



**A SUBSTITUTE ORDINANCE  
AS AMENDED BY ZONING COMMITTEE**

**AN ORDINANCE BY THE ZONING COMMITTEE TO AMEND CHAPTER 18P (SPI 16 MIDTOWN SPECIAL PUBLIC INTEREST DISTRICT) OF THE ATLANTA ZONING ORDINANCE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Ordinance 17-O-1401 amended the zoning regulations for the SPI-16 Midtown Special Public Interest District; and

**WHEREAS**, said regulations are codified as Chapter 18P of Part 16 (Atlanta Zoning Ordinance) of Part III (Land Development Code) of the Atlanta Code of Ordinances; and

**WHEREAS**, the Department of City Planning recommends further amendment to:

1. require a special use permit in sub-area 3 for museums, galleries, libraries;
2. clarify that active uses are required on certain Street Typologies;
3. correct the title to Attachment B from "Conventional Streets and Pedestrian" to "Conventional Streets and Pedestrian Ways";
4. clarify the square footage ratio between open space bonus and the provision of public art;
5. increase the minimum sidewalk setback from 30' to 50' along Peachtree Street north of 14<sup>th</sup> Street;
6. permit medical and dental offices on Street Typologies A-1 and below;
7. permit banks/financial institutions, clubs/lodges and dry cleaning and laundry facilities, on Street Typologies A-2 and below; and
8. correct internal code citation references and sub-section lettering; and

**WHEREAS**, the City Council finds that the foregoing amendments will facilitate continued growth and high caliber development, increase uniformity and make the ordinance easier to administer and enforce.

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

**Section 1.** So as to hereafter permit museums, galleries and libraries only by special use permit in sub-area 3 of the SPI-16 Midtown Special Public Interest District, the corresponding row of Table 1: SPI-16 Midtown Table of Uses, Section 16-18P.005 of the Code of Ordinances, City of Atlanta, Georgia which currently reads:



|                             |   |     |   |
|-----------------------------|---|-----|---|
| Museums/Galleries/Libraries | P | SUP | P |
|-----------------------------|---|-----|---|

**is hereby amended to read as follows:**

|                             |   |     |     |
|-----------------------------|---|-----|-----|
| Museums/Galleries/Libraries | P | SUP | SUP |
|-----------------------------|---|-----|-----|

[Note to codifier: all other matters set forth in Table 1 shall remain unchanged].

**Section 2.** Section 16-18P.005(1) of the Code of Ordinances, City of Atlanta, Georgia of the Midtown Special Public Interest District regulations which currently reads:

1. The permitted principal uses and special uses set forth in Table 1: SPI-16 Midtown Table of Uses shall be permitted only as listed within each subarea with said Table of Uses shall be permitted only as listed within each subarea within said Table of Uses and only in the manner so listed.

**is hereby amended to read as follows:**

1. The permitted principal uses and special uses set forth in Table 1: SPI-16 Midtown Table of Uses shall be permitted only as listed within each subarea with said Table of Uses shall be permitted only as listed within each subarea within said Table of Uses and only in the manner so listed. See also section 16-18P.014 for additional use location criteria.

**Section 2.1.** So as to insert the word “Ways” after “Pedestrian” in the header, Section 1618P.010(2) of the Code of Ordinances, City of Atlanta, Georgia which currently reads:

Attachment B Conventional Streets and Pedestrian shall govern the following:

- a) New conventional streets and new pedestrian ways shall be constructed as shown in Attachment B in order to create pedestrian and vehicular connectivity.
- b) New conventional streets created per Sec. 16-18P.010(2.a) above, shall meet the requirements of section 16-18P.010(3.c) below.
- c) All other regulations within this district applicable to streets and street frontages shall be applied to the new conventional streets and new pedestrian ways required in Attachment B.
- d) The area of any such new conventional streets or new pedestrian ways shall be allowed to be included in the net or gross area calculation for density purposes and shall be afforded a density bonus as specified in section 16-18P.010(3.c) below.



is hereby amended to read as follows:

Attachment B Conventional Streets and Pedestrian Ways shall govern the following:

- a) New conventional streets and new pedestrian ways shall be constructed as shown in Attachment B in order to create pedestrian and vehicular connectivity.
- b) New conventional streets created per Sec. 16-18P.010(2.a) above, shall meet the requirements of section 16-18P.010(3.c) below.
- c) All other regulations within this district applicable to streets and street frontages shall be applied to the new conventional streets and new pedestrian ways required in Attachment B.
- d) The area of any such new conventional streets or new pedestrian ways shall be allowed to be included in the net or gross area calculation for density purposes and shall be afforded a density bonus as specified in section 16-18P.010(3.c) below.

**Section 3.** So as to clarify the square footage ratio between open space bonus and the provision of public art, Section 16-18P.011(3)(a) of the Code of Ordinances, City of Atlanta, Georgia which currently reads:

3. Open space incentives.
  - a. *Public Art.* Sidewalk level public art shall be eligible for an open space bonus in the amount of ten square feet, to a maximum of 10,000 square feet, toward meeting the open space requirement or every square foot of public art area provided if the public art is:
    - i. a minimum of 100 square feet in size and provides a level surface (less than a one percent slope) that is visible and accessible from any adjacent sidewalk or public park; and
    - ii. programmed to provide for daily 3-D public art in coordination with the City's Office of Cultural Affairs.

is hereby amended to read as follows:

3. Open space incentives.
  - a. *Public Art:* Sidewalk level public art shall be eligible for an open space bonus in the amount of ten (10) square feet for every square foot of the public art area, up to a maximum of 10,000 square feet of open space bonus, provided that the public art is:
    - i. a minimum of 100 square feet in size and provides a level surface (less than a one percent slope) that is visible and accessible from any adjacent sidewalk or public park; and
    - ii. programmed to provide for daily 3-D public art in coordination with the City's Office of Cultural Affairs.

**Section 4.** So as to require a 50' minimum setback along Peachtree Street north of 14<sup>th</sup> street and a 25' minimum setback south of 14<sup>th</sup> street, the applicable row of Table 4: SPI-16 Sidewalk Table of Section 16-18P.012 of the Code of Ordinances, City of Atlanta, Georgia which currently reads:



|                                    |  |     |     |     |
|------------------------------------|--|-----|-----|-----|
| Min. Setback (from street curbing) | 30' north of 14 <sup>th</sup> St.<br>25' south of 14 <sup>th</sup> St. | 20' | 15' | 15' |
|------------------------------------|--|-----|-----|-----|

**is hereby amended to read as follows:**

|                                    |  |     |     |     |
|------------------------------------|--|-----|-----|-----|
| Min. Setback (from street curbing) | 50' north of 14 <sup>th</sup> St.; 25' south of 14 <sup>th</sup> St. | 20' | 15' | 15' |
|------------------------------------|--|-----|-----|-----|

[Note to codifier: all other matters set forth in Table 4 shall remain unchanged].

**Section 5.** So as to add medical and dental offices to the list of active uses permitted on A1 street types and to add banks/financial institutions, clubs/lodges and laundry/dry cleaning facilities to the list of active uses permitted on A2 Street, Table 5: SPI-16 Street Activation (including footnote 1) set forth in Section 16-18P.014 of the Code of Ordinances, City of Atlanta, Georgia which currently reads:

| Street Typology | Location   | Permitted Active Uses (as further regulated in Table 1: SPI-16 Table of Uses)   | Min. Fenestration (as % of street level façade) |
|-----------------|--|---|---|
| A1 Street       | Peachtree St from 5th St to 15 <sup>th</sup> St  | Churches/Religious Facilities, Eating & Drinking Establishments, Hotels & Motels <sup>1</sup> , Multi-family/Duplexes/ Single-Family Dwellings <sup>1</sup> , Museums/Galleries/Libraries, Offices <sup>1</sup> (other than Medical/Dental Office), Retail Establishments         | 75% for all uses                                |
| A2 Street       | North Ave, 5th St, 10th St, 12th St from Williams St to Juniper St, 14th St from Williams St to Juniper St, 17th St, Spring St from North Ave to 17th St, West Peachtree St from North Ave to 17th St, Crescent Ave, Peachtree St from North Avenue to 5 <sup>th</sup> St, Peachtree St from 15th St to I-85 | All uses allowed on type A1 Streets, Barber Shops & Beauty Shops, Business/Commercial Schools, Childcare Centers, Commercial Recreation Establishments, Institutions of Higher Learning, Professional/ Personal Services, Public & Private Schools, Sales & Repair Establishments | 65% of all uses                                 |
| B1 Street       | Juniper St from 13th St to 14th St and Juniper St from North Ave to 10th St  | All uses allowed on type A Streets, Banks/Financial Institutions, Clubs/Lodges,   | 50% for nonresidential uses, 30% for            |

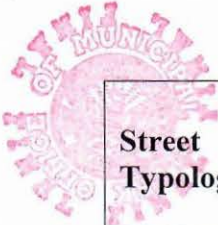


| Street Typology | Location   | Permitted Active Uses (as further regulated in Table 1: SPI-16 Table of Uses)  | Min. Fenestration (as % of street level façade) |
|-----------------|--|--|---|
| B2 Street       | Ponce De Leon Ave, 3rd St, Biltmore Pl, 6th St, 7th St, Peachtree Pl, 12th St from Juniper St to Piedmont Ave, 14th St from Juniper to Piedmont Ave, 15th St from Spring St to Peachtree Cir, Spring St from 17th to Peachtree St, West Peachtree St from 17th St to Peachtree St, Beverly Rd to Inwood Cir, Peachtree Walk from 10th St to 13th St, Cypress St from 3rd St to Peachtree Pl, Piedmont Ave from Ponce de Leon Ave to 3rd St | Dormitories/Fraternities/Sororities, Laundry/Dry Cleaning, Nightclub/Lounge, Fuel Service Stations, Mortuary/Funeral Homes, Nursing Homes/Personal Care Homes/Assisted Living Facilities/Rehabilitation Centers, Medical/Dental Office, Printing, Service Stations, Shelters, Supportive Housing | residential uses                                |
| C Street        | Other existing streets not listed above; and all alleys  | Active Uses not required   | 30% for all uses                                |

<sup>1</sup> Limited 40 feet of street frontage for each use, provided that the sum of all such uses shall not exceed 50% of the overall street fronting façade length along a type A1 street.

is hereby amended to read as follows:

| Street Typology | Location  | Permitted Active Uses (as further regulated in Table 1: SPI-16 Table of Uses)  | Min. Fenestration (as % of street level façade) |
|-----------------|---|--|---|
| A1 Street       | Peachtree St from 5th St to 15 <sup>th</sup> St   | Churches/Religious Facilities, Eating & Drinking Establishments, Hotels & Motels <sup>1</sup> , Multi-family/Duplexes/ Single-Family Dwellings <sup>1</sup> , Museums/Galleries/Libraries, Offices <sup>1</sup> , Medical/Dental Office <sup>1</sup> , Retail Establishments | 75% for all uses                                |
| A2 Street       | North Ave, 5th St, 10th St, 12th St from Williams St to Juniper St, 14th St from Williams St to Juniper St, 17th St, Spring St from North Ave to 17th St, West Peachtree St from North Ave to 17th St, Crescent Ave, Peachtree St from North Avenue to 5 <sup>th</sup> St, Peachtree St from 15th St to | All uses allowed on type A1 Streets, Banks/Financial Institutions, Barber Shops & Beauty Shops, Business/Commercial Schools, Childcare Centers, Clubs/Lodges, Commercial Recreation, Institutions of Higher Learning,  | 65% of all uses                                 |



| Street Typology | Location   | Permitted Active Uses (as further regulated in Table 1: SPI-16 Table of Uses)  | Min. Fenestration (as % of street level façade)       |
|-----------------|--|--|---|
|                 | I-85   | Laundry/Dry Cleaning, Professional/ Personal Services, Public & Private Schools, Sales & Repair Establishments   |   |
| B1 Street       | Juniper St from 13th St to 14th St and Juniper St from North Ave to 10th St  |  |   |
| B2 Street       | Ponce De Leon Ave, 3rd St, Biltmore Pl, 6th St, 7th St, Peachtree Pl, 12th St from Juniper St to Piedmont Ave, 14th St from Juniper to Piedmont Ave, 15th St from Spring St to Peachtree Cir, Spring St from 17th to Peachtree St, West Peachtree St from 17th St to Peachtree St, Beverly Rd to Inwood Cir, Peachtree Walk from 10th St to 13th St, Cypress St from 3rd St to Peachtree Pl, Piedmont Ave from Ponce de Leon Ave to 3rd St | All uses allowed on type A Streets, Dormitories/Fraternities/Sororities, Nightclub/Lounge, Fuel Service Stations, Mortuary/Funeral Homes, Nursing Homes/ Personal Care Homes/Assisted Living Facilities/Rehabilitation Centers, Printing, Service Stations, Shelters, Supportive Housing | 50% for nonresidential uses, 30% for residential uses |
| C Street        | Other existing streets not listed above; and all alleys  | Active Uses not required   | 30% for all uses                                      |

<sup>1</sup> Limited 40 feet of street frontage for each use, provided that the sum of all such uses shall not exceed 50% of the overall street fronting façade length along a type A1 street.

**Section 6.** So as to correct the internal citation reference contained therein, Section 1618P.019(7)(a) of the Code of Ordinances, City of Atlanta, Georgia which currently reads:

- a. At a height of 20 feet or less above finished grade which faces any public or private street shall meet Section 16-18P.014(4.c) to provide an intervening building having conditioned habitable space along the length of such parking structure;

**is hereby amended to read as follows:**

- a. At a height of 20 feet or less above finished grade which faces any public or private street shall meet Section 16-18P.014(3)(b) to provide an intervening building having conditioned habitable space along the length of such parking structure;



**Section 7.** So as to correct the lettering Section 16-18P.020(5) the Code of Ordinances, City of Atlanta, Georgia which currently reads:

5. Parking, lighting, security, landscaping and maintenance: All surface parking lots and structures, whether a nonconforming principle use or accessory use, shall meet the following requirements:
  - a. Lighting shall be provided throughout all parking facilities to equal a minimum of one-half (1/2) footcandle of light. For parking structures at points of ingress and egress such lighting shall be a minimum of (1) footcandle of light. Where applicable, public street and other ambient lighting may be utilized to either partially or totally 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.
  - 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.

**is hereby amended to read as follows:**

5. Parking, lighting, security, landscaping and maintenance: All surface parking lots and structures, whether a nonconforming principle use or accessory use, shall meet the following requirements:
  - a. Lighting shall be provided throughout all parking facilities to equal a minimum of one-half (1/2) footcandle of light. For parking structures at points of ingress and egress such lighting shall be a minimum of (1) footcandle of light. Where applicable, public street and other ambient lighting may be utilized to either partially or totally 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.

**Section 8:** So as to clarify rules for the location of utilities Sec. 16-18P.010(7) of the Code of Ordinances, City of Atlanta, Georgia which currently reads:

7. Utility location. Along existing and new type A and B streets shown on Attachment B, utilities within a sidewalk or supplemental zone shall be located below ground. This requirement shall not apply to a utility regulated by the Public Service Commission or otherwise regulated by state law and/or franchise agreement.

is hereby amended to read as follows:

7. Utility location. Along existing and new type A and B streets shown on attachment B utilities within a sidewalk or supplemental zone shall be located below ground, provided that such utility is not in violation of the policies of utility regulated by the Public Service Commission or otherwise regulated by state law and/or franchise agreement.

**Section 9:** So as to modify the rules for Park-for-hire surface parking Sec. 16-18P.020(1)(d) of the Code of Ordinances, City of Atlanta, Georgia which currently reads:

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

is hereby amended to read as follows:

- d. Park-for-hire surface parking lot(s) as a principal use are prohibited.

**Section 10:** Sec. 16-18P.021(3) is hereby created to read as follows:

3. The City supports unbundling of rent from parking. Parking for all residential dwelling units may be leased or sold separately from the rental or purchase price for such units at landlord or seller option.

A true copy,

Deputy Clerk

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

JUN 04, 2018  
JUN 13, 2018