



**CITY COUNCIL
ATLANTA, GEORGIA**

22-O-1060

Z-22-02 AN ORDINANCE BY ZONING COMMITTEE TO AMEND THE 1982 ATLANTA ZONING ORDINANCE OF THE CITY OF ATLANTA BY REPLACING CHAPTER 18Q, SPI-17 PIEDMONT AVENUE SPECIAL PUBLIC INTEREST DISTRICT WITH A NEW CHAPTER ENTITLED CHAPTER 18Q, SPI-17 PIEDMONT AVENUE SPECIAL PUBLIC INTEREST DISTRICT; AND FOR OTHER PURPOSES.

Application File Date	
Zoning Number	Z-22-02
NPU / CD	E-2
Staff Recommendation	Approval
NPU Recommendation	Approval
ZRB Recommendation	Approval

AN ORDINANCE

22-O-1060

BY ZONING COMMITTEE

Z-22-02

AN ORDINANCE TO AMEND THE 1982 ATLANTA ZONING ORDINANCE OF THE CITY OF ATLANTA BY REPLACING CHAPTER 18Q, SPI-17 PIEDMONT AVENUE SPECIAL PUBLIC INTEREST DISTRICT WITH A NEW CHAPTER ENTITLED CHAPTER 18Q, SPI-17 PIEDMONT AVENUE SPECIAL PUBLIC INTEREST DISTRICT; AND FOR OTHER PURPOSES.

WHEREAS, the SPI-17 Piedmont Avenue Special Public Interest District (“SPI-17 District”) Regulations (“SPI-17 Regulations”), adopted in 2001 and amended from time to time thereafter, are codified as Chapter 18Q of the 1982 Zoning Ordinance of the City of Atlanta, as amended; and

WHEREAS, after administering the SPI-17 Regulations throughout the last 20 years of growth and development, the City’s Office of Zoning and Development has collaborated with Midtown Alliance and the Midtown Neighborhood Association along with other interested parties to identify key revisions to regulate the orderly future growth and development in the SPI-17 District; and

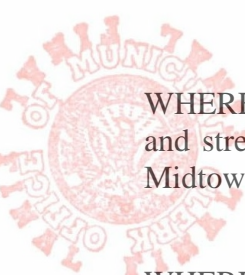
WHEREAS, the proposed revisions will simplify the SPI-17 District regulations, enhance clarity and consistency with other SPI districts, reduce the number of variations requested, and reinforce Piedmont Avenue’s inherent strengths: a balanced mix of low and medium density uses with walkability, ample trees and open space to support a high quality of life; and

WHEREAS, the SPI-17 district will continue to serve as an appropriate transition between higher densities found in the Midtown SPI-16 district to the west and lower residential densities in the Midtown residential area to the east; and

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WHEREAS, new residential and commercial uses and their sites should achieve architectural, landscape and streetscape design compatible with the character of the existing historic built environment of the Midtown residential area; and

WHEREAS, the diversified urban environment where people can live, work, meet, and appreciate recreation should continue to be enhanced; and

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

WHEREAS, the visual aesthetics of City streets should be improved; and

WHEREAS, the encroachment of incompatible commercial uses and parking into residential neighborhoods should be prevented; and

WHEREAS, safe and convenient pedestrian and lite individual transportation (LIT) such as bicycles and scooters can flourish; and

WHEREAS, the proposed revisions to the SPI-17 District Regulations will facilitate continued growth and high caliber development, prioritize solutions that simplify the regulations, and increase uniformity and reduce ambiguity; in short, provide for a more user-friendly ordinance; and

Whereas, this ordinance does not change the SPI-17 District (including sub-areas) boundary, which are set forth on the Official Zoning Map. Rather, this ordinance only adopts new text regulations for the SPI-17 District; and

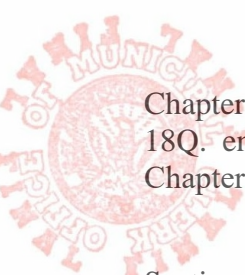
WHEREAS, the City Charter, at Section 1-102(b), provides that the City shall have all powers necessary and proper to promote the safety, health, peace, and general welfare of the City and its inhabitants; and

WHEREAS, this ordinance is adopted pursuant to Georgia Constitution Article IX, Section II, Paragraph IV which empowers the governing authority of each county and of each municipality to adopt plans and exercise the power of zoning; and

WHEREAS, the City Council of the City of Atlanta finds that this rezoning in the best interest of the public health, safety, and welfare.

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

Section 1: The 1982 Zoning Ordinance of the City of Atlanta is hereby amended by replacing



Chapter 18Q. SPI-17 Piedmont Avenue Special Public Interest District Regulations with a new Chapter 18Q. entitled SPI-17 Piedmont Avenue Special Public Interest District Regulations which the new Chapter shall read as shown on the attached Exhibit "A" which is incorporated herein.

Section 2: Should any section or provision of this ordinance, including attachments hereto, or the application thereof to any person or circumstance, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance, including attachments hereto, as a whole or any section thereof other than the section or provision, or application thereof, specifically declared to be invalid.

Section 3: This ordinance shall become effective when signed by the Mayor or as otherwise provided by law.

A true copy,

**ADOPTED by the Atlanta City Council
APPROVED per City Charter Section 2-403**

**APR 18, 2022
APR 27, 2022**

**A. Vanessa Waldon
Deputy Municipal Clerk**



Exhibit A

CHAPTER 16-18Q. - SPI-17 PIEDMONT AVENUE SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS

Section 16-18Q.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-17 Piedmont Avenue Special Public Interest (SPI) District. These regulations shall supplant existing districts or portions of existing districts as shown on the attached map referenced in Section 16-18Q.003, except as provided herein.

All attachments referenced in these regulations are attached to the ordinance adopting these regulations. Said ordinance, including all exhibits and attachments, is a public record available for public inspection in the office of the Atlanta Municipal Clerk. The ordinance is also available for public inspection on “final action legislation” link on the City Council’s website.

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.

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

The intent of the council in establishing and updating the SPI-17 Piedmont Avenue Special Public Interest District as a zoning district is as follows:

1. Implement provisions of the Comprehensive Development Plan incorporating certain recommendations contained in studies of this area including the 2016 comprehensive study known as Midtown Garden District Master Plan;
2. To provide, through the administration of specific standards and criteria, that new development achieves architectural, site and street design consistent with the existing historic built environment;
3. Improve the aesthetics of the built environment;
4. Facilitate safe, pleasant, and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles;
5. To encourage owner occupancy and retention of single-family and low-density family residential structures compatible with the character of the Midtown residential neighborhood;
6. To develop an appropriate transition between higher densities in Midtown SPI-16 district to the west of Piedmont Avenue and lower densities in Midtown residential area along and east of Piedmont Avenue, in such a way as to reinforce visual continuities, urban design linkages, appropriate transportation corridors, and neighborhood street patterns;
7. To provide appropriate and distinct entrances into the Midtown neighborhood to the east;
8. To require general compatibility between and among new structures and historic buildings within the Piedmont Avenue Special Public Interest District;
9. To provide and protect existing single and low-density residential housing along Piedmont Avenue that does not detract from adjacent single-family housing.



10. Prevent encroachment of incompatible commercial uses and parking into residential neighborhoods;
11. Protect the historic character of Piedmont Avenue and the adjoining residential neighborhoods;
12. To protect and enhance traditional buildings and uses within the 10th Street commercial node by retaining historic structures and uses and encouraging the redevelopment of non-historic properties compatible with historic structures.

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

The boundaries of the SPI-17 Piedmont Avenue Special Public Interest District are shown on map attachment B which by this reference is incorporated into and made a part of this chapter and this part. The Piedmont Avenue Special Public Interest District is divided into four (4) subareas as shown on said map attachment B and are described as follows:

- Subarea 1: 14th and Piedmont.
- Subarea 2: Piedmont North.
- Subarea 3: 10th and Piedmont.
- Subarea 4: Piedmont South.

Section 16-18Q.004. Application Procedures.

1. A Special Administrative Permit (SAP) application and a specified number of copies each of a site plan, landscape plan, and elevation drawings of each exterior façade shall be submitted, as applicable, and approved by the Office of Zoning and Development prior to filing for a building permit. All exterior demolition, new construction (including additions to existing buildings), new or expanded outdoor dining, or work which results in increased lot coverage, modification of the building footprint, or modification of building facades that would reduce the configuration of street facing openings, shall be subject to said SAP approval. All applications for a SAP shall be processed in accordance with the standards and procedures contained in Chapter 25 of Part 16 except as otherwise modified by this Chapter 18Q. No SAP shall be issued until after such time any other required Special Use Permit or Board of Zoning Adjustment action has been obtained.
2. In addition to SAP submittal as specified above, the applicant shall also provide one (1) copy of the full SAP application to the appropriate Neighborhood Planning Unit (NPU) chair or their designee for the purpose of notification and comment. Said appropriate NPU shall have a period of 21 days from the date of the mailing to provide a set of written comments to the Bureau of Planning for their consideration prior to any SAP approval.
3. Administrative variations: As part of general action when plans require approval of an SAP, the Office of Zoning and Development may authorize variations from regulations generally applying based on written findings, to be filed as a public record, that either:
 - a. A plan proposed by an applicant, while not strictly in accordance with regulations applying generally within the district, satisfies the public purposes and intent of such regulations, and provides public protection to an equivalent or greater degree than strict enforcement of such regulations would provide; or



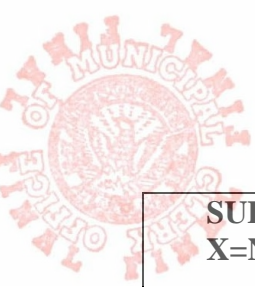
- b. In the circumstances of the case, strict application of a particular regulation or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at that time or in the future.
 - c. Notwithstanding any provision in this chapter or part to the contrary, no administrative variation shall be authorized for those listed in Section 16-18Q.009 for the Board of Zoning Adjustments.
4. The Office of Zoning and Development may exempt certain classes of applications for SAPs from detailed review requirements as set forth upon written findings that generally within these districts, the actions proposed are of such a character or scale as to make detailed reviews and approval unnecessary. Where applications for special administrative permits are determined by reference to such findings to be thus exempted, the permit shall be issued if otherwise lawful.
 5. For the purposes of this chapter, a unified development plan approved under a single SAP and meeting all floor area ratio requirements, open space requirements, and off-street parking requirements, may be subdivided, even if the resultant parcels do not otherwise meet these requirements. Any changes from the approved SAP shall require a new or amended SAP, which shall be based on the geographic extent of the original SAP and shall meet floor area ratio requirements, open space requirements, and off-street parking requirements of such; and shall indicate built or planned improvements on the original parcel(s). Where a single property owner no longer owns all parcels, the applicant shall obtain authorization from all property owners prior to permit submittal.

Section 16-18Q.005. Permitted Principal Uses and Structures.

1. The permitted principal uses and special permit uses in Table 1: SPI-17 Piedmont Avenue Table of Uses shall be permitted only as listed within each subarea within said Table of Uses and only in the manner listed.
2. Permitted Principal Uses: A building or premises shall be used only for the principal uses indicated with a "P" in Table 1: SPI-17 Piedmont Avenue Table of Uses. Those listed with a "P*" in Table 1: SPI-17 Piedmont Avenue Table of Uses are allowed provided meeting the associated criteria listed.
3. Special Use Permits: Special use permits shall be required as indicated with "SUP" in Table 1: SPI-17 Piedmont Avenue Table of Uses. These uses are permissible subject to limitations and requirements noted elsewhere in this chapter and in Section 16-25.
4. Prohibited Uses and Structures:
 - a. All uses marked with an "X" in Table 1: SPI-17 Table of Uses shall be prohibited in the subarea(s) identified. All other uses not listed in said Table 1: SPI-17 Table of Uses shall be considered prohibited in all district subareas.
 - b. Drive-through and drive-in facilities including any fuel service stations are prohibited.
 - c. Pedestrian bridges and tunnels are prohibited when located above public streets or private streets which function as public streets.

Table 1: SPI-17 Table of Uses

Permitted Uses and Structures P=Permitted Principal Uses & Structures	Subarea 1: 14 th & Piedmont	Subarea 2: Piedmont North	Subarea 3: 10 th & Piedmont	Subarea 4: Piedmont South
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SUP=Special Use Permit X=Not Permitted				
Residential / Housing				
Nursing Homes/ Personal Care Homes / Assisted Living Facilities/ Rehabilitation Centers	SUP	SUP	SUP	SUP
Residential dwelling(s) (other than those defined as a Party House)	P	P	P	P
Defined as a Party House	X	X	X	X
Supportive Housing	P	P	P	P
Lodging				
Bed & Breakfast Inn	X	X	X	P
Hotels & Motels Lodging	X	X	SUP* (30 room limit)	X
Commercial				
Banks/Financial Institutions	X	X	P* (8,000 s.f. limit)	X
Bakeries/Catering Establishments	X	X	P* (2,000 s.f. limit)	X
Commercial Recreation	X	X	P* (8,000 s.f. limit)	X
Dry Cleaning (Pick up and drop off only – no treatment on-site allowed)	X	P* (2,000 s.f. limit)	P* (2,000 s.f. limit)	X
Eating and Drinking Establishments (other than those defined as Nightclub or Lounge in Chapter 10 – Alcoholic Beverages)	X	SUP* (5,000 s.f. limit)	P* (2,000 s.f. limit; otherwise SUP)	X
Defined as a Nightclub or Lounge in Chapter 10 – Alcoholic Beverages	X	X	X	X
Grocery Store (but not a defined Small Discount Variety Store)	P	P* (5,000 s.f. limit)	X	X
Laundry/Tailoring	X	P* (2,000 s.f. limit)	P* (2,000 s.f. limit)	X
Professional/Personal Services including Barber/Beauty Shops	X	P* (2,000 s.f. limit)	P* (8,000 s.f. limit)	X
Retail Establishments	X	P* (5,000 s.f. limit)	P* (5,000 s.f. limit)	X
Sales and Repair Establishments (but not auto sales & repair)	X	P* (5,000 s.f. limit)	P* (5,000 s.f. limit)	X
Institutional / Specialty				
Childcare Centers	SUP	SUP	SUP	SUP
Religious Worship Facilities (and their ministries including Farmer’s	SUP	SUP	SUP	SUP



Markets)					
Museums/Galleries/Libraries		X	X	P* (5,000 s.f. limit)	X
Public and Private Schools		X	SUP	SUP	X
Office					
Medical/Dental Office or Clinic (*Any Veterinary Clinic must be in soundproof building)		X	P* (5,000 s.f. limit)	P* (8,000 s.f. limit)	X
Offices (other than Medical/Dental Office or Clinic)		X	P* (5,000 s.f. limit)	P* (8,000 s.f. limit)	X
Outdoor / Utility					
Broadcast Telecommunication Towers		X	X	SUP	X
Farmers Markets		X	P	P	X
Market Gardens		P	P	P	P
Outdoor amusement enterprises, entertainment, music venues, meetings, or sales areas	90 days duration or less	X	SAP	SAP	X
	90 days duration or more	X	SUP	SUP	X
Park-for-hire surface parking lots		X	X	X	X
Structures/Uses for MARTA		P	P	P	P
Urban Gardens		P	P	P	P

5. Exclusions: 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.
6. Use enclosure requirements:
 - a. Outdoor displays of merchandise are prohibited in sidewalk street furniture zones or clear zones.
 - b. When located within a supplemental zone, outdoor displays of merchandise are allowed provided that all items are removed and placed inside a fully enclosed structure at the end of daily business.
7. Transfer of Development Rights: Transfer of development rights is permissible via Special Use Permit provided meeting the criteria found in Section 16-28.023. Both the sending and receiving properties must be located within either SPI-16 (Midtown Special Public Interest District) or this SPI-17 (Piedmont Avenue Special Public Interest District) whereas for purposes of Section 16-28.023, properties shall be deemed to be closely proximate if both lie within either of these districts.

Section 16-18Q.006. Permitted Accessory Uses and Structures.

1. Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically



include clubhouses, pools (and other recreation amenities), pet amenities, bike parking and repair, auto parking to serve authorized uses, outdoor dining, exhibits and displays (without commercial sales transactions) and electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE.

2. Within Subarea 4: Accessory buildings or structures shall meet the following criteria:
 - a. Location: Shall be placed to the rear of the main structure and, unless adjacent to an alley, shall meet all setbacks (unless given approval by the City's Board of Zoning Adjustment);
 - b. Coverage: The building footprint shall not cover more than 25 percent of the rear yard;
 - c. Height: Shall not exceed the lesser of 24 feet in height or the height of the main structure, whichever lesser;
 - d. Density: Shall not exceed a floor area of 30 percent of the main structure; and
 - e. Concurrency: Construction and occupancy of a principal building shall occur concurrent or ahead of construction and occupancy for an accessory building.

Section 16-18Q.007. Redevelopment Requirements.

Any property wherein sixty (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.

Section 16-18Q.008. Transitional Uses and Yards.

1. Transitional height planes:
 - a. No portion of any structure shall protrude through a height limiting plane beginning the specified number of feet above the point set forth in subsection 16-18Q.009(1)(b) below and extending inward over the SPI-17 district at an angle of 45 degrees. The following districts shall be considered "protected districts" for purposes of this section 16-18Q.009(1).
 - i. R-1 through R-5;
 - ii. RG-1 through RG-3;
 - iii. MR-1 through MR-3 and MR-MU; and
 - iv. Landmark, Historic, PD, and SPI districts and district subareas having uses and densities predominantly similar to those permitted in the district classifications listed in subsections (i) through (iii) above.
 - b. Proximity to districts and measurement applications:
 - i. For parcels in an SPI-17 district that are contiguous to a protected district, the transitional height plane shall be measured beginning 35 feet above the required SPI-17 setback or transitional yard adjoining the common property line with such protected district.
 - ii. For parcels in an SPI-17 district that are not contiguous to but are within 150 feet of a protected district, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of the protected district, provided this transitional height plane shall not extend more than 150 linear feet (measured along the ground)



from the protected district up to and into the SPI-17 district. (See diagrams at section 16-29.001(62)).

- c. The purpose and intent of this provision is to provide protection for the named protected districts from nearby looming structures regardless of the presence of an intervening public right-of-way or park or space, public or private street or alley, or any lot or parcel remnant.
 - d. Transitional height plane measurements shall be applied to parcels on a point-by-point basis and not average grade.
1. Transitional yards:
 - a. Where Subarea 3 and/or Subarea 4 adjoins an R-1 through R-G, or PD-H district without an intervening street, a minimum of twenty (20) feet is required. This transitional yard shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of private alleys or drives a maximum of ten (10) 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 (6) feet in height shall be provided and shall be maintained in slightly condition.

Section 16-18Q.009. Board of Zoning Adjustments.

The following are permissible only when approved by the Board of Zoning Adjustments through variance or special exception, as applicable:

2. Alterations in transitional height planes or transitional yards found in Section 16-18Q.008;
3. Increase of maximum building height in Section 16-18Q.010.
4. Reduction in either required side or rear yards located within Subarea 4 as found in Section 16-18Q.010.
5. Accessory outdoor amplified speakers;
6. Outdoor dining in use after 11pm;
7. Parking in excess of the maximum parking requirements of Section 16-18Q.019;
8. Reduction or transfer of minimum parking requirements of Section 16-18Q.019;
 - e. Parking requirements may be reduced if the character or use of the building to make the full provisions of parking facilities unnecessary.
 - f. Parking requirements may be transferred off-site upon finding that that the applicant has established a valid shared or off-site parking arrangement within four hundred feet of the use located within SPI-17 or the adjacent SPI-16 district. The parking arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access and meet all criteria of Section 16-25.002(3). Additionally, all shared or off-site parking spaces shall be clearly marked and signed as reserved during specified hours. An applicant shall submit the following information establishing conformance to the above criteria and avoid conflicting parking demands:
 - i. A scaled map indicating location of all proposed parking spaces;
 - ii. Indicated hours of business operation(s);
 - iii. Written consent of all property owners agreeing to the shared parking arrangement;
 - iv. Copies of parking leases for shared or off-site parking arrangements. Renewed leases shall be provided to the Office of Zoning and Development. Lack of a current lease shall automatically terminate the special exception authorization.



Section 16-18Q.010. Development Controls.

Development shall comply with Table 2 entitled “SPI-17 Development Controls Table” and subject to the following subsections 1 through 4:

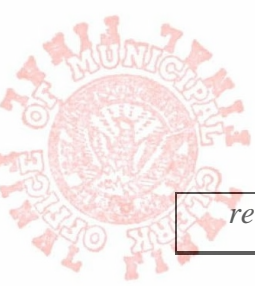
Table 2: SPI-17 Development Control Table

	14th & Piedmont (SA-1)	Piedmont North (SA-2)	10th & Piedmont (SA-3)	Piedmont South (SA-4)
Max Residential FAR (times gross lot area)	0.696	1.49	1.49	0.696
Max Non-Residential FAR (times gross lot area)	None	5% of the total occupied residential floor area ¹	1.50	None
Maximum Building Coverage	N/A	N/A	85%	50%
Minimum Pervious Surfaces	N/A	N/A	N/A	35%
Minimum Façade Height	24’	24’	18’	24’
Maximum Building Height	45’ ²	50’ ²	35’ (east of Piedmont Ave) 50’ (west of Piedmont Ave) ³	35’
Minimum Front Yard Setback	30’	30’	20’	40’
Side Yard Setback	15’ (with min. 5’ landscaped unless vehicular access)	15’ (with min. 5’ landscaped unless vehicular access)	10’ for residential windows, otherwise none. ³	10’
Rear Yard Setback	15’ (with min. 5’ landscaped unless vehicular access)	15’ (with min. 5’ landscaped unless vehicular access)	20’	20’ (with up to 10’ alley/drive)

¹ Non-residential uses shall not be occupied until at least 50% of the residential uses on-site are occupied.

² Transitional height plane begins 35’ above the buildable area boundary and extends at a 45 degree angle away. See Section 16-18Q.008.

³ Subject to Section 16-18Q.008 Transitional Height Plane and Transitional Yard



requirements adjacent to SPI-17, SA-4) and building code requirements.

1. Roofing: All building and structural roofs shall be constructed of a heat-reflective material to achieve a minimum initial Solar SRI of 78 for a low-sloped roof (less than or equal to 2:12) and a minimum initial SRI of 29 for a steep-sloped roof (more than 2:12) except for those portions of roofing designated for vegetation.
2. Façade Materials: Exterior Insulation Finishing System (EIFS) shall not be allowed on any exterior facing façade.
3. Fencing: No barbed wire, razor wire, uncoated chain link fence or similar shall be permitted.
4. Residential Subdivision: Shall be permitted provided in accordance with Section 16-28.007 and the following criteria:
 - a. Single-family attached: Zero-lot-line subdivision is permitted provided a minimum of one thousand (1,000) square feet in lot area is provided.
 - b. Single-family detached: A minimum lot width of 50 feet and minimum lot area of five thousand (5,000) square feet in lot area is provided.
 - c. Two-family dwelling: A minimum lot width of 20 feet and minimum lot area of two thousand (2,000) square feet in lot area is provided.

Section 16-18Q.011. Open Space Requirements.

1. Required open space: The minimum required open space, as defined in Section 16-18Q.010(2), shall be a percentage of the gross lot area (GLA) and as noted in Table 3: SPI-17 Open Space Table below. In the case of a mixed-use development the required open space shall be the greatest square footage of open space applicable to that component so that any lesser square footage of open space of any other component does not apply.
2. For the purposes of this chapter, open space shall be defined in Section 16-28.010(5.a) except any balconies for residential units above sidewalk-level shall not count toward open space. Any of the following may count as open space:
 - a. Required yards on private property including planted areas, fountains, plazas, hardscape elements related to walkways, sidewalks and plazas, and similar features;
 - b. Required portions of sidewalk widths on private property;
 - c. Any supplemental zone area(s) which meets Section 16-18Q.013;
 - d. Any portion of a low-sloped roof (less than or equal to 2:12) designed for vegetation;
 - e. Any new on-street parking if:
 - i. On-street parking currently does not exist 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.

Table 3: SPI-17 Open Space Table

	14th & Piedmont (SA-1)	Piedmont North (SA-2)	10th & Piedmont (SA-3)	Piedmont South (SA-4)
Residential & Lodging Uses	25%	25%	25%	30%
Non-Residential Uses	20%	20%	20%	20%



Section 16-18Q.012. Sidewalks.

Public sidewalks shall consist of two zones: a street furniture zone and a clear zone. Each zone shall be located along all public streets as noted in Table 4: SPI-17 Sidewalk Table and is subject to the following:

1. Street furniture zone requirements: Said zone shall be continuous and located adjacent to granite curbing and shall meet tree planting requirements of Section 16-18Q.012(2) below. The area between tree planting areas shall either be planted with evergreen ground cover such as mondo grass or a liriopse species or shall be constructed in accordance with the Midtown Streetscape Plan. In addition, this zone may be used for street furniture specified by the Office of Zoning and Development in coordination with the City's Department of Transportation and accordance with the Midtown Streetscape Plan. This furniture may include trash receptacles, traffic signs, bus shelters, bicycle racks, benches, tree fencing, and utility poles (where allowed) or similar elements in accordance with uniform design standards utilized for the placement of such objects in the public right-of-way in a manner that does not obstruct pedestrian access or motorist visibility.
2. Street tree requirements: Street trees are required to be installed within the street furniture zone spaced equidistant between streetlights as specified in the Table 4: SPI-17 Sidewalk Table below and in accordance with the Midtown Streetscape Plan. All newly planted trees shall be single stemmed with a minimum of three inches in caliper measured 36 inches above ground, at least 12 feet in height and limbed up to a minimum height of seven (7) feet. Trees shall and have a minimum planting area of 40 square feet planted with evergreen ground cover such as mondo grass or a liriopse species. All plantings, including replacement and removal, shall be approved by the city arborist. Tree grates are prohibited.
3. Streetlight requirements: Street lights that meet a standard Atlanta type as approved by the Office of Zoning and Development are required to be installed within the street furniture zone spaced equidistant between required street trees as specified in the Table 4: SPI-17 Sidewalk Table. See also lighting requirements in Sec. 16-18Q.010(4).
4. Clear zone requirements: Said zone shall be continuous standard concrete hardscape located contiguous to the street furniture zone at widths specified in the Table 4: SPI-17 Sidewalk Table above. The clear zone shall be unobstructed by any permanent or non-permanent element to a minimum height of ten feet. No awning or canopy shall encroach into the clear zone. Where property within this district abuts another district without an intervening street, the sidewalk shall taper as necessary to provide a smooth transition to the abutting district sidewalk. If the abutting district has no existing sidewalk, the sidewalk shall taper to a width of six feet.
5. Visibility triangles: 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 2½ feet and eight feet above grade. See also Section 16-28.009: Visibility at Intersections.
6. Overhead utilities: Every reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
7. Outdoor dining within the street furniture and clear zones: Buildings existing prior to 2001 with sidewalks not meeting the requirements of this chapter may have outdoor dining encroaching into such zones provided the following criteria are met:
 - a. All streets shall have a minimum six (6) feet of unobstructed sidewalk area adjacent to the curb; and



- b. No permanent structure or ornamentation shall be located within the encroachment area and no element shall be attached to the sidewalk in any way; and
- c. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter.

Table 4: SPI-17 Sidewalk Table

Table 4: SPI-17 Sidewalk Table	Subarea 1: 14th & Piedmont	Subarea 2: Piedmont North	Subarea 3: 10th & Piedmont	Subarea 4: Piedmont South
Min. Street Furniture Zone Width	5'	5'	5'	3' (match existing pavement material/pattern)
Street Tree Planting - Maximum Spacing	40' on-center	40' on-center	40' on-center	40' on-center
Street Lighting - Maximum Spacing	40' on-center	40' on-center	40' on-center	40' on-center
Min. Clear Zone Width	10'	10'	10'	6' (match existing pavement material/pattern)
Min. Supplemental Zone Width	15' with min. 5' of landscaping adjacent to the clear zone ¹	15' with min. 5' of landscaping adjacent to the clear zone ¹	5'	30'
Min. Street Facing Setback	30'	30'	20'	39'
¹ Pedestrian walkways to entries are allowed perpendicular to the street within the min. 5' required landscaping.				

Sec. 16-18P.013. Supplemental zone.

For purposes of these regulations, the supplemental zone is defined as the area between a clear sidewalk zone and any building façade line or parking lot when no intervening building exists. Supplemental zones shall meet the widths as specified in the Table 4: SPI-17 Sidewalk Table above and the following requirements:

1. When sidewalk level residential units are provided the supplemental zone shall be landscaped except for terraces, porches, stoops, stairs and walkways. Such landscaped areas shall occupy a minimum of two-thirds of the supplemental zone area.
2. The supplemental zone shall be no more than 30 inches above finished grade unless existing topography requires a greater height.
3. Terraces, porches and stoops shall have a maximum finished floor height of 36 inches above finished grade, unless existing topography requires a greater height.



4. Walls, as defined in Section 16-29.001(25), shall not be allowed between the street and any building except for retaining walls which shall be no more than 36 inches in height unless existing topography requires retaining walls of a greater height. Any retaining walls shall be finished poured concrete or shall be faced with stone, brick, or smooth stucco.
5. Fencing and similar barriers, as defined in Section 16-29.001(25), shall only be permitted up to 42 inches in height (including any plant material) in a supplemental zone and only for sidewalk level residential uses or to separate authorized outdoor dining. Such outdoor dining may only be separated by non-fixed fencing (or similar barriers or movable planters). Other fencing is otherwise prohibited when located between the street and any building.
6. The area contained within the defined supplemental zone, except for any automobile driveways and/or parking, may be counted toward the open space requirements found in Section 16-18Q.011.
7. Within Subarea 1: The supplemental zone shall include one or more shade trees as approved by the City Arborist at a ratio of the greater of either: a) one tree; or b) one tree for each 500 square feet of supplemental zone area. Such tree(s) shall have a min. mature height of 50 feet.
8. Within Subarea 4: The supplemental zone shall meet the following criteria:
 - a. Coverage: No more than 25 percent of the supplemental zone area shall be utilized for automobile parking and/or a driveway.
 - b. Trees: A minimum of one shade tree as approved by the City Arborist shall be provided. Such tree(s) shall have a min. mature height of 50 feet.
 - c. Vegetation: Shrubs, hedges (and similar) if installed within 10 feet of a sidewalk, shall have a maximum maintained height of 42 inches.

Section 16-18Q.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 and below the adjacent sidewalk (or street if no sidewalk is existing).
2. Building floors shall be delineated from the third story above sidewalk level down to each sidewalk level and shall be executed through windows, belt courses, cornice lines and/or similar architectural detailing.
3. General sidewalk level building façade requirements:
 - a. Active uses along all streets shall be provided as indicated in Table 1: SPI-17 Table of Uses in Section 16-18Q.005, to a minimum depth of 40 feet for non-residential uses and 20 feet for residential uses beginning at any sidewalk level street facing building façade except when topographical conditions prevent such treatment. These active uses shall be internally illuminated and serviced by plumbing, heating, and electricity and are limited to uses set forth in Table 1: SPI-17 Table of Uses, with the following exceptions which also shall be allowed:
 - i. Fire command and transformer (or similar electrical) rooms, each not exceeding 10 feet of street fronting façade length; and
 - ii. Structures required for public transit.
 - b. The primary street fronting pedestrian entrance for sidewalk level uses:
 - i. Shall face, be visible and accessible from the clear zone sidewalk with a minimum of five feet wide pedestrian walkway; and



- ii. Shall have a minimum six (6) inch high street address located directly near the primary building entrance clearly visible from the sidewalk.
- c. Residential uses which do not have street frontage shall be linked to the public sidewalk with a minimum four feet wide pedestrian walkway.
- 2) Fenestration requirements: Street-fronting sidewalk level building façades, except churches/religious institutions, fire stations & MARTA uses, shall meet the following requirements:
 - a. Length: Fenestration and entrances shall be provided for a minimum of the horizontal length of each street-fronting sidewalk-level façade, as designated in the Table 5: SPI-17 Street Activation Table. The length of façade without intervening fenestration or entryways shall not exceed 20 feet.
 - b. Surface treatment and visibility: Windows and door glass shall utilize clear glass or tinted glass. Tinted glass shall have a transmittance factor of 50 percent or greater and shall have a visible light reflectance factor of ten or less having visibility into the building for a minimum depth of ten feet as measured from the interior windowpane. Painted glass, reflective glass or other similarly treated or opaque windows are prohibited.
 - c. Residential uses: Fenestration and entrances shall have windows at a minimum of four (4) feet in height.
 - d. Non-residential uses: Fenestration and entrances shall be measured beginning at a point not more than 36 inches above the required sidewalk to a height at least ten feet above the sidewalk unless:
 - i. When the finished floor elevation is 36 or more inches above the sidewalk: Beginning at finished floor elevation to at least ten feet above the finished floor elevation; or
 - ii. When the finished floor elevation is below the sidewalk: Beginning at a point not higher than six (6) inches above the adjacent sidewalk to at least ten feet above the finished floor elevation.

Table 5: SPI-17 Street Activation Table

Use (as further regulated in Table 1: SPI-17 Table of Uses)	Min. Fenestration (as % of street level façade)
Outdoor Facilities including: Farmer’s Markets, Market Gardens, Urban Gardens Outdoor amusement enterprises, entertainment, music venues, meetings or sales areas.	None – Not Applicable
Residential dwellings Bed & Breakfast Inn Childcare Centers Churches/Religious Facilities Clubs/Lodges Hotel & Motel Lodging Nursing Homes/ Personal Care Homes / Assisted Living Facilities/ Rehabilitation Centers Supportive Housing Veterinary	30%
All other uses (allowed in Table 1 in Section 16-18Q.005)	65%



but not listed above):	
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Section 16-18Q.015. Signage.

Refer to Section 16-28A. Sign Ordinance and Section 16-18Q.017(9) below.

Section 16-18Q.016. Off-Street Loading Requirements, Dumpsters and Building Mechanical and Accessory Features.

1. The off-street loading requirements for this district are as shown in the table in Section 16-28.015, Off-Street Loading Requirements. See the specific screening requirements below.
2. Loading area and dock screening:
 - a. Loading areas shall be screened so as not to be visible from any public plaza, outdoor dining area, public sidewalk or public right-of-way with the exception of hotel uses. Hotel uses may utilize on-street loading if orientated predominately parallel to the adjacent right-of-way and located fully outside any existing public driving lane and at least partially on private property at a maximum length of 60 feet as permitted by the Department of Public Works.
 - b. Loading dock entrances shall be screened so that loading docks and related activity are not visible from the public right-of-way when not in use.
3. Dumpsters and trash areas: Dumpsters and trash areas shall be screened so as not to be visible from any public plaza, outdoor dining area, public sidewalk or public right-of-way and if otherwise visible shall be enclosed with opaque walls six (6) feet in height.
4. Building mechanical and accessory features: Shall be in the location of least visibility from the public right-of-way. If located to the side or rear of the principal structure, screening with plant or fence materials shall be required. When located on rooftops, said features shall be incorporated in the design of the building and/or screened with building materials similar to those of the building.

Section 16-18Q.017. Curb Cuts and Parking Structures.

1. Sidewalks at curbcuts and driveways: All sidewalk paving materials shall be continued across any intervening driveway. On each side of the continuous sidewalk a band of textured concrete shall be provided located both in-line with and equal in width to the street furniture zone and in-line with the supplemental zone or building façade at a minimum five (5) feet width.
2. Curbcut restrictions:
 - a. If fronting Piedmont Avenue: No vehicular entrances to properties fronting along Piedmont Avenue are allowed when access may be provided from a side or rear street, except for either: a) hotel or b) bed and breakfast uses.
 - b. If not fronting Piedmont Avenue: No more than one (1) curbcut shall be permitted for each development, provided that properties with more than one (1) street frontage may have two (2) curbcuts.
3. Curbcut widths: Curbcuts shall be limited in width at the sidewalk to 12 feet for one-way entrances and 24 feet for two-way entrances unless a greater width is approved by the Department of Public Works upon its finding of necessity of such a greater width.



4. Driveway and vehicular services configuration:
 - a. Driveways shall be predominately perpendicular to any adjacent street, except for hotel uses which may have circular drives for the purpose of drop-off and pick-up. Driveways predominately parallel to the street are otherwise prohibited.
 - b. Entrances to garages and carports that serve one or more contiguous sidewalk-level residential units only shall share one common drive with any garages and carports facing rear or side yards having no street frontage.
 - c. Drive-through and drive-in facilities (including any fuel service) shall be prohibited.
5. Shared access: Notwithstanding the provisions of Section 16-28.006(10), a common or joint driveway may be authorized when adjacent lots have direct vehicular access to a publicly accessible street and a perpetual easement agreement is agreed upon by all affected property owners and included in the SAP application.
6. Drop-off lanes: No drop-off lanes shall be permitted along public streets except for hotel uses as approved by the Department of Public Works.
7. Parking structure public screening: In addition to Section 16-28.028, parking structures shall have the following additional requirements:
 - a. At a height of 20 feet or less above finished grade which faces any public or private street shall meet Section 16-18Q.014(3)(a) to provide an intervening building having conditioned habitable space along the length of such parking structure.
 - b. At a height of 20 feet or more above finished grade which faces any public or private street shall provide either:
 - i. An intervening building at average depth of 20 feet having conditioned habitable space along the length of such parking structure; or
 - ii. All openings of the parking structure shall be fully screened from view from adjacent public or private streets so that cars, sloped ramps, and interior deck lighting are not visible from adjacent streets. In addition, the façade design of said parking structure shall be compatible with the principal building in terms of architectural style, texture, quality and material; and
 - b. Side or rear yard facing parking deck façades that are exposed and visible from a public street, shall screen such visible portions of the parking deck utilizing the parking deck screening regulations provided in Section 16-28.028(1)(b)(ii).
- 2) Parking structure buffers: Along all non-street facing sides of parking structures a minimum ten feet wide continuous landscaped strip shall be provided between the structure and the property line(s). This landscaped strip shall be planted with a combination of trees and evergreen ground cover such as mondo grass, liriop species, ivy or shrubs with all plantings to be approved by the city arborist.
- 3) Public parking signage: Parking facilities providing public parking spaces shall provide standard signage indicating public parking in accordance with the Midtown standard in coordination with the City of Atlanta.
- 4) Pedestrian walkways from parking: All sidewalk level parking, including parking decks, shall have walkways a minimum width of four (4) feet connecting such parking to the public sidewalks and to building entrances.

Section 16-18Q.018. Bicycle Parking Requirements.

See Section 16-28.014(6), Bicycle parking requirements.

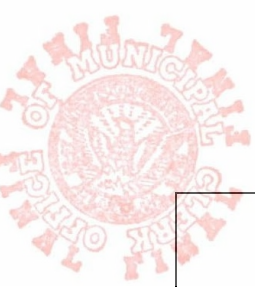


Section 16-18Q.019. Vehicular Off-Street Parking Requirements.

In addition to the provisions of Section 16-28.008(7), Sections 16-28.013 and 16-28.014, the vehicular parking requirements set forth in Table 6: SPI-17 Off Street Parking Requirements shall apply and are further subject to subsections 1 through 2 below:

Table 6: SPI-17 Off-Street Parking Requirements

Use	Minimum Spaces	Maximum Spaces ¹
Residential / Housing		
Residential - single family and two-family Personal Care Home Supportive Housing	No minimum	1.0 per bedroom
Residential – multi-family	No minimum	1.0 per bedroom and 2.0 per 2+ bedrooms
Nursing homes, convalescent homes and similar care facilities	1.0 per each 4 bedrooms	1.0 per each 2 bedrooms
Lodging		
Bed and Breakfast Inn	0.5 per rental room, plus 1 per manager	1 per rental room, plus 1 per manager
Hotel & Motel Lodging (not including eating and drinking establishment)	0.5 per rental room, plus 1/300 s.f. convention (assembly) facilities	1 per rental room, plus 1/200 s.f. convention (assembly) facilities
Commercial		
Professional/Personal Services (including Barber/Beauty Shops) Grocery Stores Small Discount Variety Stores	1/ 100 s.f.	15 / 1,000 s.f.
Commercial Recreation	1/ 100 s.f.	30/ 1000 s.f.
Eating & Drinking Establishments Indoor Dining	1/ 100 s.f.	15 / 1,000 s.f.
Eating & Drinking Establishments – Outdoor Dining	1/ 200 s.f.	20 / 1,000 s.f.
Retail Establishments	1 /200 s.f.	7.5 / 1,000 s.f.
Other Commercial Uses - not listed in the Commercial category above	1 /200 s.f.	7.5 / 1,000 s.f.
Institutional /Specialty		
Child Care Centers (shall also provide safe and convenient facilities for loading and unloading children, as approved by the Atlanta Department of Transportation)	One space for each onsite staff member plus 1 space for each classroom	One space for each onsite staff member plus 2.0 spaces for each classroom
Churches/Religious Facilities	The greater of: One space for each six fixed seats with 18	50% more than the minimum spaces prescribed at left.



	inches if bench length counted as one seat; or one space for each 50 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room.	
Clubs/Lodges	1/ 100 s.f.	No maximum
Museums/Galleries/Libraries	1/ 100 s.f.	No maximum
Other Institutional / Specialty uses allowed	See below ‘Uses Requiring a Special Permit (not listed above)’	No maximum
Office		
Medical/Dental Office or Clinic	1/ 200 s.f.	9 / 1,000 s.f. (may be shared with other uses)
Offices	1/ 250 s.f.	4.0 / 1,000 s.f. (may be shared with other uses)
Outdoor/ Utility		
Outdoor / Utility uses allowed	No minimum	No maximum
Uses Requiring a Special Use Permit (not listed above)		
All other uses allowed by Special Use Permit, which are not specified in this Table shall provide off-street parking based on the parameters and applicable conditions of the required special use permit.		
Electric/Alternative Fuel Vehicle Charging Stations		
All parking facilities shall provide electrical vehicle charging stations	1 station for every 50 automobile parking spaces	No maximum
¹ Parking spaces provided in excess of the parking requirements above shall only be allowed as park-for-hire spaces located within a parking structure.		

1. Off-street surface parking:
 - a. Shall not be located closer to a street than any on-site building façade and shall not occupy more than 50 percent of any street frontage parcel length.
 - b. Shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking as specified above.
 - c. Park-for-hire surface parking lot(s) as a principal use are prohibited.
2. Parking, lighting, security, landscaping, and maintenance. All surface parking lots and structures, whether a principle or accessory use, shall meet the following requirements:
 - a. Lighting shall be provided throughout all parking facilities to equal a minimum of one-half footcandle of light but shall reduce light spillage onto adjacent properties by providing cutoff luminaries with a maximum 90-degree illumination. For parking structures ingress and egress points such lighting shall be a minimum of one footcandle of light. Where applicable, public and other ambient lighting may be utilized to fulfill



these lighting requirements; however, if removed it shall be required to independently provide these required levels of illumination.

- b. Surface parking lots: The requirements of City of Atlanta Chapter 158 Vegetation, Article II Tree Protection, Section 30 Parking lot requirements shall apply to this district regardless of the size of the lot.
- c. Parking facilities shall be maintained in a clean, safe, and sanitary condition with parking spaces and driving lanes clearly defined and maintained. See also Section 16-28.014 for additional requirements.

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