

AN ORDINANCE

BY: COUNCILMEMBER HOWARD SHOOK

10-3 -1339

210-17

**AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY REPLACING CHAPTER 18I. SPI-9 BUCKHEAD VILLAGE OVERLAY DISTRICT REGULATIONS WITH A CHAPTER ENTITLED 18I. SPI-9 BUCKHEAD VILLAGE SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS; AND TO AMEND THE OFFICIAL ZONING MAP BY SUPPLANTING EXISTING ZONING DISTRICTS WITH SAID SPI-9 BUCKHEAD VILLAGE DISTRICT MAP; AND FOR OTHER PURPOSES.**

**WHEREAS**, the community vision for the Buckhead Village has been established in the City of Atlanta Comprehensive Development Plan, the 1999 Vision for the Buckhead Village, the 2001 Buckhead LCI Plan, 2005 Buckhead Village Parking & Circulation Study, and the 2007 Piedmont Area Transportation Plan; and

**WHEREAS**, it is the intent of the City Council in establishing the new zoning regulations for SPI-9 to encourage the redevelopment of properties within the Buckhead Village consistent with this community vision; and

**WHEREAS**, increased development within the SPI-9 District has made it necessary to provide for appropriate transitions from the high intensity areas along Peachtree Road to the mixed-use character of the surrounding village areas and the lower density residential neighborhoods that border the district and to prevent incompatible commercial uses and minimize commercial parking in residential neighborhoods; and

**WHEREAS**, specific and well integrated Graphic Standards will provide a pleasing, cohesive urban aesthetic for the SPI-9 District through vibrant, quality design that assist in implementing the community vision through the provision of and

**WHEREAS**, new zoning regulations which provide for a balanced mix of office, retail, commercial, residential and related uses within the SPI-9 District will serve the needs of the Buckhead community, surrounding residential neighborhoods, specialty shoppers, visitors and the City as a whole, in accord with the community vision.

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

**Section 1:** That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended by replacing the existing text of Chapter 18I, SPI-9 Buckhead Village Overlay District Regulations with a new chapter entitled Chapter 18I. SPI-9 Buckhead Village District Regulations, the text of which shall read as shown in "Attachment A."

**Section 2:** That the Official Zoning Map of the City of Atlanta is hereby amended to be consistent with the boundaries of the SPI-9 Buckhead Village Special Public Interest District as shown on the map which is incorporated by the reference

made in Sec. 18-18I.003 of the proposed regulation, such that this map and the designation of the boundaries of the SPI-9 Buckhead Village Special Public Interest District be incorporated into and made part of the Official Zoning Map of the City of Atlanta and the same shall define the area where the SPI-9 Buckhead Village District Regulations shall be effective. All areas shown on the aforesaid map as a part of the SPI-9 Buckhead Village District shall be rezoned from any existing zoning designation to the zoning designation of SPI-9 Buckhead Village District provided however that certain conditions associated with the existing zoning may be preserved in accordance with the Chapter 18I, SPI-9 Buckhead Village Overlay District Regulations.

**Section 3:** That the Official Zoning Map of the City of Atlanta is hereby amended to create within the boundaries of the SPI-9 Buckhead Village Special Public Interest District, certain subarea designations: Subarea 1: Core Village; Subarea 2: Corridor Areas; Subarea 3: Extended Village and Subarea 4: Peachtree/Piedmont and the same designations are incorporated into and made part of the Official Zoning Map of the City of Atlanta and define the area where the Subarea Regulations as set forth in the in the new Chapter 18I shall be effective.

**Section 4:** The SPI-9 Buckhead Village Special Public Interest Graphic Appendix and Standards which are reference in Section 16-18I.004 made a part of Chapter 18I SPI-9 Buckhead Village District Regulations be adopted and the same shall apply to property in the SPI-9 District.

**Section 5:** This ordinance shall become effective immediately upon signing by the Mayor or as otherwise provided by the operation of law.

## **CHAPTER 18I. SPI-9 BUCKHEAD VILLAGE DISTRICT REGULATIONS**

### **Sec. 16-18I.001. Scope of provisions.**

The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the Regulations in the SPI-9 Buckhead Village Special Public Interest District. These regulations shall supplant existing districts or portions of existing districts as shown on the attached map referenced in section 16-18I.003; further provided however that:

1. Any zoning or special use permit conditions associated with the previous zoning for any parcel within the SPI-9 District shall continue in full force and effect. Such conditions shall be incorporated as a condition of the SPI-9 zoning for such parcels. Where the SPI-9 regulations impose no standard or impose a less strict standard than that set forth in any condition incorporated from a previous zoning, the SPI-9 zoning shall not be construed to have removed such condition; and
2. All existing categories of historic protection designated pursuant to Chapter 20 of Part 16 shall continue in full force and effect and said existing historic protection regulations shall be overlaid upon, and shall be imposed in addition to, the regulations set forth in this Chapter. Whenever the following regulations are at variance with said existing historic protection regulations, the historic protection regulations shall prevail.

### **Sec. 16-18I.002. Statement of intent.**

The Intent of the Council in establishing the SPI-9 Buckhead Village Special Public Interest District is as follows:

1. To encourage the redevelopment of properties within the Buckhead Village consistent with the community vision established in the City of Atlanta Comprehensive Development Plan, the 1999 Vision for the Buckhead Village, the 2001 Buckhead LCI Plan, 2005 Buckhead Village Parking & Circulation Study, and the 2007 Piedmont Area Transportation Plan;
2. To provide for a balanced mix of office, retail, commercial, residential and related uses within the SPI-9 District so as to serve the needs of the Buckhead community, surrounding residential neighborhoods, and specialty shoppers and visitors;
3. To provide for appropriate transitions from the high intensity areas along Peachtree Road to the mixed-use character of the surrounding village areas and the lower density residential neighborhoods that border the district and to prevent incompatible commercial uses and parking in residential neighborhoods;
4. To implement the community vision through the provision of specific Graphic Standards to provide a pleasing, cohesive urban aesthetic for the district through vibrant, quality design;
5. To ensure the safe and convenient movement of pedestrians within Buckhead Village through the provision of adequate and accommodating streetscapes and to reduce pedestrian and vehicular conflicts by providing clear delineated streetscapes for pedestrian movement;
6. To reduce auto dependency and create opportunities for increasing the use of alternative transportation modes thereby mitigating traffic congestion, noise, and other negative impacts that detract from the Village and surrounding

- neighborhoods;
7. To increase connectivity for all transportation modes within the district and between the district and other areas;
  8. To provide a cooperative means for meeting parking needs within the Village;
  9. To create incentives for the provision of public facilities and functional, publicly-accessible open spaces;
  10. To encourage and implement environmentally-responsible development;
  11. To provide a range of housing types to meet varying housing needs; and
  12. To make more predictable, streamline, and expedite the permitting process for developments meeting the intent and requirements of the district regulations.

**Sec. 16-181.003. Boundaries of the district established.**

The boundaries of the SPI-9 Buckhead Village Special Public Interest District are shown on map Attachment A which by this reference is incorporated into and made part of this Chapter and this part. The Buckhead Village Special Public Interest District is divided into four subareas as is shown on said Map Attachment A. The subareas are described as follows:

1. Subarea 1: Core Village;
2. Subarea 2: Corridor Areas;
3. Subarea 3: Extended Village;
4. Subarea 4: Peachtree/Piedmont.

**Sec. 16-181.004. Graphic appendix and standards**

The SPI-9 Buckhead Village Special Public Interest Graphic Appendix and Standards are hereby adopted and made part of this ordinance and shall apply to property in the SPI-9 District. In cases of a conflict between the Design Standards and the text of this Section, the text of this Section shall govern.

**Sec. 16-181.005. Application procedures and permits.**

1. Special administrative permit (SAP) application:
  - a. An SAP application and a specified number of copies each of a site plan, landscape plan, and elevation drawings of each exterior facade shall be submitted, as applicable, and approved by the Director of the Office of Planning prior to an applicant filing for a building permit. All exterior demolition, new construction (including additions to existing buildings), modifications of outdoor dining, or any construction which results in increased lot coverage, modification of the building footprint, or modification of building facades that alters the configuration of openings at sidewalk-level, shall be subject to said SAP approval.
  - b. An applicant shall arrange a conference to discuss the application and the requirements of this Chapter with the Director or their designee either prior or subsequent to SAP submittal provided that such meeting shall be held within 14 days of the date of the request by the applicant, unless a longer period is mutually agreed upon. All SAP applications shall be processed in accordance with the standards and procedures applicable to SAP applications contained in Section 16-25 except as otherwise modified by this Chapter 181.

- c. Where regulations require the approval of an SAPan SAP for purposes other than those so specified, processing by the Director of the Office of Planning or the Director's designee shall include consideration of other special administrative permits, without additional application. Where regulations require variance, special exception, rezoning, or special use permit action, the SAP for building permit purposes shall not be issued until the necessary approval has been obtained for such action.
- 2. Unified development plans: For the purposes of this chapter, properties developed pursuant to an initial unified development plan approved under a single SAP that met all floor area ratio requirements, open space requirements, and off-street parking and loading requirements for the entire development, may be subdivided into different ownership that can be acknowledged as separate parcels, even if any of the subdivided parcels would not meet all of these requirements after the subdivision is completed provided that:
  - a. Any subdivision that is undertaken pursuant to the authorization provided in this section shall be granted only if the amount of floor area existing or currently under development pursuant to a validly issued building permit shall meet the minimum noted requirements for the subarea;
  - b. Where uses are limited to a particular amount of floor area in any unified development plan, this section shall not be construed to require the Director to apportion the uses that may be undertaken on any individual parcel subject to a pending SAP application or reserve any amount of floor area that may be dedicated to a particular use for future development of other parcels unless an approved site plan shows specified uses attached to specific parcels;
  - c. The Director shall analyze uses permitted on any parcel in a unified development plan based on the mix of existing uses and noted requirements and the uses proposed in any SAP under review; and where any SAP is pending concerning a limiting amount of floor area allowed for a particular use, the amount of such floor area available shall be removed from that available area of the overall unified development plan as of the date of initial SAP application;
  - d. No properties developed under a unified development plan can be subdivided in a manner that prevents access to sufficient exits by occupants of any structure or prevents access to the entire parcel by police, fire and emergency service personnel even where served by private streets;
  - e. An owner of a subdivided parcel of a unified development plan shall be allowed to rebuild equal or lesser floor area of any structure which is located on that part of property in their ownership without permission of other owners holding other parcels in the unified development provided, however, that this authorization shall not allow the uses or requirements to be amended unless approved by the Director and all owners; and
  - f. No properties developed under a unified development plan can be subdivided without the consent of the rightful property owner.
- 3. Administrative variations: As part of general action when plans require approval of an SAP, the Director of the Office of Planning or the Director's designee may

authorize variations from regulations generally applying based on written findings, to be filed as a public record, that either:

- a. A plan proposed by an applicant, while not strictly in accordance with regulations applying generally within the district, satisfies the public purposes and intent of such regulations, and provides public protection to an equivalent or greater degree than strict enforcement of such regulations would provide; or
  - b. In the 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 that time or in the future.
4. Variances and Special Exceptions: Administrative variations shall not be authorized to be granted for any of the following requirements, whereas instead, such relief shall only be authorized by action of the Board of Zoning Adjustment (BZA):
- a. A reduction of required transitional height planes or transitional yards where the boundaries of SPI-9 adjoin any residential district outside of SPI-9 without an intervening street;
  - b. A reduction of open space requirements as specified in these SPI-9 regulations;
  - c. A reduction of public access or public spaces as specified in these SPI-9 regulations; and
  - d. An increase of the maximum height as specified in these SPI-9 regulations.
5. Floor Area Ratio and the Application of Bonuses. The FAR for each parcel within SPI-9 shall be as depicted on Map Attachment A except where modified by any zoning or special use permit condition. Where the Official Zoning Map would allow FAR different than the FAR shown on Map Attachment A, the FAR shown on Map Attachment A shall control provided, however, that Map Attachment A shall not control any zoning or special use permit condition. The FAR allowed in SPI-9 may be increased by the application of bonuses as set forth in these regulations provided, however, that amendments to the Official Zoning Map allowing a parcel additional FAR above the existing FAR for that parcel by the application of such bonuses shall be made in as set forth in Section 16-27.001 *et seq.* for a change in condition of zoning with the following modifications:
- a. The application shall include calculations showing the current permitted FAR and the proposed FAR and the type of bonus which is to be applied to increase the FAR to the proposed level;
  - b. The impact analysis for the proposed increase in FAR by this change of condition with respect to each of the matters enumerated in section 16-27.004 shall discuss the effect of the increased FAR rather than the impact which would be associated with proposed change in a zoning classification; and
  - c. The public notice issued pursuant to 16-27.007 shall include existing FAR, proposed FAR, the proposed maximum allowable FAR and the type of bonus which is to be applied to allow the increase of FAR to the proposed level.

**Sec. 16-181.006. Definitions.**

Words or phrases used herein shall be defined, and requirements, restriction or limitations applied as provided in Chapter 16-29, except the following words, terms and phrases which, when used in this Chapter 16-181, shall have the meanings ascribed to them in this Section except where the context clearly indicates a different meaning:

1. *Sidewalk-level*: Any finished floor level within eight vertical feet of the adjacent required sidewalk or provided supplemental zone or the closest finished floor level if none is within eight vertical feet of the required sidewalk. See Figure 1 of SPI-9 Graphic Appendix and Standards.
2. *Net Lot Area (NLA)*: Net lot area shall be as defined in Section 16-28.007(2)(a) at the time of such original SAP application or prior to any public dedication of land made in accordance with Chapter 16-18S.
3. *Gross Lot Area (GLA)*: Gross lot area shall be defined as provided in Section 16-28.007(2)(b).
4. *Density Bonus*: A provision that allows a parcel to accommodate additional square footage beyond the maximum otherwise permitted in exchange for the provision of a specified amenity that provides a public benefit.
5. *Public Art Display*: A public art display is an object permitted to be erected or displayed as set forth in Sec. 16-28.025 of the Zoning Code and the space within and immediately surrounding such object.
6. *Public Space*: Public space shall be defined as provided in Section 16-28.012(2) and amended by the following:
  - a. Interior spaces shall not be counted as public space in this SPI-9; and
  - b. Public space shall be visible and accessible from the public right-of-way and either:
    - i. Provide independent greenspace within the district; or
    - ii. Provide a portion of an inter-connected and continuous network of pedestrian-oriented paths, greenways or trails within and adjacent to the SPI-9 district.
7. *Area-wide Stormwater Management Facility*: Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of one or several individual properties may assist in the financing of the facility, and the requirement for individual on-site controls is either eliminated or reduced.
8. *Director*: The Director of the City of Atlanta's Office of Planning or the Director's designee.
9. *Useable Open Space*: The required useable open space for a development shall be calculated on a percentage of either the net lot area or gross lot area as applicable to the subject development project as specified in Sec. 16.181.012 and such useable open space may be located within the land area of any public dedication of land made in accordance with either Chapter 16-18S or this Chapter. Useable open space shall be defined as provided in Section 16-28.010(5)(a) as amended by the following:
  - a. Any balconies above sidewalk level shall not be included as useable open space in this SPI-9 and
  - b. Amenity zone area(s) shall not be included for as useable open space unless located within the net lot area.

- c. The following shall be included for the purpose of useable open space calculations in this SPI-9:
- i. Any public art display or water features at sidewalk-level which are accessible and visible from the public right-of-way;
  - ii. Portions of roofs that are green and/or vegetated;
  - iii. The walk zone and supplemental zone area(s) if such areas are accessible to the public and designed consistent with the standards of the SPI-9 district (see Graphic Appendix and Standards); and
  - iv. Stormwater management facilities only if designed and improved as an amenity, subject to approval of the Director.

**Sec. 16-181.007. Permitted principal uses and structures.**

1. Permitted principal uses and special permits. See SPI-9 Buckhead Village Table of Uses for permitted principal uses and special permits.
2. Permitted principal uses: A building or premises shall be used only for the principal purposes as indicated with a "P" in SPI-9 Buckhead Village Table of Uses.
3. Special permits: The following uses are permissible only by special permits of the type indicated subject to limitations and requirements set herein or elsewhere in this part, and subject to the applicable procedures and requirements set forth in section 16-25.001, et seq.
  - a. Special use permits shall be required as indicated with "SUP" in the SPI-9 Buckhead Village Table of Uses.
  - b. Special administrative permits shall be required as indicated with "SAP" in the SPI-9 Buckhead Village Table of Uses.
  - c. Prohibited uses are indicated with 'X' in the SPI-9 Buckhead Village Table of Uses.

SPI-9 Buckhead Village Table of Uses					
Uses	Subareas				Active Sidewalk Level Use (see 16-181.007.6)
	1 CORE VILLAGE	2 CORRIDOR AREAS	3 EXTENDED VILLAGE	4 PEACHTREE/ PIEDMONT	
Commercial/Retail					
Barbershops, beauty shops, and similar personal service establishments.	P	P	P	P	Yes
Caterling establishments, delicatessens, and bakeries.	P	P	X	X	Yes
Eating and drinking establishments as defined in 16-29.001(5) including those establishments which operate as another use under Chapter 10 of the City Code (Alcoholic Beverages) except when defined as a Nightclub.	P	P	P	P	Yes
Laundry and dry cleaning establishments where equipment is operated by customers and collection stations.	P	P	P	P	Yes
Mixed-use storage facility.	X	SUP	SUP	SUP	Yes

SPI-9 Buckhead Village District

<b>SPI-9 Buckhead Village Table of Uses</b>					
<b>Uses</b>	<b>Subareas</b>				<b>Active Sidewalk Level Use (see 16-181.007.6)</b>
	<b>1 CORE VILLAGE</b>	<b>2 CORRIDOR AREAS</b>	<b>3 EXTENDED VILLAGE</b>	<b>4 PEACHTREE/ PIEDMONT</b>	
Plumbing, air conditioning service and repair establishments for home appliances, bicycles, lawn mowers, and similar devices and shoes, clocks, watches and similar articles.	P	P	P	P	Yes
Professional or personal service establishments, but not hiring halls.	P	P	P	P	Yes
Retail establishments, including catering establishments, delicatessens and bakeries with wholesale operations.	P	P	P	P	Yes
Sales and leasing for new and used cars and other motorized vehicle sales such as mopeds, motorcycles, and bicycles.	P	P	P	P	Yes
Servicing and repairing new vehicles, and dealing in their disposal, servicing or repairing of used vehicles in connection therewith and all located on the same site.	P	P	P	X	No
Tailoring, custom dressmaking, millinery and similar establishments.	P	P	P	P	Yes
<b>Education/Child Care</b>					
Business or commercial schools.	SUP	SUP	SUP	SUP	Yes
Child care centers, day care centers, pre-kindergartens, kindergartens, play and other special schools for young children.	P	P	P	P	Yes
Colleges and universities, other than trade schools, business colleges and similar uses.	SUP	SUP	SUP	SUP	Yes
Public schools or private schools having similar academic curricula and special schools for exceptional children.	X	SUP	SUP	X	Yes
<b>Institutional</b>					
Banks, savings and loan associations, and similar financial institutions.	P	P	P	P	Yes
Cemeteries and mausoleums.	X	X	SUP	X	No
Churches, synagogues, temples, mosques and other religious worship.	SUP	SUP	SUP	SUP	Yes
Mortuary and funeral homes.	P	P	SUP	P	No
Museums, galleries, auditoriums, libraries and similar cultural facilities.	SUP	SUP	SUP	SUP	Yes
<b>Medical/Health</b>					
Nursing homes, assisted living facilities, rehabilitation centers and personal care homes.	SUP	SUP	SUP	SUP	No
Clinics and laboratories but not blood donor stations except at hospitals.	P	P	P	P	Yes

SPI-9 Buckhead Village District

SPI-9 Buckhead Village Table of Uses					
Uses	Subareas				Active Sidewalk Level Use (see 16-181.007.6)
	1 CORE VILLAGE	2 CORRIDOR AREAS	3 EXTENDED VILLAGE	4 PEACHTREE/ PIEDMONT	
Veterinary clinic provided within soundproof buildings if located within 300 feet of any residential use.	P	P	P	P	No
<b>Offices</b>					
Offices, studios, and similar uses.	P	P	P	P	Yes
<b>Recreation/Entertainment</b>					
Clubs or lodges.	SUP	SUP	SUP	SUP	Yes
Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly, and similar uses, with primary activities conducted within fully enclosed buildings.	SUP	SUP	SUP	SUP	Yes
Nightclubs as defined under Chapter 10 of the City Code.	SUP	SUP	X	SUP	No
Outdoor amusement enterprises, exhibits, entertainment, meetings, displays, or sales area, or outdoor areas for religious ceremonies. Less than 90 days duration.	SAP	SAP	SAP	SAP	Not applicable
Outdoor amusement enterprises, exhibits, entertainment, meetings, displays, or sales area, or outdoor areas for religious ceremonies 90 days or more days duration.	SUP	SUP	SUP	SUP	Not applicable
Parks, playgrounds and community centers.	P	P	P	P	Yes
Poolrooms, billiard parlors, amusement arcades.	SUP	SUP	SUP	SUP	Yes
<b>Residential Dwellings/Lodgings</b>					
Continuing care retirement communities as defined in Section 16-29.001(16)(b).	SUP	SUP	SUP	SUP	Yes
Hotels, motels.	P	P	SUP	P	Only hotel lobbies, business centers and fitness centers.
Multifamily dwellings, two-family dwellings and single-family dwellings.	P	P	P	P	Only if multifamily dwellings.
Supportive housing.	P	P	P	P	No
Shelter	SUP	SUP	SUP	SUP	No
<b>Transportation/Parking</b>					
Helicopter landing facilities or pickup or delivery stations.	SUP	SUP	X	SUP	No
Parking structures (not surface parking lots)	P	P	P	P	No

SPI-9 Buckhead Village District

SPI-9 Buckhead Village Table of Uses					
Uses	Subareas				Active Sidewalk Level Use (see 16-181.007.6)
	1 CORE VILLAGE	2 CORRIDOR AREAS	3 EXTENDED VILLAGE	4 PEACHTREE/ PIEDMONT	
Structures and uses required for operation of public transit but not rail yards, switching or maintenance shops as the primary purpose.	P	P	P	P	No
<b>Utilities</b>					
Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, and new or additional uses of existing structures as contemplated by Section 16-25.002(3)(i)(iv)(k) and , alternative design mounting structures unless specified otherwise.	SAP	SAP	SAP/X (No alternative design mounting structures as contemplated in Sec. 16-25.002(3)(i)(iv)(i))	SAP/X (No alternative design mounting structures as contemplated in Sec. 16-25.002(3)(i)(iv)(i))	No
Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications Greater than 70 feet in height, except new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).	SUP	SUP	SUP	SUP	No
Structures and uses required for operation of a public utility but not including uses involving storage, warehousing, or maintenance shop as the primary purpose.	P	P	P	P	No

4. Prohibited uses: Any principal use and structure not specifically listed in the SPI-9 Buckhead Village Table of Uses is prohibited in this district. The Director is authorized to determine the classification of a use listed in this District where such use is combined with another use or the classification of the use does not meet an applicable definition. Additionally:
  - a. Surface parking lots as defined in Section 16-29.001(34) are a prohibited principal use within the district.
  - b. No use or manner of operation shall be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television communication, or is otherwise incompatible with the character of the district and its relation to adjoining districts.
5. Supplemental use regulations. The following uses shall be subject to further restrictions as contained herein:
  - a. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment shall be permitted when located on subterranean levels, the second floor above sidewalk-level or higher, or on

sidewalk-level where the minimum active use depth as specified in Section 16-181.017.4 is provided.

- b. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between the principal structure and the street.
6. Active sidewalk-level uses are required along all Type 1, 2, and 3 street frontages within subareas 1, 2, and 4 and shall have entrances opening directly either onto the sidewalk, the supplemental zone or a public space connected to the sidewalk adjacent to the street. Also, see Sections 16-181.015 and 16-181.017.4.

**Sec. 16-181.008. Permitted accessory uses and structures.**

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and shall specifically include clubhouses, pools and other recreation amenities, child care facilities, greenhouses and storage and parking to serve authorized residential and nonresidential uses within the district subject to the restrictions contained in Section 16-181.026 and elsewhere in this Chapter. No use which would not be permitted as a principal use shall be allowed as an accessory use, provided however that stormwater management structures approved by the Department of Watershed Management shall be permitted.

**Sec. 16-181.009. Special permits.**

The following uses are permissible only by special permits of the kinds indicated, subject to any conditions of approval of such special permit and to any additional limitations and requirements set forth herein or elsewhere in this part, subject to the procedures and requirements set forth in Sections 16-25.001, et. seq.

Special use permits:

1. As shown in the SPI-9 Buckhead Village Table of Uses, see Section 16-181.007 and as follows:
2. Transfer of development rights. See Figure 2 of the SPI-9 Graphic Appendix and Standards. Transfer of development rights shall be permissible pursuant to a special use permit or other future method as designated by the City of Atlanta. For purposes of application of this subsection to Section 16-28.023, properties shall be deemed to be closely proximate if both lie within the SPI 9 District. Transfer of development rights within SPI-9 is permissible provided each of the following criteria are met in addition to those set forth in Section 16-28.023:
  - a. Properties designated as sending areas within SPI-9 may transfer development rights to properties that are designated as receiving areas within SPI-9 as shown on Map Attachment C. See also Section 16-181.012;
  - b. Properties sending development rights are limited to transferring no more than 50 percent of their maximum FAR without bonuses as displayed on Map Attachment A;
  - c. The total height of buildings on receiving properties shall not exceed the maximum building height permitted in said subarea unless granted a separate special exception. See Section 16-181.012.

3. Changes to a site plan which were established under an existing SUP shall be permitted through an SAP as a minor site plan amendment provided that no other condition of the existing SUP is violated by such change.

**Sec. 16-181.010. Redevelopment requirements & exemptions.**

Any property wherein the principal building is removed or destroyed by any means to an extent of more than 60 percent of the replacement cost at the time of destruction or removal shall be redeveloped in accordance with the requirements of this chapter and any paving or other accessory structure elements within any required transitional yard shall be removed and buffers provided as required herein, notwithstanding any other provision in Part 16 to the contrary.

Exemptions: The following activities shall be exempt from requirements of Sections 16-181.015, 16-181.016 and 16-181.017 of this Chapter:

1. Interior renovations or exterior repairs; and
2. Renovation and/or expansion of an existing building that increases the floor area by no more than the lesser of 8,000 square feet or 40% of the existing floor area of the existing building(s) on the subject parcel unless said renovation and/or expansion seeks to permanently modify the existing sidewalk or supplemental zone and/or pedestrian access from the public right-of-way.

**Sec. 16-181.011. Transitional height planes and yards.**

1. Transitional height plane: Where properties within SPI-9 adjoin an R-1 through R-5 district or R-G district that is outside of SPI-9 without an intervening street, height shall be limited as follows: No portion of any structure shall protrude through a height-limit plane beginning 35 feet above the buildable area boundary nearest to the common district boundary extending inward over this district at an angle of 45 degrees. See Figure 3 of SPI-9 Graphic Appendix and Standards.
2. Transitional yards and screening: Where properties within SPI-9 adjoin an R-1 through R-5 district or R-G district that is outside of SPI-9 without an intervening street or where within this SPI-9 district the FAR of the adjacent property as depicted on Map Attachment A is less than 1.0 and existing structures on such adjacent property are less than 35 feet in height and the proposed development is proposed at taller than 65 feet:
  - a. Transitional yard: The applicable transitional yard(s) shall be a minimum of 20 feet in depth, however, for lots greater than 200 feet in depth the rear yard shall be a minimum of 10% the depth of the lot up to a maximum of 35 feet. Said transitional yard(s) shall not be paved or used for the purpose of parking, paving, loading, servicing or storage activity and shall be planted and/or maintained in a natural landscaped state except where additional screening shall be required.
  - b. Screening: Screening elements shall be provided either via:
    - i. A permanent opaque fence or wall not less than 6 feet in height to be provided and maintained in sound and slightly condition; or
    - ii. A landscaped buffer meeting all the following criteria:
      1. The buffer shall contain a minimum five-foot tall berm at 3 to 1 slope;

2. The berm shall be planted with three staggered rows of evergreen trees planted 10 feet on center each at a minimum of 8 feet in height at the time of planting; and
3. Sufficient groundcover shall be planted to prevent erosion and maintain the stability of the berm.

**Sec. 16-181.012. Development controls.**

See SPI-9 Buckhead Village: Development Controls Table for Bulk Limitations, Yard Requirements, Open Space Requirements and other requirements subject to the sections 1 through 7 below:

**SPI-9 Buckhead Village: Development Controls Table**

Maximum Setback from back of required sidewalk <sup>1</sup>	Type 1 Street	25 feet
	Type 2 Street	25 feet
	Type 3 Street	20 feet
	Type 4 Street	10 feet

		Subarea 1	Subarea 2	Subarea 3	Subarea 4
Bulk Limitations <sup>2</sup>	Max. FAR without Bonuses	According to Map Attachment A			
	Max. FAR with Bonuses	8.2	5.0 for mixed use buildings 3.0 for single-use buildings	5.0 for mixed use buildings 3.0 for single-use buildings	5.0
Transfer of Development Rights		Properties designated as sending areas as shown on Map Attachment C with excess allowable floor area available may transfer floor area to properties designated as receiving areas as shown on Map Attachment C pursuant to Section 16-181.009.			Not permitted
Residential Useable Open Space Requirements (USOR), including mixed-use developments with a residential component (See also Section 16-181.012.1). Note: useable open space may be relocated per Section 16-181.012.5.		20 percent of Net Lot Area or Gross Lot Area, as applicable, is required for any parcel over 1 acre. Otherwise, no useable open space requirements.		25 percent of Net Lot Area or Gross Lot Area, as applicable, is required for any parcel over 1 acre. Otherwise, no useable open space requirements.	20 percent of Net Lot Area or Gross Lot Area, as applicable, is required for any parcel over 1 acre. Otherwise, no useable open space requirements.

Useable Open Space Requirements (USOR) for developments with no residential uses (See also Section 16-181.012.1). Note: useable open space may be relocated per Section 16-181.012.5.	10 percent of Net Lot Area for any parcel over 1 acre. Otherwise, no useable open space requirements.			
Maximum Height with bonus(es) or transfer of development rights <sup>3</sup>	225 feet	150 feet	150 feet	225 feet
Footnotes to Table above				
<sup>1</sup> A minimum of 60 percent of each property shall be fronted by buildings located no greater than the maximum distance listed by street type classification from the back of the required walk zone (see Section 16-181.012). See also supplemental zone requirements at Section 16-181.016.				
<sup>2</sup> Maximum FAR for development projects not seeking bonus density or bonus GFA as provided for in this Chapter shall be as shown in Map Attachment A. Increased FAR and/or GFA may be allowed per Section 16-181.013.				
<sup>3</sup> Maximum height of any development that utilizes density bonuses (Section 16-181.013) or transfer of development rights. Developments are limited to transitional height restrictions where applicable and a maximum height as specified, except by special exception.				

1. Useable open space requirement (UOSR):
  - a. For all non-residential uses, mixed-use buildings and proposed developments utilizing bonuses as provided in Section 16-181.013 or transfer of development rights, UOSR shall be calculated utilizing net lot area (NLA).
  - b. For residential uses not utilizing bonuses as provided in Section 16-181.013 or a transfer of development rights, UOSR shall be calculated utilizing gross lot area (GLA).
  - c. For all uses, a minimum of 50 percent of the useable open space requirement (UOSR) shall be public space as defined in Section 16-181.006 with such public space having two or more points of entry from adjacent sidewalks and surrounding buildings. Also, see Figure 4 of the SPI-9 Graphic Appendix and Standards for public space character examples.
2. New streets incentive: New public streets and private streets that function as public streets (See Section 16-181.014) may be counted towards UOSR and public space requirements provided they conform to the Connect Atlanta Plan and all of the following criteria are met:
  - a. Right-of-way and design of the new street shall meet applicable requirements of provided in Sections 16-181.014 and 16-181.015 as shown in the SPI-9 Graphic Appendix and Standards; and
  - b. No gates or other physical obstructions shall be permitted preventing access to such streets.
3. On-street parking incentive: New on-street parking may be counted towards

UOSR and public space requirements provided all of the following criteria are met:

- a. No on-street parking currently exists in the public right-of-way adjacent to the project area for which credit is sought;
  - b. New on-street parking is located where there is no existing street lane;
  - c. New on-street parking occupies more than 60% of an entire block face or a minimum distance of 200 feet for parcels that occupy more than 300 feet of street frontage;
  - d. Sidewalk bulbouts are provided at street intersections; and
  - e. All other sidewalk requirements of this chapter are met.
4. Additional open space incentive: Useable open space, meeting the definition of public space as provided in Section 16-181.006 in excess of the required UOSR may be eligible for a density bonus as provided in Section 16-181.013.
5. Relocation of open space: Up to 50 percent of useable open space required (UOSR) for residential uses and up to 80 percent of useable open space (UOSR) required for non-residential uses may be relocated to an offsite parcel as follows:
- a. UOSR within subarea 1 shall only be transferred to another parcel within subarea 1 or subarea 3.
  - b. Within subareas 2, 3, and 4, UOSR may be transferred to a parcel within subarea 3.
  - c. For all UOSR transfers all of the following criteria shall be met:
    - i. The receiving parcel must contain the amount of open space required for any development of the receiving parcel in addition to the transferred amount of useable open space (UOSR), not including areas that reduce its utility for public access, recreation, and enjoyment such as excessive slopes over 15%;
    - ii. The receiving parcel is owned and maintained either by a public agency, private property owner, or by a private property owners association and a copy of a valid maintenance agreement submitted to the Director indicating the property owner and responsible party for the continuous maintenance of the open space;
    - iii. The open space in the receiving parcel:
      1. Shall be accessible to the public during normal city park hours;
      2. Shall be no greater than 24 inches above or below the adjacent public sidewalk for a minimum distance of 15 feet from the adjacent sidewalk;
      3. Shall be located, visible from and accessible (having no walls, fences, or other vertical obstructions) along a minimum of 60 percent of any adjacent sidewalk; and
      4. Shall permit and encourage pedestrian access on a minimum of 60 percent of the surface of the open space including landscaped areas, fountains, pedestrian furniture, public art, and similar elements which are specifically listed in the application.
6. Area-wide Stormwater Management Facility Incentive: The owner of property

upon which an area-wide stormwater management facility is constructed may be eligible for GFA bonus credit, as provided in Section 16-181.13 provided that:

- a. Said facility is located, designed and maintained in accordance with the requirements of the City of Atlanta Department of Watershed Management and the Georgia Environmental Protection Division and part of a stormwater management plan approved by the Department of Watershed Management that includes each land development project being served by such facility;
  - b. Said facility serves as the stormwater detention/retention area for at least 2 acres in the same drainage basin and is designed to provide a level of stormwater quantity and quality control that is equal to or greater than the stormwater quantity and quality control that would be afforded by separate on-site facilities;
  - c. The developer of said facility provides the Director with written agreements that any property which could reasonably be served by the facility will be allowed access; and
  - d. Said facility either landscaped and integrated with adjacent useable open space that provide public amenities as approved by the Director or not visible from any public right-of-way.
7. LEED Certification (or similar) Incentive. To receive a density bonus for LEED Certification or similar, as provided in Section 16-181.013 the applicant shall submit for approval appropriate documentation prepared by a certified professional that the project, if constructed as proposed, achieves a minimum level of LEED Silver or equivalent standard as adopted by the City of Atlanta.

**Sec. 16-181.013. Density Bonus.**

1. Floor Area Ratio (FAR) bonuses: The maximum allowable Floor Area Ratio (FAR) of a development on a parcel located within the SPI-9 Buckhead Village District may be increased in exchange for one or more of the additional amenities as provided in the SPI-9 Buckhead Village: FAR Bonus Table. See Figure 5 of the SPI-9 Graphic Appendix and Standards for an illustration of FAR.

**SPI-9 Buckhead Village: FAR Bonus Table**

<b>Amenities</b>	<b>FAR Bonus</b>
Mixed-use development in subareas 1, 2 & 4 including residential uses at a min. of 50 percent residential floor area. See Figures 6 & 7 of the SPI-9 Graphic Appendix & Standards.	0.5 FAR
Mixed-use development in subarea 3 including residential uses at a min. of 75 percent residential floor area. See Figures 6 & 7 of the SPI-9 Graphic Appendix & Standards.	0.5 FAR
Increased useable open space (UOSR) that is a min. of 2,000 square feet of floor area meeting the definition of public space as provided in Section 16-181.006 and the standards of Section 16-181.012.1 & 5.	Additional 0.2 FAR for each 1% of lot area in qualifying public space in excess of the min. public space required to a maximum of 1.0 FAR. Credit may be earned for additional public space contiguous to the development parcel to a maximum distance of 1,200 feet

**SPI-9 Buckhead Village District**

<b>Amenities</b>	<b>FAR Bonus</b>
	from the parcel either constructed or prioritized within any City adopted Buckhead Village Area Open Space and Public Improvements Plan.
Structured Parking utilized at least in part with a shared parking arrangement(s) in accordance with Sec. 16-181.023(6).	0.5 FAR
LEED Certification (or similar) – Silver or an equivalent level using other similar rating system as adopted by the City of Atlanta. See Section 16-181.012.7.	0.5 FAR for non-residential and mixed-use buildings. 1.0 FAR for multi-family residential only buildings.

2. Additional GFA Bonus. To encourage public dedication of right-of-way and construction of streets, multi-use paths, public art displays, and other improvements, the property owner shall be entitled to additional gross floor area (GFA), in addition to that otherwise allowed in accordance with the SPI-9 Buckhead Village: GFA Bonus Table.

**SPI-9 Buckhead Village: GFA Bonus Table**

<b>Publicly-Dedicated or Accessible Improvement</b>	<b>GFA Bonus</b>
Connectivity Improvements. New streets as described in Section 16-181.012.2 and meeting the standards of Section 16-181.014.	GFA equal to 5 times the square footage improved and/or dedicated.
Public Art Displays that are privately owned and permanently maintained	Shall be counted as 15,000 sq. ft. toward the required public space calculation.
Museums, galleries, auditoriums, libraries and similar cultural facilities with a minimum size of 2,500 square feet.	GFA equal to 2 times the square footage of the facility provided.
Child care facilities (open to the public) with a minimum size of 2,500 square feet.	GFA equal to 2 times the square footage of the facility provided.
Area-wide stormwater management facility meeting the standards of Section 16-181.012.6.	GFA equal to 4 times the square footage dedicated and/or improved.

3. For sites meeting the requirements of this Chapter for a FAR bonus or Bonus GFA, as-built drawings of the improvements meriting the award of bonus GFA or FAR, shall be attached to the final plat or approved development plan for the property and recorded with the property deed by the Office of the Clerk of Superior Court of Fulton County. The density bonus shall be specific to the development for which it was initially conferred. Failure to build the structure or meet the condition which formed the basis for the granting of the bonus shall authorize withholding or revoking the certificate of occupancy for the amount of FAR associated with such bonus until such time as the structure is completed or the condition satisfied. Failure to maintain the property or improvements meriting of the award of the bonus GFA or FAR is enforceable in the same manner as other zoning conditions.
4. Land dedicated to the City pursuant to these bonuses shall be deemed part of

the area of the parcel from which it was subdivided when computing maximum allowable FAR and GFA for a development.

5. In no case may the total GFA of a development, including all bonuses earned in Section 16-181.013, result in development that exceeds the maximum FAR or maximum building height allowable for the applicable subarea per the SPI-9 Buckhead Village: Development Controls Table of Section 16-181.012. Also, see Figure 5 of the SPI-9 Graphic Appendix and Standards.

**Sec. 16-181.014 Roadways.**

The following regulations shall apply to all new roadways within SPI-9:

1. No new development may be constructed along any single block face longer than 400 feet along a Type 1, Type 2 or Type 3 street as shown on Map Attachment B without an intervening street or publicly accessible walkway/path unless an intervening street or walkway cannot reasonably connect two publicly accessible roadways or walkways.
2. Cul-de-sacs are prohibited. However, mid-block roadways constructed to provide future connectivity between public streets shall not be considered a cul-de-sac.

**Sec. 16-181.015. Sidewalks.**

Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone. Public sidewalks shall have minimum widths as specified by street type (as shown on Map Attachment B) in the SPI-9 Buckhead Village: Streetscape Regulations Table below. See also Figures 10 through 15 of the SPI-9 Graphic Appendix and Standards.

**SPI-9 Buckhead Village: Streetscape Regulations Table**

Street Type		1	2	3	4
Amenity Zone min. width		7 feet	7 feet with bicycle lane  5 feet without bicycle lane <sup>1</sup>	5 feet	4 feet
Walk Zone min. width <sup>2</sup>		13 feet	10 feet	10 feet	6 feet
Supplemental Zone min. width		5 feet	Varies <sup>3</sup>	Varies <sup>3</sup>	Varies <sup>3</sup>
Street Tree Planting Standards		40 feet on center		30 feet on center	60 feet on center
Pedestrian Lighting	Spacing	Maximum 40 feet on center		Maximum 60 feet on center	
	Type	Alternating Atlanta type "A" and Atlanta type "C"		Alternating Atlanta type "A" and Atlanta type "C"	
<sup>1</sup> Bicycle lanes are required on Piedmont Road south of Peachtree Street.					
<sup>2</sup> For properties less than 100 feet in depth see Sec. 16-181.016.4					
<sup>3</sup> See Sec. 16-181.016(3).					

The following regulations shall also apply to all public sidewalks:

1. Amenity zone requirements: The amenity zone shall be located immediately adjacent to the curb; with such width being measured from back (building side) of

curb to the walk zone. Minimum width shall be as specified for the applicable street type. This zone is reserved for the placement of street trees and street furniture including utility and light poles, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the Director in accordance with uniform design standards for placement of such objects in the public right-of-way.

2. Walk zone requirements: The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width as specified for the applicable street type, with a consistent cross-slope not exceeding two percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight feet (see also Section 16-18I.016).
3. Paving: All sidewalk paving shall be of a type specified by the in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.
4. Street tree planting requirements: Street trees are required and shall be planted in the ground within the amenity zone and spaced an equal distance between street lights. All newly planted trees shall be single-stemmed at a minimum of 3 inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of 7 feet. Tree planting areas shall be a minimum of 40 square feet planted with evergreen ground cover such as mondo grass or *Liriope spicata*. All tree plantings, replacement and removal shall be approved by the city arborist.
5. Pedestrian and street lights, where required, shall be placed equidistant between required street trees within the amenity zone. Lighting placement intervals shall be as specified for the applicable street type. See Figure 17 of the SPI-9 Graphic Appendix and Standards for lighting types and examples.
6. Objects in the amenity zone: Trash receptacles, benches, bicycle racks, directional signage, or other similar elements shall be placed within the amenity zone and be a type specified by the Director in accordance with uniform design standards for placement of such objects in the public right-of-way. See Figure 16 of the SPI-9 Graphic Appendix and Standards for character examples. Overhead elements such as awnings, canopies or similar elements shall be prohibited within the amenity zone.
7. Visibility at intersections: Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections, as measured from the curb, between the heights of two and one-half feet and eight feet above grade. See Section 16-28.008(9), visibility at intersections.
8. Overhead utilities: Upon development or redevelopment of a parcel reasonable efforts shall be made to place utilities underground or to the rear of structures where they are least visible from public streets and sidewalks.
9. For properties less than 100 feet in depth from a public street to the opposing lot

line, the street fronting setback shall not be required to be more than 20 percent of the total depth of the lot, but no less than 10 feet to allow for a min. 4 foot amenity zone and min. 6 foot sidewalk zone and no supplemental zone.

**Sec. 16-181.016. Supplemental zone.**

For purposes of these regulations, the area between any building, parking lot or parking structure and the back of the required sidewalk walk zone when no intervening building exists shall be defined as the supplemental zone. The supplemental zone shall have the minimum widths specified herein and meet the following requirements (see figures 8 and 9 of the Graphic Appendix and Standards):

1. Shall be no more than 30 inches above the adjacent public sidewalk for a minimum linear distance of 15 feet from the nearest edge of the adjacent sidewalk walk zone unless existing topographical considerations render this requirement impractical as determined by the Director.
2. Plazas, terraces, porches and stoops within the supplemental zone shall have a maximum finished floor height of 30 inches above either:
  - a. The provided supplemental zone elevation; or
  - b. The finished sidewalk grade unless existing topographical considerations render this requirement impractical as determined by the Director.
3. Dimensions and components within the supplemental zone:
  - a. Adjacent to all uses:
    - i. Shall provide a pedestrian walkway with a minimum width of four feet through said supplemental zone to connect to the adjacent required sidewalk. Said walkway shall be perpendicular to the street unless topography prohibits.
    - ii. Retail display windows may project into the required supplemental zone but shall not occupy more than two-thirds of the supplemental zone area, shall have a minimum depth of three feet, and shall be internally illuminated serviced by electricity and accessible from the interior of a building.
  - b. Adjacent to sidewalk-level residential uses:
    - i. Shall be required at a minimum width of five feet unless the lot depth is less than 100 feet.
    - ii. Said zone shall be landscaped except for terraces, porches, stoops and walkways which may occupy a maximum of two-thirds of the supplemental zone area (See Figure 8 of the SPI-9 Graphic Appendix and Standards for character examples).
    - iii. For all such buildings with more than four residential units: Shall be permitted to share said required pedestrian walkway with one adjacent unit.
  - c. Adjacent to sidewalk-level non-residential uses:
    - i. Shall permit and allow pedestrians to walk on a minimum of 80 percent of the surface of the supplemental zone excluding water features, pedestrian furniture, public art, and similar elements.
    - ii. Along all streets except Peachtree Road unless the lot depth is less than 100 feet:
      1. The minimum area shall be no less than 20 percent of the

- total square footage of the total of both the amenity zone and walk zone;
- 2. The supplemental zone shall be a minimum width of five feet and a minimum linear distance of ten consecutive feet tangent to the adjacent sidewalk; and
- 3. No more than 150 uninterrupted linear feet of sidewalk frontage on any parcel shall be without an adjacent supplemental zone.

**Sec. 16-181.017. Relationship of Building to Street.**

- 1. Building floors shall be delineated at or below the third story above sidewalk level. Delineation shall be expressed through window openings, belt courses, cornice lines or other means of architectural detailing. See Figures 6 and 7 of the SPI-9 Graphic Appendix and Standards for examples.
- 2. Pedestrian entrances for access to all sidewalk level uses and business establishments with street frontage:
  - a. Shall face and be visible from the street; and
  - b. Shall be directly accessible and visible from the sidewalk.
- 3. A street address number at a minimum of six inches in height shall be located directly above or beside the primary building entrance and shall be clearly visible from the sidewalk.
- 4. When active sidewalk-level uses are required per Section 16-181.007(6):
  - a. Said uses shall be provided for a minimum depth of 20 feet from any building facade along the public sidewalk, unless existing topographical considerations render this requirement impractical as determined by the Director; and
  - b. Entrances to said uses shall be architecturally articulated, face, be visible from, and be directly accessible from the required sidewalk along such street.
- 5. Fenestration including all window and door openings shall be provided at the sidewalk level for a minimum of 65 percent of the length of the building for nonresidential uses on all Type 1, 2 and 3 streets:
  - a. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows;
  - b. Display windows shall be counted towards fenestration requirements provided such display windows do not make up more than 25 percent of the required openings; and
  - c. Window openings shall begin at or no more than 3 feet above the finished sidewalk-level floor or sidewalk elevation and extend to a height no less than eight feet above the finished sidewalk-level floor or sidewalk elevation.
- 6. Fences and walls, as defined in Section 16-29.001(25), shall meet the following regulations:
  - a. Fences and walls shall only be allowed in the supplemental zone when meeting the following regulations:
    - i. For all sidewalk-level residential uses:
      - 1. Fences shall not exceed 42 inches in height.

2. Walls shall not exceed 30 inches in height unless existing topography requires a retaining wall of greater height.
- ii. For outdoor dining: Only movable planters, movable fencing, or similar movable barriers are allowed to separate outdoor dining from the sidewalk provided they do not exceed a height of 36 inches including any plant material.
- iii. For all other non-residential sidewalk-level uses: Fencing and walls are prohibited with the exception of screening for authorized off-street loading areas and retaining walls as permitted below:
  1. Retaining walls located adjacent to a sidewalk along a public street shall not exceed a height of 24 inches.
  2. The combined height of a fence where otherwise authorized and retaining wall shall not exceed a height of five feet, unless existing topography prohibits retaining walls of a lesser height.
  3. Retaining walls shall be finished poured concrete or shall be faced with stone, brick or smooth stucco and shall be architecturally compatible with the adjacent building's design.
- b. Fences and walls located between the primary building and the lot line and not exceeding six feet in height may be erected, but shall not be permitted between the primary building and the street.
- c. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza or sidewalk-level outdoor dining area, or public right-of-way.
7. Massing and articulation. Building facades greater than 100 continuous feet in horizontal length shall include variety in façade treatment, materials, textures, colors and/or window and door patterns and depth at a minimum of 2 feet to provide visual interest.
8. Minimum building façade height. The minimum height of a building façade facing a Type 1 or Type 2 street shall be no less than 18 feet.

**Sec. 16-181.018. Signage.**

See Section 16-28A.010.19 for SPI-9 Signage Regulations.

**Sec. 16-181.019. 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' x 35'	12' x 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 facade.
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 6 ft. in height, but not less than the height of the dumpster, and be constructed of similar materials compatible with the principal building facade 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 5 minutes.

**Sec. 16-181.020. Driveways, curb cuts and parking structures.**

1. Sidewalks at Driveways: All sidewalk paving materials shall be continued across

any intervening driveway at the same prevailing grade and cross slope as the adjacent sidewalk walk zone. Bands of textured concrete shall border sidewalk areas across driveways and be installed parallel to the street in-line and equal in width to the street furniture zone or such future standard as developed by the Department of Public Works. See Figure 9 of the SPI-9 Graphic Appendix and Standards.

2. Driveway curb cuts:
  - a. Driveways shall be a maximum of 24 feet in width for two-way entrances and 12 feet in width for one-way entrances, unless otherwise permitted by the Commissioner of Public Works. For the purposes of this section, two curb cuts serving two one-way driveways shall only be counted as one curb cut.
  - b. Driveways shall be located no closer than 100 feet from the nearest adjacent intersection or driveway along the same block face or at the greatest distance possible from the nearest adjacent intersection or driveway, whichever lesser.
  - c. Maximum permitted number of driveway curb cuts for each development, subject to the provisions of Section 16-25.002(3):
    - i. Developments with only one street frontage, which is less than 300 feet in length: One.
    - ii. Developments with only one street frontage, which is greater than or equal to 300 feet in length: Two, separated by a minimum distance of 200 linear feet.
    - iii. Developments with two street frontages: Two. One per street frontage or two curb cuts located on the lower classified street per Map Attachment B (Type 1 being the highest classification).
    - iv. Developments with three or more street frontages: One per street frontage. No more than one curb cut may be located on the highest classified street per Map Attachment B.
3. Driveways and drive-thru service:
  - a. Driveways shall be perpendicular to any adjacent street. Circular drives are not permitted between the sidewalk and a building with the exception of hotels, child care centers, kindergartens, and special schools, subject to the provisions contained in Section 16-25.002(3).
  - b. Drive-through service windows and drive-in facilities shall not be located between the principal structure and the street and shall not be visible from the public right-of-way along a Type 1 or Type 2 street.
4. Inter-parcel Access. Inter-parcel access, joint driveways, cross-access drives, and access easements shall be accommodated when adjacent non-residential lots have direct vehicular access to a street or a driveway from a private street which functions as a public street based on traffic considerations, notwithstanding the provisions of Section 16-28.006(10) except where the Director determines that they are impractical due to topographic or other site-specific constraints.
5. Parking structures (either principal or accessory use): In addition to requirements contained in Section 16-28.028 the following regulations shall apply:
  - a. When located immediately adjacent to any public right-of-way, private

street, public park, or single family residential district:

- i. Shall have an appearance of a horizontal storied building on all levels. Said structure shall have an appearance similar to or compatible with that of the adjoining or attached structure.
  - ii. Facades at sidewalk-level along any public right-of-way, private street or public park: Shall meet the active use and facade treatment requirements as applicable in Section 16-181.007(6) unless topographic considerations render this requirement impractical.
  - iii. Above-ground parking structures shall be designed so that the only openings at street level are those to accommodate vehicle entrances and pedestrian access to the structure. Any openings for ventilation, service, or emergency access located on the first floor level in the building facade shall be an integral part of the overall building design or screened from view with landscaping at least 10 feet in height.
6. Valet Facilities: No valet facilities or uses shall be located within existing travel lanes within the public right-of-way or upon on-street parking spaces, unless authorized by the Commissioner of Public Works with review comment from the Director.

**Sec. 16-181.021. Lighting, security and maintenance requirements for parking structures and surface parking lots.**

1. Lighting shall be provided throughout all parking facilities to equal a minimum of one footcandle of light. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it shall be the responsibility of the parking operator to independently provide these required levels of illumination and all lighting shall reduce light spillage onto adjacent properties by providing cutoff luminaires which have a maximum 90 degree illumination.
2. All lighting fixtures that up-light trees, buildings, or other elements shall be located a minimum height of eight feet above sidewalk-level, except when located within predominately landscaped areas.
3. Parking facilities shall be maintained in a clean, safe and sanitary condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the drivability of the parking lot. See Section 16-28.026 for additional requirements.

**Sec. 16-181.022. Minimum landscaping for parking lots, barrier requirements.**

The requirements of City of Atlanta Code of Ordinances, Chapter 158 Vegetation, Article II Tree Protection, Section 30 Parking Lot Requirements shall apply to surface parking lots in this district. Existing facilities operating before the effective date of this section shall have 48 months to comply with the requirements of this section.

**Sec. 16-181.023. Off-street parking requirements.**

In addition to the provisions of Section 16-28.008(7), which shall apply and are incorporated herein, off-street parking for all uses shall be provided in accordance with

the SPI-9 Buckhead Village Parking Table and subject to subsections 1 through 6 below. See also Sections 16-28.013 and 16-28.014.

1. **Maximum Parking:** Unless otherwise shown in the SPI-9 Buckhead Village Parking Table, the maximum allowable off-street parking shall be one (1) space for each 200 square feet of floor area.
2. **Minimum Parking:** The minimum off-street parking required shall be seventy-five percent (75%) of the maximum shown in the SPI-9 Buckhead Village Parking Table unless reduced in accordance with part 5 below.
3. **Off-street surface parking lots,** including those for the authorized sale or lease of vehicles, shall not be located between a building and the adjacent street without an intervening building.
4. **Off-street surface parking lots** shall be screened from adjacent streets and sidewalks by a decorative fence or wall, berm, or vegetative screen at a minimum of 30 inches and at a maximum of 42 inches in height between the parking lot and the sidewalk(s). Only perpendicular driveway crossings and delineated pedestrian paths shall be allowed through such screening.
5. **Reduction of off-street parking requirements:**
  - a. On-street parking spaces may be used to meet up to 25 percent of the required off-street parking. Only those on-street parking spaces that are within, contiguous to, and/or located on right-of-way directly adjacent to the parcel (on the same side of the street) may be counted.
  - b. Parking requirements may be reduced at the discretion of the Director upon a written determination that either:
    - I. The character or use of the building is such as to make unnecessary the full provision of parking facilities as verified by a valid shared parking analysis based on the Urban Land Institute (ULI) standard or other similarly recognized standard; or
    - II. The applicant shall establish a valid shared or off-site parking arrangement which:
      1. Meets all other criteria of Section 16.25.002(3);
      2. Provides safe pedestrian circulation and access between the principal structure and off-site parking facilities at no more than 600 feet in horizontal walking distance;
      3. Segregates required residential parking from parking associated for other uses;
      4. All shared or off-site parking spaces shall be clearly marked and signed as reserved during specified hours; and
      5. An applicant applying to share or transfer parking requirements shall submit documentation including the following:
        - a. A map drawn to scale that indicates the location of proposed parking spaces; and
        - b. Documentation of the hours of operation of non-residential parking users that avoids conflicting parking demands; and
        - c. Copies of valid shared parking agreements. Renewed agreements shall be filed with the Office of

## Planning.

6. Office uses, additional requirements: Any development providing more than 50,000 square feet of gross office space shall reserve and designate at least five percent of the required parking spaces as "Carpool Only", or "Vanpool Only". Such spaces shall be located near the building's entrance or other preferable locations. Parking structures accommodating vanpool access at entry level must provide a minimum ceiling height of 8 feet and 2 inches.

SPI-9 Buckhead Village Parking Table	
Use	Maximum Allowable Parking Spaces <sup>1,2</sup>
Child care centers, day care centers, pre-kindergartens, kindergartens, play and other special schools or day care centers for young children	One (1) space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, approved by the Public Works Department.
Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly, and similar uses, with primary activities conducted within fully enclosed buildings	One (1) space for each 100 square feet of floor area
Drive-in establishments	See section 16-28.021
Eating and drinking establishments - Indoor dining and covered outdoor dining	One (1) space for each 300 square feet of floor area unless an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits.
Eating and drinking establishments - Uncovered outdoor dining	If outdoor uncovered dining space is greater than 25 percent of the total gross floor area of the establishment, it shall provide a maximum of one (1) additional space per 600 square feet for such accessory outdoor dining area.
Hotels and motels	One (1) space per rental unit plus one-half (1/2) space per employee and one (1) space per 100 square feet of restaurant/lounge gross leasable area as applicable, and one (1) space per 300 square feet of other convention facilities
Nursing homes	One (1) space for each four (4) beds
Office uses	No minimum. A maximum of two and one-half spaces for each 1,000 square feet of floor area. Parking during off-peak hours (after 6:00 p.m.) may be shared for other uses
Personal care homes, assisted living facilities, and rehabilitation centers with a residential component	See section 16-08.007 for applicable ratios according to the appropriate floor area ratio
Poolrooms, billiard parlors, amusement arcades and similar establishments	One (1) space for each 100 square feet of floor area
Recreational establishments	One (1) space for each 400 square feet of floor area
Residential	Two (2) parking spaces per unit plus 1/2 space for

SPI-9 Buckhead Village Parking Table	
Use	Maximum Allowable Parking Spaces <sup>1,2</sup>
	each unit with three or more bedrooms + 1/3 space per unit for guest parking.
Retail establishments, including catering, delicatessen and bakeries with wholesale operations	One (1) space for each 300 square feet of floor area
Schools, colleges, churches, recreation or community centers and other places of assembly	One (1) space for each four fixed seats (with 18 inches of bench length counted as one (1) seat; or One (1) space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following: <ol style="list-style-type: none"> <li>I. For elementary or middle schools: Two (2) spaces for each classroom;</li> <li>II. For high schools: Four (4) spaces for each classroom;</li> <li>III. For colleges and universities: Eight (8) spaces for each classroom.</li> </ol>
Shelter and supportive housing	One (1) parking space for each on duty staff member, whether paid or unpaid. In addition to staff parking, a space of sufficient size is required for each van, bus or other vehicle used by the facility and one (1) additional parking space shall be provided for each 2,000 square feet of the facility.
Single room occupancy residences	One (1) space for each two (2) dwelling units plus one (1) space for each employee
Tailoring, custom dressmaking, millinery and similar establishments	One (1) space for each 300 square feet of floor area
Accessory uses	One (1) space for each 300 square feet of floor area
All other uses	One (1) space for each 200 square feet of floor area
<sup>1</sup> Unless specified otherwise, minimum on-site off-street parking shall be no less than 75% of the maximum allowable parking spaces, see Section 16-181.025(2).	
<sup>2</sup> Parking in excess of maximum parking allowed: Only parking structures providing shared or off-site parking in accordance with Sec. 16-181.023(5) and allowed by Special Administrative Permit (SAP) may exceed the maximum parking allowed by this section.	

**Sec. 16-181.024. Membership in transportation management association and transportation management plans.**

Any development providing more than 50,000 square feet of gross leasable floor area shall become a member of the Buckhead Area Transportation Management Association (BATMA) which provides services to the area or shall provide a Transportation Management Plan (TMP) meeting the criteria listed below:

1. No certificates of occupancy shall be issued until such time as the developer or leasing agent has submitted to the Director written confirmation of BATMA membership or has submitted a TMP whereas BATMA may assist with the preparation of such TMP; and
2. The TMP shall contain strategies to reduce single occupancy vehicle trips

generated by the project and shall be based on an annual commute mode survey. Said survey shall be based on a continuous five-day work week for all estimated employees arriving at the work site and for all residents leaving the site between 6:00 a.m. and 10:00 a.m., Monday through Friday. Based on the survey information, the employer and residential manager shall develop a TMP, which shall include, but not be limited to the following:

- a. Commute alternatives:
  - i. Incentives for public transit ridership such as transit cards;
  - ii. Carpooling and vanpooling;
  - iii. Commuter bicycling and walking programs; and
  - iv. Alternative, staggered, compressed or flexible work hours for commercial components.
- b. Transportation demand strategies:
  - i. Improvements to alternative modes such as vanpooling;
  - ii. Financial incentives given to employees and/or residents who use commute alternatives;
  - iii. Parking management programs;
  - iv. Commute alternatives information and marketing;
  - v. Shared parking arrangements;
  - vi. Provision for a mixture of uses on-site; and
  - vii. Pedestrian links to adjacent uses.
- c. A program to promote and maintain participation in carpooling, vanpooling, and use of mass transit, including a method of monitoring the number of rider sharers and their travel patterns.

**Sec. 16-181.025. Minimum bicycle parking requirements.**

Bicycle parking requirements shall be as specified in the Buckhead SPI-9 Bicycle Parking Table and subject to the following additional requirements:

1. All spaces provided shall include a metal anchor sufficient to secure the bicycle/moped frame when used in conjunction with a user-supplied lock and shall be a type specified by the Director as applicable.
2. A minimum of 20 percent of provided bicycle parking shall be located within the amenity zone. The remainder shall be a maximum horizontal distance of 100 feet from a building entrance and shall be covered from inclement weather or located within an accessory parking structure.

**Buckhead SPI-9 Bicycle Parking Table**

Use	Minimum Bike Parking Requirement	Maximum Bike Parking Requirement
Multi-family dwellings	The greatest of either: Two (2) spaces or one (1) space for every five (5) multi-family units.	No more than 50 spaces required
Non-residential	The greatest of either: Two (2) spaces or one (1) space for every 4,000 sq. ft.	No more than 50 spaces required.

**Sec. 16-181.026 Pedestrian bridges and tunnels.**

Pedestrian bridges, tunnels shall be prohibited when located above or below public streets with the exception of tunnels for either service, loading or access to accessory parking only.

**Sec. 16-181.027 Standards of architectural design.**

1. Conformity with the SPI-9 Graphic Appendix and Standards. No building permit shall be approved unless the Director finds that the architectural design is substantially consistent with the SPI-9 Graphic Appendix and Standards.
2. Exterior Building Materials: All buildings except single-family residential buildings shall be faced with brick, masonry, stone, textured concrete masonry, precast concrete, synthetic stone, wood, metal, fiber cement siding, stucco, and glass or similar products only. However, the use of textured concrete masonry, fiber cement siding, stucco or architectural metal is restricted to no more than 30 percent of any building's total exterior wall surface fronting a public street.
3. Additional Residential Building Materials: Wood or fiber cement siding is also permitted on exteriors of residential only buildings limited to no more than 50 percent of the total exterior wall surface on any building larger than 600 square feet of floor area.