shall be permitted provided that the following regulations are met:

- a) Open space shall meet the requirements of subsection [16-34.006\(2\)\(g\)\(iv\)](#).
 - b) Streets shall meet the requirements of [section 16-34.011](#) and subsection [16-34.010\(5\)\(e\)](#).
 - ii. *Affordable housing bonus:* Developments containing residential uses shall be permitted a floor area bonus of one times net lot area, provided that a minimum of 20 percent of the total floor area developed shall be used for affordable sales housing units or affordable rental housing. The percentage mix of affordable studio, one bedroom, two bedroom, and three bedroom units shall be proportionally similar to the percentage mix in the overall development.
 - iii. *Ground-floor commercial bonus:* Developments which provide street-fronting, sidewalk level retail establishments or eating and drinking establishments which comprise a minimum of 20 percent of the building foot print and meet all of the requirements of subsection [16-34.014\(6\)](#) shall be permitted a residential floor area bonus for every one square foot of said space built, up to three additional square feet of buildings are permitted.
 - iv. *Civic bonus:* Developments which provide recreational centers; community centers and community service facilities which are available to the general public during normal city recreational center, community center or community service hours shall be permitted a residential floor area bonus equal to the total recreational center, community center or community service facility floor area.
 - v. *Open space bonus:* Residential uses shall be permitted to calculate any of the above floor areas in subsection [16-34.028\(1\)](#) utilizing gross lot area, for purposes of providing additional density based on such calculation. Developments utilizing the open space bonus shall not be permitted any reduction in open space requirements.
2. *Site limitations.*
- a. Minimum building façade heights: Buildings shall have a minimum façade height of 24 feet along each façade adjacent to any sidewalk or supplemental zone.
 - b. Maximum building heights: Structures or portions of structures shall have a maximum height of 225 feet.

(Ord. No. 2002-40, § 1, 5-28-02)

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[Sec. 16-35.024. Zero-lot-line development.](#)

Sec. 16-35.001. Authority.

This chapter is enacted pursuant to the City of Atlanta's exclusive zoning and planning authority granted by the Constitution of the State of Georgia, including but not limited to the Article 9, Section 2, Paragraph 3 and Article 9 Section 2, Paragraph 4, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. § 36-70-3, the City of Atlanta Charter, §§ 3-061 through [3-603](#), and Charter Appendix IV, §§ 41, 42, 45, 48 and 70, as well as the general police powers of the City of Atlanta and such other authority as may be provided by applicable, state, federal and local laws.

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The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are regulations which are applicable in those parts of the city designated as Multi-family Residential (MR) district. The passage of an ordinance approving the classification of an area of the city for multi-family residential zoning shall supplant the zoning classifications applicable to the area so designated. Whenever the following regulations are at variance with said existing historic protection regulations, the historic protection regulations shall apply. Whenever the following regulations conflict with provisions of part 16 other than historic protection regulations, the more stringent regulation shall apply.

(Ord. No. 2002-39, § 1, 5-28-02)

Sec. 16-35.002. Findings, purpose and intent.

The City of Atlanta finds that the size, scale and character of multi-family residential uses directly affects adjacent land uses and the public health, safety and welfare. The city finds that internally focused, highway-oriented multi-family residential uses are incompatible with establishing a pedestrian infrastructure and are inconsistent with the needs of the city. The city finds there is a need to protect existing and developing pedestrian-oriented multi-family residential areas and building forms from the intrusion of incompatible building forms and to preserve and restore existing, traditional and pedestrian scale buildings in established, historic multi-family residential districts, as well as create new pedestrian oriented multi-family residential areas. The city finds that within these residential areas there is a substantial need to encourage a balanced mix of uses to include small accessory retail uses and to facilitate safe, attractive and convenient pedestrian circulation. The city finds that it is necessary to improve air quality by promoting walking and reducing the number of vehicular trips. The city finds that it is necessary to establish adequate parking requirements by encouraging shared parking arrangements. The city finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations. The purpose and intent of this chapter, in establishing the Multi-family Residential (MR) district, is as follows:

1. Create a diversified city where people across the spectrum of age, income, ethnicity, and culture can live, work, shop, meet, and play;
2. Provide for multi-family residential housing types that are compatible with single-family neighborhoods and commercial nodes;
3. Encourage the development of multi-family housing, with limited neighborhood serving commercial uses;
4. Encourage a range of housing types and prices to meet different housing needs;
5. Improve the aesthetics of the built environment;
6. Protect existing stable single-family neighborhoods from uses and building forms which are incompatible with their scale, character and needs;
7. Ensure pedestrian-oriented building forms;
8. Provide for a pedestrian-oriented environment on streets and sidewalks;
9. Promote public safety through the provision of pedestrian-oriented street-level uses, sufficient sidewalk widths, adequate visibility from adjacent buildings and primary pedestrian access from buildings to adjacent sidewalks;
10. Reserve the space between the building and the sidewalk for pedestrian related uses;
11. Provide appropriately-scaled, continuous pedestrian oriented uses and activities adjacent to sidewalks along streets with identified pedestrian needs;
12. Encourage a grid of connected streets to improve access and reduce congestion;

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13. Facilitate safe, pleasant and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles;
14. Facilitate safe and convenient bicycle usage;
15. Provide sufficient parking in an unobtrusive manner;
16. Maximize opportunities for pedestrian amenities, including parks, plazas, greenways and public art;
17. Provide sufficient, safe and accessible parks, plazas and greenways for active and passive enjoyment; and
18. Improve the quality of air and water through provisions for the planting of trees, greenspace protection, bicycle parking and electric vehicle parking.

(Ord. No. 2002-39, § 1, 5-28-02)

Sec. 16-35.003. Districts established.

Eight MR districts are established, the intent of which is described below:

1. *MR-1*. Primarily single-family dwellings which may have zero-lot-line along one side yard.
2. *MR-2*. Two to three story multi-family dwellings.
3. *MR-3*. Eight story, zero-lot-line multi-family dwellings.
4. *MR-4A*. Eight story, multi-family dwellings.
5. *MR-4B*. Five story, zero-lot-line single-family dwellings.
6. *MR-5A*. 15-story multi-family dwellings along major corridors.
7. *MR-5B*. Multi-family dwellings with a maximum height of fifteen stories with appropriate height controls adjacent to single-family neighborhoods.
8. *MR-6*. 22-story multi-family dwellings along major corridors.

(Ord. No. 2002-39, § 1, 5-28-02)

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

Except as provided below, no building permit in any multi-family residential district shall be issued unless and until it has been approved through the issuance of a special administrative permit (SAP) under the requirements so specified in [section 16-25.004](#), as meeting applicable requirements and intent as set forth for the district involved. A SAP application and seven copies each of a site plan, landscape plan and elevation drawings of each exterior façade shall be submitted, as applicable, and approved by the director of the bureau of planning prior to the issuance of a building permit, with an eighth copy to be mailed concurrently to the appropriate NPU chair or his/her designee for information purposes.

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

(Ord. No. 2002-39, § 1, 5-28-02)

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Sec. 16-35.005. Permitted principal uses and structures.

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

1. Public schools through the secondary level operated by the Atlanta Board of Education, having no dwelling or lodging facilities except for caretakers.
2. Single-family, two-family and multi-family dwellings.
3. Single-family attached dwellings (Zero-lot-line development).
4. Structures and uses required for operation of MARTA but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purpose.
5. All nonresidential permitted uses listed below shall be restricted in floor area to a maximum of five percent of the total development, shall be located within a building that contains street frontage and shall be located on the street-level floor only. No occupancy permit for the following uses shall be issued until a minimum of 50 percent of the total dwelling units are occupied.
 - a. *Bakeries and catering establishments.*
 - i. *MR-1 and MR-2:* Not permitted.
 - ii. *MR-3, MR-4A, and MR-4B:* Shall not exceed 2,000 square feet of floor area.
 - iii. *MR-5A, MR-5B and MR-6:* Shall not exceed 4,000 square feet of floor area.
 - b. *Barber shops, beauty shops, manicure shops and similar personal service establishments.*
 - i. *MR-1 and MR-2:* Not permitted.
 - ii. *MR-3, MR-4A, and MR-4B:* Shall not exceed 2,000 square feet of floor area.
 - iii. *MR-5A, MR-5B and MR-6:* Shall not exceed 4,000 square feet of floor area.
 - c. *Eating and drinking establishments including restaurants, bars, coffee shops, delicatessens, and taverns.*
 - i. *MR-1 and MR-2:* Not permitted.
 - ii. *MR-3, MR-4A, and MR-4B:* Shall not exceed 4,000 square feet of floor area.
 - iii. *MR-5A, MR-5B and MR-6:* Shall not exceed 8,000 square feet of floor area.
 - d. *Laundry and dry cleaning collection stations, laundry and dry cleaning establishments where customers operate equipment.*
 - i. *MR-1 and MR-2:* Not permitted.
 - ii. *MR-3, MR-4A, and MR-4B:* Shall not exceed 2,000 square feet of floor area.
 - iii. *MR-5A, MR-5B and MR-6:* Shall not exceed 4,000 square feet of floor area.
 - e. *Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.*
 - i. *MR-1 and MR-2:* Not permitted.
 - ii. *MR-3 through MR-6:* Shall not exceed 8,000 square feet of floor area.
 - f. *Offices and studios.*
 - i. *MR-1 and MR-2:* Not permitted.
 - ii. *MR-3 through MR-6:* Shall not exceed 8,000 square feet of floor area.

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- g. *Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar household goods.*
 - i. *MR-1 and MR-2:* Not permitted.
 - ii. *MR-3 through MR-6:* Shall not exceed 4,000 square feet of floor area.
 - h. Tailoring, custom dressmaking, millinery and similar establishments.
 - i. *MR-1 and MR-2:* Not permitted.
 - ii. *MR-3 through MR-6:* Shall not exceed 4,000 square feet of floor area.
6. Supportive housing.

Any principal use and structure not specifically listed above is prohibited in this district.

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

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

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

Pursuant to [section 16-28.016](#) adult businesses are not permitted uses in any district.

(Ord. No. 2002-39, § 1, 5-28-02; Ord. No. 2009-24(08-O-1251), § 2AG, 6-9-09)

Sec. 16-35.006. Permitted accessory uses and structures.

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures, shall be limited to use by residents, and specifically include home occupation subject to limitations set forth in subsection 16-29.001(17), clubhouses, pools, and other recreation amenities, and parking to serve authorized residential and nonresidential uses within the district subject to the restrictions contained elsewhere in this chapter.

Accessory structures shall meet the following additional requirements:

1. Shall be placed to the rear of the principal structure.
2. Shall not exceed the height of the principal structure.
3. Accessory parking lots for required parking shall be located within 300 feet of primary use as measured from the nearest property line.
4. Accessory free-standing parking deck structures for required parking are permitted in MR-3 through MR-6 districts within 300 feet of primary use as measured from the nearest property line.

(Ord. No. 2002-39, § 1, 5-28-02)

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Sec. 16-35.007. Special permits.

The following uses are permissible only by additional special permits of the type indicated subject to limitations and requirements set forth in this [chapter 35](#) or elsewhere in this part, and subject to the applicable procedures and requirements set forth in [section 16-25.001](#), et seq.

1. *Special use permits.*

- a. Broadcasting towers and line-of-sight relay devices for telephonic, radio or television communications greater than 70 feet in height, except alternative design mounting structures as contemplated by subsection [16-25.002\(3\)\(h\)\(iv\)\(i\)](#), and subject to transitional height planes (chapter 1, [section 19-1006](#)).
- b. Cemeteries, mausoleums and columbariums.
- c. Childcare centers, kindergartens and special schools or day care facilities for young children.
- d. Civic, service, garden, neighborhood or private club.
- e. Churches, synagogues, temples, mosques and other religious worship facilities.
- f. Colleges and universities, other than trade schools, business colleges and similar uses.
- g. Free-standing, parking deck structures in MR-1 and MR-2 districts within 300 feet of primary use as measured from the nearest property line.
- h. Personal care homes, assisted living facilities and rehabilitation centers.
- i. Golf courses, sports arenas, and community centers.
- j. Nursing homes.
- k. Private schools.
- l. Transfer of development rights. Transfer of development rights is permissible provided each of the following criteria are met in addition to those set forth in [section 16-28.023](#)
 - i. The donor parcel must be either National Register listed, National Register eligible or property designated under the city's historic preservation ordinance;
 - ii. The transfer documents must ensure that the historic property shall remain in perpetuity; and
 - iii. If the historic property is not designated under the city's historic preservation ordinance at the time of transfer, it must be so designated prior to issuance of any building permit for the receiving property if said permit involves, in any way, the transferred development rights.

(See [section 16-28.023](#) for further requirements of the transfer of development rights process.)

2. *Special administrative permits.*

- a. Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, and an alternative design mounting structures as contemplated by subsection [16-25.002\(3\)\(h\)\(iv\)\(i\)](#), and subject to transitional height planes (chapter 1, [section 19-1006](#)).
- b. Driveways located between the sidewalk and the building for childcare centers, kindergartens and special schools, where lot limitations prohibit locations elsewhere.

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- c. Small family care home, subject to the limitations set forth in subsection 16-29.001(16).
- d. Displays or sales areas within the supplemental zone adjacent to commercial uses.
- e. Two curb cuts along one street frontage on properties with a single street frontage greater than 300 feet, subject to provisions of subsection [16-25.002\(3\)](#).
- f. Variation in residential open space requirements for buildings built before 1950.
- g. Variations in fenestration requirements.
 - i. Fenestration in keeping with the scale of the nearest commercial storefront built before 1950 in the same or adjacent blocks, which is closest to meeting the requirements in subsection [16-33.014\(6\)](#); and
 - ii. Fenestration may be varied where there are development constraints related to topography.
- h. Variations in street tree requirements. Variations are subject to constraints such as overhead or underground utilities.
- i. Variations in driveway requirements. Driveways that are outside the lot boundaries provided they are directly connected to a public street, subject to provisions of subsection [16-25.002\(3\)](#).
- j. Variations in surface parking lot landscaping and barrier requirements. Variations may be granted only upon making all of the following findings:
 - i. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, subsurface conditions, overhead structures or the existence of sufficient trees in the public right-of-way within ten feet of the property line;
 - ii. Such conditions are peculiar to the particular piece of property involved; and
 - iii. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this article and of part 16 of this Code.
- k. Variations for sidewalk and supplemental zone width requirements. In blocks where 50 percent or more of the buildings were built before 1950, width requirements may be reduced to match the existing building setbacks, as measured from the curb, of the nearest two adjacent buildings located on the same side of the street.
- l. Variations in width requirements for new streets when counted towards open space requirements when any of the following are provided:
 - i. Addition of bike lanes;
 - ii. Addition of angled parking;
 - iii. Addition of landscaped medians and roundabouts;
 - iv. Elimination of on-street parking on one side of a one-way street.
- m. Retaining walls greater than two feet in height between the building façade line and the street, where existing topography does not require retaining walls of a greater height, and except where necessary to meet the provisions in subsection [16-25.002\(3\)](#).
- n. Outdoor dining within required sidewalk for pre-existing buildings. Buildings existing prior to the adoption of this chapter with adjacent sidewalks that do not meet the requirements of this chapter, may have outdoor dining that encroaches into the sidewalk provided the following criteria are met:

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- i. Shall have a minimum of eight feet of unobstructed sidewalk area adjacent to the curb when located adjacent to on-street parking;
 - ii. Shall have a minimum of six feet of unobstructed sidewalk area adjacent to the curb when not located adjacent to on-street parking;
 - iii. No permanent structure or ornamentation shall be located within the encroachment area and no element shall be attached to the sidewalk in any way;
 - iv. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter; and
 - v. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of 36 inches including any plant material.
- o. Outdoor dining within required sidewalk for new construction. New developments may have outdoor dining that encroaches into the sidewalk a maximum of two feet provided the following criteria are met:
- i. No permanent structure or ornamentation shall be located within the encroachment area and no element shall be attached to the sidewalk in anyway;
 - ii. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter; and
 - iii. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of 36 inches including any plant material.
- p. Farmers' markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.
3. *Special exceptions.*
- a. Off-street required parking between 300 to 500 feet of primary use as measured from the nearest property line and within the same zoning district, or district of equal or greater permitted residential density. An applicant shall submit written consent from property owner of the proposed off-site parking area. All parking spaces shall be clearly marked and signed as reserved during specified hours.
 - b. Relocation of minimum open space requirements. At the option of the property owner, up to 50 percent of a development's required UOSR may be relocated to an offsite parcel within one-half mile of the donating parcel provided the following criteria are met:
 - i. The receiving parcel is in accordance with the City of Atlanta Comprehensive Development Plan as being a designated recipient parcel;
 - ii. The receiving parcel contains the required amount of open space and said open space in the receiving parcel is located adjacent to and visible from a public street and accessible to the public during normal city park hours;
 - iii. All of the open space in the receiving parcel meets the definition of UOSR in subsection [16-28.010\(5\)\(a\)](#) except that no portion of any public right-of-way shall be included; and
 - iv. The open space in the receiving parcel:
 - a) Shall provide active or passive recreational amenities;

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- b) Shall be no greater than 24 inches above or below the adjacent public sidewalk for a minimum distance of 15 feet from the beginning of the adjacent sidewalk;
 - c) Shall be visible and accessible from any point along 90 percent of any adjacent sidewalk; and
 - d) Shall permit and encourage pedestrians to walk on a minimum of 80 percent of the surface of the parcel excluding fountains, pedestrian furniture, public art and similar elements.
- c. Reduction of parking requirements may be permitted subject to a shared parking arrangement under the following criteria:
- i. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
 - ii. All shared parking spaces shall be clearly marked; and
 - iii. An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - a) A to-scale map indicating location of proposed parking spaces;
 - b) Hours of business operation of nonresidential parking users,
 - c) Written consent of property owners agreeing to the shared parking arrangement; and
 - d) Copies of parking leases. Renewed leases shall be filed with the bureau of planning. Lapse of a required lease agreement or failure to file such lease with the bureau of planning, shall terminate the special administrative permit for shared parking.

(Ord. No. 2002-39, § 1, 5-28-02; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2008-62(06-O-0038), § 3S, 7-7-08; Ord. No. 2011-39(10-O-1773), § 3AJ, 9-15-11)

Sec. 16-35.008. Redevelopment requirements.

Subject to the provisions in part 16, [chapter 24](#), Nonconformities.

(Ord. No. 2002-39, § 1, 5-28-02)

Sec. 16-35.009. Transitional uses and yards.

1. *Transitional height planes.* Where this district adjoins residential districts R-1 through R-5, RG-1, RG-2, MR, RLC or a PD-H district with a height limitation less than the subject district, without an intervening street, height within this district shall be limited by the transitional height plane requirements as defined in chapter 1, [section 19-1006](#)
2. *Transitional yards.*
 - a. Where this district adjoins an R-1 through R-5, R-G, RLC or PD-H district without an intervening street or without meeting the conditions in subsection [16-35.009\(2\)\(b\)](#) of this chapter, a minimum of 20 feet is required which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of private alleys or drives up to ten feet in width. Such yards shall be planted as approved by the city arborist and maintained as a landscaped strip.

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- b. Where this district adjoins an RLC, R-G, PD-H, MR, MRC, NC or LW district and contains a building, structure, or use located in both zoning districts, a transitional yard is not required, provided that the portion of the building, structure, or use within 20 feet of such districts shall only contain principal or accessory uses and structures permitted in such districts.
- c. Screening. Where a subject MR district adjoins an R-1 through R-5, R-G, RLC or any PD-H or MR district with FAR permission less than the subject district, permanent opaque walls six feet in height shall be provided and shall be maintained in sightly condition.

(Ord. No. 2002-39, § 1, 5-28-02)

Sec. 16-35.010. Development controls.

- 1. *Bulk limitations.* (Refer to Table A: Summary of density and open space requirements).
 - a. *Maximum permitted floor areas without bonuses.* The standard ratios in Table 1, "Land use intensity ratios" (section [16-18.007](#)) shall apply:
 - i. MR-1: Floor area shall not exceed an amount equal to one hundred sixty-two thousandths times net lot area.
 - ii. MR-2: Floor area shall not exceed an amount equal to three hundred forty-eight thousandths (0.348) times net lot area.
 - iii. MR-3: Floor area shall not exceed an amount equal to six hundred ninety-six thousandths times net lot area.
 - iv. MR-4A and MR-4B: Floor area shall not exceed an amount equal to one and forty-nine hundredths times net lot area.
 - v. MR-5A and MR-5B: Floor area shall not exceed an amount equal to three and two-tenths times net lot area.
 - vi. MR-6: Floor area shall not exceed an amount equal to six and four tenths times net lot area.

Table A: Summary of Density and Open Space Requirements

MR Districts	Maximum Floor Area Ratios* (net lot area)			Min. Open Space Requirements		
	Nonresidential	Residential	Combined	Public Space	TOSR	UOSR
MR-1	5% of Total Floor Area	0.162	0.162	none	none	LUI [^]
MR-2	5% of Total Floor Area	0.348	0.348	none	none	LUI [^]
MR-3	5% of Total Floor Area	0.696	0.696	none	none	LUI [^]

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MR-4A	5% of Total Floor Area	1.49	1.49	none	none	LUI [^]
MR-4B	5% of Total Floor Area	1.49	1.49	none	none	LUI [^]
MR-5A	5% of Total Floor Area	3.20	3.20	none	none	LUI [^]
MR-5B	5% of Total Floor Area	3.20	3.20	none	none	LUI [^]
MR-6	5% of Total Floor Area	6.40	6.40	none	none	LUI [^]

* Residential floor area may be calculated utilizing gross lot area.

[^] LUI: [Section 16-18.007](#), Table 1: Land Use Intensity Ratios.

b. *Maximum permitted floor areas with bonuses.*

Open space bonus: Residential uses shall be permitted to calculate the floor area utilizing the gross lot area, for purposes of providing additional density based on such calculation. Developments utilizing the open space bonus shall not be permitted any reduction in open space requirements.

2. *Side yards.* (Side yards adjacent to a street shall be treated as supplemental zones and shall meet the requirements of [section 16-35.013](#)). Side yards not adjacent to the street shall be permitted to have private alleys or drives a maximum of ten feet in width, all other areas shall be landscaped with groundcover and trees.
 - a. *MR-1 through MR-2:* Minimum depth of ten feet, except that the side yard may be reduced to zero feet when a residential use has no residential windows adjacent to such yard.
 - b. *MR-4A:* Minimum depth of 15 feet.
 - c. *MR-3, MR-4B and MR-5B:* Minimum depth of 15 feet, except that the side yard may be reduced to zero feet when a residential use has no residential windows adjacent to such yard.
 - d. *MR-5A and MR-6:* Minimum depth of 20 feet.
3. *Rear yards.* Shall be permitted to have private alleys or drives a maximum of ten feet in width, all other areas shall be landscaped with groundcover and trees.
 - a. *MR-1 and MR-2:* Minimum depth of ten feet.
 - b. *MR-3 and MR-5B:* Minimum depth of 15 feet.
 - c. *MR-4 through MR-5A and MR-6:* Minimum depth of 20 feet.
4. *Minimum lot size.*
 - a. *MR-1 through MR-4:* 2,000 square feet.
 - b. *MR-5 through MR-6:* 5,000 square feet.

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5. *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.
6. *Minimum open space requirements.*
 - a. *For residential uses:* Open space requirements as indicated on Table I, "Land use intensity ratios" (section [16-08.007](#)) shall be required for useable open space (UOSR) only.
 - b. *Public space requirements:* None.
 - c. *Residential balconies:* Balconies for residential units, which are enclosed on not more than three sides, may be counted towards UOSR for a maximum depth of six feet.
 - d. *New streets incentive:* New public streets, or private streets which function as public streets may be counted towards UOSR requirements provided the following requirements are met:
 - i. Connects two other public streets or private streets which meet the requirements of items ii., iii., and iv. below; and
 - ii. Meets the requirements of [section 16-35.012](#); and
 - iii. The maximum width shall be 36 feet which shall include, two on-street parallel parking lanes, two travel lanes and sidewalk extensions at intersections and shall have granite curbs; and
 - iv. When adjacent to a park area, new streets shall meet all above requirements along each park edge; and
 - v. Gates shall not be permitted across said streets.
 - e. *Connectivity incentive:* Developments which provide connectivity across public rights-of-way which do not provide pedestrian access, such as railroads and freeways, may be permitted by the director of the bureau of planning to be counted towards UOSR requirements subject to the following criteria:
 - i. Said connectivity shall be achieved through the use of public streets, private streets which function as public streets, pedestrian walkways or bike and jog paths; and
 - ii. Streets shall meet the above requirements of [section 16-35.012](#); and
 - iii. Pedestrian walkways shall be a minimum width of six feet and bike and jog paths shall be a minimum width of ten feet; and
 - iv. Streets, pedestrian walkways and bike and jog paths shall connect to other public streets, pedestrian walkways, bike and jog paths or parks.
 - f. *On-street parking incentive:* New on-street parking may be counted towards UOSR requirements provided the following criteria are met:
 - i. No on-street parking currently exists in the public right-of-way adjacent to the project area for which credit is sought; and
 - ii. The new on-street parking is located where there is no existing street lane; and
 - iii. The on-street parking occupies an entire block face or a minimum distance of 200 feet; and
 - iv. Sidewalk extensions are provided at street intersections; and
 - v. All other sidewalk requirements of this chapter are met.

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(Ord. No. 2002-39, § 1, 5-28-02)

Sec. 16-35.011. Site limitations.

1. Maximum building heights.
 - a. MR-1 and MR-2: No structure shall exceed 35 feet in height.
 - b. MR-3 and MR-4A: No structure shall exceed 80 feet in height.
 - c. MR-4B: No structure shall exceed 52 feet in height.
 - d. MR-5A: No structure shall exceed 150 feet in height.
 - e. MR-5B: Structures or portions of structures which are within 150 feet of any R-1 through R-5, RG-1, RG-2, RLC, PD-H or MR district with a height limitation less than the subject district shall have a maximum height of 35 feet. Structures that are between 150 feet and 300 feet from any R-1 through R-5, RG-1, RG-2, RLC, PD-H or MR district with a height limitation less than the subject shall have a maximum height of 80 feet. Structures that are greater than 300 feet from any R-1 through R-5, RG-1, RG-2, RLC, PD-H or MR district with a height limitation less than the subject shall have a maximum height of 150 feet.
 - f. MR-6: No building shall exceed 225 feet in height.
2. New development proposing to contain an entire block face greater than 600 feet in length shall be traversed by streets which create block faces no more than 400 feet in length. For the purposes of this chapter, a block face shall be measured from the back of sidewalk clear zones or required supplemental zones. Such streets shall function as public streets and shall connect two other public streets.
3. Properties adjacent to the right-of-way of public streets which dead-end or cul-de-sac, shall provide a street connection to said right-of-way of public street and shall meet the requirements of subsection [16-35.010\(6\)\(e\)](#) and [section 16-35.012](#)
4. Properties adjacent to a park space, greenway trail, railroad right-of-way which has been abandoned or a railroad right-of-way with an existing or proposed rail-trail:
 - a. Shall have a minimum of a 20-foot wide buffer along the property line adjacent to said public space. Said buffer shall be completely landscaped excluding walkways, benches and other such recreational features as approved by the director of the bureau of planning, or
 - b. Shall provide a new public access street, pedestrian walkway, or bike and jog path between any development and said space and shall meet the following requirements:
 - i. Streets shall meet the requirements of subsection [16-35.010\(6\)\(e\)](#).
 - ii. Pedestrian walkways shall be a minimum width of six feet and bike and jog paths shall be a minimum width of ten feet.
 - iii. Wherever possible, streets, pedestrian walkways and bike and jog paths shall connect to other streets, pedestrian walkways, bike and jog paths and parks.
 - c. Shall not locate off-street parking areas or loading docks between any, building and said space except in cases where meeting this would require the development to be in conflict with the requirements of [section 16-35.016](#) or [section 16-35.020](#)
 - d. Shall include an entrance to all adjacent uses which:
 - i. Shall face and be visible from the park space, greenway, abandoned rail line or rail line with an existing or proposed rail-trail; and

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- ii. Shall be directly accessible from said space from the park space, greenway, abandoned rail line or rail line with an existing or proposed rail-trail; and
 - iii. Wherever possible shall open directly onto the adjacent sidewalk, or an outdoor dining area or plaza adjacent to the sidewalk.
5. Additional regulations for MR-4B: No residential unit shall be located above or below another residential unit.
6. Drive-through service windows and drive-in facilities are prohibited.

(Ord. No. 2002-39, § 1, 5-28-02)

Sec. 16-35.012. Sidewalks.

Public sidewalks shall be located along all public streets and shall have minimum widths as specified herein. Sidewalks shall consist of two zones: A street furniture and tree planting zone and a clear zone. The following regulations shall apply to all public sidewalks:

1. Street furniture and tree planting zone requirements. The street furniture and tree planting zone shall have a minimum width of five feet. Said zone shall be located immediately adjacent to the curb and shall be continuous. Said zone shall meet the tree planting requirements of subsection [16-35.012\(3\)](#). In addition to the required planting of trees, this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility and as approved by the director of the bureau of planning.
2. Clear zone requirements. Said zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be continuous. Said zone shall be hardscape, and shall be unobstructed for a minimum height of eight feet and for a minimum width as specified below, by any permanent or nonpermanent element except as authorized in subsection [16-35.014\(9\)](#).
 - a. Along streets which function as arterial or collector streets: Minimum width of ten feet.
 - b. Along streets which function as local streets: Minimum width of six feet.
3. Street tree planting requirements. Street trees are required and shall be planted in the ground a maximum of 40 feet on center within the street furniture and tree planting zone and spaced equal distance between street lights. All newly planted trees shall be a minimum of three inches in caliper measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven feet. Trees shall have a minimum planting area of 32 square feet. All plantings, planting replacement and planting removal shall be approved by the city arborist. The area between required plantings shall either be planted with evergreen ground cover such as mondo grass or liriop spicata or shall be paved as approved by the director of planning.
4. Tree grates. Tree grates are not required where all sidewalk width requirements are met. Where tree grates are required or otherwise installed, they shall be a minimum of four feet by eight feet, shall be a type specified by the director of planning in accordance with uniform design standards utilized by the director for placement of such objects in the public right-of-way, and shall be placed within the street furniture and tree planting zone. Where tree grates are not required or otherwise installed, tree planting areas shall be permitted to be planted with evergreen ground cover such as mondo grass or liriop spicata.

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5. Paving. All paving within the street furniture and tree planting zone shall be a type specified by the director of planning in accordance with uniform design standards utilized by the director for placement of such objects in the public right-of-way.
6. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade. See subsection [16-28.008\(9\)](#), Visibility at intersections.
7. No awning or canopy shall encroach beyond the clear zone.
8. Where property within this district abuts an R-1 through R-G, PD-H or MR district without an intervening street, the sidewalk area within 20 feet of such districts shall taper as necessary to provide a smooth transition to the existing R-1 through R-G, PD-H or MR districts sidewalk. In the event that the abutting R-1 through R-G, PD-H or MR district has no existing sidewalk, the sidewalk shall taper to a width of six feet.
9. Decorative pedestrian lights, where installed, shall be placed a maximum of 40 feet on center and spaced equal distance between required trees along all streets. Where installed, said lights shall be located within either the street furniture and tree planting zone or the supplemental zone. All said lights shall be Atlanta Type "C" as approved by the planning bureau.
10. Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
11. Trash receptacles or similar elements, where installed, shall be a type specified by the director of planning in accordance with uniform design standards utilized by the director for placement of such objects in the public right-of-way and shall be placed within the street furniture and tree planting zone.

(Ord. No. 2002-39, § 1, 5-28-02)

Sec. 16-35.013. Supplemental zone.

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

1. Supplemental zone general requirements:
 - a. When sidewalk level residential units are provided, supplemental zone shall be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of two-thirds of the supplemental zone area;
 - b. Decks and off-street parking shall not be permitted within the supplemental zone;
 - c. Front porches or stoops on the principal structure shall be required, provided that they shall be a minimum of six-feet wide and a minimum of five feet in depth. Porches may be enclosed with screen wire or glass, provided that the main characteristics of the porch such as balustrades, columns or porch railings, and front doors are visible;
 - d. Terraces, porches and stoops shall have a maximum finished floor height of 24 inches above finished-grade, unless existing topographical considerations render this requirement unreasonable, subject to the provisions in subsection [16-25.002\(3\)](#);
 - e. The supplemental zone shall be no more than 24 inches above the adjacent public sidewalk for a minimum linear distance of 15 feet from the nearest edge of the adjacent

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public sidewalk, unless existing topographical considerations render this requirement unreasonable;

- f. Any authorized walls surrounding landscaped and grassed areas shall not exceed a maximum height of 24 inches, except retaining walls, which shall not exceed a maximum height of 36 inches unless existing topography requires a retaining wall of greater height.
- g. Fencing permitted only when:
 - i. The supplemental zone is located between sidewalk-level residential units and the adjacent street; or
 - ii. Said fencing is used to separate authorized outdoor dining from the required sidewalk.
2. Supplemental zone widths along front and side building façades:
 - a. Along streets that function as arterial and collector streets shall be a minimum width of nine feet.
 - b. Along streets that function as local streets shall be a minimum width of five feet.
3. Supplemental zones containing a depth of 15 feet or less shall meet the following additional requirements:
 - a. No balcony shall encroach more than ten feet into the supplemental zone area.
 - b. Shall not be counted towards UOSR requirements unless visible and accessible to the general public from the adjacent public sidewalk, with the exception of areas adjacent to sidewalk level residential units.
4. Supplemental zones containing a depth greater than 15 feet shall be counted towards UOSR requirements only when the following additional requirements are met:
 - a. Shall permit and encourage pedestrians to walk on a minimum of 80 percent of the surface of the supplemental zone, excluding fountains, pedestrian furniture, public art and similar elements.
 - b. When adjacent nonresidential ground floor uses are provided, shall be visible and accessible from any point along 90 percent of any adjacent sidewalk.
 - c. When adjacent nonresidential ground floor uses are provided, all sides of buildings fronting said zone meet the requirements of subsection [16-35.014\(6\)](#).
 - d. When adjacent residential ground floor uses are provided, shall provide a pedestrian walkway from said space to the adjacent public sidewalk. Said pedestrian walkway shall be perpendicular to the street and shall connect directly to the public sidewalk and shall be open to the sky along its entire length.
5. Developments of greater than one acre in area and adjacent to existing transit stops which have no shelters shall provide a shelter within the supplemental zone for a minimum of one such stop. The design and location of such stop shall be approved by the director of the bureau of planning.

(Ord. No. 2002-39, § 1, 5-28-02)

Sec. 16-35.014. Relationship of building to street.

1. For purposes of this chapter, sidewalk-level shall be defined as any floor of a building with a finished-floor elevation less than or equal to five feet above the adjacent sidewalk or less than or equal to five feet below the adjacent sidewalk.

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2. Delineation of building floors at third story above sidewalk level and lower is encouraged shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
3. The primary pedestrian entrance for pedestrians to access all sidewalk level uses and business establishments with public or private street frontage:
 - a. Shall face and be visible from the public or private street when located adjacent to such street. When located adjacent to a street that functions as an arterial street or a collector street, said entrance shall face and be visible from such street.
 - b. Shall be directly accessible and visible from the sidewalk adjacent to such street.
 - c. Shall remain unlocked during business hours for nonresidential uses.
4. A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six inches in height.
5. Along streets that function as arterial streets and collector streets, sidewalk level uses with street frontage shall only be retail, office, institutional, or residential. Said uses shall be provided for a minimum depth of 20 feet from any building façade along the public sidewalk.
6. Fenestration. (For parking deck requirements see [section 16-35.018\(10\)](#).)
 - a. Street-fronting nonresidential uses, with the exception of churches and fire stations, along streets that function as arterial streets and collector streets shall meet the following sidewalk level requirements:
 - i. The length of façade without intervening fenestration or entryway shall not exceed 20 feet.
 - ii. Fenestration shall be provided for a minimum of 75 percent of the length of all street frontages that function as arterial street and collector street frontages:
 - a) Beginning at a point not more than three feet above the sidewalk, to a height no less than ten feet above the sidewalk; or
 - b) Beginning at the finished floor elevation to a height no less than ten feet above the finished floor elevation when the finished floor elevation is three or more feet above the sidewalk; or
 - c) Beginning at a point not more than sidewalk level, to a height no less than ten feet above the finished floor elevation when the finished floor elevation is below the sidewalk.
 - iii. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.
 - b. Fenestration shall be provided for a minimum of 50 percent of the length of the street frontage for residential uses on all streets and for nonresidential uses, with the exception of churches and fire stations, on all streets other than streets that function as arterial streets and collector streets.
7. Buildings with residential uses at the sidewalk level shall meet the following regulations:
 - a. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five-feet wide.
 - b. All such buildings with more than four residential units that are adjacent to the sidewalk shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access shall be perpendicular to the street, unless topography prohibits, and shall be permitted to share said walkway with one adjacent unit.

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- c. Such buildings shall have windows at sidewalk level on each street frontage façade which are substantially similar in size to the sidewalk level front façade windows.
8. Sidewalk arcades. Buildings with nonresidential uses at the sidewalk level may have sidewalk arcades, which shall meet the following regulations:
 - a. Shall provide an at-grade sidewalk surface.
 - b. Arcade supports shall be a maximum width of five feet.
 - c. Shall provide a minimum of 25 feet of clear unobstructed space between arcade supports.
 - d. A building with a sidewalk arcade shall meet the requirements of subsection [16-35.014\(6\)](#).
9. Fences and walls shall meet the following regulations:
 - a. For residential uses adjacent to the sidewalk, fences shall not exceed 42 inches in height when located between the primary building and the street or between any supplemental zone and the adjacent street. For nonresidential uses adjacent to the sidewalk, fences are prohibited when located between the building and the sidewalk except where specifically authorized elsewhere in this chapter for outdoor dining.
 - b. Retaining walls located adjacent to a sidewalk along a public street shall not exceed a height of two feet and the combined height of a fence where otherwise authorized and retaining wall shall not exceed a height of five feet, unless existing topography prohibits retaining walls of a lesser height. Retaining walls shall be finished poured concrete or shall be faced with stone, brick or smooth stucco. See subsection 16-29.001(25)(b).
 - c. No walls, except retaining walls, shall be located between the street and any building, with the exception of screening for authorized off-street loading areas.
 - d. Fences and walls located between the primary building and the lot line and not exceeding six feet in height may be erected, but shall not be permitted between the primary building and the street.
10. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.

(Ord. No. 2002-39, § 1, 5-28-02)

Sec. 16-35.015. Signage.

Refer to section 16-28A., Sign ordinance.

(Ord. No. 2002-39, § 1, 5-28-02)

Sec. 16-35.016. Loading areas, loading dock entrances and building mechanical and accessory features.

1. Loading areas. Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground level or sidewalk level outdoor dining area, public sidewalk or public right-of way. In addition, dumpsters and loading areas serving residential uses shall be enclosed with opaque walls six feet in height.
2. Loading dock entrances for nonresidential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.
3. Building mechanical and accessory features.

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- a. Shall be located to the side or rear of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way.
- b. When located on rooftops shall be incorporated in the design of the building and screened with building materials similar to the building.
- c. Shall not be permitted between the building and any public street.

(Ord. No. 2002-39, § 1, 5-28-02)

Sec. 16-35.017. Off-street loading requirements.

See Table of loading requirements, [section 16-28.015](#), Off-street loading requirements.

(Ord. No. 2002-39, § 1, 5-28-02)

Sec. 16-35.018. Curb cuts and parking structures.

1. All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone.
2. Driveway and curb cut widths shall be 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the commissioner of public works.
3. No circular drives shall be located between any building and any public street.
4. Curb cuts and driveways shall not be permitted on any street that functions as an arterial street or collector street when access may be provided from a side or rear street located immediately adjacent to a contiguous property.
5. Unless authorized by subsection [16-35.018\(3\)](#), driveways, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.
6. Except as authorized in subsection [16-35.011\(2\)](#), no more than one curb cut shall be permitted for each development, provided that properties with more than one street frontage may have one curb cut located on each street frontage.
7. Entrances to garages and carports that serve a single residential unit shall face the rear yard, or a side yard which has no street frontage.
8. All contiguous ground-floor residential units shall share one common drive, located in rear yards or side yards without street frontage, to serve garages, carports and parking areas.
9. Parking deck façades shall conceal automobiles from visibility from any public right-of-way or private drive or street that are open to the general public, and shall have the appearance of a horizontal storied building.
10. In addition to [section 16-28.028](#), parking deck façades shall have the appearance of a horizontal storied building.
11. Notwithstanding the provisions of subsection [16-28.006\(10\)](#), a common or joint driveway may be authorized by the director of the bureau of planning when adjacent lots have direct vehicular access to a street, and a driveway from a private street which functions as a public street may be authorized by the director of the bureau of planning, based on traffic considerations, when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such agreement is provided to the bureau of planning.

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12. All developments, including parking decks, shall have walkways a minimum width of four feet connecting ground level parking to the public sidewalks and to all building entrances. See [section 16-35.020](#), Minimum landscaping for parking lots and barrier requirements.

13. No drop-off lanes shall be permitted along public streets.

(Ord. No. 2002-39, § 1, 5-28-02; Ord. No. 2008-67(08-O-0196), § 22, 7-21-08)

Sec. 16-35.019. Lighting, security, and maintenance requirements.

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

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

3. All surface parking lots and structures, whether a nonconforming principal use or accessory in use, and whether commercial or noncommercial, shall have the following minimum requirements:

a. Lighting shall be provided throughout all parking facilities to equal a minimum of two footcandle of light. A footcandle of light is a uniformly distributed flux of one lumen on a surface of one square foot in area. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it shall be the responsibility of the parking facility to independently provide these required levels of illumination.

b. Parking facilities shall be maintained in a clean, safe and sanitary condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the drivability of the parking lot. See [section 16-28.014](#) for additional requirements.

c. Parking facilities operating before the effective date of this section shall have 24 months to comply herewith.

(Ord. No. 2002-39, § 1, 5-28-02)

Sec. 16-35.020. Minimum landscaping for surface parking lots, barrier requirements.

The requirements of City of Atlanta Code of Ordinances, [chapter 158](#) vegetation, article II Tree protection, [section 30](#) Parking lot requirements shall apply to this district except as modified as follows:

1. Said parking lot requirements shall apply to all lots regardless of size;

2. All parking bays shall be terminated with a landscaped strip a minimum width of five feet and equal to the length of the parking bay.

3. All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum height of 30 inches; and

4. All landscaped buffer areas and strips along sidewalks, drives, private streets and public rights-of-way shall have a minimum of one tree with a minimum caliper of three and one-half inches.

(Ord. No. 2002-39, § 1, 5-28-02)

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Sec. 16-35.021. Off-street parking requirements.

In addition to the provisions of subsection [16-28.008](#)(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all uses approved by special permits. (See also sections [16-28.013](#) and [16-28.014](#)):

1. Off-street surface parking shall not be located a principal structure and the street.
2. Parking facilities shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking during non-normal business hours by compliance with subsection 7. below.
3. For office uses minimum requirements unless otherwise stated:
 - a) All developments shall reserve and designate at least five percent of the employee parking spaces "Carpool Only." Carpool spaces shall be used only by carpool vehicles in which at least two of the persons are employees or tenants of the building. Such spaces shall be located near the building's employee entrance or other preferable locations within the employee parking areas as approved by the director of the bureau of traffic and transportation.
 - b) All new parking structures shall be built to accommodate vanpool access. The minimum ceiling height for vanpools is eight feet two inches.
4. Alternative fuel vehicle charging stations. All automobile parking facilities shall include alternative fuel vehicle charging stations, or similar facilities, in a ratio of at least one station for every 100 automobile parking spaces. No development shall be required to exceed a maximum of five such spaces.
5. For residential uses. See Table I, "Land use intensity ratios", for minimum parking requirements under appropriate FAR for the development.
6. Single room occupancy residence. One parking space for each two dwelling units, plus one space for each employee, shall be provided on the site.
7. For nonresidential uses minimum requirements unless otherwise stated:
 - a. Nursing homes, convalescent homes, and similar care facilities: One space for four beds.
 - b. Specific regulations for retail and eating and drinking establishments within 500 feet of a MARTA rail station entrance, as measured along public streets and pedestrian walkways: Establishments with a floor area of 500 square feet or less shall have no parking requirements.
 - c. Schools, colleges, churches, recreation or community centers and other places of assembly: One space for each four fixed seats (with 18 inches if bench length counted as one seat or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - i. Public or private elementary or middle school: Two spaces for each classroom.
 - ii. High school: Four spaces for each classroom.
 - iii. Colleges and universities: Eight spaces for each classroom.
 - d. All other nonresidential uses: One parking space for each 600 square feet of floor area shall be provided on the site.
8. Notwithstanding any provision of the City of Atlanta Code of Ordinances to the contrary, park-for-hire surface parking lots and parking decks are prohibited.

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(Ord. No. 2002-39, § 1, 5-28-02)

Sec. 16-35.022. Minimum bicycle parking requirements.

All nonresidential developments which provide automobile parking facilities shall provide bicycle/moped parking facilities at a ratio of at least one bicycle/moped parking space for every 20 automobile parking spaces. Multi-family developments shall provide said facilities at a ratio of at least one bicycle/moped parking space for every five multi-family units. No development, except a one- or two-family development, shall have fewer than three bicycle/moped parking spaces nor be required to exceed a maximum of 50 spaces. Bicycle/moped spaces shall be located within the street furniture zone a maximum distance of 100 feet of the building entrance, or shall be located at least as close as the closest automobile space, except for handicapped parking spaces. Each space shall include a metal anchor sufficient to secure the bicycle/moped frame when used in conjunction with a user-supplied lock. The additional requirements of subsection [16-28.014](#)(6) shall also apply.

(Ord. No. 2002-39, § 1, 5-28-02)

Sec. 16-35.023. Pedestrian bridges and tunnels.

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

(Ord. No. 2002-39, § 1, 5-28-02)

Sec. 16-35.024. Zero-lot-line development.

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.

(Ord. No. 2002-39, § 1, 5-28-02)

APPENDIX

SIDEWALK DETAILS

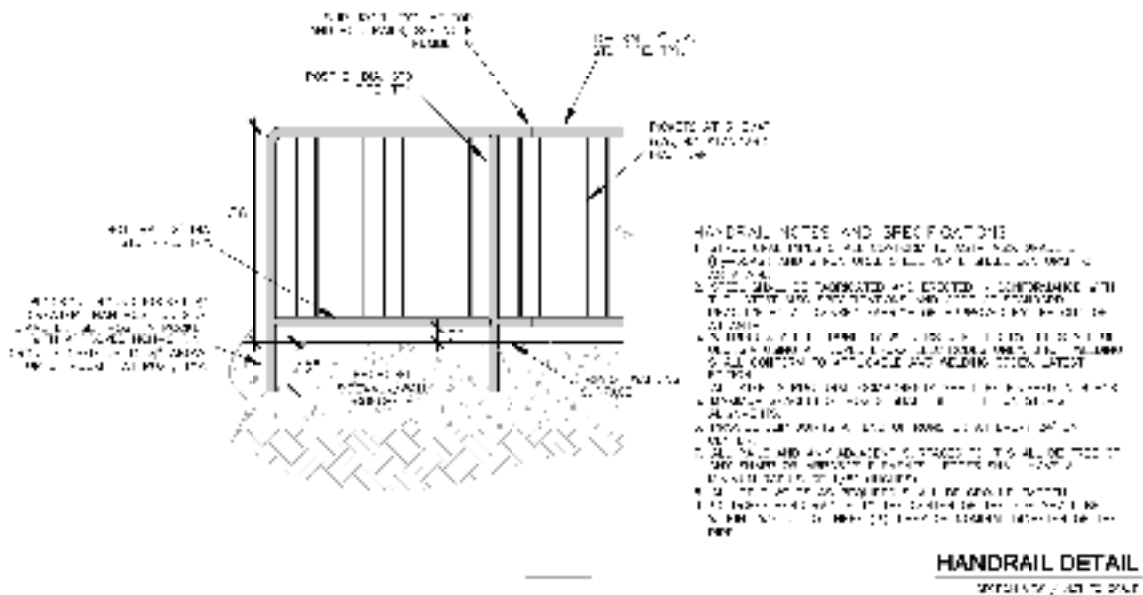
The sidewalk construction projects recommended as part of this Master Plan should further incorporate the following construction standards as part of the overall implementation of each project. These standards should also inform the construction of any other new sidewalks or streetscapes in the neighborhood.

DESIGN DETAILS FOR RECOMMENDED SIDEWALK PROJECTS

PROJECT	DESCRIPTION	SIDEWALK	LANDSCAPE ZONE	ADJACENT PATTERN
4.20	Druid Place sidewalks (550')	5-foot width	2-foot width	Hexagonal-stamped paving *
4.21	Mansfield Avenue sidewalks (50')	5-foot width	2-foot width	Hexagonal-stamped paving *
4.22	Euclid Avenue sidewalks (1,500')	5-foot width	2-foot width	Standard "square" paving
4.23	Oakdale Road sidewalks (170')	5-foot width	None	Standard "square" paving
4.24	Candler Park Drive sidewalks (2,300')	6-foot width	None	Standard "square" paving
4.25	Clifton Terrace sidewalks (2,500')	6-foot width	None	Standard "square" paving
4.26	Page Avenue sidewalks (620')	4-foot width	3-foot width	Standard "square" paving
4.27	Muriel Avenue sidewalks (50')	4-foot width	None	Standard "square" paving
4.28	Brooks Avenue sidewalks (110')	5-foot width	1-foot width	Hexagonal-stamped paving *
4.29	Glendale Avenue sidewalk (280')	6-foot width	None	Hexagonal-stamped paving *

* The City of Atlanta recommends that all new sidewalk construction should utilize the standard "square" paving pattern.

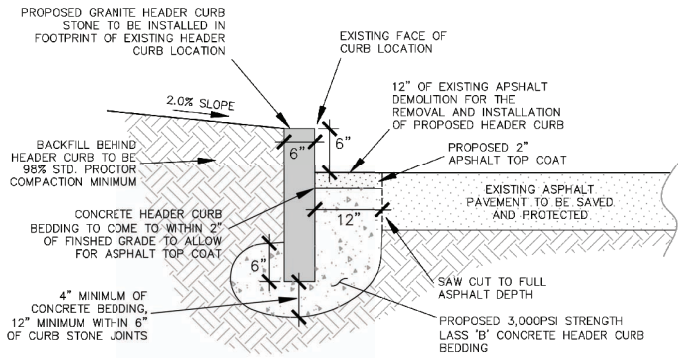
CONSTRUCTION DETAILS FOR RECOMMENDED SIDEWALK PROJECTS



CONSTRUCTION DETAILS FOR RECOMMENDED SIDEWALK PROJECTS

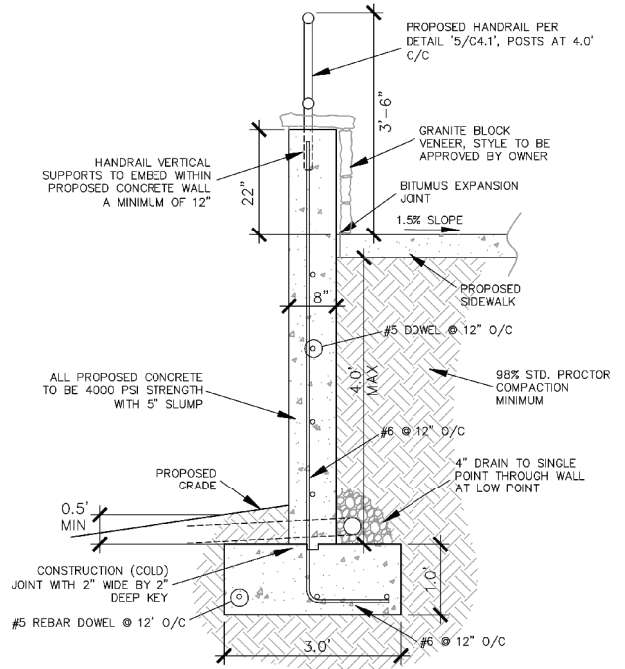
GRANITE HEADER CURB SPECIFICATIONS:

1. EACH CURB STONE JOINT TO BE BED WITH CLASS 'B' CONCRETE WITH A MINIMUM DEPTH AND WIDTH OF 12" BELOW EACH JOINT, AND 6" UP THE BACK SIDE OF EACH JOINT.
2. GRANITE CURB STONES TO BE BED ON A MINIMUM OF 4" OF CLASS 'B' CONCRETE EXCEPT AS REQUIRED AT EACH JOINT.
3. ALL PROPOSED GRANITE CURB STONES TO BE 17" HIGH X 6" THICK. TOP OF CURB STONE TO BE "SAW-CUT" WITH A "SPLIT FACE" TEXTURE FACE. COLOR OF CURBING TO MATCH EXISTING ADJACENT CURBING. A SAMPLE OF THE PROPOSED CURBING IS TO BE PROVIDED TO THE CITY FOR APPROVAL PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES. STRAIGHT SECTIONS OF CURBING TO BE A MINIMUM LENGTH OF 4 FEET.
4. FINAL INSTALLED CURBING TO HAVE A 6" CURB FACE EXPOSURE.
5. JOINTS BETWEEN GRANITE STONES TO BE 1/4" TO 1/2" AND FILLED FLUSH TO FACE OF CURB WITH A GRAY POLYURETHANE CAULKING TO A DEPTH OF 3/4" MINIMUM.



GRANITE HEADER CURB DETAIL

SECTION VIEW / NOT TO SCALE

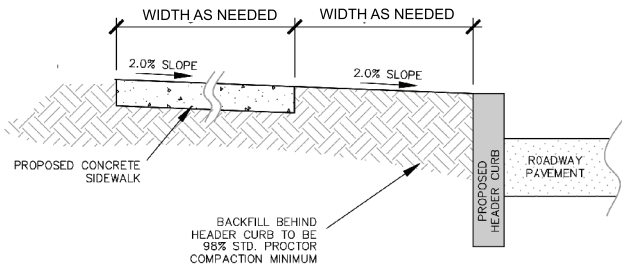


PEDESTRIAN "REFUGE AREA" WALL DETAIL

SECTION VIEW / NOT TO SCALE

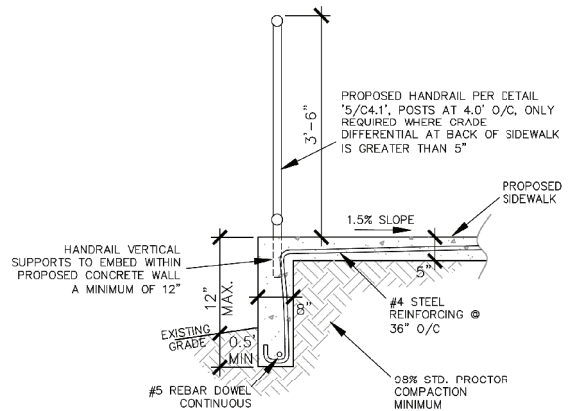
Notes:

1. Expansion Joints located at 20' o.c.
2. Tooled joints located at 5' o.c.
3. Sidewalk is to be light broom finished in direction of sidewalk width
4. Tooled joints must be broomed out as to NOT have the 'window pane' finish.
5. Concrete should be ordered containing a Ternary Concrete mixture with slag and fly ash added to achieve a sustainable design mix.



SIDEWALK DETAIL

SECTION VIEW / NOT TO SCALE



SIDEWALK WALL DETAIL

SECTION VIEW / NOT TO SCALE

The following represents an inventory of sidewalk conditions within the Candler Park neighborhood collected by the CPNO Sidewalk Committee during the Master Plan process.

CPNO SIDEWALK COMMITTEE: NEIGHBORHOOD SIDEWALK INVENTORY

STREET NAME	LENGTH	TOTAL SIDEWALK LENGTH	EST. DAMAGE	EST. REPAIR COST	STRIP W/OUT SIDEWALKS
Allen St. NE -- Benning Pl NE/deadend	107 ft	0 ft	0 ft	\$0.00	214 ft
Benning Pl. NE - Candler Park Dr. /Oakdale Rd NE	696 ft	1392 ft	348 ft	\$20,880.00	0 ft
Benning Pl. NE - Oakdale Rd NE. Euclid Ave NE	722 ft	1444 ft	361 ft	\$21,660.00	0 ft
Brooks Ave NE - Dekalb Ave. /Mclendon	863 ft	1616 ft	404 ft	\$24,240.00	110 ft
Callan Cir. NE	1116 ft	1116 ft	279 ft	\$16,740.00	0 ft
Candler Park Dr. NE - Mclendon Ave NE / North Ave NE	2300 ft	2298 ft	574 ft	\$34,440.00	2300 ft
Candler Park Terrace NE - Mclendon/Deadend	596 ft	1192 ft	292 ft	\$17,520.00	0 ft
Candler St NE - Euclid Ave NE/ deadend	632 ft	1264 ft	316 ft	\$18,960.00	0 ft
Candler St. NE - Dekalb/Mclendon	1390 ft	2792 ft	698 ft	\$41,880.00	0 ft
Candler St. NE - Mclendon Ave NE./Euclid Ave NE	1132 ft	2264 ft	566 ft	\$33,960.00	0 ft
Clifton Rd. NE - Mclendon Ave NE/ Marlbrook Dr. NE	955 ft	955 ft	238 ft	\$14,280.00	955 ft
Clifton Rd. NE - Mclendon Ave NE/Clifton Terrace NE	1510 ft	1510 ft	378 ft	\$22,620.00	1510 ft
Clifton Rd. NE - Dekalb Ave. /Mclendon	962 ft	1924 ft	481 ft	\$28,860.00	0 ft
Clifton Terrace NE - Clifton Rd. NE/park entrance	866 ft	866 ft	216 ft	\$12,960.00	866 ft
Dekalb Ave. NE - Clifton Rd. NE/Moreland Ave.	4752 ft	4752 ft	1188 ft	\$71,280.00	4752 ft
Druid Pl. NE - Candler St. NE /Moreland Ave NE	1158 ft	1737 ft	434 ft	\$26,040.00	579 ft
Elmira Pl. - Dekalb/Mclendon	1489 ft	2978 ft	744 ft	\$44,640.00	0 ft
Euclid Ave NE	2918 ft	4336 ft	1084 ft	\$65,040.00	1500 ft
Euclid Terrace NE - Mclendon Ave NE/Euclid Ave NE	811 ft	1622 ft	406 ft	\$24,330.00	0 ft
Ferguson St. NE - Dekalb/Mclendon	1266 ft	2532 ft	633 ft	\$37,980.00	0 ft
Glendale Ave NE -Dekalb Ave / Mclendon	806 ft	1332 ft	333 ft	\$19,980.00	280 ft
Goldsboro Rd NE - Euclid Ave NE/ deadend	480 ft	960 ft	240 ft	\$14,400.00	0 ft
Harriett Ave NE - Page Ave/Clifton Rd. NE	348 ft	696 ft	174 ft	\$10,440.00	0 ft
Hooper Ave NE - Oakdale Rd NE / dead end	702 ft	0 ft	0 ft	\$0.00	1404 ft
Josephine St. NE - Dekalb/Mclendon	1623 ft	3246 ft	812 ft	\$48,690.00	0 ft
Mansfield Ave NE - Euclid Ave NE/Moreland Ave NE	976 ft	1902 ft	476 ft	\$28,530.00	50 ft

CPNO SIDEWALK COMMITTEE: NEIGHBORHOOD SIDEWALK INVENTORY

STREET NAME	LENGTH	TOTAL SIDEWALK LENGTH	EST. DAMAGE	EST. REPAIR COST	STRIP W/OUT SIDEWALKS
Marion Ave. NE - Oakdale Rd NE / dead end	374 ft	748 ft	187 ft	\$11,220.00	0 ft
Marlbrook Dr. NE - Page Ave NE/Clifton Rd. NE	356 ft	712 ft	178 ft	\$10,680.00	0 ft
Mclendon Ave NE - Clifton Rd NE/Moreland Ave NE	4886 ft	9772 ft	2443 ft	\$146,580.00	0 ft
Mell Ave NE - Dekalb/Mclendon	836 ft	1672 ft	418 ft	\$25,080.00	0 ft
Miller Ave NE - Oakdale Rd NE / dead end	442 ft	0 ft	0 ft	\$0.00	884 ft
Muriel Ave NE - Page Ave/Clifton Rd NE	341 ft	0 ft	0 ft	\$0.00	682 ft
Oakdale Rd. NE	3406 ft	6642 ft	1661 ft	\$99,630.00	170 ft
Page Ave NE	2476 ft	4334 ft	1083 ft	\$64,980.00	620 ft
Sheppard Pl. NE - Mclendon/deadend	303 ft	606 ft	151 ft	\$9,060.00	0 ft
Sterling St. NE - Iverson/Mclendon	679 ft	1358 ft	340 ft	\$20,370.00	0 ft
Sterling St. NE - Mclendon Ave NE/ Euclid Ave NE	1280 ft	2560 ft	640 ft	\$38,400.00	0 ft
Terrace Ave - park entrance/ Marlbrook Dr. NE	1533 ft	1533 ft	383 ft	\$22,995.00	1533 ft

NOTES : Some discrepancies in totals may be due to rounding. Further checking is needed. Estimated Repair Cost assumes a \$12/ square foot cost.

APPENDIX

**ZONING
MAPS**

APPENDIX

Neighborhood Zoning Proposal



APPENDIX

McLendon Mixed Use Zoning Proposal



APPENDIX

Dekalb Mixed Use Zoning Proposal

