

**CITY COUNCIL
ATLANTA, GEORGIA**

09-O-1402
Z-09-30

AN ORDINANCE BY COUNCILMEMBER ANNE FAUVER AS SUBSTITUTED BY ZONING COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 29 OF PART 16 OF THE ZONING ORDINANCE OF THE CITY OF ATLANTA TO DEFINE BED AND BREAKFAST INNS; TO ADD BED AND BREAKFAST INNS AS A PERMITTED PRINCIPAL USE AND STRUCTURE IN THE SPI-11 VINE CITY & ASHBY STATION SPECIAL PUBLIC INTEREST ZONING DISTRICT, SUBAREAS 4, 5, 6, AND 7; TO ADD BED AND BREAKFAST INNS AS A PERMITTED PRINCIPAL USE AND STRUCTURE IN THE SPI-17 PIEDMONT AVENUE SPECIAL PUBLIC INTEREST DISTRICT, SUBAREA 4; TO PROVIDE LIMITATIONS AND REQUIREMENTS FOR SUCH USE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has a number of grand and historic homes that are increasingly threatened by rapid development in the City; and

WHEREAS, several of these homes are individually listed on the National Register of Historic Places or are contributing homes within a district listed on the National Register of Historic Places ("historic homes"); and

WHEREAS, other historic communities, including Charleston, Denver, Nashville, Savannah, St. Augustine, Natchez, Mississippi and St. Petersburg, have expressly provided for bed and breakfast inns in their historic districts to help preserve such grand and historic homes; and

WHEREAS, development pressure in historic neighborhoods has resulted in several historic homes being either substantially altered or completely demolished to take advantage of the densities permissible under the existing zoning; and

WHEREAS, the intent of the City Council in establishing SPI-11 was, among other things, to preserve the district's historic pattern and distribution of buildings, many of which were constructed during the late 19th century and early 20th century; and

WHEREAS, the intent of the City Council in establishing SPI-17 was, among other things, to protect and encourage owner occupancy of existing single family housing and to protect the historic character of the Piedmont Road area within said district; and

WHEREAS, by definition, within a single-family dwelling, not more than two (2) rooms not containing independent kitchen facilities may be occupied by a total of four (4) or less roomers who may board with the family and be accommodated for compensation for any period, including daily, weekly or monthly periods; and

WHEREAS, within the City exist certain single-family dwellings, permitted and occupied as such but which homeowners have chosen to label and even market as "bed and breakfast" establishments despite their recognized zoning status solely as a single-family dwelling and despite the absence of a "bed and breakfast" use within the zoning code; and

WHEREAS, the intent of this ordinance to create a definition for "bed and breakfast inn" and to permit such use solely within residential sub-areas of SPI-11 and SPI- 17 as provided herein; and

WHEREAS, it is further the intent of this ordinance that those structures permitted and occupied as single-family dwellings, yet labeled by property owners as "bed and breakfast" establishments, continue to be recognized solely as a single-family dwelling (including all rights pertaining thereto) and not as a permitted bed and breakfast inn use, as defined and permitted herein (unless complying with the provisions herein), upon adoption of this ordinance.

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

Section 1: That Section 16-29.001 of the Atlanta Zoning Ordinance is hereby amended to provide a definition for "bed and breakfast inn," so that, when amended, a new enumerated subsection (74) (or as the codifier shall enumerate as appropriate) shall provide as follows:

(74) **Bed and breakfast inn:** A building or buildings located in a permitted district and meeting each of documented characteristics (a) through (f):

(a) Structure(s):

- (1) Having a minimum of 1, 200 square feet of floor area; and
- (2) Individually listed on the National Register of Historic Places; or
- (3) Contributing to a district listed on the National Register of Historic Places; or
- (4) Located within a district listed on the National Register of Historic Places and is architecturally compatible with the district in comparison to the physical descriptions and/or architectural information available in the official National Register of Historic Places Nomination, as determined by the executive director of the Urban Design Commission;

(b) **Condition of structure(s):** Substantially maintain their original or historic exterior appearance based on physical descriptions and or architectural information available in the official National Register of Historic Places Nomination as determined by the executive director of the Urban Design Commission. This characteristic shall only apply to structure(s) qualifying under either subparagraph (a) (2) or (3) above;

(c) **Property oversight:** A property owner or manager who resides on the property by taking a majority of their overnight lodging on-site; and up to a maximum of two (2) additional on-site employed staff, for a total of three (3) unrelated (by blood, marriage or adoption) individuals to manage and maintain the inn;

(d) **Number of guest rooms:** No fewer than three (3) and no more than eight (8) rooms available for transient guest stays;

(e) **Length of stay:** A minimum of one (1) overnight stay and maximum length of 30 consecutive days; and

(f) **Services/amenities:** Sleeping accommodations and breakfast provided for guests and included in the daily charge; and rooms shall not contain independent kitchen facilities unless the property is located within a zoning district that allows multi-family uses.

(g) **Non-Exclusivity:** This definition shall not exclude similar lawfully permitted uses existing at the time of the adoption of this definition or render them non-conforming.

Section 2: That the SPI-11 Vine City & Ashby Station zoning district Use Table located at the end of Section 16-18K.004 of the Atlanta Zoning Ordinance is hereby amended to add an alphabetical ordered new line-item labeled "bed and breakfast inn" so as to indicate that such new use is a permitted use within sub-areas 4 (University Residential Subarea), 5 (Ashview Heights Residential Subarea), 6 (Washington Park Single-Family Residential Subarea), and 7 (Vine City Single-Family Residential Subarea) by the notation "P" and that such new use is not permitted within sub-areas 1, 2, 3, 8, 9, 10, 11 & 12 by the notation "X".

Section 3: That Section 16-18K.016(4) of the Atlanta Zoning Ordinance pertaining to the off-street parking requirements for the SPI-11 zoning district, and which currently reads as follows:

4. For residential uses.

a. For single-family detached dwellings: No parking requirements.

b. For all other residential uses: See Table I, "Land Use Intensity Ratios," for minimum parking requirements under appropriate FAR for the development.

Is hereby amended to add a new subsection and change the order of text to read as follows:

4. For residential uses.

a. Single-family detached dwellings: No parking requirements.

b. Bed & breakfast inn: A minimum of 0.5 spaces per rental room plus one (1) space per owner/manager less than half a mile from a transit station, otherwise a minimum of 0.75 spaces per rental room plus one (1) space per owner/manager.

c. All other residential uses: See Table I, "Land Use Intensity Ratios," for minimum parking requirements under appropriate FAR for the development.

Section 4: That Section 16-28A.010(47) of the Atlanta Zoning Ordinance pertaining to the signage requirements for the SPI-11 zoning district, and which currently reads as follows:

(47) **SPI-11 Vine City and Ashby Station District:** The following signs shall be permitted in the SPI-11 Vine City and Ashby Station District:

- a. Subarea 1: Ashby Station Shopping Subarea: The sign regulations are the same as the C-1 (Community Business) District; See section 16-28A.010(5).
- b. Subarea 2: Martin Luther King, Jr. Drive-Ashby Street Commercial Subarea: The sign regulations are the same as the C-1 (Community Business) District; see section 16-28A.010(5).
- c. Subarea 3: University center office-institutional subarea: The sign regulations are the same as the O-I (Office-Institutional) District; See section 16-28A.010(4).
- d. Subareas 4, 5 and 6: University Residential, Ashview Heights Residential and Washington Park Single-Family Residential subareas: The sign regulations are the same as the R-1 (Single-Family Residential) District; see section 16-28A.010(I).
- e. Subarea 7: Vine City Single-Family Residential subarea: The sign regulations are the same as the R-1 (Single-Family Residential) District; see section 16-28A.010(1).
- f. Subarea 8: Vine City Multi-Family Residential Subarea: The sign regulations are the same as the MR (Multi-Family Residential) District; see section 16-28A.010(42).
- g. Subareas 9, 10, 11 and 12: Simpson Mixed Use, Lowery Mixed Use, Vine City Neighborhood Commercial and Northside Mixed Use subareas: The sign regulations are the same as the MRC (Mixed Residential Commercial) District; see section 16-28A.010(41).

Is hereby amended for SPI-11 subareas 4, 5, 6 and 7 and shall read as follows:

(47) SPI-11 Vine City and Ashby Station District: The following signs shall be permitted in the SPI-11 Vine City and Ashby Station District:

- a. Subarea 1: Ashby Station Shopping Subarea: The sign regulations are the same as the C-1 (Community Business) District; See section 16-28A.010(5).
- b. Subarea 2: Martin Luther King, Jr. Drive-Ashby Street Commercial Subarea: The sign regulations are the same as the C-1 (Community Business) District; see section 16-28A.010(5).
- c. Subarea 3: University center office-institutional subarea: The sign regulations are the same as the O-I (Office-Institutional) District; See section 16-28A.010(4).
- d. Subareas 4, 5 and 6: University Residential, Ashview Heights Residential and Washington Park Single-Family Residential subareas: The sign regulations are the same as the R-1 (Single-Family Residential) District; see section 16-28A.010(1). For Bed & Breakfast Inn uses the sign regulations shall be the same as the regulations for the RLC (Residential Limited Commercial) district provided that the maximum sign size shall not exceed eight (8) square feet and no freestanding signs shall be permitted.
- e. Subarea 7: Vine City Single-Family Residential subarea: The sign regulations are the same as the R-1 (Single-Family Residential) District; see section 16-28A.010(1). For Bed & Breakfast Inn uses the sign regulations shall be the same as the regulations for the RLC (Residential Limited Commercial) district

provided that the maximum sign size shall not exceed eight (8) square feet and no freestanding signs shall be permitted.

- f Subarea 8: Vine City Multi-Family Residential Subarea: The sign regulations are the same as the MR (Multi-Family Residential) District; see section 16-28A.010(42).
- g. Subareas 9, 10, 11 and 12: Simpson Mixed Use, Lowery Mixed Use, Vine City Neighborhood Commercial and Northside Mixed Use subareas: The sign regulations are the same as the MRC (Mixed Residential Commercial) District; see section 16-28A.010(41).

Section 5: That Section 16-18Q.028(l) of the Atlanta Zoning Ordinance concerning the specific regulations for the SPI-17 zoning district, subarea 4: Piedmont South and which currently reads as follows:

Section 16-18Q.028 Specific regulations for subarea 4: Piedmont South.

1. **Permitted uses.** The following regulations shall apply to all permitted accessory uses and structures:

- a. No accessory building shall be constructed until construction of the principal building has actually begun, and no accessory building shall be used or occupied until the principal building is completed and is in use.
- b. Accessory buildings shall not cover more than 25 percent of the rear yard.
- c. Accessory structures shall be placed to the rear of the main structure within the buildable area of the lot, with the exception of structures located in the rear yard setback which do not exceed a maximum width of 24 feet.
- d. Accessory buildings shall not exceed 24 feet in height or the height of the main structure, whichever is less, shall not contain a total floor area greater than 30 percent of the main structure, and shall not exceed a maximum height of two stories.

Is hereby amended to add a new subsection to be numbered as subsection (1)(a) and that the present section (1) be renumbered as subsection (1)(b) so as to add "bed and breakfast inn" as a permitted use such that Sec. 16-18Q.028 shall be amended to read as follows:

Section 16-18Q.028 Specific regulations for subarea 4: Piedmont South.

1. **Permitted uses.**

- a. In addition to those uses authorized in section 16-18Q.005, a building or premise may be used for the following permitted uses and structures:

i. Bed and breakfast inn.

b. The following regulations shall apply to all permitted accessory uses and structures:

- i. No accessory building shall be constructed until construction of the principal building has actually begun, and no accessory building shall be used or occupied until the principal building is completed and is in use.
- ii. Accessory buildings shall not cover more than 25 percent of the rear yard.
- iii. Accessory structures shall be placed to the rear of the main structure within the buildable area of the lot, with the exception of structures located in the rear yard setback which do not exceed a maximum width of 24 feet.
- iv. Accessory buildings shall not exceed 24 feet in height or the height of the main structure, whichever is less, shall not contain a total floor area greater than 30 percent of the main structure, and shall not exceed a maximum height of two stories.

Section 6: That Section 16-18Q.021(3) of the Atlanta Zoning Ordinance pertaining to the off-street parking requirements for the SPI-17 zoning district, and which currently reads as follows:

- 3. For residential uses. See Table I, "Land Use Intensity Ratios," for minimum parking requirements under appropriate FAR for the development.

Is hereby amended to read as follows:

- 3. For residential uses.
 - a. Bed & breakfast inn: A minimum of 0.5 spaces per rental room plus one (1) space per owner/manager less than half a mile from a transit station, otherwise a minimum of 0.75 spaces per rental room plus one (1) space per owner/manager.
 - b. All other residential uses: See Table I, "Land Use Intensity Ratios", for minimum parking requirements under appropriate FAR for the development.

Section 7: That Section 16-28A.010(38)(b) of the Atlanta Zoning Ordinance pertaining to the signage requirements for the SPI-17 zoning district, and which currently reads as follows:

- b. The regulations for SPI-17 Piedmont Avenue District section 16-18Q.025 (Specific regulations for subarea 1: 14th and Piedmont), section 16-18Q.026 (Specific regulations for subarea 2: Piedmont North) and section 16-18Q.028 (Specific regulations for subarea 4: Piedmont South) shall be the same as the regulations in subsection (3) RLC (Residential Limited Commercial) District, provided that:
 - i. No freestanding signs shall be permitted.

ii No, shopping center signs shall be permitted.

iii. Signs may be located as near to the street property line as the nearest building.

Is hereby amended for SPI-17, to add a new subsection, and shall read as follows:

b. The regulations for SPI-17 Piedmont Avenue District section 16-18Q.025 (Specific regulations for subarea 1: 14th and Piedmont), section 16-18Q.026 (Specific regulations for subarea 2: Piedmont North) and section 16-18Q.028 (Specific regulations for subarea 4: Piedmont South) shall be the same as the regulations in subsection (3) RLC (Residential Limited Commercial) District, provided that:

i. No freestanding signs shall be permitted.

ii No, shopping center signs shall be permitted.

iii. Signs may be located as near to the street property line as the nearest building.

iv. In subarea 4, the maximum sign size for a bed and breakfast inn use shall not exceed eight (8) square feet.

Section 8: To the extent that any ordinance is in conflict herewith, this ordinance shall control.

Section 9: This ordinance shall become effective immediately upon signing by the Mayor or as otherwise provide by operation of law.

A true copy,

Municipal Clerk

**ADOPTED by the Atlanta City Council
APPROVED by Mayor Shirley Franklin**

DEC 07, 2009

DEC 15, 2009

**2009-76 (09-O-1402)
PAGE 7 OF 7**