

**AN ORDINANCE BY
ZONING COMMITTEE**

Z-18-100

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ATLANTA (PART 16), AS AMENDED, BY AMENDING AND CLARIFYING VARIOUS PROVISIONS OF THE TEXT OF THE ZONING ORDINANCE, INCLUDING INDIVIDUAL ZONING DISTRICT REGULATIONS, WITH REGARD TO THE SUBJECT AREAS AND PROVISIONS THAT FOLLOW: ACCESSORY DWELLINGS (SECTION 1 BELOW); DEFINITIONS (SECTION 2 BELOW); USES IN INDUSTRIAL DISTRICTS (SECTION 3 BELOW); LOADING REQUIREMENTS (SECTION 4 BELOW); MRC RESIDENTIAL DENSITY (SECTION 5 BELOW); NEW MULTI-UNIT HOUSING ZONING DISTRICT AND REGULATIONS (SECTION 6 BELOW); PARKING (SECTION 7 BELOW); NEIGHBORHOOD DESIGN STANDARDS (SECTION 8 BELOW); TELECOMMUNICATIONS (SECTION 9 BELOW); TRANSITIONAL HEIGHT PLANES (SECTION 10 BELOW); AND QUALITY OF LIFE DISTRICTS (SECTION 11 BELOW); TO AMEND MULTIPLE SECTIONS OF THE ZONING ORDINANCE RELATED TO BICYCLE PARKING REQUIREMENTS SO AS TO COORDINATE WITH CERTAIN CROSS REFERENCES IN ORDINANCE NUMBER 18-O-1023 (Z-17-93) AND CORRECT CERTAIN SCRIVENER'S ERRORS THEREIN (SECTION 12); TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.

WHEREAS, the current Atlanta Zoning Ordinance was adopted in 1982 and has been amended numerous times since its adoption; and

WHEREAS, a wide variety of state and federal statutory provisions have been adopted and amended since 1982 that impact the City's zoning ordinances and other land use provisions; and

WHEREAS, the combination of numerous amendments over the years, and changing laws and regulations at the state and federal levels, has resulted in a zoning ordinance that is unnecessarily complex and difficult to access, particularly for members of the public and property owners; and

WHEREAS, tremendous existing and projected growth and change within the City, as well as the desire to encourage excellent city design so that people of all income ranges, generations, races, and educational levels can thrive as city residents, resulted in the Department of City Planning's creation of Atlanta City Design as a concept for design that provides a framework for policies and plans in the City of Atlanta; and

WHEREAS, this growth and change in the City, as well as the various changes that have occurred in the zoning ordinance since 1982, also created a need to review existing zoning and other land use regulations and consider a new, updated approach to how the city's zoning, subdivision and other land use regulations are structured and the extent to which they adequately address and protect the public health, safety and welfare; and

WHEREAS, the Mayor and City Council of the City of Atlanta undertook to begin the process of substantially reviewing and revising the Atlanta Zoning Ordinance, including related laws, by performing a comprehensive “diagnostic” analysis of existing zoning code provisions with the assistance of professional city staff and a coalition of consultants; and

WHEREAS, this diagnostic was performed over a period of one year and included a wide variety of stakeholder input, professional analysis, and public input, including public forums and Zoning Committee presentations; and

WHEREAS, this diagnostic process resulted in a document completed in late 2016 that summarized the information and comments gathered, analyzed the current ordinance against best practices nationally and current legal considerations, and made a series of recommendations for future changes to the Zoning Ordinance, including related regulations and substantial structural code alterations; and

WHEREAS, the recommendations set forth in the diagnostic were broken down into two basic components: those that could be completed in a relatively short period of time, which were referred to as “quick fixes”; and those that would require a comprehensive overhaul of the current Zoning Ordinance and would likely require a period of two to four years to complete; and

WHEREAS, a consultant team was retained to review, seek public input on, and draft amendments to those ordinance provisions identified in the diagnostic as quick fix changes, to be followed by the introduction of legislation codifying these proposed changes in the Zoning Ordinance and related regulations in two phases; and

WHEREAS, the first phase amendments were adopted by City Council on 7 May 2018 and approved by the Mayor on 16 May 2018 following a series of public forums, open house sessions, city council work sessions, NPU review, and public hearing before Zoning Review Board; and

WHEREAS, this Ordinance constitutes the second phase of the zoning updates/amendments, and consists of a series of Zoning Ordinance amendments, all of which have followed the procedural requirements of the Zoning Ordinance for adoption of text amendments, involving the following subject area categories: accessory dwellings (section 1 below); definitions (section 2 below); uses in industrial districts (section 3 below); loading requirements (section 4 below); MRC residential density (section 5 below); new multi-unit housing zoning district and regulations (section 6 below); parking (section 7 below); neighborhood design standards (section 8 below); telecommunications (section 9 below); transitional height planes (section 10 below); quality of life districts (section 11 below); and multiple sections related to bicycle parking requirements so as to coordinate with certain cross references in ordinance number 18-O-1023 and to correct certain scrivener’s errors therein; and

WHEREAS, after lengthy and careful review occurring over a period of years, including Atlanta City Design concepts, the diagnostic referenced above, extensive public input through the required zoning ordinance amendment public hearings, as well as numerous public forums held throughout the City of Atlanta, the City Council finds that the following amendments are needed in order to clarify and improve certain provisions of the Atlanta Zoning Ordinance, provide consistency with the City’s Comprehensive Development Plan and other comprehensive planning processes including Atlanta City Design, update consistency with state and federal law, and advance the public health, safety and welfare;

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

SECTION 1 – ACCESSORY DWELLINGS

Section 1.A. That Section 16-06.004 (Permitted accessory uses and structures) of the Zoning Ordinance (pertaining to the R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS), be amended to add a new subsection (12), which new subsection shall read as follows:

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

...(12) Accessory dwelling units, where the total number of dwelling units on any parcel, including the accessory dwelling unit, does not exceed two.

Section 1.B. That Section 16-06.010 (Minimum off-street parking requirements) of the Zoning Ordinance (pertaining to the R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS), be amended to add a new subsection (6), which new subsection shall read as follows:

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

...(6) Accessory Dwelling Units: No parking required

Section 1.C. That Section 16-06A.004 (Permitted accessory uses and structures) of the Zoning Ordinance (pertaining to the R-4A SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS), be amended to add a new subsection (11), which new subsection shall read as follows:

Sec. 16-06A.004. Permitted accessory uses and structures.

...(11) Accessory dwelling units, where the total number of dwelling units on any parcel, including the accessory dwelling unit, does not exceed two.

Section 1.D. That Section 16-06A.010 (Minimum off-street parking requirements) of the Zoning Ordinance (pertaining to the R-4A SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS), be amended to add a new subsection (6), which new subsection shall read as follows:

Sec. 16-06A.010. Minimum off-street parking requirements.

...(6) Accessory Dwelling Units: No parking required.

Section 1.E. That Subsection (8) of Section 16-07.008 (Minimum yard requirements) of the Zoning Ordinance (pertaining to the R-5 TWO-FAMILY RESIDENTIAL DISTRICT REGULATIONS), which currently reads as follows:

Sec. 16-07.008. Minimum yard requirements.

“(8) Location of accessory dwelling unit: The distance between an accessory dwelling unit and the primary dwelling on adjacent properties may be no less than the distance between the accessory dwelling unit and the primary structure on its lot.”

be amended to delete said Subsection 16-07.008(8) in its entirety.

Section 1.F. That Section 16-07.010 (Minimum off-street parking requirements) of the Zoning Ordinance (pertaining to the R-5 TWO-FAMILY RESIDENTIAL DISTRICT REGULATIONS), be amended to add a new subsection (6), which new subsection shall read as follows:

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

...(6) Accessory Dwelling Units: No parking required.

SECTION 2 – DEFINITIONS

Section 2.A. That the “Commercial/Retail” portion of the SPI-1 Downtown Use Table located in Section 16-18A.006 of the Zoning Ordinance, which currently reads as follows:

“Sec. 16-18A.006. - Use regulations

.....

SPI-1 Downtown: Use Table

P = Permitted Principal Use or Structure SAP = Special Administrative Permit Required SUP = Special Use Permit Required X = Not Permitted	Subareas						
	Downtown Core	SoNo Commercial West	SoNo Commercial East	SoNo Residential	Centennial Olympic Park	Terminus	Fairlie-Poplar
	1	2	3	4	5	6	7
Commercial/Retail							
Bakers and catering establishments	P	P	P	P	P	P	P
Eating and drinking establishments (Drive-through facilities are not permitted). In Subarea #5, any eating and drinking establishment which is defined as a nightclub under Chapter 10 of the City Code shall not be permitted within 200 feet on Ivan Allen Boulevard.	P	P	P	P	P/X	P	P
Laundry and dry cleaning collection stations or plants; laundry and dry cleaning establishments where equipment is operated by customers	P	P	P	P	P	P	P
Mercantile uses, to include merchandise marts and exhibit buildings for wholesale trade	P	P	P	P	P	X	X
Printing and blueprinting shops	P	P	P	P	P	P	P
Professional or personal service establishments, but not hiring halls	P	P	P	P	P	P	P
Retail establishments	P	P	P	P	P	P	P
Repair of office equipment or installations; home appliances, clocks and watches, shoes, bicycles and leather goods	P	P	P	P	P	P	P
Sales and leasing agencies for new and used cars, motorcycles, bicycles and mopeds	P	P	P	P	X	X	X
Service stations and car washes meeting the requirements of 16-18A.010(5). In Subarea #2, shall not be permitted east of Spring Street.	P	P/X	X	X	X	X	X
Tailoring, custom dressmaking, millinery and similar establishments	P	P	P	P	P	P	P

be amended to read as follows:

“Sec. 16-18A.006. - Use regulations

.....

SPI-1 Downtown: Use Table

P = Permitted Principal Use or Structure SAP = Special Administrative Permit Required SUP = Special Use Permit Required X = Not Permitted	Subareas						
	Downtown Core	SoNo Commercial West	SoNo Commercial East	SoNo Residential	Centennial Olympic Park	Terminus	Fairlie-Poplar
	1	2	3	4	5	6	7
Commercial/Retail							
Bakers and catering establishments	P	P	P	P	P	P	P
Eating and drinking establishments (Drive-through facilities are not permitted). In Subarea #5, any eating and drinking establishment which is defined as a nightclub under Chapter 10 of the City Code shall not be permitted within 200 feet on Ivan Allen Boulevard.	P	P	P	P	P/X	P	P
Laundry and dry cleaning collection stations or plants; laundry and dry cleaning establishments where equipment is operated by customers	P	P	P	P	P	P	P
Mercantile uses, to include merchandise marts and exhibit buildings for wholesale trade	P	P	P	P	P	X	X
Printing and blueprinting shops	P	P	P	P	P	P	P
Professional or personal service establishments, but not hiring halls	P	P	P	P	P	P	P
Retail establishments	P	P	P	P	P	P	P
Repair of office equipment or installations; home appliances, clocks and watches, shoes, bicycles and leather goods	P	P	P	P	P	P	P
Sales and leasing agencies for new and used cars and motorcycles, bicycles and mopeds	P	P	P	P	X	X	X
Sales, leasing, and repair for new and use bicycles and mopeds	P	P	P	P	P	P	P
Service stations and car washes meeting the requirements of 16-18A.010(5). In Subarea #2, shall not be permitted east of Spring Street.	P	P/X	X	X	X	X	X
Tailoring, custom dressmaking, millinery and similar establishments	P	P	P	P	P	P	P

Section 2.B. That Section 16-29.001(8) of the Zoning Ordinance, which currently reads as follows:

“(8) *Church, synagogue, temple:* A building and/or premises used primarily for worship, which may contain accessory buildings, dwellings, lodging units or caretaker's residence. Child care facilities, operated directly by the church, shall be considered an accessory use.”

be deleted and the following two Sections 16-29.001(8)(a) and 16-29.001(8)(b) be inserted in lieu thereof:

(8)(a) *Place of worship:* A building and/or premises used primarily as a place of public assembly for religious worship, which may contain accessory buildings, dwellings, lodging units or caretaker's residence. Child care facilities, operated directly by the church, shall be considered an accessory use. The term “place of worship” includes typical uses such as mosques, temples, churches, and synagogues.

(8)(b) *Churches, temples, synagogues, mosques and similar religious facilities:* See “Place of Worship.”

Section 2.C. That Section 16-29.001(13) of the Zoning Ordinance, which currently reads as follows:

“Section 16-29.001(13). *Floor area:*

- a. *Residential:* For single-family and two-family or duplex dwellings, the floor area is defined as indicated in section 16-29.001(37). For definition and method of measurement of multi-family residential floor area, as affecting dwellings and lodgings, see section 16-28.010(3), "Residential floor area."
- b. *Floor area, commercial, business and industrial:* For computations involving other than dwellings and lodgings, gross floor area shall be computed as including the sum of the gross horizontal area of the several stories of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings or different uses, including attic space with headroom of seven feet or greater and served by a permanent, fixed stair, but not including basement space, uncovered steps or fire escapes, accessory water or cooling towers, or accessory off-street parking or loading areas.”

be amended to add two (2) new subsections 13.c. and 13.d. so that, as amended, Section 16-29.001(13) shall read as follows:

“13. *Floor area:*

- a. *Residential*: For single-family and two-family or duplex dwellings, the floor area is defined as indicated in section 16-29.001(37). For definition and method of measurement of multi-family residential floor area, as affecting dwellings and lodgings, see section 16-28.010(3), "Residential floor area."
- b. *Floor area, commercial, business and industrial*: For computations involving other than dwellings and lodgings, gross floor area shall be computed as including the sum of the gross horizontal area of the several stories of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings or different uses, including attic space with headroom of seven feet or greater and served by a permanent, fixed stair, but not including basement space, uncovered steps or fire escapes, accessory water or cooling towers, or accessory off-street parking or loading areas.
- c. *Floor area, mixed*. For computations involving individual dwelling units or individual tenant spaces containing both residential and non-residential floor area, whichever floor area is greater shall determine the floor area that applies to the entire dwelling unit or tenant space. When the floor areas are equal, the floor area shall be considered non-residential.
- d. *Floor area, flexible*. For computations involving individual tenant spaces where the allocation of residential and non-residential floor area is intended allow for change over time, the floor area for the tenant space shall be considered nonresidential."

Section 2.D. That Section 16-29.001 be amended so as to add the following new definition to said section in the correct alphabetical order:

“High capacity transit: A local or regional public transportation facility: (i) using rail; or (ii) using a fixed overhead wire system; or (iii) in the case of bus rapid transit, using and occupying an exclusive right-of-way for at least 75% of the route’s length. High capacity transit includes, but is not limited to, heavy rail, light rail, streetcars, commuter rail, and bus rapid transit. Long distance passenger facilities providing service beyond the State of Georgia shall not be considered “high capacity transit.”

Section 2.E. That Section 16-29.001 be amended so as to add the following new definition to said section in the correct alphabetical order:

“Bureau of Buildings and Bureau of Planning: Outdated names and titles for departments, bureaus, offices and officials that have been changed through reorganization legislation shall be interpreted to refer to the current, correct name and title. For example, the Bureau of Buildings shall mean the Office of Buildings.”

Section 2.F. That Section 16-29.001 be amended so as to add the following new definition to said section in the correct alphabetical order:

“Screen wall extension: A wing wall extension of a building façade matching the material and design of the adjacent adjoining building and not located within an open space, sidewalk or supplemental zone.”

SECTION 3 – USES IN INDUSTRIAL DISTRICTS

Section 3.A. That Section 16-16.003 (Permitted principal uses and structures) of the Zoning Ordinance (pertaining to the I-1 LIGHT INDUSTRIAL DISTRICT REGULATIONS), which currently reads as follows:

“Sec. 16-16.003. - Permitted principal uses and structures.

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

- (1)Adult businesses as defined in section 16-29.001(3). See section 16-28.016 for locational requirements.
- (2)Banks, savings and loan associations, and similar financial institutions.
- (3)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 use not located within an industrial district, and when such towers or devices are 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 an industrial district.
- (4)Business service establishments, including those providing duplicating, printing, maintenance, communications, addressing, mailing, bookkeeping, or guard services.
- (5)Clubs and lodges, union halls, hiring halls.
- (6)Churches, synagogues, temples, mosques and similar worship facilities.
- (7)Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries.
- (8)Manufacturing, wholesaling, repairing, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines and appliances and the like, where character of operations, emissions and by-products do not create adverse effects beyond the boundaries of the property. Use of heavy drop hammers, punch presses or other machinery; or processing methods creating excessive noise or vibration is prohibited in this district.
- (9)Offices, clinics (including veterinary), laboratories, studios.
- (10)Parking surface and structures.
- (11)Professional and personal service establishments.
- (12)Recreational establishments.
- (13)Repair garages, paint and body shops, welding shops.
- (14)Retail establishments, including those with sales or display lots or storage lots.
- (15)Sales and leasing agencies for new and used passenger automobiles, bicycles, mopeds and commercial vehicles.
- (16)Service stations, battery exchange stations and car washes.

- (17) General advertising signs subject to the limitations contained in section 16-16.006(1) in chapter 28A of this part.
- (18) Structures and uses required for operation of MARTA or a public utility, including uses involving extensive storage and railway rights-of-way and yards.
- (19) Trade schools, colleges and universities.
- (20) Warehousing, self-storage facilities except when any part of the property is within 500 feet of the beltline corridor as defined in City Code Section 16-36.007, distribution centers. An existing self-storage facility within 500 feet of the beltline corridor may be redeveloped at its existing floor area ratio and consistent with the requirements of this part.
- (21) Yards for storage of contractor's equipment; sand and gravel; lumber and the like but specifically excluding junkyards, salvage yards and scrap metal processors.
- (22) Hotels.
- (23) Conversion of existing industrial buildings to multi-family dwellings.
- (24) Supportive housing.
- (25) Urban gardens.
- (26) Market gardens.”

be amended to read as follows:

“Sec. 16-16.003. Permitted principal uses and structures.

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

- (1) Adult businesses as defined in section 16-29.001(3). See section 16-28.016 for locational requirements.
- (2) Conversion of existing industrial buildings which are 50 years of age or older to banks, savings and loan associations, and similar financial institutions.
- (3) 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 use not located within an industrial district, and when such towers or devices are 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 an industrial district.
- (4) Business service establishments, including those providing duplicating, printing, maintenance, communications, addressing, mailing, bookkeeping, or guard services.
- (5) Clubs and lodges, union halls, hiring halls.
- (6) Places of Worship.
- (7) Conversion of existing industrial buildings which are 50 years of age or older to eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries.
- (8) Manufacturing, wholesaling, repairing, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines and appliances and the like, where character of operations, emissions and by-products do not create adverse effects beyond the boundaries of the property. Use of heavy drop

hammers, punch presses or other machinery; or processing methods creating excessive noise or vibration is prohibited in this district.

- (9) Offices, clinics (including veterinary), laboratories, studios.
- (10) Parking surface and structures.
- (11) Professional and personal service establishments.
- (12) Conversion of existing industrial buildings which are 50 years of age or older to recreational establishments.
- (13) Repair garages, paint and body shops, welding shops.
- (14) Conversion of existing industrial buildings which are 50 years of age or older to retail establishments, including those with sales or display lots or storage lots.
- (15) Sales and leasing agencies for new and used passenger automobiles, bicycles, mopeds and commercial vehicles.
- (16) Service stations, battery exchange stations and car washes.
- (17) General advertising signs subject to the limitations contained in section 16-16.006(1) in chapter 28A of this part.
- (18) Structures and uses required for operation of MARTA or a public utility, including uses involving extensive storage and railway rights-of-way and yards.
- (19) Trade schools, colleges and universities.
- (20) Warehousing, self-storage facilities, distribution centers.
- (21) Yards for storage of contractor's equipment; sand and gravel; lumber and the like but specifically excluding junkyards, salvage yards and scrap metal processors.
- (22) Conversion of existing industrial buildings which are 50 years of age or older to hotels.
- (23) Conversion of existing industrial buildings which are 50 years of age or older to one-family, two-family, or multi-family dwellings.
- (24) Conversion of existing industrial buildings which are 50 years of age or older to supportive housing.
- (25) Urban gardens.
- (26) Market gardens.”
- (27)

Section 3 .B. That Section 16-16.004 (Permitted accessory uses and structures) of the Zoning Ordinance (pertaining to the I-1 LIGHT INDUSTRIAL DISTRICT REGULATIONS), which currently reads as follows:

Sec. 16-16.004. - Permitted accessory uses and structures.

Structures and uses which are customarily accessory and clearly incidental to permitted principal uses and structures subject to general or specific limitations applying within the district.

(1) Devices for the generation of energy such as solar panels, wind generators and similar devices including electric vehicle charging stations equipped with Level 1 Level 2 and/or DC Fast Charge EVSE.

(2) Dwelling or lodging units shall be permitted only as accessory uses, and only for watchmen, caretakers or others requiring living quarters on the premises.

be amended to read as follows:

Sec. 16-16.004. - Permitted accessory uses and structures.

Structures and uses which are customarily accessory and clearly incidental to permitted principal uses and structures subject to general or specific limitations applying within the district.

(1) Devices for the generation of energy such as solar panels, wind generators and similar devices including electric vehicle charging stations equipped with Level 1 Level 2 and/or DC Fast Charge EVSE.

(2) Dwelling or lodging units for watchmen or caretakers requiring living quarters on the premises shall be permitted only as accessory uses. This provision does not apply to those dwellings specifically authorized in this district as a permitted principal use or structure.

(3) Eating and drinking establishments provided they are integrated into the permitted principal use and structure of which they are accessory and are not physically separated from said use and structure.

(4) Retail establishments provided they are integrated into the permitted principal use and structure of which they are accessory and are not physically separated from said use and structure.

SECTION 4 – LOADING REQUIREMENTS

Section 4.A. That Section 16-28.015 of the Zoning Ordinance, which currently reads as follows:

“Sec. 16-28.015. -Off-street loading requirements.

Minimum off-street space shall be provided according to the following "Table of Loading Requirements." All loading berths shall provide vertical clearance of fourteen (14) feet. Maneuvering room shall not extend beyond the center line of the street or alley.

TABLE OF LOADING REQUIREMENTS

Hotels, Multi-family	Bus. & Prof. Offices		Retail Comm. Pers. Services; Repair, Rental, Servicing of Items Marketed at Retail	Processing, Fabricating, Warehousing, Storage, Printing, Laboratories, Transportation Facilities, Freight Terminal			
	Gross Sq. Ft.	Sp. Req.		Spaces Req.	Gross Sq. Ft.	Spaces Req.	Gross Sq. Ft.
			2—10,000	1			
			10—25,000	2			
					10—25,000	1	
10—50,000	1	1	25—40,000	2+1*	25—40,000	2	
50—100,000	2	2	40—100,000	2+2*	40—100,000	2+1*	
100—200,000	3	3	100—200,000	2+3*	100—200,000	2+2*	
200—500,000	4	3+1*	200—300,000	2+4*	200—300,000	2+3*	
			300—400,000	2+5*	300—400,000	2+4*	
			400,000	2+5*	400,000	2+4*	
			500,000	2+6*	500,000	2+5*	
500—750,000	4+1*	3+2*	600,000	2+7*	600,000	2+6*	
			700,000	2+8*	700,000	2+7*	
750—1 million	4+2*	3+3*	800,000	2+9*	800,000	2+8*	
1—1.25 million	4+3*	3+4*	1,000,000	2+11*	1,000,000	2+10*	
			1,200,000	2+13*	1,200,000	2+12*	
(+1*/250,000)			(+1*/100,000)		(+1*/100,000)		
Numbers Marked * indicate 12' × 55'. Others 12' × 35'.							

be amended to read as follows:

“Sec. 16-28.015. - Off-street loading requirements.

- 1. Minimum off-street space shall be provided according to the following "Table of Loading Requirements." All loading berths shall provide vertical clearance of fourteen (14) feet. All loading access ways and areas shall provide a vertical clearance of 14 feet and shall not be located within the required sidewalk.**

TABLE OF LOADING REQUIREMENTS

	Unit of Measure	Required Loading Spaces	
		12' × 35'	12' × 55'

<u>Residential Dwellings and Lodging</u>	<u>50 units or less</u>	<u>None</u>	<u>None</u>
	<u>51 to 200 units</u>	<u>1</u>	<u>None</u>
	<u>201 units and above</u>	<u>2</u>	<u>None</u>
<u>All Other Uses</u>	<u>Up to 15,000 sq. ft. floor area</u>	<u>None</u>	<u>None</u>
	<u>15,001 sq. ft. to 250,000 sq. ft. floor area</u>	<u>1</u>	<u>None</u>
	<u>250,001 sq. ft. and above</u>	<u>2</u>	<u>1</u>

2. Where legal on-street loading spaces of any width exist in a public right-of-way, one on-street loading space may be substituted for every required off-street loading space, provided the on-street space immediately abuts the subject property. Each on-street loading space shall only be counted for one property. Where a space straddles a property line (as projected into the right-of-way), the space shall only be counted by the owner whose property abuts 50% or more of the on-street loading space. The Director of Public Works may determine that to ensure future roadway capacity, the on-street loading reduction may not be available.
3. A reduction of off-street loading requirements may be approved by the Director subject to a shared loading arrangement that avoids conflicting loading demands. Shared loading arrangements may include multiple uses on one or more contiguous lots.
4. There are no off-street loading requirements for buildings and portions thereof built prior to 1965.”

Section 4.B. That Section 16-18.015(6) of the Zoning Ordinance, which currently reads as follows:

“6. *Loading requirements:* Minimum off-street spaces shall be provided according to the SPI-1 Downtown District Loading Table. All loading berths shall provide vertical clearance of 14 feet and shall not be located within the required sidewalk. See section 16-18A.013(2) for screening requirements. Reduction of loading spaces may be approved by the director of the bureau of planning subject to a shared loading arrangement that avoids conflicting loading demands.

SPI-1 Downtown: Loading Table

	Unit of Measure	Required Loading	Spaces
		12' x 35'	12' x 55'
Residential Dwellings/ Lodgings	Less than 20 units	None	None
	20 to 50 units	1	None
	51 to 200 units	2	None

	201 units and above	3	None
All Other Uses	Up to 10,000 sq. ft. floor area	None	None
	10,001 sq. ft. to 40,000 sq. ft. floor area	1	None
	40,001 sq. ft. to 100,000 sq. ft. floor area	2	None
	100,001 sq. ft. to 250,000 sq. ft. floor area	2	1
	250,001 sq. ft. to 500,000 sq. ft. floor area	2	2
	500,001 sq. ft. floor area and above	2	3

be amended to read as follows:

“6. The off-street loading requirements for this district are as shown in table of loading requirements, chapter 28, section 16-28.015.”

Section 4.C. That Section 16-18I.019 of the Zoning Ordinance, which currently reads as follows:

“Sec. 16-18I.019. - Loading, loading dock entrances and building mechanical and accessory features.

Minimum off-street loading spaces shall be provided according to the SPI-9 Buckhead Village Loading Table. All loading access ways and areas shall provide a vertical clearance of 14 feet and shall not be located within the required sidewalk. Reduction of off-street loading requirements may be approved by the Director subject to a shared loading arrangement that avoids conflicting loading demands.

SPI-9 Buckhead Village: Loading Table

	Unit of Measure	Required Loading Spaces	
		12' × 35'	12' × 55'
Residential Dwellings and Lodging	Less than 20 units	None	None
	20 to 50 units	1	None
	51 to 200 units	2	None
	201 units and above	3	None
All Other Uses	Up to 10,000 sq. ft. floor area	None	None
	10,001 sq. ft. to 40,000 sq. ft. floor area	1	None
	40,001 sq. ft. to 100,000 sq. ft. floor area	2	None
	100,001 sq. ft. to 250,000 sq. ft. floor area	2	1
	250,001 sq. ft. and above	2	2

1. Off-street loading docks and servicing areas shall be located to the rear or side of all buildings or screened from public view by a combination of opaque walls, gates, or screens and landscaping so that related activities are not visible from the public right-of-way of Type 1, 2, or 3 streets or from any adjacent single-family residential area.
2. Access ways and loading areas shall provide safe means of ingress and egress from public streets such that vehicles would not reverse onto Type 1 streets, Type 2 streets, Pharr Road between Peachtree Road and Piedmont Road, West Paces Ferry Road, and East Paces Ferry Road.
3. Building mechanical equipment:
 - a. Shall not be permitted between the building and any public street;
 - b. Except when located on rooftops, shall be located to the side or rear of the principal structure and shall not be visible from the public right-of-way. Screening with walls or landscaping shall be required if the equipment is otherwise visible from the public right-of-way;
 - c. When located on rooftops shall be incorporated in the design of the building and screened with building materials compatible with those of the principal building façade.
4. Dumpsters, trash compactors, and other similar waste receptacles shall not be located between any building and the street. Dumpsters that would be visible from a public street or from abutting or adjacent property shall be completely screened from such visibility by an opaque wall that is a minimum of six feet in height, but not less than the height of the dumpster, and be constructed of similar materials compatible with the principal building façade and placed on a concrete pad of sufficient size and strength to support service vehicles without failure. Service access shall be via an opaque gate and shall remain closed when not in use.
5. All dumpsters, loading docks and other service areas shall post signage limiting idling to no more than five minutes.”

be amended to read as follows:

“Sec. 16-18I.019. - Loading, loading dock entrances and building mechanical and accessory features.

1. The off-street loading requirements for this district are as shown in the Table of Loading Requirements, Section 16-28.015 Off-street Loading Requirements.

2. Off-street loading docks and servicing areas shall be located to the rear or side of all buildings or screened from public view by a combination of opaque walls, gates, or screens and landscaping so that related activities are not visible from the public right-of-way of Type 1, 2, or 3 streets or from any adjacent single-family residential area.
3. Access ways and loading areas shall provide safe means of ingress and egress from public streets such that vehicles would not reverse onto Type 1 streets, Type 2 streets, Pharr Road between Peachtree Road and Piedmont Road, West Paces Ferry Road, and East Paces Ferry Road.

4. Building mechanical equipment:
 - a. Shall not be permitted between the building and any public street;
 - b. Except when located on rooftops, shall be located to the side or rear of the principal structure and shall not be visible from the public right-of-way. Screening with walls or landscaping shall be required if the equipment is otherwise visible from the public right-of-way;
 - c. When located on rooftops shall be incorporated in the design of the building and screened with building materials compatible with those of the principal building façade.
5. Dumpsters, trash compactors, and other similar waste receptacles shall not be located between any building and the street. Dumpsters that would be visible from a public street or from abutting or adjacent property shall be completely screened from such visibility by an opaque wall that is a minimum of six feet in height, but not less than the height of the dumpster, and be constructed of similar materials compatible with the principal building façade and placed on a concrete pad of sufficient size and strength to support service vehicles without failure. Service access shall be via an opaque gate and shall remain closed when not in use.
6. All dumpsters, loading docks and other service areas shall post signage limiting idling to no more than five minutes.”

Section 4.D. That Section 16-18L.019 of the Zoning Ordinance, which currently reads as follows:

“Sec. 16-18L.012. - Dumpsters, loading, loading areas and entrances, mechanical and accessory features, and fences and walls.

1. Minimum off-street loading spaces shall be provided according to Table 8: SPI-12 Buckhead/Lenox Stations Loading Table. All loading access ways and areas shall provide a minimum vertical clearance of 14 feet and shall not be located within the required sidewalk. Reduction of off-street loading requirements may be approved by the director subject to a shared loading arrangement that avoids conflicting loading demands.
2. Dumpsters, trash compactors, loading areas and loading docks shall be located and oriented in a manner to minimize visibility from public rights-of-way or walk zones. If such elements are otherwise visible screening via either opaque walls, gates or landscaping shall be provided so such elements would not be visible. In addition, all external dumpsters and trash compactors shall be enclosed with opaque walls a minimum of eight feet in height.
3. *Building mechanical and accessory features (including satellite dishes):*
 - a. Shall be located to the side, rear, or roof of the principal structure and within each such location shall be in the location of least visibility from any public park, plaza, public right-of-way, private street, required sidewalk, or sidewalk-level outdoor dining area and are prohibited between the building and any public street. When not located in an area of least visibility, said mechanical and accessory features shall be screened.

- b. When located on rooftops shall be incorporated in the design of the building and screened with materials similar to the building.

4. *Fences and walls:*

- a. No barbed wire, razor wire, chain link or similar elements shall be visible from any public park, plaza, public right-of-way, private street, pedestrian way, required sidewalk or sidewalk-level outdoor dining area.
- b. Fences and walls are prohibited between a pedestrian way and a lot line.
- c. For all locations not located between the building and the required sidewalk: the maximum height of all fences and walls shall be eight feet.

TABLE 8: SPI-12 BUCKHEAD/LENOX STATIONS LOADING TABLE	UNIT OF MEASURE	REQUIRED LOADING SPACES (12' × 35')	REQUIRED LOADING SPACES (12' × 55')
Residential dwellings and lodgings	Less than 20 units	None	None
	20 to 50 units	1	None
	51 to 200 units	2	None
	201 units or more	3	None
	Up to 10,000 sq. ft. floor area	None	None
	10,001 sq. ft. to 40,000 sq. ft. floor area	1	None
All other uses	40,001 sq. ft. to 100,000 sq. ft. floor area	2	None
	100,001 sq. ft. to 250,000 sq. ft. floor area	2	1
	250,001 sq. ft. floor area or more	2	2

be amended to read as follows:

“Sec. 16-18L.012. - Dumpsters, loading, loading areas and entrances, mechanical and accessory features, and fences and walls.

1. The off-street loading requirements for this district are as shown in the Table of Loading Requirements, Section 16-28.015 Off-street Loading Requirements.
2. Dumpsters, trash compactors, loading areas and loading docks shall be located and oriented in a manner to minimize visibility from public rights-of-way or walk zones. If such elements are otherwise visible screening via either opaque walls, gates or landscaping shall be provided so such elements would not be visible. In addition, all external dumpsters and trash compactors shall be enclosed with opaque walls a minimum of eight feet in height.
3. *Building mechanical and accessory features (including satellite dishes):*
 - a. Shall be located to the side, rear, or roof of the principal structure and within each such location shall be in the location of least visibility from any public park, plaza,

public right-of-way, private street, required sidewalk, or sidewalk-level outdoor dining area and are prohibited between the building and any public street. When not located in an area of least visibility, said mechanical and accessory features shall be screened.

- b. When located on rooftops shall be incorporated in the design of the building and screened with materials similar to the building.

4. *Fences and walls:*

- a. No barbed wire, razor wire, chain link or similar elements shall be visible from any public park, plaza, public right-of-way, private street, pedestrian way, required sidewalk or sidewalk-level outdoor dining area.
- b. Fences and walls are prohibited between a pedestrian way and a lot line.
- c. For all locations not located between the building and the required sidewalk: the maximum height of all fences and walls shall be eight feet.”

Section 4.E. That Section 16-18P.007 of the Zoning Ordinance, which currently reads as follows:

“Sec. 16-18P.017. - Off-street loading requirements.

Off-street loading spaces shall be provided according to Table 6: SPI-16 Loading Table. All loading berths shall provide vertical clearance of 14 feet and shall not be located within any required sidewalk. See section 16-18P.018 for screening requirements.

Table 6: SPI-16 Loading Table	Unit of Measure	Required 12' x 35' Loading Spaces	Required 12' x 55' Loading Spaces
Residential Dwellings & Lodgings	< 100 Units	None	None
	100 or > Units	1	None
All Other Uses	< 10,000 s.f.	None	None
	10,000 s.f. to 40,000 s.f.	1	None
	40,001 s.f. to 100,000 s.f.	2	None
	100,000 s.f. to 250,000 s.f.	2	1
	> 250,000 s.f.	2	2

be amended to read as follows:

“Sec. 16-18P.017. - Off-street loading requirements.

The off-street loading requirements for this district are as shown in the Table of Loading Requirements, Section 16-28.015 Off-street Loading Requirements. See section 16-18P.018 for screening requirements.”

Section 4.F. That Section 16-18V.014 of the Zoning Ordinance, which currently reads as follows:

“Sec. 16-18V.014. - Off-street loading requirements.

Minimum off-street spaces shall be provided according to the following SPI-22 Memorial Drive/Oakland Cemetery: Loading Table. All loading berths shall provide vertical clearance of 14 feet and shall not be located within the required sidewalk clear zone. See Section 16-18V.013 for screening requirements and Section 16-18V.016 for lighting requirements.

SPI-22 Memorial Drive/Oakland Cemetery: Loading Table

	Unit of Measure	Required Loading Spaces
Multi-family Dwellings	Up to 20 units	0
	21 units to 50 units	1
	51 units and above	2
All Other Uses	Up to 10,000 sq. ft. floor area	0
	10,001 sq. ft. to 40,000 sq. ft. floor area	1
	40,001 sq. ft. to 100,000 sq. ft. floor area	2
	100,001 sq. ft. floor area and above	2 + 1*
Numbers marked * indicate 12' × 55' in size. Others 12' × 35'.		

be amended to read as follows:

“Sec. 16-18V.014. - Off-street loading requirements.

The off-street loading requirements for this district are as shown in the Table of Loading Requirements, Section 16-28.015 Off-street Loading Requirements.”

SECTION 5 – MRC RESIDENTIAL DENSITY

Section 5.A. That Table A in Section 16-34.010 (pertaining to the Summary of Density and Open Space Requirements) of Chapter 34 of the Zoning Ordinance (MRC Mixed Residential Commercial District regulations) be amended so as to strike the numerical reference to “0.696” for Residential Base FAR (Net Lot Area) in the MRC-2 District and substitute in lieu thereof the numerical reference “1.49”, so that, as amended, said Table A in Section 16-34.010 shall read as follows:

Sec. 16-34.010. Development controls.

Table A: Summary of Density and Open Space Requirements

MRC DISTRICT	BASE FAR* (NET LOT AREA)		
	Non-Residential	Residential	Combined
MRC-1	1.0	0.696	1.696
MRC-2	2.5	1.49	3.196
MRC-3	4.0	3.2	7.20

Section 5.B. That Section 16-34.027(1) (pertaining to development controls in the MRC-2 District) of the Zoning Ordinance (MRC Mixed Residential Commercial District regulations) which currently reads as follows:

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

“1. *Development controls.*

a. Maximum permitted floor areas without bonuses:

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

be amended to read as follows:

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

“1. *Development controls.*

a. Maximum permitted floor areas without bonuses:

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

SECTION 6 – MULTI-UNIT ZONING DISTRICT AND REGULATIONS

Section 6.A. That Section 16-35.003 (pertaining to the MR Districts established in the MR Zoning District regulations) of the Zoning Ordinance, which currently reads as follows:

Sec. 16-35.003. - Districts established.

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

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

be amended to add a ninth district “MR-MU” so that, as amended, said section 16-35.003 shall read as follows:

Sec. 16-35.003. Districts established.

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

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

Section 6.B. That Section 16-35.005 (pertaining to principle uses and structures in the MR Zoning District regulations) of the Zoning Ordinance, be amended so as to add certain references to the MR-MU District, so that, as amended, said section shall read as follows:

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

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

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

5. All nonresidential permitted uses listed below shall be restricted in floor area to a maximum of five percent of the total development, shall be located within a building that contains street frontage and shall be located on the street-level floor only. No occupancy permit for the following uses shall be issued until a minimum of 50 percent of the total dwelling units are occupied.
 - a. Bakeries and catering establishments.
 - i. MR-1, MR-2, and MR-MU: Not permitted.
 - ii. MR-3, MR-4A, and MR-4B: Shall not exceed 2,000 square feet of floor area.
 - iii. MR-5A, MR-5B and MR-6: Shall not exceed 4,000 square feet of floor area.
 - b. Barber shops, beauty shops, manicure shops and similar personal service establishments.
 - i. MR-1, MR-2, and MR-MU: Not permitted.
 - ii. MR-3, MR-4A, and MR-4B: Shall not exceed 2,000 square feet of floor area.
 - iii. MR-5A, MR-5B and MR-6: Shall not exceed 4,000 square feet of floor area.
 - c. Eating and drinking establishments including restaurants, bars, coffee shops, delicatessens, and taverns.
 - i. MR-1, MR-2, and MR-MU. Not permitted.
 - ii. MR-3, MR-4A, and MR-4B: Shall not exceed 4,000 square feet of floor area.
 - iii. MR-5A, MR-5B and MR-6: Shall not exceed 8,000 square feet of floor area.
 - d. Laundry and dry cleaning collection stations, laundry and dry cleaning establishments where customers operate equipment.
 - i. MR-1, MR-2, and MR-MU: Not permitted.
 - ii. MR-3, MR-4A, and MR-4B: Shall not exceed 2,000 square feet of floor area.
 - iii. MR-5A, MR-5B and MR-6: Shall not exceed 4,000 square feet of floor area.
 - e. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.
 - i. MR-1, MR-2, and MR-MU: Not permitted.
 - ii. MR-3 through MR-6: Shall not exceed 8,000 square feet of floor area.
 - f. Offices and studios.
 - i. MR-1, MR-2, and MR-MU: Not permitted.
 - ii. MR-3 through MR-6: Shall not exceed 8,000 square feet of floor area.
 - g. Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar household goods.
 - i. MR-1, MR-2, and MR-MU: Not permitted.
 - ii. MR-3 through MR-6: Shall not exceed 4,000 square feet of floor area.
 - h. Tailoring, custom dressmaking, millinery and similar establishments.
 - i. MR-1, MR-2, and MR-MU: Not permitted.
 - ii. MR-3 through MR-6: Shall not exceed 4,000 square feet of floor area. 6. Supportive housing.

Section 6.C. That Section 16-35.009(2)(a) (pertaining to transitional yards in the MR Zoning District regulations) of the Zoning Ordinance, be amended so as to add certain references to the MR-MU District, so that, as amended, said section shall read as follows:

Sec. 16-35.009. - Transitional uses and yards.

...(2) Transitional Yards

(a) For the MR MM district, no transitional yard is required. For all other MR districts, where this such districts adjoin an R-1 through R-5, R-G, RLC or PD-H district without an intervening street or without meeting the conditions in subsection 16-35.009(2)(b) of this chapter, a minimum of 20 feet is required which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of private alleys or drives up to ten feet in width. Such yards shall be planted as approved by the city arborist and maintained as a landscaped strip.

Section 6.D. That Section 16-35.010(1) through and including section 16-35.010(5) (pertaining to development controls in the MR Zoning District regulations) of the Zoning Ordinance, be amended so as to add certain references to and development controls for the MR-MU District, so that, as amended, said sections shall read as follows:

Sec. 16-35.010. Development controls.

1. Bulk limitations. (Refer to Table A: Summary of density and open space requirements).
 - a. Maximum permitted floor areas without bonuses. The standard ratios in Table 1, "Land use intensity ratios" (section 16-18.007) shall apply:
 - i. MR-1: Floor area shall not exceed an amount equal to one hundred sixty-two thousandths times net lot area.
 - ii. MR-2: Floor area shall not exceed an amount equal to three hundred forty-eight thousandths (0.348) times net lot area.
 - iii. MR-3: Floor area shall not exceed an amount equal to six hundred ninety-six thousandths times net lot area.
 - iv. MR-4A and MR-4B: Floor area shall not exceed an amount equal to one and forty-nine hundredths times net lot area.
 - v. MR-5A and MR-5B: Floor area shall not exceed an amount equal to three and two-tenths times net lot area.
 - vi. MR-6: Floor area shall not exceed an amount equal to six and four tenths times net lot area.
 - vii. MR-MU: Individual buildings shall have a maximum of twelve (12) dwelling units per building.

MR DISTRICTS	Maximum Floor Area Ratios* (net lot area)			Minimum Open Space Requirements		
	Non-residential	Residential	Combined	Public Space	TOSR	UOSR
MR-1	5% of total floor area	0.162	0.162	none	none	LUI [^]
MR-2	5% of total floor area	0.348	0.348	none	none	LUI [^]
MR-3	5% of total floor area	0.696	0.696	none	none	LUI [^]
MR-4A	5% of total floor area	1.49	1.49	none	none	LUI [^]

MR-4B	5% of total floor area	1.49	1.49	none	none	LUI [^]
MR-5A	5% of total floor area	3.20	3.20	none	none	LUI [^]
MR-5B	5% of total floor area	3.20	3.20	none	none	LUI [^]
MR-6	5% of total floor area	6.40	6.40	none	none	LUI [^]
MR-MU	Not permitted	12 units/ building	12 units/ building	none	none	LUI[^]

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

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

b. Maximum permitted floor areas with bonuses.

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

2. Side yards. (Side yards adjacent to a street shall be treated as supplemental zones and shall meet the requirements of section 16-35.013). Side yards not adjacent to the street shall be permitted to have private alleys or drives a maximum of ten feet in width, all other areas shall be landscaped with groundcover and trees.

- a. MR-1, MR-2: Minimum depth of ten feet, except that the side yard may be reduced to zero feet when a residential use has no residential windows adjacent to such yard.
- b. MR-4A: Minimum depth of 15 feet.
- c. MR-3, MR-4B and MR-5B: Minimum depth of 15 feet, except that the side yard may be reduced to zero feet when a residential use has no residential windows adjacent to such yard.
- d. MR-5A and MR-6: Minimum depth of 20 feet.
- e. **MR-MU: Minimum depth of five feet.**

3. Rear yards. Shall be permitted to have private alleys or drives a maximum of ten feet in width, all other areas shall be landscaped with groundcover and trees.

- a. MR-1, MR-2, **and MR-MU**: Minimum depth of ten feet.
- b. MR-3 and MR-5B: Minimum depth of 15 feet.
- c. MR-4 through MR-5A and MR-6: Minimum depth of 20 feet.

4. Minimum lot size.

- a. MR-1 through MR-4, **and MR-MU**: 2,000 square feet.
- b. MR-5 through MR-6: 5,000 square feet.

5. Minimum street frontage.

- a. MR-4B: 20 linear feet.
- b. MR-1, MR-2, **and MR-MU**: 25 linear feet.

- c. MR-3 through MR-4 A and MR-5 through MR-6: 40 linear feet.

Section 6.E. That Section 16-35.011 (pertaining to Site limitations in the MR Zoning District regulations) of the Zoning Ordinance, be amended so as to add a new reference to MR-MU in subsection 16-35.011(1)(a) and to amend district references in subsection 16-35.011(5), so that, as amended, said Section shall read as follows:

Sec. 16-35.011. Site limitations.

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

- i. Shall face and be visible from the park space, greenway, abandoned rail line or rail line with an existing or proposed rail-trail; and
 - ii. Shall be directly accessible from said space from the park space, greenway, abandoned rail line or rail line with an existing or proposed rail-trail; and
 - iii. Wherever possible shall open directly onto the adjacent sidewalk, or an outdoor dining area or plaza adjacent to the sidewalk.
5. Additional regulations ~~for MR-4B~~:
- a. For MR 4B: No residential unit shall be located above or below another residential unit.
 - b. For MR-MU: An individual lot may not contain less than 4 nor more than 12 dwelling units.
6. Drive-through service windows and drive-in facilities are prohibited.

Section 6.F. That Section 16-35.018 (pertaining to curb cuts and parking structures in the MR Zoning District regulations) of the Zoning Ordinance, be amended so as to add a new subsection 14 which shall read as follows:

Sec. 16-35.018(14) Parking decks are prohibited within the MR-MU district. Only surface parking lots and accessory garages as defined in Sec. 16-29.001(14)(a) shall be permitted.

Section 6.G. That Section 16-35.021(1) (pertaining to off-street parking requirements in the MR Zoning District regulations) of the Zoning Ordinance, be amended so as to add the word “between” following the word “located”, so that, as amended, Section 16-35.021(1) shall read as follows:

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

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

- 1. Off-street surface parking shall not be located between a principal structure and the street.

Section 6.H. That Section 16-24.005 (pertaining to nonconforming uses of major structures or of major structures and premises in combination) of the Zoning Ordinance, be amended to add a new section 16-24.005(8), which new section shall read as follows:

Section 16-24.005(8). *Provisions for certain existing multifamily uses and buildings in R-3 through R-5, RG, and MR Districts.*

(a) The purpose and intent of the following provisions is to allow for the continued existence of certain nonconforming multifamily uses and buildings in combination, whether or not such buildings are currently in use or have been discontinued for a continuous period of one year or more, in order to encourage diverse housing options that have existed for some period of time as well as to provide a range of housing opportunities. Due to their importance to the public health and welfare, these provisions shall apply notwithstanding other contrary provisions elsewhere in Chapter 24.

(b) The provisions of this section shall apply only to existing nonconforming multifamily uses and buildings in combination that meet each of the following criteria:

- (i) Contain no less than 4 and no more than 12 dwelling units;
- (ii) Have not been renovated and used in compliance with the existing zoning district's density or maximum dwelling unit requirements as regulated by section 16-24.005(4) above;
- (iii) Were constructed prior to 1946;
- (iv) Are located in the R-3 through R-5, RG, or MR zoning districts; and
- (v) Contain no non-residential uses.

(c) Each of the following provisions shall apply to existing nonconforming multifamily uses and buildings in combination that meet all of the qualifications in subsection 16-24.005(8)(b) above:

- (i) The one-year non-use requirements of section 16-24.005(5) shall not apply;
- (ii) Required on-site parking shall be equal to or less than the number of spaces originally provided for the building;
- (iii) Renovation of the building shall be authorized provided there is no increase in total existing: square footage; FAR; building footprint; exterior wall locations; height; or total number of units;
- (iv) Buildings that are unintentionally damaged by acts of nature, accidental fire, flooding, and similar events, in an amount that is 60% or less of the building's replacement cost, may be renovated provided there is no increase in the total square footage, FAR, building footprint, exterior wall locations, height or total number of units that existed immediately prior to such damage.; and
- (v) Buildings that are intentionally damaged or destroyed, and buildings that are unintentionally damaged or destroyed in an amount that is more than 60% of the building's replacement cost, shall lose their nonconforming status, provided that this subsection (c)(v) shall not apply to renovations authorized in subsection (c)(iii) above.

SECTION 7 – PARKING

Section 7.A. That a new Section 16-10.005(2)(f) be added to Chapter 10 of Part 16 of the Zoning Ordinance, which new section shall read as follows:

“f. Reduction of parking requirements may be permitted by the director of the office of zoning and development subject to a shared parking arrangement under the following criteria:

- i. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
- ii. All shared parking spaces shall be clearly marked; and
- iii. An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - a. A to-scale map indicating location of proposed parking spaces;
 - b. Hours of business operation of nonresidential parking users;
 - c. Written consent of property owners agreeing to the shared parking arrangement;
 - d. Copies of parking leases. Renewed leases shall be filed with the bureau of planning. Lapse of a required lease agreement shall terminate the special administrative permit for shared parking.”

Section 7.B. That a new Section 16-11.005(2)(f) be added to Chapter 11 of Part 16 of the Zoning Ordinance, which new section shall read as follows:

“f. Reduction of parking requirements may be permitted by the director of the office of zoning and development subject to a shared parking arrangement under the following criteria:

- i. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
- ii. All shared parking spaces shall be clearly marked; and
- iii. An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - a. A to-scale map indicating location of proposed parking spaces;
 - b. Hours of business operation of nonresidential parking users;
 - c. Written consent of property owners agreeing to the shared parking arrangement;
 - d. Copies of parking leases. Renewed leases shall be filed with the bureau of planning. Lapse of a required lease agreement shall terminate the special administrative permit for shared parking.”

Section 7.C. That a new Section 16-12.005(2)(f) be added to Chapter 12 of Part 16 of the Zoning Ordinance, which new section shall read as follows:

“f. Reduction of parking requirements may be permitted by the director of the office of zoning and development subject to a shared parking arrangement under the following criteria:

- i. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
- ii. All shared parking spaces shall be clearly marked; and
- iii. An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - a. A to-scale map indicating location of proposed parking spaces;
 - b. Hours of business operation of nonresidential parking users;
 - c. Written consent of property owners agreeing to the shared parking arrangement;
 - d. Copies of parking leases. Renewed leases shall be filed with the bureau of planning. Lapse of a required lease agreement shall terminate the special administrative permit for shared parking.”

Section 7.D. That a new Section 16-13.005(2)(f) be added to Chapter 13 of Part 16 of the Zoning Ordinance, which new section shall read as follows:

“f. Reduction of parking requirements may be permitted by the director of the office of zoning and development subject to a shared parking arrangement under the following criteria:

- iv. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
- v. All shared parking spaces shall be clearly marked; and
- vi. An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - a. A to-scale map indicating location of proposed parking spaces;
 - b. Hours of business operation of nonresidential parking users;
 - c. Written consent of property owners agreeing to the shared parking arrangement;
 - d. Copies of parking leases. Renewed leases shall be filed with the bureau of planning. Lapse of a required lease agreement shall terminate the special administrative permit for shared parking.”

Section 7.E. That a new Section 16-14.005(2)(g) be added to Chapter 14 of Part 16 of the Zoning Ordinance, which new section shall read as follows:

“g. Reduction of parking requirements may be permitted by the director of the office of zoning and development subject to a shared parking arrangement under the following criteria:

- i. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
- ii. All shared parking spaces shall be clearly marked; and
- iii. An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - a. A to-scale map indicating location of proposed parking spaces;
 - b. Hours of business operation of nonresidential parking users;
 - c. Written consent of property owners agreeing to the shared parking arrangement;
 - d. Copies of parking leases. Renewed leases shall be filed with the bureau of planning. Lapse of a required lease agreement shall terminate the special administrative permit for shared parking.”

Section 7.F. That a new Section 16-15.005(2)(f) be added to Chapter 15 of Part 16 of the Zoning Ordinance, which new section shall read as follows:

“f. Reduction of parking requirements may be permitted by the director of the office of zoning and development subject to a shared parking arrangement under the following criteria:

- i. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
- ii. All shared parking spaces shall be clearly marked; and
- iii. An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - a. A to-scale map indicating location of proposed parking spaces;
 - b. Hours of business operation of nonresidential parking users;
 - c. Written consent of property owners agreeing to the shared parking arrangement;
 - d. Copies of parking leases. Renewed leases shall be filed with the bureau of planning. Lapse of a required lease agreement shall terminate the special administrative permit for shared parking.”

Section 7.G. That a new Section 16-16.005(2)(d) be added to Chapter 16 of Part 16 of the Zoning Ordinance, which new section shall read as follows:

“d. Reduction of parking requirements may be permitted by the director of the office of zoning and development subject to a shared parking arrangement under the following criteria:

- i. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
- ii. All shared parking spaces shall be clearly marked; and

- iii. An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - a. A to-scale map indicating location of proposed parking spaces;
 - b. Hours of business operation of nonresidential parking users;
 - c. Written consent of property owners agreeing to the shared parking arrangement;
 - d. Copies of parking leases. Renewed leases shall be filed with the bureau of planning. Lapse of a required lease agreement shall terminate the special administrative permit for shared parking.”

Section 7.H. That a new Section 16-17.005(2)(d) be added to Chapter 17 of Part 16 of the Zoning Ordinance, which new section shall read as follows:

- “d. Reduction of parking requirements may be permitted by the director of the office of zoning and development subject to a shared parking arrangement under the following criteria:
- i. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
 - ii. All shared parking spaces shall be clearly marked; and
 - iii. An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - a. A to-scale map indicating location of proposed parking spaces;
 - b. Hours of business operation of nonresidential parking users;
 - c. Written consent of property owners agreeing to the shared parking arrangement;
 - d. Copies of parking leases. Renewed leases shall be filed with the bureau of planning. Lapse of a required lease agreement shall terminate the special administrative permit for shared parking.”

Section 7.I. That a new Section 16-28.014(12) be added to Chapter 28 of Part 16 of the Zoning Ordinance, which new section shall read as follows:

- “12. Reduction in parking requirements for on-street parking: A reduction of the generally applicable minimum off-street parking requirements shall be allowed in all zoning districts as follows:
- a. Where on-street parking spaces exist in a public right-of-way, one on-street parking space may be substituted for every required off-street parking space, provided the on-street space immediately abuts the subject property.
 - b. Each on-street parking space shall only be counted for one property. Where a space straddles a property line (as projected into the right-of-way), the space shall only be counted by the owner whose property abuts 50% or more of the on-street parking space.

c. The Director of Public Works may determine that to ensure future roadway capacity, the on-street parking reduction may not be available.

d. On-street parking in a public right-of-way shall not count towards any applicable parking maximums.”

Section 7.J. That a new Section 16-28.014(13) be added to Chapter 28 of Part 16 of the Zoning Ordinance, which new section shall read as follows:

“13. *Reduced parking requirements for buildings built before 1965:* A reduction of the generally applicable minimum off-street parking requirements shall be allowed in all zoning districts for buildings and portions thereof built prior to 1965, as follows:

a. *Residential uses:* No parking is required.

b. *Non-residential uses:* No parking is required, provided that this provision shall not apply to any business establishment 1200 square feet in floor area or larger that holds any type of a alcoholic beverage license.”

Section 7.K. That a new Section 16-28.014(14) be added to Chapter 28 of Part 16 of the Zoning Ordinance, which new section shall read as follows:

“14. *High Capacity Transit Parking Requirements.* The following requirements apply to all uses located on lots within 2,640 feet of a high capacity transit stop, except within the Buckhead Parking Overlay, all special public interest districts, or any historic or landmark district with parking maximums.

a. Minimum parking: No parking is required.

b. Maximum parking established: No development, unless granted a special exception by the Board of Zoning Adjustment for public parking, shall have parking in excess of the amounts specified below.

c. Maximum parking for residential uses:

i. 1.25 spaces per one-bedroom unit.

ii. 2.00 spaces per two or greater bedroom unit.

d. Maximum Parking for non-residential uses when parking is otherwise required: The greater of the following:

i. Ten (10) spaces greater than the minimum parking otherwise required; or

- ii. Twenty-five (25%) greater than the minimum parking required otherwise required.
- e. Maximum Parking for non-residential uses when parking is not otherwise required:
 - i. Hotels and motels 1 space per lodging unit.
 - ii. Eating and drinking establishments: 8.0 spaces per 1,000 square feet of floor area.
No parking may be provided for accessory outdoor dining.
 - iii. Nursing homes, convalescent homes, and similar care facilities: 1.25 spaces per four beds.
 - iv. Retail establishments, including catering, delicatessens, and bakeries: 2.5 per 1,000 square feet of floor area.
 - v. Schools, colleges, places of worship, recreational of community centers, and other places of assembly: 1.25 spaces per four fixed seats with 18 inches of bench length counted as one seat, or 1.25 spaces per 35 square feet of enclosed floor area for the accommodation of moveable seats in the largest assembly room, whichever is greater, plus the following:
 - a. Public or private elementary or middle school: 2.5 spaces per classroom.
 - b. High school: 5.0 spaces per classroom.
 - c. Colleges and universities: 10 spaces per classroom.
 - vi. All other uses: 3.0 spaces per 1,000 square feet of floor area.
- f. The parking maximums of paragraph “c” through “e” immediately above shall not include newly-created on-street parking along a public street or private street built to public standards.
- g. When an applicable overlay or zoning district imposes a parking maximum that is more restrictive than the maximums in paragraphs “c” through “e” above, the more restrictive maximums shall apply.
- h. The distance above shall be measured along a public or private sidewalk, walkway, or street from the transit station lot line, edge of stop platform, or edge of other boarding area, whichever is greatest, to the closest point of the lot. When any portion of a lot is within the applicable distance, the entire lot shall be subject to this requirement.
- i. High capacity transit used to satisfy this requirement shall be operational or under construction.

Section 7.L. That Section 16-18U.003 of the Zoning Ordinance, relating to boundaries in SPI 21, be deleted in its entirety, and the following Section 16-18U.003 be inserted in lieu thereof:

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

The boundaries of the SPI-21 Historic West End/Adair Park Special Public Interest District are shown on maps in Attachment B which by this reference is incorporated into and made a part of this chapter and this part. The Historic West End/Adair Park Special Public Interest District is divided into ten main subareas and other designated areas as shown on said map Attachment B. The subareas and other designated areas are described as follows:

Subarea 1:	Village Center
Subarea 2:	Commercial Core
Subarea 3:	RDA Corridor
Subarea 4:	Neighborhood Commercial
Subarea 5:	Village Center Residential
Subarea 6:	Medium Density Residential
Subarea 7:	Smaller Lot Single-family
Subarea 8:	Institutional/AUC
Subarea 9:	Adair Park Live/Work
Subarea 10:	Candler District
Reduced Parking Zone:	All lots within 2,640 feet of the MARTA rail station, measured along a public or private sidewalk, walkway, or street from the transit station lot line, edge of stop platform, or edge of other boarding area, whichever is greatest, to the closest point of the lot. When any portion of a lot is within the applicable distance, the entire lot shall be considered within the zone.

Section 7.M. That Section 16-36.020 of the Zoning Ordinance, relating to parking in the BeltLine Overlay be deleted in its entirety, and the following Section 16-36.020 be inserted in lieu thereof:

“Sec. 16-36.020. - Off-street parking and loading requirements.

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

1. Minimum parking: The number of off-street parking spaces required shall be as follows:
 - a. For residential uses: Determined by the underlying zoning and any applicable provisions of Sec. 16-28.014, but not more than 1.00 space per dwelling units.
 - b. For non-residential uses: Determined by the underlying zoning and any applicable provisions of Sec. 16-28.014.

2. Maximum parking: No development, unless granted a special exception by the board of zoning adjustment or subject to "2.c" below, shall have parking in excess of:
 - a. For residential uses:
 - i. 1.00 space per each one-bedroom unit.
 - ii. 2.00 spaces per each two or greater bedroom unit.
 - b. For non-residential uses: The greater of the following either:
 - i. Ten (10) spaces greater than the minimum parking required; or
 - ii. Twenty-five (25%) percent greater than the minimum parking required.
 - iii. When the underlying zoning has no minimum requirement, one (1) space per 300 square feet of floor area shall be used to determine conformance with "2.b.i" and "2.b.ii" immediately above.
 - c. High capacity transit maximums. Paragraphs "2.a" and "2.b" immediately above shall not apply to developments subject to the high capacity transit parking requirement of Sec. 16-28.014(12).
 - d. The parking maximums of paragraph "2" immediately above shall not include newly-created on-street parking along a public street or private street built to public standards.
3. Minimum loading: The number and size of off-street loading spaces required shall be determined by the underlying zoning.
4. Shared parking and loading:
 - a. Reduction of on-site parking required may be granted by administrative variation subject to evidence of a shared parking arrangement within 600 feet of the property and not located either:
 - i. Within districts R-1 through R-5, RLC or PDH; and
 - ii. Immediately adjacent to single-family dwellings in districts RG-1, RG-2, MR-1 and MR-2.
 - iii. Said evidence of a shared parking arrangement shall include the following:
 - a) A to-scale map indicating location of proposed parking spaces; and
 - b) Written consent of property owners agreeing to the shared parking arrangement; and
 - c) Copies of parking leases. Renewed leases shall be filed with the bureau of planning. Failure to file or lapse of such required lease agreement with the bureau of planning shall terminate said shared parking arrangement.
 - b. Reduction of on-site loading required is authorized as provided for in Sec. 16-28.15.
5. Off-street surface parking lots:
 - a. Shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking during non-normal business hours by compliance with the parking requirements of the underlying zoning.

- b. Shall not be located between a building and the street without an intervening building.
 - c. No portion of any parcel on which a building has been demolished, destroyed, or otherwise removed shall be utilized for an independent primary park-for-hire surface parking lot.
6. For office uses:
- a. All developments shall reserve and designate at least five percent of the employee parking spaces "Carpool Only." Such spaces shall be located near the building's employee entrance or other preferable locations within the employee parking areas as approved by the director of the bureau of traffic and transportation.
 - b. All new parking structures shall be built to accommodate vanpool access at entry level. The minimum ceiling height for vanpools is eight feet two inches.

Section 7.N. That Section 16-28.014(2) of the Zoning Ordinance, relating to a reduction in required parking for housing for the elderly be deleted in its entirety, and the following Section 16-28.14(2) be inserted in lieu thereof:

“2. *Reduction in parking requirements for housing for the elderly: Reduction of generally applicable off-street parking requirements shall be allowed in all zoning districts, subject to the following requirements and limitations shall:*

- a. The minimum off-site parking requirement shall be reduced to 0.5 space per dwelling unit when the otherwise applicable off-street parking ratio exceeds 0.5 space per dwelling unit.
- b. No such reduction shall be permitted except where it is assured that housing will be used by families with head of the household 62 years of age or older (provided that not more than 10 percent of the number of persons housed may be employees on the premises, without regard to age).
- b. The premises shall not be used other than as housing for the elderly, subject to the exceptions and limitations set forth in (b) above, unless and until any parking requirements applying to the new use have been met. Housing for the elderly is not to be construed as including establishments which are primarily convalescent and nursing home.”

SECTION 8 – NEIGHBORHOOD DESIGN STANDARDS

Section 8.1. That Section 16-24.004 of the Zoning Ordinance, relating to nonconforming structures, be amended to add a new subsection 16-24.004(6), which new subsection shall read as follows:

Sec. 16-24.004(6) *Limited nonconforming side yard expansions allowed.*

In the R-4, R-4A, R-4B and R-5 zoning districts, vertical additions and renovations to existing single-family structures and accessory structures with non-conforming side yard setbacks are authorized within such nonconforming side yards provided:

- i. Such additions and renovations shall not exceed the existing degree of horizontal setback nonconformity along the length of the nonconforming structure; and
- ii. Such additions and renovations within the nonconforming area shall not exceed the maximum building height allowed in the applicable zoning district minus the distance of the existing side yard nonconformity. For example, if an existing single family structure encroaches into the required side yard setback by 4 feet, any vertical addition or renovation will be limited to a maximum height of 31 feet, which is the allowed maximum height (35 feet) minus the existing nonconformity (4 feet).
- iii. This provision shall be applied only to additions and renovations to existing nonconforming single-family structures and accessory structures within the referenced zoning districts. New structures shall comply with the side yard setbacks required in the applicable zoning district.

Section 8.2. That Chapter 6 of the Zoning Ordinance, relating to the R-4 single-family residential district, be amended to add a new section 16-06.011, which new section shall read as follows:

Section 16-06.011 - Relationship of building to street.

(1) Front porches.

a. Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the single-family detached dwellings on the block face.

b. Front porches, when required, shall:

- i. Be a minimum of 12-feet wide or one-third the width of the front façade, whichever is greater, and a minimum of eight feet deep; and
- ii. Contain roofs, a minimum of 6-inch wide porch roof supports, and steps.

(2) Garages. Garages with front-facing garage doors shall be recessed and located a minimum distance of 20' linear feet behind the front façade of the principal structure.

(3) Front doors. Front doors shall face and be visible from the adjacent street.

(4) Window fenestration. Window fenestration shall be provided along the façade of the principal structure for a minimum of 10% of the front façade of the principal structure.

Section 8.3. That Chapter 6A of the Zoning Ordinance, relating to the R-4A single-family residential district, be amended to add a new section 16-06A.011, which new section shall read as follows:

Section 16-06A.011 - Relationship of building to street.

(1) Front porches.

- a. Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the single-family detached dwellings on the block face.
- b. Front porches, when required, shall:
 - i. Be a minimum of 12-feet wide or one-third the width of the front façade, whichever is greater, and a minimum of eight feet deep; and
 - ii. Contain roofs, a minimum of 6-inch wide porch roof supports, and steps.
- (1) Garages. Garages with front-facing garage doors shall be recessed and located a minimum distance of 20' linear feet behind the front façade of the principal structure.
- (2) Front doors. Front doors shall face and be visible from the adjacent street.
- (3) Window fenestration. Window fenestration shall be provided along the façade of the principal structure for a minimum of 10% of the front façade of the principal structure.

Section 8.4. That Chapter 6B of the Zoning Ordinance, relating to the R-4B single-family residential district, be amended to add a new section 16-06B.011, which new section shall read as follows:

Sec. 16-06B.011- Relationship of building to street.

- (1) Front porches.
 - a. Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the single-family detached dwellings on the block face.
 - b. Front porches, when required, shall:
 - i. Be a minimum of 12-feet wide or one-third the width of the front façade, whichever is greater, and a minimum of eight feet deep; and
 - ii. Contain roofs, a minimum of 6-inch wide porch roof supports, and steps.
- (2) Garages. Garages with front-facing garage doors shall be recessed and located a minimum distance of 20' linear feet behind the front façade of the principal structure.
- (3) Front doors. Front doors shall face and be visible from the adjacent street.
- (4) Window fenestration. Window fenestration shall be provided along the façade of the principal structure for a minimum of 10% of the front façade of the principal structure.

Section 8.5. That Chapter 7 of the Zoning Ordinance, relating to the R-5 two-family residential district, be amended to add a new section 16-07.011, which new section shall read as follows:

Sec. 16-07.011- Relationship of building to street.

- (1) Front porches.
 - a. Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the single-family detached dwellings on the block face.
 - b. Front porches, when required, shall:
 - i. Be a minimum of 12-feet wide or one-third the width of the front façade, whichever is greater, and a minimum of eight feet deep; and

- ii. Contain roofs, a minimum of 6-inch wide porch roof supports, and steps.
- (2) Garages. Garages with front-facing garage doors shall be recessed and located a minimum distance of 20' linear feet behind the front façade of the principal structure.
- (3) Front doors. Front doors shall face and be visible from the adjacent street.
- (4) Window fenestration. Window fenestration shall be provided along the façade of the principal structure for a minimum of 10% of the front façade of the principal structure.

SECTION 9 – TELECOMMUNICATIONS

Section 9.1. That Section 16-25.002(3)(i)(iv)(a) of the Zoning Ordinance, relating to requirements for antennas, be amended to delete the reference to “subsection h” and to insert in lieu thereof the reference to “section 16-24.002(3)(i)”, so that, as amended, said section shall read as follows:

Section 16-25.002(3)(i)(iv) *Other Permissible Antennas.*

(a) The following additional regulations, standards, and criteria shall govern all antennas except roof antennas, not otherwise prohibited by section 16-25.002(3)(i).

Section 9.2. That Sections 16-25.002(3)(i)(iv)(h) and 16-25.002(3)(i)(iv)(i) of the Zoning Ordinance, relating to requirements for antennas, be amended to rectify incorrect references to the Office of Zoning and Development and to delete the reference to “subsections (a) through (e)” in each said section and to insert in lieu thereof the reference to “subsections (a) through (g)” in each said section, so that, as amended, said sections shall read as follows:

Section 16-25.002(3)(i)(iv):

(h)The director of the Office of Zoning and Development may issue a special administrative permit in accordance with section 16-25.004 for antennas 70 feet or less in height, provided such antenna is determined by the director to satisfy such requirements set forth in subsections (a) through (g) above as deemed necessary by the director.

(i)The director of the Office of Zoning and Development may issue a special administrative permit in accordance with section 16-25.004 for antennas designed to resemble light standards, clock towers, bell steeples, trees, and similar alternative design mounting structures, provided such antenna is determined by the director to satisfy such requirements set forth in subsections (a) through (g) above as deemed necessary by the director.

Section 9.3. That Sections 16-25.002(3)(i)(iv)(j) and 16-25.002(3)(i)(iv)(k) of the Zoning Ordinance, relating to requirements for antennas, which currently read as follows:

Section 16-25.002(3)(i)(iv)

(j) Any application for a special administrative permit pursuant to paragraphs (h) and (i) above shall be referred by the bureau of planning to the appropriate neighborhood planning unit (NPU) for its review and comment with regard to the regulations, standards and criteria set for in paragraphs (a) through (e) above. Notwithstanding the provisions of section 16-25.004(3), the director of the bureau of planning shall decide on any such application within 45 days of said application. Such 45-day time period does not begin until all required information is provided and is complete.

(k) The director of the bureau of planning may issue a special administrative permit in accordance with section 16-25.004 for new or additional uses utilizing existing antennas, where the height of the antenna is not to be increased, provided that, in both instances, such antenna is determined by the director to satisfy the requirements set forth in subsections (a) through (e) above.

be amended to read as follows:

(j) Any complete application for a special administrative permit pursuant to paragraphs (h) and (i) above shall be referred by the **Office of Zoning and Development** to the appropriate neighborhood planning unit (NPU) for its review and comment with regard to the regulations, standards and criteria set for in paragraphs (a) through (g) above. **The NPU shall have 30 days to complete this review. Notwithstanding the provisions of section 16-25.004(3), the director of the Office of Zoning and Development shall have 60 days from the date of filing of a complete application to decide on any such application, which decision shall be in writing and supported by a written record. Within 30 days of the date of application, the Office of Zoning and Development shall determine if it is a complete application and, if it determines the application is not a complete application, notify the applicant in writing of any information required to complete such application. To the extent additional information is required to complete the application, the time required by the applicant to provide such information shall not be counted toward the 60 day review period. Information requested to complete the application may only include the documents, information, and fees adopted by City Council, as well as forms promulgated by the Offices of Zoning and Development and/or Buildings, pertaining to the location, construction, collocation, modification, or operation of such wireless facilities. The requirements of this section shall supersede all contrary provisions elsewhere in Part 16.**

(k) **Notwithstanding any provision to the contrary within individual zoning district regulations, a special use permit or special administrative permit shall not be required where there is a modification of an existing antenna and/or related equipment which involves collocation of new transmission equipment, or removal or replacement of**

transmission equipment, that does not substantially change the dimensions of the antenna or tower or base station. A modification of an existing antenna must comply with the conditions of the initial approval, including any amendments. A modification of an existing antenna is determined to not substantially change the dimensions of the antenna or tower or base station if the modification does not:

- (a) Increase the height or width of the existing antenna and related equipment;
- (b) Require installation of more than the standard equipment cabinets;
- (c) Increase the dimensions of the equipment compound;
- (d) Require excavation outside of the current site;
- (e) Defeat the concealment elements of the antenna and related equipment; or
- (f) Exceed any applicable weight limits.

Applications for collocation shall be accepted and reviewed for compliance with these provisions by the Office of Zoning and Development. If the application is complete, it shall be immediately forwarded to the Office of Buildings for Building Permit review. A decision on issuance of a Building Permit shall be made by the Office of Buildings within 60 days from the date of the filing of a complete application, which decision shall be in writing and the applicant notified. Within 30 days of the date an application for modification or collocation is filed with the Office of Zoning and Development, said Office shall determine if it is a complete application and, if it determines the application is not a complete application, notify the applicant in writing of any information required to complete such application. To the extent additional information is required to complete the application, the time required by the applicant to provide such information shall not be counted toward the 60 day decision period. Information requested to complete the application may only include the documents, information, and fees adopted by City Council, as well as forms promulgated by the Offices of Zoning and Development and/or Buildings, pertaining to the location, construction, collocation, modification, or operation of such wireless facilities. Applications that required additional information to become complete shall, when complete, be immediately transmitted to the Office of Buildings for decision. The requirements of this section shall supersede all contrary provisions elsewhere in Part 16.

Section 9.4. That Section 16-25.002(3)(i)(iv) of the Zoning Ordinance, relating to requirements for antennas, be amended to add a new subsection 16-25.002(3)(i)(iv)(l) so that, as amended, said new subsection shall read as follows:

Section 16-25.002(3)(i)(iv)...

(l) A special use permit in accordance with section 16-25.003 is required for antennas greater than 70 feet in height that do not utilize alternative design mounting structures, in compliance with the criteria set forth in section 16-25.002(3)(i) above. The requirements of this section 16-25.002(3)(i)(iv)(l) shall supersede all contrary provisions elsewhere in Part 16. In addition to the requirements of section 16-25.003, the following requirements and time frames shall apply:

(a) Within 30 days of the date of application, the Office of Zoning and Development shall determine if it is a complete application and, if it determines the application is not a complete application, notify the applicant in writing of any information required to complete such application. To the extent additional information is required to complete the application, the time required by the applicant to provide such information shall not be counted toward the 150 day review period set forth in subsection (b) below. Information requested to complete the application may only include the documents, information, and fees adopted by City Council, as well as forms promulgated by the Offices of Zoning and Development and/or Buildings, pertaining to the location, construction, collocation, modification, or operation of such wireless facilities.

(b) Within one hundred-fifty (150) days of the submission of the initial application, unless a longer time period is agreed to in writing by the applicant, a written decision, supported by the written record, granting or denying the request will be issued and provided to the applicant.

Section 9.5. That Sections 16-28.024 of the Zoning Ordinance, relating to collation of antennas on rail transportation communications facilities, which currently read as follows:

Sec. 16-28.024. - Rail transportation communication facilities; collocation of private antennas on such facilities.

(a) A building permit is required for rail transportation communication facilities but no special administrative permit is required.

(b) Collocation of private antennas and other types of communications equipment is permitted on antenna or tower structures or as part of other rail transportation communication facilities and shall be allowed, provided that:

(i) No part of the private collocated antenna may exceed the height of the exempt structure and any accessory equipment or structures shall be no larger than necessary to support the collocated antennas.

(ii) The collocation of the private antenna and any accessory equipment or structure may remain in place only so long as the exempt structure is used for rail transportation or rail line communications.

(c) Where collocation of private telecommunications antennas is intended on antennas or towers constructed or to be constructed as a part of a rail transportation communication facility, and notwithstanding other special administrative permit requirements elsewhere in this part, a special administrative permit for such collocation is required and shall be issued upon a showing that the requirements of subsection (b) have been met. Accessory equipment and structures necessary to support the private collocation shall be included as a part of such permit applications. The collocation permit applications for private telecommunications antennas shall be on a form developed by the director of the Bureau of Planning and shall be granted or denied within 15 business days from the time that a complete application is received.

(d) Rail transportation communication facilities for multiple sites and equipment configurations where collocation of private telecommunications antennas is intended may be analyzed and permitted as a part of a long term development master plan permit agreements whereby the Bureau of Planning may issue individual special administrative permits on an expedited basis for an individual site that was included in and is fully consistent with the terms of the master plan. Such agreements shall not be subject to the requirement of processing within 15 business days but shall be processed within 45 days after submission.

be amended to read as follows:

Sec. 16-28.024. - Rail transportation communication facilities; collocation of private antennas on such facilities.

(a) A building permit is required for rail transportation communication facilities but no special administrative permit is required.

(b) Collocation of private antennas and other types of communications equipment is permitted on antenna or tower structures or as part of other rail transportation communication facilities and shall be allowed, provided that:

(i) The conditions set forth in Section 16-25.002(3)(i)(iv)(k) are met; and

(ii) The collocation of the private antenna and any accessory equipment or structure may remain in place only so long as the exempt structure is used for rail transportation or rail line communications.

(c) Where collocation of private telecommunications antennas is intended on antennas or towers constructed or to be constructed as a part of a rail transportation communication facility, a special administrative permit for such collocation is **not** required **provided the** requirements of subsection (b) above have been met. Accessory equipment and structures necessary to support the private collocation shall be included as a part of **the building permit applications.**

(d) Rail transportation communication facilities for multiple sites and equipment configurations where collocation of private telecommunications antennas is intended may be analyzed and permitted as a part of a long term development master plan permit

agreements whereby the Office of Zoning and Development may issue individual permits on an expedited basis for an individual site that was included in and is fully consistent with the terms of the master plan. Such agreements shall be processed in accordance with the time requirements of Section 16-25.002(3)(i)(iv)(k).

Section 9.6. That Sections 16-28.022 of the Zoning Ordinance, relating to heights of structures, which currently read as follows:

Sec. 16-28.022. - Height; excluded portions of structures.

(1)*Excluded Portion of Structures:* Except as specifically provided herein, the height limitations of this part shall not apply to any roof structures for housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, nor to church spires, steeples, belfries, cupolas, domes, monuments, water towers, fire or parapet walls, roof signs, skylights, flagpoles, chimneys, smokestacks, silos, energy generation structures or similar structures, which may be erected above the height limit.

Antennas, except satellite receiving dish antennas regulated under section 16-28.008(11) of the Zoning Ordinance, shall not be subject to the height limitation specified in any district; provided however, that when antennas are permitted by special use permit, they shall be subject to the regulations, standards and criteria, including height limitations, established in section 16-25.002(3) of the Zoning Ordinance.

be amended to read as follows:

Sec. 16-28.022. - Height; excluded portions of structures.

(1)*Excluded Portion of Structures:* Except as specifically provided herein, the height limitations of this part shall not apply to any roof structures for housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, nor to church spires, steeples, belfries, cupolas, domes, monuments, water towers, fire or parapet walls, roof signs, skylights, flagpoles, chimneys, smokestacks, silos, energy generation structures or similar structures, which may be erected above the height limit.

Antennas, except satellite receiving dish antennas regulated under section 16-28.008(11) of the Zoning Ordinance, shall not be subject to the general height limitation specified in any district; provided however, that when antennas are permitted, they shall be subject to

all individual district regulations for such antennas, as well as the regulations, standards and criteria, including height limitations, established in section 16-25.002(3)(i).

SECTION 10 – TRANSITIONAL HEIGHT PLANES

Section 10.1. That Section 16-29.001(62)(1) of the Zoning Ordinance, relating to the definition of transitional height plane, be amended to add the phrase “except where otherwise prescribed by the transitional height plane provisions of individual zoning districts” where indicated below, so that, as amended, Section 16-29.001(62) shall read as follows:

Sec. 16-29.001(62) Transitional height plane: An imaginary plane (having a vertical component and angular component) specifically designed to restrict the maximum height of all parts of buildings or structures within specific zoning districts and their relationship to adjoining districts. Such imaginary plane shall be:

1. A vertical component measured at the required setback adjoining the common property line by a 35-foot vertical distance above the finished grade, except where otherwise prescribed by the transitional height plane provisions of individual zoning districts, and;
2. An angular component extending inward over such structure at an angle of 45 degrees, and;
3. Such determination shall be made on a point-by-point basis and not average grade.

No portion of any structure shall protrude through such transitional height limiting plane as determined by specific sections of this Code.

Section 10.2. That Section 16-10.006(1) of the Zoning Ordinance, relating to transitional height planes in the Office-Institutional zoning district (O-I), be deleted in its entirety, and the following Section 16-10.006(1) be inserted in lieu thereof:

Sec. 16-10.006(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 16-10.006(1)(b) below and extending inward over the O-I district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-10.006(1):
 - i. R-1 through R-5;
 - ii. RG-1 and RG-2;
 - iii. MR-1, MR-2, 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 O-I district that are contiguous to any of the protected districts listed in subsection 16-10.006(1)(a) above, the transitional height plane shall be measured beginning 35 feet above the required O-I setback adjoining the common property line with such protected district(s).
 - ii. For parcels in an O-I district that are not contiguous to any of the protected districts listed in subsection 16-10.006(1)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the O-I district.
- 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.

Section 10.3. That Section 16-11.006(2) of the Zoning Ordinance, relating to transitional height planes in the Community Business District Regulations (C-1) zoning district, be deleted in its entirety, and the following Section 16-10.006(1) be inserted in lieu thereof:

Sec. 16-11.006(2) 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 16-10.006(2)(b) below and extending inward over the C-1 district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-11.006(2):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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 a C-1 district that are contiguous to any of the protected districts listed in subsection 16-10.006(2)(a) above, the transitional height plane shall be measured beginning 35 feet above the required C-1 setback adjoining the common property line with such protected district(s).

ii. For parcels in a C-1 district that are not contiguous to any of the protected districts listed in subsection 16-10.006(2)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the C-1 district.

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.

Section 10.4. That Section 16-12.006(2) of the Zoning Ordinance, relating to transitional height planes in the Commercial Service District Regulations (C-2) zoning district, be deleted in its entirety, and the following Section 16-12.006(2) be inserted in lieu thereof:

Sec. 16-12.006(2) 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 16-12.006(2)(b) below and extending inward over the C-2 district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-12.006(2):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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 a C-2 district that are contiguous to any of the protected districts listed in subsection 16-12.006(2)(a) above, the transitional height plane shall be measured beginning 35 feet above the required C-2 setback adjoining the common property line with such protected district(s).

ii. For parcels in a C-2 district that are not contiguous to any of the protected districts listed in subsection 16-12.006(2)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the C-2 district.

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.

Section 10.5. That Section 16-13.006(5) of the Zoning Ordinance, relating to transitional height planes in the Commercial Residential District Regulations (C-3) zoning district, be deleted in its entirety, and the following Section 16-13.006(5) be inserted in lieu thereof:

Sec. 16-13.006(5) 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 16-13.006(5)(b) below and extending inward over the C-3 district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-13.006(5):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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 a C-3 district that are contiguous to any of the protected districts listed in subsection 16-13.006(5)(a) above, the transitional height plane shall be measured beginning 35 feet above the required C-3 setback adjoining the common property line with such protected district(s).

ii. For parcels in a C-3 district that are not contiguous to any of the protected districts listed in subsection 16-13.006(5)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the C-3 district.

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.

Section 10.6. That Section 16-14.006(2) of the Zoning Ordinance, relating to transitional height planes in the Central Area Commercial District Regulations (C-4) zoning district, be deleted in its entirety, and the following Section 16-14.006(2) be inserted in lieu thereof:

Sec. 16-14.006(2) 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 16-14.006(2)(b) below and extending inward over the C-4 district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-14.006(2):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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 a C-4 district that are contiguous to any of the protected districts listed in subsection 16-14.006(2)(a) above, the transitional height plane shall be measured beginning 35 feet above the required C-4 setback adjoining the common property line with such protected district(s).

ii. For parcels in a C-4 district that are not contiguous to any of the protected districts listed in subsection 16-14.006(2)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the C-4 district.

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.

Section 10.7. That Section 16-16.006(2) of the Zoning Ordinance, relating to transitional height planes in the Light Industrial District Regulations (I-1) zoning district, be deleted in its entirety, and the following Section 16-16.006(2) be inserted in lieu thereof:

Sec. 16-16.006(2) 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 16-16.006(2)(b) below and extending inward over the I-1 district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-16.006(2):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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 I-1 district that are contiguous to any of the protected districts listed in subsection 16-16.006(2)(a) above, the transitional height plane shall be measured beginning 35 feet above the required I-1 setback adjoining the common property line with such protected district(s).

ii. For parcels in an I-1 district that are not contiguous to any of the protected districts listed in subsection 16-16.006(2)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the I-1 district.

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.

Section 10.8. That Section 16-17.006(2) of the Zoning Ordinance, relating to transitional height planes in the Heavy Industrial District Regulations (I-2) zoning district, be deleted in its entirety, and the following Section 16-17.006(2) be inserted in lieu thereof:

Sec. 16-17.006(2) 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 16-17.006(2)(b) below and extending inward over the I-2 district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-17.006(2):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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 I-2 district that are contiguous to any of the protected districts listed in subsection 16-17.006(2)(a) above, the transitional height plane shall be measured beginning 35 feet above the required I-2 setback adjoining the common property line with such protected district(s).

ii. For parcels in an I-2 district that are not contiguous to any of the protected districts listed in subsection 16-17.006(2)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the I-2 district.

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.

Section 10.9. That Section 16-18I.011(1) of the Zoning Ordinance, relating to transitional height planes in the Buckhead Village District Regulations (SPI-9) zoning district, be deleted in its entirety, and the following Section 16-18I.011(1) be inserted in lieu thereof:

Sec. 16-18I.011(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 16-18I.011(1)(b) below and extending inward over the SPI-9 district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-18I.011(1):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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-9 district that are contiguous to any of the protected districts listed in subsection 16-18I.011(1)(a) above, the transitional height plane shall be measured beginning 35 feet above the required SPI-9 setback adjoining the common property line with such protected district(s).

ii. For parcels in an SPI-9 district that are not contiguous to any of the protected districts listed in subsection 16-18I.011(1)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the SPI-9 district.

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.

Section 10.10. That Section 16-18K.006(2) of the Zoning Ordinance, relating to transitional height planes in the Vine City & Ashby Station Special Public Interest district regulations (SPI-11) zoning district, be deleted in its entirety, and the following Section 16-18K.006(2) be inserted in lieu thereof:

Sec. 16-18K.006(2) 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 16-18K.006(2)(b) below and extending inward over the SPI-11 district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-18K.006(2):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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-11 district that are contiguous to any of the protected districts listed in subsection 16-18K.006(2)(a) above, the transitional height plane shall be measured beginning 35 feet above the required SPI-11 setback adjoining the common property line with such protected district(s).

ii. For parcels in an SPI-11 district that are not contiguous to any of the protected districts listed in subsection 16-18K.006(2)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the SPI-11 district.

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.

Section 10.11. That Section 16-18L.007(5) of the Zoning Ordinance, relating to transitional height planes in the Buckhead/Lenox Stations Special Public Interest district regulations (SPI-12) zoning district, be deleted in its entirety, and the following Section 16-18L.007(5) be inserted in lieu thereof:

Sec. 16-18L.007(5) 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 16-18L.007(5)(b) below and extending inward over the SPI-12 district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-18L.007(5):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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-12 district that are contiguous to any of the protected districts listed in subsection 16-18L.007(5)(a) above, the transitional height plane shall be measured beginning 35 feet above the required SPI-12 setback adjoining the common property line with such protected district(s).

ii. For parcels in an SPI-11 district that are not contiguous to any of the protected districts listed in subsection 16-18L.007(5)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the SPI-11 district.

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.

Section 10.12. That Section 16-18O.009(2) of the Zoning Ordinance, relating to transitional height planes in the Lindberg Transit Station Area Special Public Interest district regulations (SPI-15) zoning district, be deleted in its entirety, and the following Section 16-18O.009(2) be inserted in lieu thereof:

Sec. 16-18O.009(2) 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 16-18O.009(2)(b) below and extending inward over the SPI-15 district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-18O.009(2):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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-15 district that are contiguous to any of the protected districts listed in subsection 16-18O.009(2)(a) above, the transitional height plane shall be measured beginning 35 feet above the required SPI-15 setback adjoining the common property line with such protected district(s).

ii. For parcels in an SPI-15 district that are not contiguous to any of the protected districts listed in subsection 16-18O.009(2)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the SPI-15 district.

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.

Section 10.13. That Section 16-18P.009(1) of the Zoning Ordinance, relating to transitional height planes in the Midtown Special Public Interest district regulations (SPI-16) zoning district, be deleted in its entirety, and the following Section 16-18P.009(1) be inserted in lieu thereof:

Sec. 16-18P.009(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 16-18P.009(1)(b) below and extending inward over the SPI-16 district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-18P.009(1):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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-16 district that are contiguous to any of the protected districts listed in subsection 16-18P.009(1)(a) above, the transitional height plane shall

be measured beginning 35 feet above the required SPI-16 setback adjoining the common property line with such protected district(s).

ii. For parcels in an SPI-16 district that are not contiguous to any of the protected districts listed in subsection 16-18P.009(1)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the SPI-16 district.

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.

Section 10.14. That Section 16-18Q.009(1) of the Zoning Ordinance, relating to transitional height planes in the Piedmont Avenue Special Public Interest district regulations (SPI-17) zoning district, be deleted in its entirety, and the following Section 16-18Q.009(1) be inserted in lieu thereof:

Sec. 16-18Q.009(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 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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 any of the protected districts listed in subsection 16-18Q.009(1)(a) above, the transitional height plane shall be measured beginning 35 feet above the required SPI-17 setback adjoining the common property line with such protected district(s).

ii. For parcels in an SPI-17 district that are not contiguous to any of the protected districts listed in subsection 16-18Q.009(1)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the SPI-17 district.

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.

Section 10.15. That Section 16-18R.007(1) of the Zoning Ordinance, relating to transitional height planes in the Mechanicsville Neighborhood Special Public Interest district regulations (SPI-18) zoning district, be deleted in its entirety, and the following Section 16-18R.007(1) be inserted in lieu thereof:

Sec. 16-18R.007(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 16-18R.007(1)(b) below and extending inward over the SPI-18 district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-18R.007(1):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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-18 district that are contiguous to any of the protected districts listed in subsection 16-18R.007(1)(a) above, the transitional height plane shall be measured beginning 35 feet above the required SPI-18 setback adjoining the common property line with such protected district(s).

ii. For parcels in an SPI-18 district that are not contiguous to any of the protected districts listed in subsection 16-18R.007(1)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the SPI-18 district.

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.

Section 10.16. That Section 16-18T.009(2) of the Zoning Ordinance, relating to transitional height planes in the Greenbriar Neighborhood Special Public Interest district regulations (SPI-20) zoning district, be deleted in its entirety, and the following Section 16-18T.009(2) be inserted in lieu thereof:

Sec. 16-18T.009(2) 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 16-18T.009(2)(b) below and extending inward over the SPI-20 district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-18T.009(2):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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-20 district that are contiguous to any of the protected districts listed in subsection 16-18T.009(2)(a) above, the transitional height plane shall be measured beginning 35 feet above the required SPI-20 setback adjoining the common property line with such protected district(s).

ii. For parcels in an SPI-20 district that are not contiguous to any of the protected districts listed in subsection 16-18T.009(2)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the SPI-20 district.

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.

Section 10.17. That Section 16-18U.011(1) of the Zoning Ordinance, relating to transitional height planes in the Historic West End/Adair Park Special Public Interest district regulations (SPI-21) zoning district, be deleted in its entirety, and the following Section 16-18U.011(1) be inserted in lieu thereof:

Sec. 16-18U.011(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 16-18U.011(1)(b) below and extending inward over the SPI-21 district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-18U.011(1):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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-21 district that are contiguous to any of the protected districts listed in subsection 16-18U.011(1)(a) above, the transitional height plane shall be measured beginning 35 feet above the required SPI-21 setback adjoining the common property line with such protected district(s).

ii. For parcels in an SPI-21 district that are not contiguous to any of the protected districts listed in subsection 16-18U.011(1)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the SPI-21 district.

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.

Section 10.18. That Section 16-19A.006(5) of the Zoning Ordinance, relating to transitional height planes in the Planned Development Mixed Use district regulations (PD-MU) zoning district, be deleted in its entirety, and the following Section 16-19A.006(5) be inserted in lieu thereof:

Sec. 16-19A.006(5) 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 16-19A.006(5)(b) below and extending inward over the PD-MU district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-19A.006(5):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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 a PD-MU district that are contiguous to any of the protected districts listed in subsection 16-19A.006(5)(a) above, the transitional height plane shall be measured beginning 35 feet above the required PD-MU setback adjoining the common property line with such protected district(s).

ii. For parcels in a PD-MU district that are not contiguous to any of the protected districts listed in subsection 16-19A.006(5)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the PD-MU district.

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.

Section 10.19. That Section 16-32.009(2) of the Zoning Ordinance, relating to transitional height planes in the Neighborhood Commercial district regulations (NC) zoning district, be deleted in its entirety, and the following Section 16-32.009(2) be inserted in lieu thereof:

Sec. 16-32.009(2) 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 16-32.009(2)(b) below and extending inward over the NC district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-32.009(2):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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 NC district that are contiguous to any of the protected districts listed in subsection 16-32.009(2)(a) above, the transitional height plane shall

be measured beginning 35 feet above the required NC setback adjoining the common property line with such protected district(s).

ii. For parcels in an NC district that are not contiguous to any of the protected districts listed in subsection 16-32.009(2)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the NC district.

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.

Section 10.20. That Section 16-33.008(1) of the Zoning Ordinance, relating to transitional height planes in the Live Work district regulations (LW) zoning district, be deleted in its entirety, and the following Section 16-33.008(1) be inserted in lieu thereof:

Sec. 16-33.008(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 16-33.008(1)(b) below and extending inward over the LW district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-33.008(1):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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 LW district that are contiguous to any of the protected districts listed in subsection 16-33.008(1)(a) above, the transitional height plane shall be measured beginning 35 feet above the required LW setback adjoining the common property line with such protected district(s).

ii. For parcels in an LW district that are not contiguous to any of the protected districts listed in subsection 16-33.008(1)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the LW district.

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.

Section 10.21. That Section 16-34.009(1) of the Zoning Ordinance, relating to transitional height planes in the Mixed Residential Commercial district regulations (MRC) zoning district, be deleted in its entirety, and the following Section 16-34.009(1) be inserted in lieu thereof:

Sec. 16-34.009(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 16-34.009(1)(b) below and extending inward over the MRC district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-34.009(1):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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 MRC district that are contiguous to any of the protected districts listed in subsection 16-34.009(1)(a) above, the transitional height plane shall be measured beginning 35 feet above the required MRC setback adjoining the common property line with such protected district(s).

ii. For parcels in an MRC district that are not contiguous to any of the protected districts listed in subsection 16-34.009(1)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the MRC district.

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.

Section 10.22. That Section 16-35.009(1) of the Zoning Ordinance, relating to transitional height planes in the Multi-family Residential district regulations (MR) zoning district, be deleted in its entirety, and the following Section 16-35.009(1) be inserted in lieu thereof:

Sec. 16-35.009(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 16-35.009(1)(b) below and extending inward over the MR district at an angle of 45 degrees. The following districts shall be considered “protected districts” for purposes of this section 16-35.009(1):

i. R-1 through R-5;

ii. RG-1 and RG-2;

iii. MR-1, MR-2, and MR-MU; and

iv. Landmark, Historic, PD, and SPI districts and or district subareas having with allowable 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 MR district that are contiguous to any of the protected districts listed in subsection 16-35.009(1)(a) above, the transitional height plane shall be measured beginning 35 feet above the required MR setback adjoining the common property line with such protected district(s).

ii. For parcels in an MR district that are not contiguous to any of the protected districts listed in subsection 16-35.009(1)(a) above, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of all portions of such protected districts located 150 feet or less from the MR district.

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.

SECTION 11 – QUALITY OF LIFE DISTRICTS

Section 11.1. That Chapter 32 of the Zoning Ordinance, relating to the NC Neighborhood Commercial District Regulations, be amended to add a new section 16-32.004A, which new section shall read as follows:

Sec. 16-32.004A - Provisions for administrative variations from regulations.

As part of general action when plans require approval of a special administrative permit, the director of the bureau of planning may authorize variations from regulations generally applying based on written findings that either:

1. A plan proposed by an applicant, while not strictly in accord with regulations applying generally within the district, satisfies the public purposes and intent, and provides public protection to an equivalent or greater degree; or
2. In the particular 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 the time or in the future.

Notation concerning the existence of such variation shall be made by written findings of SAP approval to be filed in the Office of Zoning and Development as public record. Variances and special exceptions shall be required from the board of zoning adjustment (BZA) in cases such as minimum yards (not adjacent to the street), minimum transitional yards, transitional height planes, minimum open spaces, maximum building height, maximum fence height, minimum parking and loading requirements and signage limitations.

Section 11.2. That Chapter 33 of the Zoning Ordinance, relating to the LW Live Work District Regulations, be amended to add a new section 16-33.003A, which new section shall read as follows:

Sec. 16-33.003A - Provisions for administrative variations from regulations.

As part of general action when plans require approval of a special administrative permit, the director of the bureau of planning may authorize variations from regulations generally applying based on written findings that either:

1. A plan proposed by an applicant, while not strictly in accord with regulations applying generally within the district, satisfies the public purposes and intent, and provides public protection to an equivalent or greater degree; or
2. In the particular 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 the time or in the future.

Notation concerning the existence of such variation shall be made by written findings of SAP approval to be filed in the Office of Zoning and Development as public record. Variances and special exceptions shall be required from the board of zoning adjustment (BZA) in cases such as minimum yards (not adjacent to the street), minimum transitional yards, transitional height planes, minimum open spaces, maximum building height, maximum fence height, minimum parking and loading requirements and signage limitations.

Section 11.3. That Chapter 34 of the Zoning Ordinance, relating to the MRC Mixed Residential Commercial District Regulations, be amended to add a new section 16-34.003A, which new section shall read as follows:

Sec. 16-34.003A - Provisions for administrative variations from regulations.

As part of general action when plans require approval of a special administrative permit, the director of the bureau of planning may authorize variations from regulations generally applying based on written findings that either:

1. A plan proposed by an applicant, while not strictly in accord with regulations applying generally within the district, satisfies the public purposes and intent, and provides public protection to an equivalent or greater degree; or
2. In the particular 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 the time or in the future.

Notation concerning the existence of such variation shall be made by written findings of SAP approval to be filed in the Office of Zoning and Development as public record. Variances and special exceptions shall be required from the board of zoning adjustment (BZA) in cases such as minimum yards (not adjacent to the street), minimum transitional yards, transitional height planes, minimum open spaces, maximum building height, maximum fence height, minimum parking and loading requirements and signage limitations.

Section 11.4. That Chapter 35 of the Zoning Ordinance, relating to the MR Multi-Family Residential District Regulations, be amended to add a new section 16-35.004A, which new section shall read as follows:

Sec. 16-35.004A - Provisions for administrative variations from regulations.

As part of general action when plans require approval of a special administrative permit, the director of the bureau of planning may authorize variations from regulations generally applying based on written findings that either:

1. A plan proposed by an applicant, while not strictly in accord with regulations applying generally within the district, satisfies the public purposes and intent, and provides public protection to an equivalent or greater degree; or
2. In the particular 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 the time or in the future.

Notation concerning the existence of such variation shall be made by written findings of SAP approval to be filed in the Office of Zoning and Development as public record. Variances and special exceptions shall be required from the board of zoning adjustment (BZA) in cases such as minimum yards (not adjacent to the street), minimum transitional yards, transitional height planes, minimum open spaces, maximum building height, maximum fence height, minimum parking and loading requirements and signage limitations.

SECTION 12

Section 12 That Sections 16-18A.017, 16-18I.025, 16-18K.017, 16-18L.017, 16-18O.024, 16-18P.021, 16-18Q.022, 16-18R.020, 16-18T.023, 16-18U.025, 16-18V.018, Sec. 16-32.024, Sec. 16-33.022, Sec. 16-34.023, Sec. 16-35.022, and Sec. 16-36.021 of the Zoning Ordinance, relating to bicycle parking, be deleted in their entirety, and the following sentence be inserted in lieu thereof in each said section:

“See Section 16-28.014(6) Bicycle Parking Requirements.”

SECTION 13

That all ordinances, parts of ordinances, and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.

END OF 8.15.2018 VERSION