

**2455 Piedmont Road
Atlanta, GA 30324**

Piedmont Road



Lindbergh Drive



**The Jordan Company
Gary Algers**

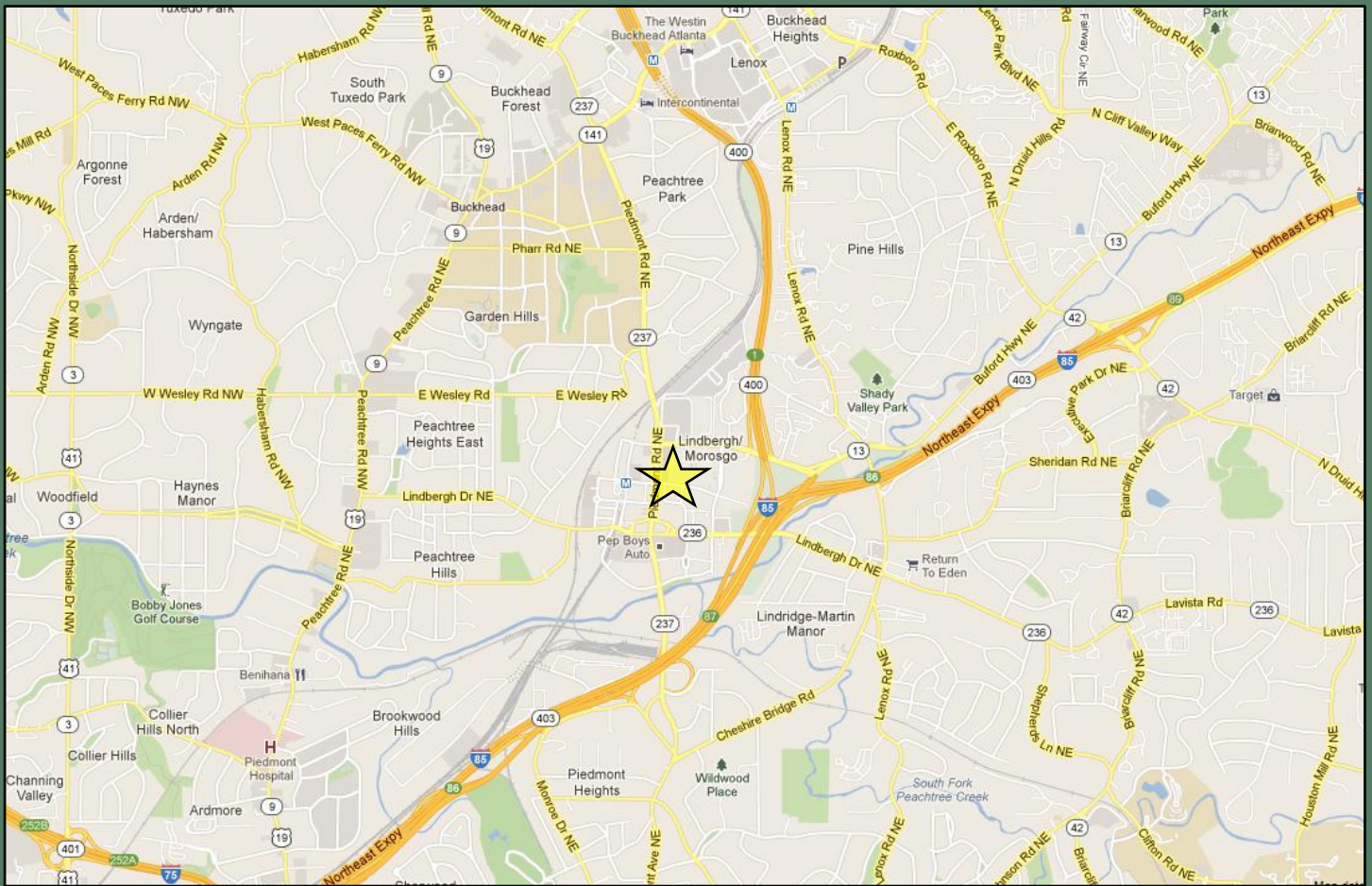
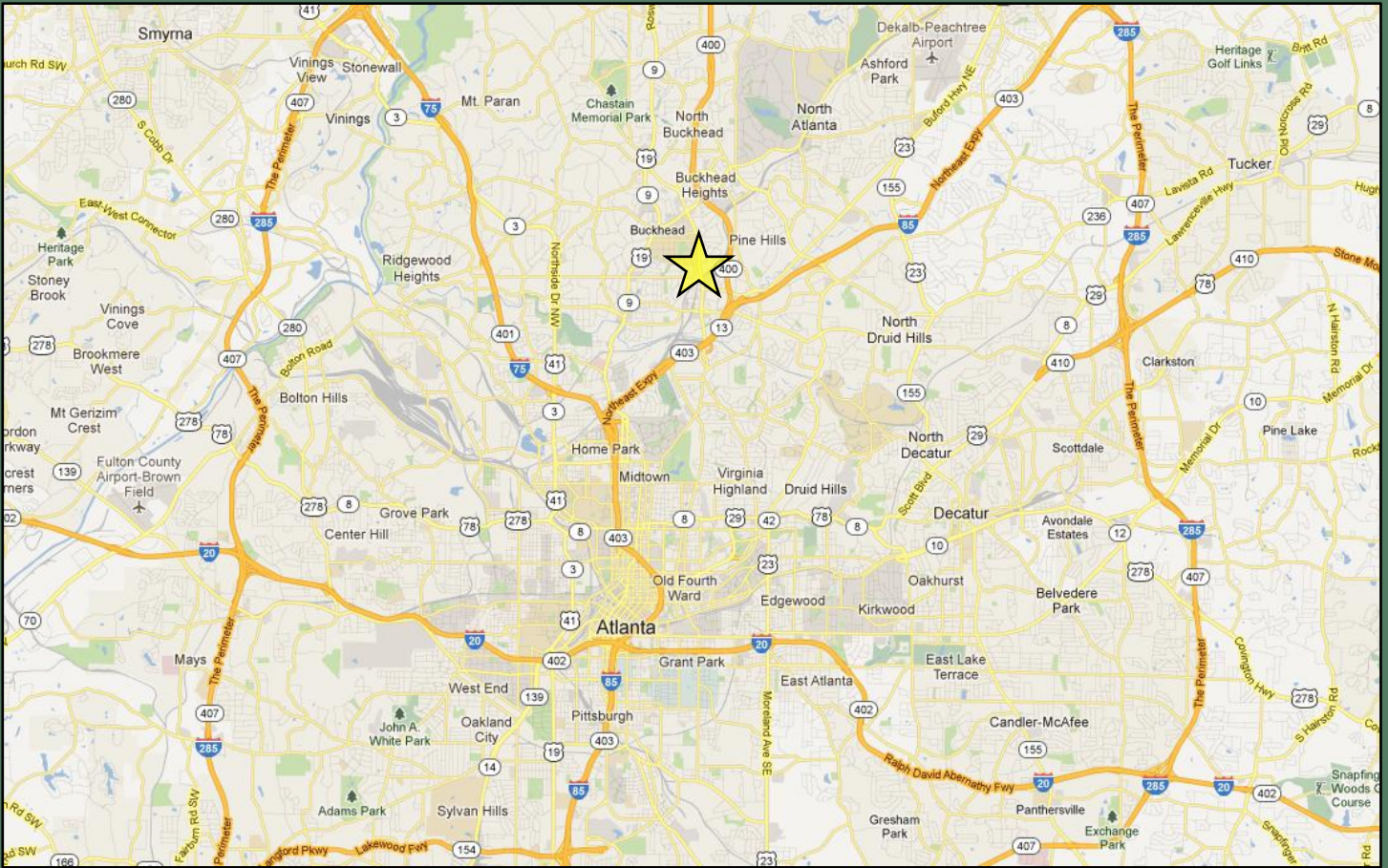
4200 Northside Parkway, Bldg 3, Suite A
Atlanta, Georgia 30327
Office: (404) 237-2900
Cell: (404) 376-0000
gary@rjordancompany.com



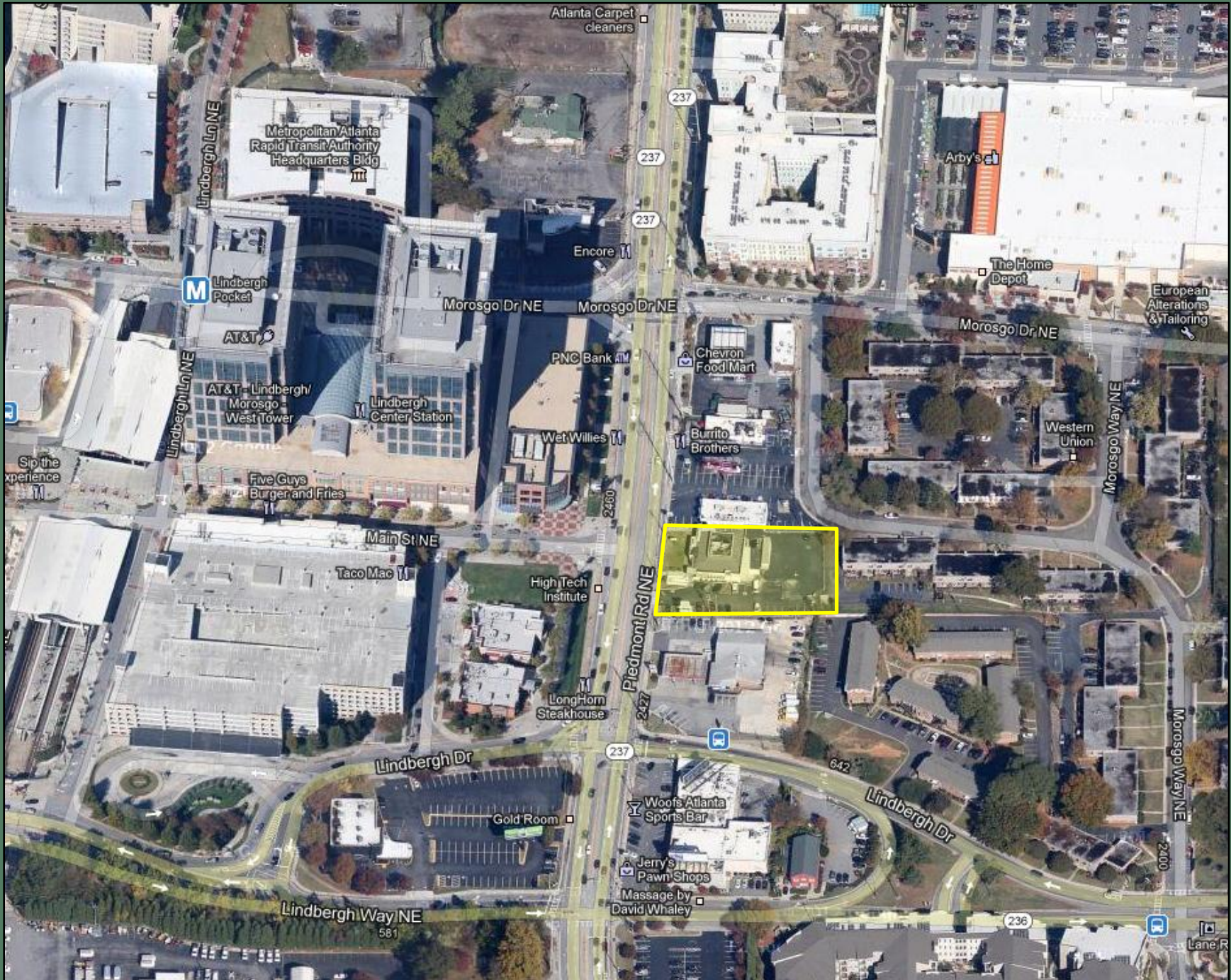
Jordan Company
Investment & Commercial Real Estate



- Location:** The subject property is located on the east side of Piedmont Road between Lindbergh Drive and Morosgo Drive, across from the Lindbergh Marta Station. Located +/- .25 miles south of Sidney Marcus Blvd, +/- .45 miles west of GA-400, and +/- .60 miles north of I-85.
- Acreage:** .782 Acres (34,064 square feet)
- Improvements:** 5,145 square feet retail building
- Lease:** The subject property is encumbered with a lease which is cancellable with 12 months notice by Seller. Upon closing, Seller will assign the lease to Buyer. Annual income is \$96,000.
- Frontage:** +/- 150 feet of frontage on Piedmont Road
- Zoning:** SPI-15 SA3
- Utilities:** All available (*subject to independent verification*)
- Traffic Counts:** +/- 37,190 vehicles per day on Piedmont Road
- Asking Price:** \$3,600,000

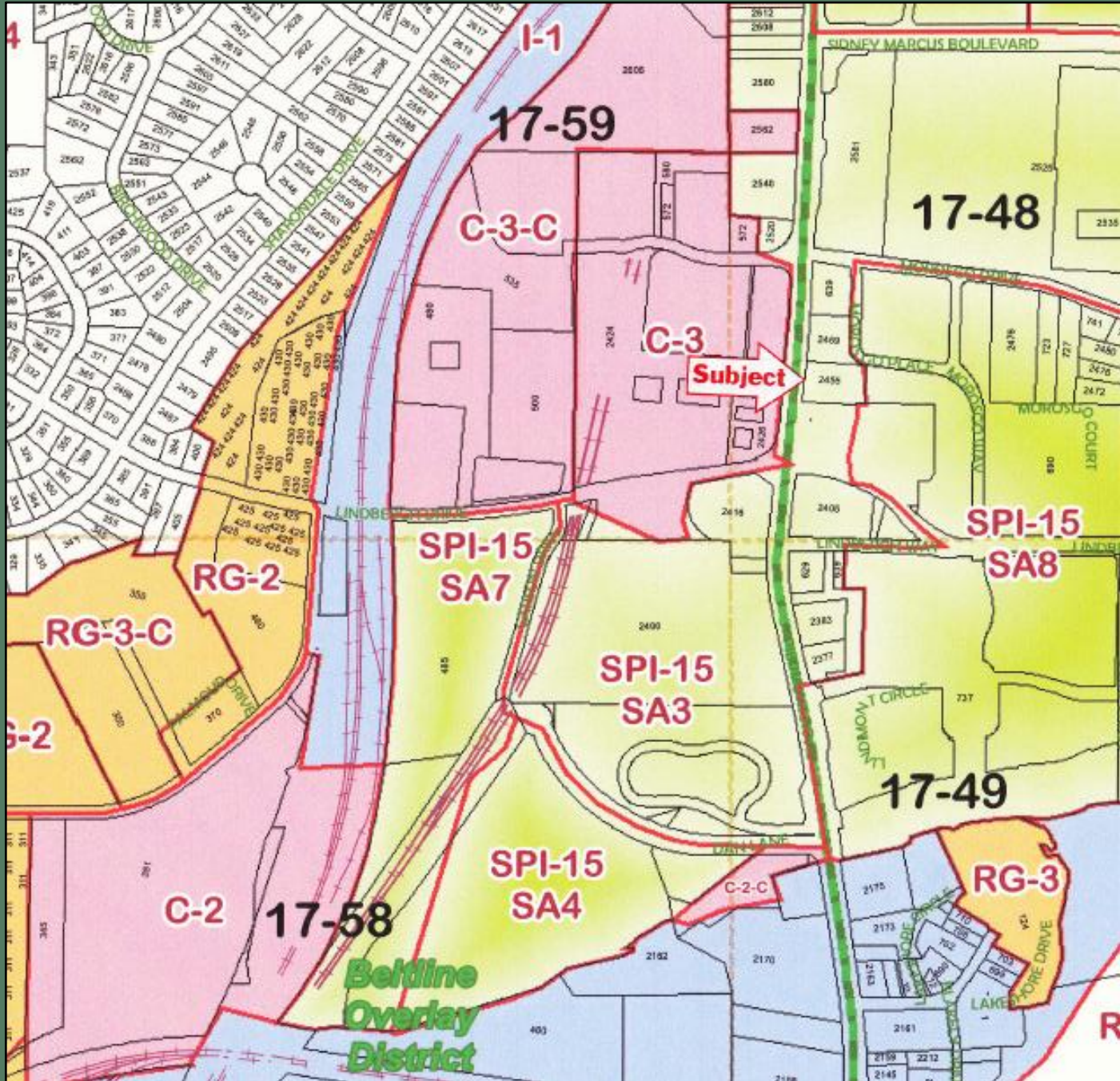


The information contained herein is derived from a variety of sources including the owner, public records and other sources the Jordan Company deems to be reliable. The Jordan Company has no reason to doubt, but does not guarantee the accuracy of this information.



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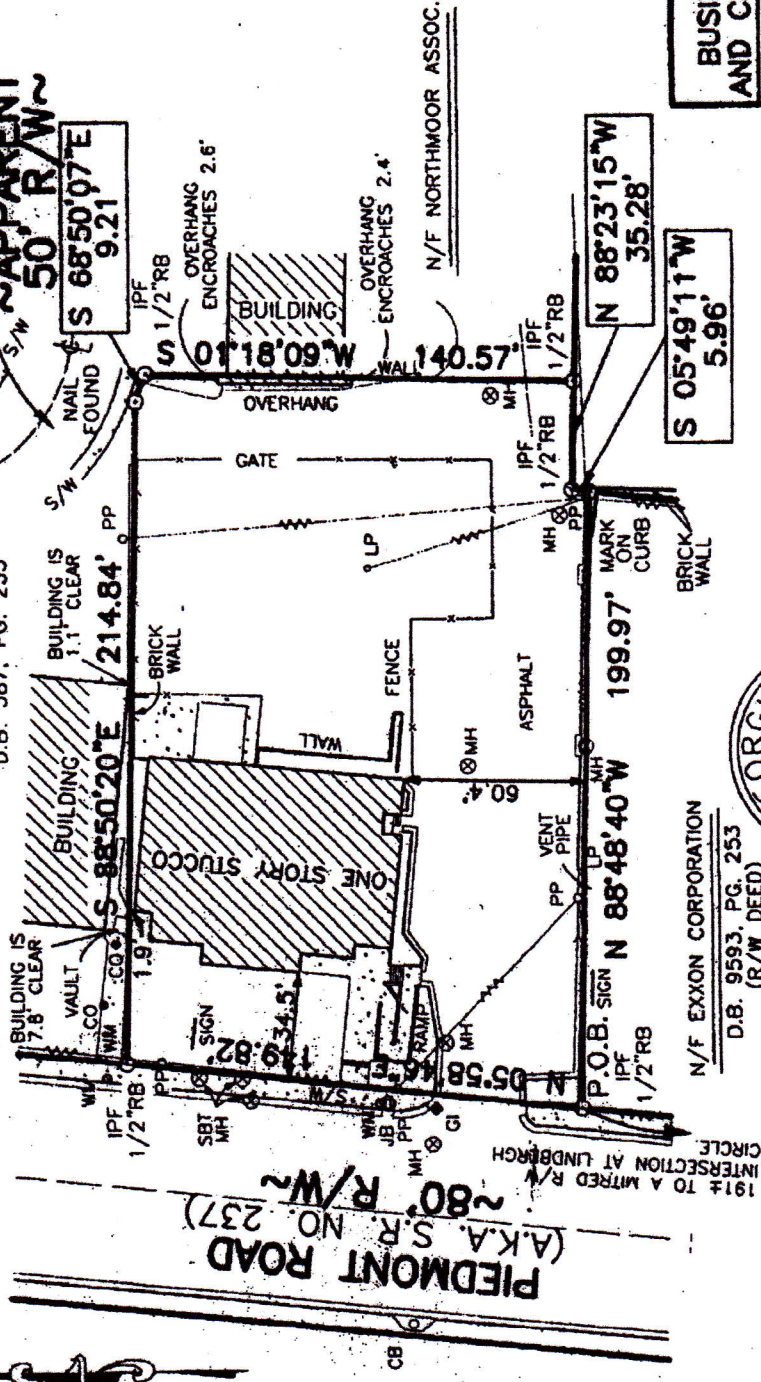
Zoning Map



WYI-0-1=Δ

MOROSGO PLACE
~ APPARENT
50' R/W ~

N/F JOHN E. LVIADITIS
D.B. 387, PG. 253



LEGEND

- A R C
- R/W
- N/F
- IPF
- IPF
- CONC.
- MON.
- RCP
- CMP
- SSMH
- WW
- PWR
- DET.
- RET.
- S/W
- FH
- JB
- HW
- LP
- PP
- D.B.
- PC
- P.O.B.
- ARC
- RADIUS
- CHORD
- RIGHT OF WAY
- ADJOINING OWNERSHIP
- IRON PIN SET
- IRON PIN FOUND
- CONCRETE
- MONUMENT
- REINFORCED CONCRETE PIPE
- CORRUGATED METAL PIPE
- SANITARY SEWER MANHOLE
- WATER VALVE
- POWER TRANSFORMER
- DETENTION POND
- RETAINING WALL
- SIDEWALK
- FIRE HYDRANT
- JUNCTION BOX
- HEADWALL
- LIGHT POLE
- POWER POLE
- DEED BOOK
- PAGE
- POINT OF BEGINNING
- OVERHEAD POWER LINE

DATE: 5/24/01		LAND LOT: 48		DRAWN BY: PWF	
SCALE: 1"=50'		DISTRICT: 17TH		SECTION: FULTON	
		COUNTY: FULTON		SURVEYED BY: DF	
ADAM & LEE LAND SURVEYING					
5640 GA. HWY 20 S, LOGANVILLE, GA. 30052 (Phone) 770-564-8896, (Fax) 770-564-8345					
2455 PIEDMONT RD. CITY OF ATLANTA P.B. 97, PG. 8				01079	

AREA=0.782 ACRES



NOTES:
FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A 5 SECOND THEODOLITE AND AN ELECTRONIC DISTANCE METER.
THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 48,366 FEET AND AN ANGULAR ERROR OF 01 SECONDS PER ANGLE POINT AND WAS ADJUSTED BY LEAST SQUARES.
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 147,845 FEET.

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW

N/F EXXON CORPORATION
D.B. 9593, PG. 253
(R/W DEED)

PIEDMONT ROAD
(A.K.A. S.R. NO. 237)
~80' R/W~

CHAPTER 180. - SPI 15 LINDBERGH TRANSIT STATION AREA SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS

[Sec. 16-180.001. - Scope of provisions.](#)

[Sec. 16-180.002. - Statement of intent.](#)

[Sec. 16-180.003. - Boundaries of district established.](#)

[Sec. 16-180.004. - Application procedures.](#)

[Sec. 16-180.005. - Permitted principal uses and structures.](#)

[Sec. 16-180.006. - Permitted accessory uses and structures.](#)

[Sec. 16-180.007. - Special permits.](#)

[Sec. 16-180.008. - Redevelopment requirements.](#)

[Sec. 16-180.009. - Transitional uses and yards.](#)

[Sec. 16-180.010. - Development controls.](#)

[Sec. 16-180.011. - Site limitations.](#)

[Sec. 16-180.012. - Sidewalks.](#)

[Sec. 16-180.013. - Supplemental zone.](#)

[Sec. 16-180.014. - Relationship of building to street.](#)

[Sec. 16-180.015. - Signage.](#)

[Sec. 16-180.016. - Lighting and storefront illumination.](#)

[Sec. 16-180.017. - Loading areas, loading dock entrances and building mechanical and accessory features.](#)

[Sec. 16-180.018. - Off-street loading requirements.](#)

[Sec. 16-180.019. - Curb cuts and parking structures.](#)

[Sec. 16-180.020. - Lighting, security, and maintenance requirements for parking structures and surface parking lots.](#)

[Sec. 16-180.021. - Minimum landscaping for surface parking lots, barrier requirements.](#)

[Sec. 16-180.022. - Off-street parking requirements.](#)

[Sec. 16-180.023. - Transportation management plan.](#)

[Sec. 16-180.024. - Minimum bicycle parking requirements.](#)

[Sec. 16-180.025. - Pedestrian bridges and tunnels.](#)

[Sec. 16-180.026. - Zero-lot-line development.](#)

[Sec. 16-180.027. - Specific regulations for storefront streets.](#)

[Sec. 16-180.028. - Specific regulations for commercial subareas.](#)

[Sec. 16-180.029. - Specific regulations for residential subareas.](#)

Sec. 16-180.001. - Scope of provisions.

The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the regulations for the SPI-15 Lindbergh Transit Station Area Special Public Interest District. These regulations shall supplant existing districts or portions of existing districts as shown on the attached map referenced in section 16-180.003, except that all existing categories of historic protection designated pursuant to chapter 20 of part 16 shall continue in full force and effect and said existing historic protection regulations shall be overlaid upon, and shall be imposed in addition to, the regulations set forth in this chapter. Whenever the following regulations are at variance with said existing historic protection regulations, the historic protection regulations shall apply. Whenever the following regulations conflict with provisions of part 16 other than historic protection regulations, the more stringent regulation shall apply.

The regulations set forth in sections 16-180.001 through and including section 16-180.027 shall apply to all properties located within the SPI-15 Lindbergh Transit Station Area Special Public Interest District, including all subareas within the district. The remaining regulations shall apply only to the subareas identified therein.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.002. - Statement of intent.

The intent of the council in establishing SPI-15 Lindbergh Transit Station Area Special Public Interest District as a zoning district is as follows:

1. Create a diversified urban environment where people can live, work, meet and recreate;
2. Enhance and protect the Lindbergh Transit Station area as a model for retrofitting an existing automobile-oriented commercial strip into a transit and pedestrian oriented mixed-use and multi-family urban neighborhood;
3. Improve the visual aesthetics of the streets and the area;
4. Provide for a pedestrian-oriented environment on streets and sidewalks;
5. Maximize access to transit;
6. Encourage use of transit infrastructure;
7. Encourage a compatible mixture of residential, commercial, and cultural and recreational uses;
8. Provide parking in an unobtrusive manner;
9. Reduce parking requirements by encouraging shared parking and alternative modes of transportation;
10. Encourage a sense of activity and liveliness along the street level of building façades;
11. Encourage a grid of connected streets to improve access and reduce congestion;
12. Provide sufficient, safe and accessible open space for active and passive enjoyment by residents and workers;
13. Facilitate safe and convenient pedestrian and bicycle circulation and minimize conflict between pedestrians and vehicles; and
14. Reduce vehicular congestion by encouraging a smooth uninterrupted flow of traffic.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.003. - Boundaries of district established.

The boundaries of the SPI-15 Lindbergh Transit Station Area Special Public Interest District are shown on maps Attachment B* which by this reference is incorporated into and made a part of this chapter and this part. The Lindbergh Transit Station Area Special Public Interest District is divided into eight subareas as shown on said maps Attachment B* and are described as follows:

Commercial subareas:

Subarea 1—Miami Circle Commercial

Subarea 2—Sydney Marcus Commercial

Subarea 3—Piedmont Commercial

Subarea 4—Garson Commercial

Residential subareas:

Subarea 5—Sydney Marcus West Residential

Subarea 6—Sydney Marcus East Residential

Subarea 7—Garson Residential

Subarea 8—Lindbergh Residential

(Ord. No. 2001-91, § 1, 7-11-01)

Editor's note— Attachment B is not set out herein but is available for public inspection in city offices.

Sec. 16-180.004. - Application procedures.

A special administrative permit shall be required for development in this district as set forth in this section. A special administrative permit (SAP) application and four copies each of a site plan, landscape plan and elevation drawings of each exterior façade shall be submitted and approved by the director of the bureau of planning prior to the applicant filing for a building permit. All new construction, including additions to existing buildings, expansions of existing outdoor dining, outdoor dining within required sidewalk areas, or any construction which results in increased lot coverage or a modification of the building footprint within this district, shall be subject to said site plan review and approval. Before making application for a special administrative permit, a pre-application conference between the applicant and the director of the bureau of planning or the director's designee is required to discuss the application and relevant requirements of these regulations. Said preapplication conference shall be held within 14 days of the request by the applicant, unless a longer period is mutually agreed upon. All applications for a special administrative permit shall be processed in accordance with the standards and procedures applicable to said SAP applications contained in chapter 25 of part 16 except as otherwise modified by this chapter 180.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.005. - Permitted principal uses and structures.

In all subareas, a building or premise shall be used for the following permitted principal uses and structures. Additional permitted principal uses and structures shall be used only as specified in each subarea (sections 16-180.028 through 16-180.029).

1. Childcare centers, kindergartens and special schools.
2. Churches, synagogues, temples, mosques and other religious facilities.
3. Colleges and universities.
4. Congregate care homes and rehabilitation centers.
5. Devices for the generation of energy.

CHAPTER 180. - SPI 15 LINDBERGH TRANSIT STATION AREA SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS

6. 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.
7. Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, subject to further restrictions contained in section 16-18O.029.
8. Establishments for the sale of convenience goods, subject to further restrictions contained in section 16-18O.029.
9. Greenhouses and garden sheds.
10. Laundry and dry-cleaning stores, collection stations or plants; laundry and dry cleaning establishments where customers operate equipment.
11. Public schools.
12. Retail establishments, subject to further restrictions contained in section 16-18O.029.
13. Single-family, two-family, and multi-family dwellings.
14. Structures and uses required for operation of MARTA, public transit or public utility, but does not include uses involving storage, train yards, warehousing, switching, or maintenance shops as the primary purpose.
15. Supportive housing.

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

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

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

Pursuant to section 16-28.016 adult businesses are not permitted uses in the district.

(Ord. No. 2001-91, § 1, 7-11-01; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2005-41(06-O-0381), § 35, 7-12-05; Ord. No. 2008-62(06-O-0038), § 4L(1), 7-7-08; Ord. No. 2009-24(08-O-1251), § 2R, 6-9-09)

Sec. 16-18O.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 in section 16-18O.022 and elsewhere in this

chapter.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.007. - 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 180 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.* Off-street surface parking (30 spaces or more).
2. *Special administrative permits.* Outdoor displays of merchandise or sales areas within the supplemental zone.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.008. - Redevelopment requirements.

Any property wherein 60 percent or greater of the principal building is removed or destroyed by any means shall be redeveloped in accordance with the requirements of this chapter and any paving or other accessory structural elements within any required transitional yard shall be removed and buffers provided as required herein, notwithstanding any other provisions in part 16 to the contrary.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.009. - Transitional uses and yards.

1. *Adjoining lot with same frontage.* Where a lot in this district abuts a lot in any R-1 through R-G or PD-H classification 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 car wash, service station, mortuary or funeral home, sales lot for automobiles, repair garage, or paint and body shop even where otherwise specifically authorized.

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

3. *Transitional yards.*

a. Where this district adjoins an R-1 through R-G or PD-H classification without an intervening street, a minimum of 20 feet is required which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of private alleys or drives up to ten feet in width. Such yards shall be planted as approved by the city arborist and maintained as a landscaped strip.

b. *Screening.* In addition to the above transitional yard requirements, permanent opaque walls six feet in height shall be provided and shall be maintained in slightly condition.

4. *Fire safety code requirements.* Notwithstanding any other provisions of this chapter, the applicant

shall be responsible for ensuring that the plans submitted meet all fire safety code requirements.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.010. - Development controls.

1. *Bulk limitations.* See specific regulations for each subarea at sections 16-180.028 through 16-180.029. 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 principle uses both residential 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.

2. *Side and rear yards.*

a. Rear yards: 20 feet.

b. Side yards:

i. None for nonresidential uses.

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

3. *Affordable new sales housing units or rental housing units requirements.*

a. See specific regulations for the affordable housing bonus for in sections 16-180.028 and 16-180.029.

b. Affordable housing shall have the meaning for moderate income affordable housing units set forth in section 19-1006

c. Affordable requirements shall be in place for a minimum of 20 years from the date of issuance of the occupancy permit and shall include deed restrictions governing the resale value or rental rate placed on the affordable units.

d. No housing unit associated with a development project for which the affordable housing bonus floor area ratio calculations were applied pursuant to sections 16-180.028 and 16-180.029 shall be issued an occupancy permit until such time as documentation is provided to the bureau of buildings establishing that the affordable housing requirements in this chapter 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.

4. *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 both total open space (TOSR) and useable open space (UOSR). For developments greater than 6.40 FAR, the TOSR and UOSR for 6.40 FAR shall apply.

b. For nonresidential uses, including all nonresidential components of mixed-use developments,

minimum public space requirements are indicated in sections 16-180.028 through 16-180.029. See section 16-28.012 for definitions and measurements. Required yards and requirements for sidewalk widths which are constructed on private property may be counted towards this requirement. Such public space may include planted areas, fountains, 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 three sides, may be counted towards TOSR or UOSR for a maximum depth of six feet.

e. New streets. In addition to new public streets, or private streets which function as public streets being counted towards UOSR, said streets may also be counted towards TOSR and public space requirements when the new street meets the following requirements:

i. Connects two other public streets.

ii. Meets sidewalk requirements for the district subarea.

iii. The maximum width shall be 40 feet which shall include, two on-street parallel parking lanes, two travel lanes and sidewalk extensions at intersections and shall have granite curbs.

iv. When surrounding a park area, new streets shall meet all above requirements along each park edge.

f. On-street parking incentive. New on-street parking may be counted towards TOSR, 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;

ii. The new on-street parking is located where there is no existing street lane;

iii. The on-street parking occupies an entire block face or a minimum distance of 200 feet;

iv. Sidewalk extensions are provided at street intersections; and

v. All other sidewalk requirements of this chapter are met.

g. Relocation of minimum open space requirements. At the option of the property owner, a development's required TOSR, UOSR, or public space may be relocated to an offsite parcel provided the following criteria are met:

i. The receiving parcel is adopted in the City of Atlanta Comprehensive Development Plan (CDP), as being a designated recipient parcel;

ii. The receiving parcel contains the required amount of open space and said open space in the receiving parcel is located adjacent to and visible from a public street and accessible to the public during normal city park hours;

iii. All of the open space in the receiving parcel meets the definition of UOSR in section

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 three feet above or below the adjacent public sidewalk for a minimum distance of 15 feet from the beginning of the adjacent sidewalk.
 - c). Shall be visible and accessible from any point along 90 percent of any adjacent sidewalk.
 - d). Shall permit and encourage pedestrians to walk on a minimum of 80 percent of the surface of the parcel excluding fountains, pedestrian furniture, pedestrian walkways, public art and similar elements, and:
 - i). When the transferred open space is TOSR or UOSR, shall provide a minimum of 50 percent of the surface of the parcel with evergreen groundcover such as mondo grass or *Liriope spicata*, perennial plantings, low shrubs or similar landscaping.
 - ii). When the transferred open space is public space requirements, shall provide a minimum of 20 percent of the surface of the parcel with evergreen groundcover such as mondo grass or *Liriope spicata*, perennial plantings, low shrubs or similar landscaping.

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

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.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.011. - Site limitations.

1. Minimum building façade heights and maximum building heights. See specific regulations for each subarea at sections 16-180.028 through 16-180.029.
2. New development shall not contain entire block faces greater than 600 feet in length. Newly created streets shall function as public streets and shall connect two other public streets.
3. Properties adjacent to Peachtree Creek:

CHAPTER 180. - SPI 15 LINDBERGH TRANSIT STATION AREA SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS

- a. Shall have a minimum of a 100-foot buffer from the upper most edge of the stream bank. Said buffer shall be completely landscaped with trees or evergreen groundcover such as mondo grass or *Liriope spicata*, perennial plantings, low shrubs or similar landscaping, excluding trails, fountains, pedestrian furniture, pedestrian walkways, public art and similar elements as approved by the director of the bureau of planning.
- b. Shall have a local street between any development and said buffer.
- c. The primary pedestrian entrance to all uses with street frontage:
 - i. Shall face and be visible from the creek.
 - ii. Shall be directly accessible from the sidewalk adjacent to the street.
 - iii. Shall open directly onto the adjacent sidewalk, or an outdoor dining area or plaza adjacent to the sidewalk.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.012. - 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 section 16-180.012(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, by any permanent or, nonpermanent element. The following streets shall have these minimum clear zone widths:
 - a. *Piedmont Road and Sydney Marcus Boulevard*: 15 feet.
 - b. *Lindbergh Drive, Morosgo Drive, all other streets in the commercial subareas and streets adjacent to Peachtree Creek*: Ten feet.
 - c. *Lindbergh Drive and Lindbergh Way (only for properties bound by Piedmont Road, Lindbergh Drive and Lindbergh Way)*: Five feet.
 - d. *All other streets*: 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 four

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 25 square feet. All plantings, planting replacement and planting removal shall be approved by the city arborist. The area between required plantings shall either be planted with evergreen ground cover such as mondo grass or *Liriope spicata*, or shall be paved.

4. Tree grates. Tree grates are not required where all sidewalk width requirements are met. Where tree grates are otherwise installed, they shall be a minimum of four feet by eight feet, shall be a type specified by the director of planning in accordance with uniform design standards utilized by the director for placement of such objects in the public right-of-way, and shall be placed within the street furniture and tree planting zone. Where tree grates are not required or otherwise installed, tree planting areas shall be permitted to be planted with evergreen ground cover such as mondo grass or *Liriope spicata*.

5. Paving. All special paving within the street furniture and tree planting zone along Peachtree Street shall utilize six inch by six inch pavers and 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 section 16-28.009, Visibility at intersections.

7. No awning or canopy shall encroach more than five feet over the required sidewalk.

8. Where property within this district abuts an R, RG, or PD-H district without an intervening street, the sidewalk area within 20 feet of such districts shall taper as necessary to provide a smooth transition to the existing R, RG, or PD-H districts sidewalk. In the event that the abutting R, RG, or PD-H district has no existing sidewalk, the sidewalk shall taper to a width of six feet.

9. Decorative pedestrian lights, where installed, shall be placed a maximum of 40 feet on center and spaced equal distance between required trees along all streets. Where installed, said lights shall be located within either the street furniture and tree planting zone or the supplemental zone. All said lights shall be Atlanta Type "C" as approved by the planning bureau.

10. Every economically feasible effort shall be made to place utilities (excluding the high tension power lines running along Piedmont Road) 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. 2001-91, § 1, 7-11-01)

Sec. 16-180.013. - Supplemental zone.

For purposes of these regulations, the area between any building and the nearest edge of the required sidewalk 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 TOSR, UOSR or public space requirements.

1. Supplemental zone widths. Piedmont Road, Sidney Marcus Boulevard, Morosgo Drive and Lindbergh Drive (with the exception of sidewalks between Piedmont Road and Lindbergh Way): Five feet minimum.
2. Supplemental zone general requirements.
 - a. Terraces, porches and stoops shall have a maximum finished floor height of 24 inches above finished-grade.
 - b. Street fronting, sidewalk level residential units shall provide a supplemental zone with a minimum width of five feet which shall be landscaped with trees or evergreen ground cover such as mondo grass or Liriope spicata, perennial plantings, low shrubs or similar landscaping, with the exception of terraces, porches, stoops and entrance walkways, which shall occupy a maximum of two-thirds of the supplemental zone area.
 - 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 is permitted only when:
 - i. The supplemental zone is located adjacent to sidewalk level residential units; or
 - ii. Said fencing is used to separate authorized outdoor dining from the required sidewalk.
3. Supplemental zones containing a depth of 15 feet or less shall meet the following additional requirements:
 - a. No balcony shall encroach more than five feet into the supplemental zone area.
 - b. Shall not be counted towards TOSR, 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 meet the following additional requirements:
 - a. When adjacent nonresidential ground floor uses are provided, shall be counted towards public space requirements only when a minimum of 80 percent of said zone's surface, excluding fountains, pedestrian furniture, public art and similar elements, is accessible to the general public from the adjacent public sidewalk, and when all sides of buildings fronting said zone meet the requirements of section 16-180.027(1).

- b. Shall be visible and accessible from any point along 90 percent of any adjacent sidewalk.
- c. 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.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.014. - 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. Building floors shall be delineated at third story above sidewalk level and lower and 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 street frontage:
 - a. Shall face and be visible from the street. When located adjacent to a storefront street, said entrance shall face and be visible from such street.
 - b. Shall be directly accessible and visible from the sidewalk.
 - c. Shall remain unlocked during business hours for nonresidential uses.
4. A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six inches in height.
5. Buildings with residential uses at the sidewalk level shall meet the following regulations:
 - a. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway 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.
 - 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.
6. 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. 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 architecturally finished poured concrete or shall be faced with stone, brick or smooth stucco. See section 16-29.001(25)b.

c. No walls, except retaining walls, shall be located between the street and any building, with the exception of screening for authorized off-street loading areas.

d. Fences and walls located between the primary building and the lot line and not exceeding six feet in height may be erected, but shall not be permitted between the primary building and the street.

7. 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.

8. 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.

9. Drive-through service windows and drive-in facilities shall not be permitted.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.015. - Signage.

Refer to section 16-28A, Sign ordinance.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.016. - Lighting and storefront illumination.

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.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.017. - Loading areas, loading dock entrances and building mechanical and accessory features.

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

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

3. Building mechanical and accessory features:

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

- b. When located on rooftops shall be incorporated in the design of the building and screened with building materials similar to the building.
- c. Shall not be permitted between the building and any public street.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.018. - Off-street loading requirements.

See Table of Loading Requirements, section 16-28.015 Off-street loading requirements.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.019. - Curb cuts and parking structures.

1. All sidewalk paving materials shall be continued across any intervening driveway.
2. Driveways shall have a band of textured concrete adjacent to the street which is in-line with and equal in width to the street furniture zone and shall have a textured band of concrete adjacent to the sidewalk which is in-line with and equal in width to the supplemental zone.
3. Except as authorized in section 16-180.011(2), curb cuts within individual blocks shall be a minimum of 600 feet apart except that properties with more than one front yard may have at least two curb cuts.
4. Driveway and curb cuts shall be limited to one-way entrances a width of 12 feet or two-way entrances a width of 24 feet, unless otherwise permitted by the commissioner of public works.
5. No circular drives shall be located between any building and any public street with the exception of hotels.
6. Curb cuts and driveways shall not be permitted on any storefront street when access may be provided from a side or rear street, with the exception of hotel patron drop-off drives.
7. Unless authorized by section 16-180.019(5), parking areas or driveways, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.
8. Entrances to garages and carports that serve a single residential unit shall face the rear yard, or a side yard which has no street frontage.
9. All contiguous ground-floor residential units shall share one common drive, located in rear yards or side yards without street frontage, to serve garages, carports and parking areas.
10. 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 storefront streets.* Shall meet the requirements of section 16-180.027.
 - b. *Properties at the intersection of East Lindbergh Drive and East Lindbergh Way, and east of Piedmont Road.* Shall be landscaped with mature trees and ground cover only to a depth of 20

feet from the eastern most property line. No additional landscaping shall be required for parking decks on these properties.

c. *When located along all other streets.*

i. Shall meet the requirements of section 16-18O.027; or

ii. Shall meet the requirements of section 16-18O.014(5); 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 section 16-18O.012(3), Sidewalks. The landscape strip shall also be planted with evergreen ground cover such as mondo grass, *Liriope spicata*, ivy or evergreen shrubs with a maximum mature height of 24 inches. All plantings, planting replacement and planting removal shall be approved by the city arborist.

12. Notwithstanding the provisions of section 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 shall have sidewalks with a minimum width of four feet connecting ground level parking to the public sidewalks and to all building entrances. See section 16-18O.021.

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

(Ord. No. 2001-91, § 1, 7-11-01; Ord. No. 2008-67(08-O-0196), § 5, 7-21-08)

Sec. 16-18O.020. - Lighting, security, and maintenance requirements for parking structures and surface parking lots.

All surface parking lots and structures, whether a nonconforming principle use (see section 16-18O.022) or accessory in use, and whether serving commercial or noncommercial uses, shall have the following minimum requirements:

1. Lighting shall be provided throughout all parking facilities to equal a minimum of 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.

2. *[Reserved.]*

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

4. Parking facilities operating before the effective date of this section shall have 48 months to comply herewith.

(Ord. No. 2001-91, § 1, 7-11-01; Ord. No. 2008-67(08-O-0196), § 6, 7-21-08)

Sec. 16-180.021. - Minimum landscaping for surface parking lots, barrier requirements.

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

1. Said parking lot requirements shall apply to all lots regardless of size;
2. All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum height of 30 inches; and
3. All landscaped buffer strips along sidewalks and public rights-of-way shall have a minimum of one tree with a minimum caliper of two and one-half inches.
4. Surface parking lots operating before the effective date of this section shall have 48 months to comply herewith.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.022. - Off-street parking requirements.

1. *Off-street surface parking.*
 - a. Shall not be located between the principal structure and the street.
 - b. Shall be accessory to a permitted principal use only, provided that parking spaces serving one principal permitted use may serve another principal permitted use by compliance with subsection 7.
2. *Electric vehicle charging stations.* All automobile parking facilities shall include electric vehicle charging stations in a ratio of at least one station for every 100 automobile parking spaces. No development shall be required to exceed a maximum of 12 spaces.
3. *Residential uses.* No parking is required but may be provided up to the maximums specified in this subsection, excluding any increases allowed by shared parking arrangements.
 - a. For residents one parking space per bedroom for up to two bedrooms and one-half parking space for each additional bedroom in any unit.
 - b. One visitor parking space may be provided for each three units.
 - c. Residential parking in excess of the required parking is not allowed unless provided by a shared parking arrangement.
 - d. Where the total number of spaces required is not a whole number, the next largest whole number shall be the parking requirement.
4. *Single room occupancy residence.* Notwithstanding other permissions to the contrary, one parking space per each four dwelling units, plus one space per each employee, shall be provided on the site.

5. *Nonresidential uses.* Parking is required at the levels specified in this subsection. No use may exceed the required parking set forth in this section without a variation approved by the director of the bureau of planning.
- a. *Banks, savings and loan institutions, and the like:* One space per each 200 square feet of floor area.
 - b. *Business colleges, trade schools, conservatories, dancing schools, and the like:* One space per 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:* One space for each 200 square feet of floor area.
 - e. *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.
 - f. *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.
 - g. *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.
 - h. *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the establishment with no parking requirements: 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 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.
 - i. *Nursing homes, convalescent homes, and similar care facilities:* One space for four beds.
 - j. *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.
 - k. *Schools, colleges, churches, recreation or community centers and other places of assembly:* One space per each four fixed seats (with 18 inches if bench length counted as one seat or one space per 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 per each classroom.
 - ii. *High school:* Four spaces per each classroom.

iii. *Colleges and universities*: Eight spaces per each classroom.

I. *For all other nonresidential uses*:

i. *For subarea 1 in section 16-180.028*: One space per each 600 square feet of floor area.

ii. *For subareas 2 through 8 in section 16-180.028 and section 16-180.029*: Three and seven-tenths parking spaces per each 1,000 square feet of floor area.

m. *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.

6. *Parking reserved exclusively for nonresidential uses is prohibited in the residential subareas specified in section 16-180.029*. All non-residential uses in the residential subareas shall post signs indicating the hours when such spaces may be utilized for residential uses.

7. *Variations in parking requirements*. The director of the bureau of planning is authorized to reduce the off street surface parking requirements, provided there is a shared parking arrangement which avoids conflicting parking demands and provides for safe pedestrian circulation and access. All shared parking spaces shall be clearly marked and signed as reserved during specified hours. An applicant shall submit the following information establishing conformance to the above criteria in order to reduce parking requirements and avoid conflicting parking demands:

- a. A to-scale map indicating location of all proposed parking spaces;
- b. Indicate hours of business operation(s);
- c. Written consent of all property owners agreeing to the shared parking arrangement;
- d. Copies of parking leases. Renewed leases shall be provided to the director of the bureau of planning. Lack of a current lease shall automatically terminate the variation authorization.

9. Park-for-hire surface parking lots are prohibited.

10. Park-for-hire parking decks are permitted only if specifically authorized in a particular subarea.

(Ord. No. 2001-91, § 1, 7-11-01; Ord. No. 2005-41(06-O-0381), § 36, 7-12-05; Ord. No. 2008-62(06-O-0038), §§ 4L(2), 6N(1), 7-7-08; Ord. No. 2009-24(08-O-1251), § 2R(3), 6-9-09)

Sec. 16-180.023. - Transportation management plan.

Transportation management plan. The bureau of buildings shall not issue building permits for office components of any development in this district until such time as the developer or leasing agent for each of the office components has submitted to the director of the bureau of planning, a transportation management plan (TMP) for each such component that has more than 25,000 square feet of total gross leasable floor area of space. The TMP shall contain strategies to reduce single occupancy vehicle trips generated by the project by a minimum of 25 percent during a five-year period from the initial date of occupancy.

The TMP shall be based on an annual commute mode survey. Said survey shall be submitted on the

day of initial occupancy and on each yearly anniversary of the date thereafter, until otherwise notified by the director of the bureau of planning. The survey shall be based on a continuous five-day workweek for all employees arriving at the work site between 6:00 a.m. and 10:00 a.m., Monday through Friday. Based upon the survey information, the employer shall develop a TMP.

The TMP shall include, but not be limited to:

1. An estimate of the number of employees and visitors per hour that are expected to use rail and bus transit throughout the day.
2. A description of how information regarding the new or existing transit stops and building access to such stops will be displayed on the property in indoor or outdoor locations.
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.
4. A statement committing to support, and participate in, the Buckhead Area Transportation Management Association (BATMA) and its funding.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.024. - Minimum bicycle parking requirements.

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

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.025. - 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. 2001-91, § 1, 7-11-01)

Sec. 16-180.026. - 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. 2001-91, § 1, 7-11-01)

Sec. 16-180.027. - Specific regulations for storefront streets.

Properties which front Piedmont Road north of Lindbergh Drive, Sydney Marcus Boulevard and Morosgo Drive shall be deemed to constitute storefront streets within the meaning of this chapter and shall meet the following regulations:

1. Street-fronting buildings including parking decks shall meet the following sidewalk level requirements:
 - a. Parking, storage, or digital industry switchboards, power generators and other relay equipment and rooms housing such equipment shall be permitted, with the exception of a minimum depth of 20 feet of the ground floor street frontage beginning at any building façade along the public sidewalk.
 - b. The length of façade without intervening fenestration or entryway shall not exceed 20 feet.
 - c. Fenestration shall be provided for a minimum of 65 percent of the length of the frontage:
 - i. Beginning at a point not more than three feet above the sidewalk, to a height no less than ten feet above the sidewalk, or
 - ii. Beginning at the finished floor elevation to a height no less than ten feet above the finished floor elevation when the finished floor elevation is three or more feet above the sidewalk, or
 - iii. Beginning at a point not more than sidewalk level, to a height no less than ten feet above the finished floor elevation when the finished floor elevation is below the sidewalk.
 - d. Properties with ground floor residential uses on Morosgo Drive and greater than 350 feet east of Piedmont Road shall be permitted to substitute the fenestration requirements of section 16-180.027(1)(c) with the fenestration requirements of section 16-180.014(5)(c).
 - e. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.
2. Minimum building façade height: 24 feet along each façade visible from the public right-of-way.

(Ord. No. 2001-91, § 1, 7-11-01)

Sec. 16-180.028. - Specific regulations for commercial subareas.

1. In addition to those uses authorized in section 16-180.005, a building or premise may be used for the following permitted uses and structures:
 - a. Banks and financial institutions.
 - b. Business or commercial schools.
 - c. Car rentals provided that surface parking lots are not utilized.

CHAPTER 180. - SPI 15 LINDBERGH TRANSIT STATION AREA SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS

- d. Clubs and lodges.
- e. Commercial recreational establishments, including bowling alleys, theaters, convention halls, places of assembly and similar uses with primary activities conducted within fully enclosed buildings.
- f. Conversion of industrial buildings to multi-family.
- g. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment. The additional requirements of section 16-18O.027(1)(a) shall also apply.
- h. Hotels and motels.
- i. Museums, galleries, auditoriums, libraries, and similar cultural facilities.
- j. Nursing homes, convalescent homes and similar care facilities.
- k. 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.
- l. Parking structures, including park-for-hire, that are below grade or of two or more stories above ground along all street frontages.
- m. Professional or personal service establishments.
- n. Repealed.
- o. Sales and leasing agencies.
- p. Sales and repair establishments for home appliances, bicycles, lawn mowers and similar household goods, with the exception of Piedmont Road.
- q. Vault-storage facility.
- r. Service stations with or without car washes.
- s. Single room occupancy residence.
- t. Repealed.
- u. Tailoring, custom dressmaking, and millinery.
- v. Trade schools.
- w. Any broadcasting tower or line-of-sight relay device for telephonic, radio, digital or television communications, provided that:
 - i. Such tower or relay device is relocated from or is a substitute for a similar tower or device that existed as of the date of this chapter on a lot located west of Piedmont Road and adjoining but outside of the Lindbergh SPI district; and

CHAPTER 180. - SPI 15 LINDBERGH TRANSIT STATION AREA SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS

- ii. Once relocated or substituted, the relocated or substituted tower or device shall be located 200 feet or more from any off-site residential districts or residential use not located within the SPI-15 district, and when such tower or device is greater than 200 feet in height, when located a distance which is greater than or equal to the height of the tower or device from a residential district or residential use which is not in the SPI-15 district.
2. A building or premise may be used for the following permitted accessory uses and structures:
 - a. Car washes.
 - b. Public schools.
 - c. Repair garages, paint and body shops in subarea 2 through subarea 4.
 - d. Structures and uses required for operation of MARTA, public transit or public utility, but does not include uses involving storage, train yards, warehousing, switching, or maintenance shops as the primary purpose.
3. The following uses are permissible only by special permit:
 - a. Special use permit.
 - i. Broadcasting towers, line-of-sight relay devices for telephonic, radio or television communications when located 200 feet or more from any off-site residential districts or residential uses not located within the SPI-15 district and with the exception of such uses permitted in section 16-18O.028(1)(w), and when such towers or devices are greater than 200 feet in height, when located a distance which is less than or equal to the height of the tower or device from a residential district or residential use which is not in the SPI-15 district.
 - ii. 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.
 - iii. Helicopter landing facilities or pickup or delivery stations.
 - iv. Outdoor amusement enterprises, exhibits, entertainment, meetings, displays or sales areas, or outdoor areas for religious ceremonies of 90 days duration or longer.
 - v. Repair garages, paint and body shops in subarea 1.
 - vi. Nursing homes, personal care homes, assisted living facilities rehabilitation centers.
 - vi. Shelter.
 - b. *Special administrative permit.*
 - i. Farmers' markets limited to commercial subareas 1, 2, 3 and 4.
4. Development controls (concurrency requirement). Commercial subareas in section 16-18O.028(7) through section 16-18O.028(9) that are required to have multi-family dwellings, duplexes or single-family dwellings shall meet the following requirements:
 - a. Allowable nonresidential floor area shall not be permitted to exceed 500,000 square feet until

CHAPTER 180. - SPI 15 LINDBERGH TRANSIT STATION AREA SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS

such time as 100,000 square feet of allowable residential floor area is built and such residential units are issued an occupancy permit.

b. At such time as the above requirement in section 16-180.028(4)(a) is satisfied, allowable nonresidential floor area shall not exceed an additional 250,000 square feet until such time as an additional 50,000 square feet of allowable residential floor area is built and such residential units are issued an occupancy permit.

c. At such time as the above requirement in section 16-180.028(4)(b) is satisfied, developments may continue to add additional allowable square footage for uses as prescribed in the ratio established in the above section 16-180.028(4)(b).

5. Site limitations.

a. *Minimum building façade heights:*

- i. Subarea 1: 18 feet along each façade visible from the public right-of-way.
- ii. Subarea 2 through subarea 4: 24 feet along each façade visible from the public right-of-way.

b. *Maximum building heights:*

- i. Subarea 1: Structures which are within 150 feet of any R-1 through R-G or PD-H classification shall have a maximum height of 35 feet along each façade visible from the public right-of-way. Structures that are between 150 feet and 300 feet from any R-1 through R-G or PD-H classification shall have a maximum height of 52 feet along each façade visible from the public right-of-way.
- ii. Subarea 2 through subarea 5: 225 feet along each façade visible from the public right-of-way.

6. Specific additional regulations for Subarea 1—Miami Circle Commercial.

a. *Permitted uses and structures.*

- i. Business service establishments, including those providing duplicating, printing, maintenance, communications, addressing, mailing, bookkeeping or guard services.
- ii. Warehouse, storage facilities and wholesaling limited to no more than 15,000 square feet.

b. *Special use permit.* Warehouse, storage facilities and wholesaling greater than 15,000 square feet.

c. *Development controls.*

- i. Maximum permitted floor areas without bonuses:
 - a). For nonresidential uses, floor area shall not exceed an amount equal to one times net lot area.
 - b). For residential uses, floor area shall not exceed an amount equal to six hundred

ninety-six-one thousandths times gross lot area.

c). For mixed use, floor area ratio (FAR) shall not exceed one and six hundred ninety-six-one thousandths times net lot area [the sum of the nonresidential (i) and residential (ii) above], but in no event greater than the maximum ratios permitted for each (See section 16-29.001(24)).

ii. Maximum permitted floor areas with bonuses.

a). For nonresidential bonus: None.

b). For residential uses (affordable housing bonus): Floor area shall not exceed an amount equal to two times gross lot area provided that 20 percent or more affordable sales housing units or rental housing units are provided for that portion of residential units.

c). For residential developments (ground-floor retail bonus): Floor area shall not exceed an amount equal to two times gross lot area provided that street-fronting, sidewalk level retail establishments comprise a minimum of 50 percent of the building footprint limited to the first floor level and meet all of the requirements for storefront streets (section 16-18O.027).

d). For combined bonuses: Under no circumstances shall the floor area of any development with bonuses exceed an amount equal to two times gross lot area.

d. *Public space.* For nonresidential uses, including all nonresidential components of mixed-use developments, a minimum of five percent of the net lot area shall be public space.

7. Specific additional regulations for subarea 2—Sydney Marcus Commercial.

a. *Development controls.* 20 percent of all floor area shall be multi-family dwellings, duplexes or single-family dwellings (per section 16-18O.028(4)):

i. For nonresidential uses, floor area shall not exceed an amount equal to two times net lot area.

ii. For residential uses, floor area shall not exceed an amount equal to two times gross lot area.

iii. For mixed use, floor area ratio (FAR) shall not exceed two times net lot area [the sum of the nonresidential (i) and residential (ii) above], but in no event greater than the maximum ratios permitted for each (See section 16-29.001(24)).

b. *Public space.* For nonresidential uses, including all nonresidential components of mixed-use developments, a minimum of 20 percent of the net lot area shall be public space.

8. Specific additional regulations for subarea 3—Piedmont Commercial.

a. *Development controls.* 20 percent of all floor area shall be multi-family dwellings, duplexes or single-family dwellings (per section 16-18O.028(4)) with the exception of lots with Piedmont Road frontage which exist before January 1, 2001 and have a maximum depth of 350 feet: none.

CHAPTER 180. - SPI 15 LINDBERGH TRANSIT STATION AREA SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS

- b. *Maximum permitted floor areas without bonuses.*
 - i. For residential uses, floor area shall not exceed an amount equal to four and two-tenths times net lot area.
 - ii. For nonresidential uses, floor area shall not exceed an amount equal to four times net lot area.
 - iii. For mixed use, floor area ratio (FAR) shall not exceed eight and two-tenths times net lot area [the sum of the nonresidential (i) and residential (ii) above], but in no event greater than the maximum ratios permitted for each (see section 16-29.001(24))
- c. *Maximum permitted floor areas with bonuses.*
 - i. For nonresidential bonuses: None.
 - ii. For residential uses (affordable housing bonus): Floor area shall not exceed an amount equal to eight and two-tenths times gross lot area provided that 20 percent or more affordable sales housing units or rental housing units are provided for that portion of residential units.
- d. *Public space.* For nonresidential uses, including all nonresidential components of mixed-use developments, a minimum of ten percent of the net lot area shall be public space.

9. Specific additional regulations for subarea 4—Garson Commercial.

- a. *Development controls.* 20 percent of all floor area shall be multi-family dwellings, duplexes or single-family dwellings (per section 16-180.028(4)).
 - i. For nonresidential uses, floor area shall not exceed an amount equal to three times net lot area.
 - ii. For residential uses, floor area shall not exceed an amount equal to three times gross lot area.
 - iii. For mixed use, floor area ratio (FAR) shall not exceed three times net lot area [the sum of the nonresidential (i) and residential (ii) above], but in no event greater than the maximum ratios permitted for each (see section 16-29.001(24)).
- b. *Public space.* For nonresidential uses, including all nonresidential components of mixed-use developments, a minimum of 30 percent of the net lot area shall be public space.

(Ord. No. 2001-91, § 1, 7-11-01; Ord. No. 2001-96, §§ ILVII, ILVIII, 12-12-01; Ord. No. 2004-53, §§ 23A, 23B, 8-20-04; Ord. No. 2008-62(06-O-0038), §§ 4L(3), 5L, 5M, 6N, 7-7-08; Ord. No. 2009-24(08-O-1251), § 2R(2), 6-9-09; Ord. No. 2009-61(09-O-1076), § 2(2), 10-13-09; Ord. No. 2011-39(10-O-1773), § 3W, 9-15-11)

Sec. 16-180.029. - Specific regulations for residential subareas.

- 1. In addition to those uses authorized in section 16-180.005, a building or premise may be used for the following permitted uses and structures:
 - a. Eating and drinking establishments provided that no individual eating and drinking

CHAPTER 180. - SPI 15 LINDBERGH TRANSIT STATION AREA SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS

establishment exceed 5,000 square feet.

- b. Establishments for the sale of convenience goods provided said use does not exceed 5,000 square feet.
 - c. Guesthouses and servant quarters.
 - d. Home occupation.
 - e. Laundry and dry-cleaning stores collection stations or plants, and laundry and dry cleaning establishments where customers operate equipment provided said use does not exceed 2,000 square feet.
2. A building or premise may be used for the following permitted accessory uses and structures:
 - a. Repealed.
 - b. Off-street parking (minimum of 30 spaces).
 3. Site limitations.
 - a. Minimum building façade heights: 24 feet along each façade visible from the public right-of-way.
 - b. Maximum building heights: 225 feet along each façade visible from the public right-of-way.
 4. Development controls. For nonresidential uses, floor area shall not exceed an amount equal to five percent of total built residential floor area.
 5. Specific additional regulations for subarea 5—Sydney Marcus West Residential. For residential uses, floor area shall not exceed an amount equal to three and two-tenths times gross lot area.
 6. Specific additional regulations for subarea 6—Sydney Marcus East Residential. For residential uses, floor area shall not exceed an amount equal to six hundred ninety-six-one thousandths times gross lot area.
 7. Specific additional regulations for subarea 7—Garson Residential. For residential uses, floor area shall not exceed an amount equal to one and forty-nine-one hundredths times gross lot area.
 8. Specific additional regulations for subarea 8—Lindbergh Residential.
 - a. Maximum permitted floor areas without bonuses. For residential uses, floor area shall not exceed an amount equal to one and fifteen-one hundredths (1.15) times gross lot area.
 - b. Maximum permitted floor areas with bonuses (within areas defined on map attachment C. Lindbergh SPI-15 subarea 8 master plan map):
 - i. For nonresidential bonus: None.
 - ii. For residential uses (open space and streets bonus): Floor area shall not exceed an amount equal to two times gross lot area provided that for every one square foot of open space and streets built as shown on map attachment C*: Lindbergh SPI-15 subarea 8 master plan map, up to two and three-tenths additional square feet of buildings are permitted.

PART III - CODE OF ORDINANCES—LAND DEVELOPMENT CODE

Part 16 - ZONING

CHAPTER 180. - SPI 15 LINDBERGH TRANSIT STATION AREA SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS

iii. For residential uses (affordable housing bonus): In the event a development has provided the maximum open space and street square footage in accordance with the subarea 8 master plan map, floor area shall not exceed an amount equal to two times gross lot area provided that affordable housing sales units or rental housing units comprise 20 percent of the portion of residential units that may be built after the maximum open space and street bonuses for the development are utilized.

iv. For combined bonuses: Under no circumstances shall the floor area of any development with bonuses exceed two times gross lot area.

(Ord. No. 2001-91, § 1, 7-11-01; Ord. No. 2004-53, § 23C, 8-20-04)

***Editor's note—** Attachment C is not set out herein but is available for public inspection in city offices.