

**CHAPTER 18. SPI-9 BUCKHEAD VILLAGE OVERLAY DISTRICT REGULATIONS****Sec. 16-181.001. Scope of provisions.**

The scope of 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 Overlay District. The existing zoning map and underlying zoning regulations governing all properties within the SPI-9 Buckhead Village Overlay District shall remain in full force and effect. The regulations contained within this chapter shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Except where it is otherwise explicitly provided, whenever the following overlay regulations are at variance with said existing underlying zoning regulations, the regulations of this chapter shall apply. Whenever the following regulations are at variance with historic district regulations of Part 16, Chapter 20, the more stringent regulations shall apply.

**Sec. 16-181.002. Statement of intent.**

The intent of the Council in establishing the SPI-9 Buckhead Village Overlay District is as follows:

1. To provide for a balanced mix of office, shopping, retail commercial, housing 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;
2. 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 conflict by providing clear and delineated streetscapes for pedestrian movement;
3. 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 1994 Buckhead Blueprint, 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;
4. To implement the community vision through the provision of specific Design Guidelines detailed within this overlay to provide a cohesive aesthetic for the district;
5. To provide for a cooperative means for meeting the need for parking with the Buckhead village;
6. To increase connectivity for all transportation modes within the district and between the district and other areas;
7. To create incentives for the provision of public facilities and functional, publicly-accessible open spaces;
8. 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;
9. To reduce auto dependency, create opportunities for increasing the use of alternative transportation modes, and mitigate traffic congestion, noise, and other

- nuisances that detract from the Village and surrounding neighborhoods;
10. To encourage and implement more environmentally-responsible development;
  11. To provide a range of housing types and prices to meet varying housing needs;
  12. To prevent incompatible commercial uses and minimize commercial parking in residential neighborhoods;
  13. To improve Buckhead Village by creating an aesthetically pleasing urban environment through quality, vibrant design; and
  14. To implement the intent of the SPI-9 district through modifications of underlying district zoning regulations.
  15. To streamline and expedite the approval process for developments meeting the intent and requirements of the overlay district regulations.

**Sec. 16-18I.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. Wherever there is overlap of the SPI-9 Buckhead Village Special Public Interest District and any other City of Atlanta Special Public Interest District, the Bureau of Planning shall make a determination as to which district regulations shall apply to the subject property. 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. 16-18I.004. 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 Bureau 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, shall be subject to said SAP approval.
  - b. Before making application for a SAP, a pre-application conference between the applicant and the Director of the Bureau of Planning or the Director's designee is required to discuss the application and the requirements of this Chapter. Said pre-application conference shall be held within 14 days of the date of the request by the applicant, unless a longer period is mutually agreed upon. All applications for a SAP shall be processed in accordance with the standards and procedures applicable to said SAP applications contained in Chapter 25 of Part 16 except as otherwise modified by this Chapter 18I.

- c. Where regulations require the approval of a SAP for other purposes so specified, processing by the Director of the Bureau of Planning shall, without additional application, include consideration of other special administrative permits. Where such regulations require special exception or special use permit action, the SAP for building permit purposes shall not be issued until the necessary approval has been obtained for such special exception or special use permit.
2. Exemption from SAP application:
  - a. Any interior renovations or exterior repairs that do not increase the floor area of the existing buildings.
  - b. Permit for 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 or buildings on the subject parcel.
  - c. The Director of the Bureau of Planning may exempt SAP applications meeting requirements a or b above from detailed review requirements upon written findings that generally within these districts, the actions proposed are of such a character or of such a scale as to make detailed reviews and approval by the Director of the Bureau of Planning unnecessary. Where applications for special administrative permits are determined by reference to such findings to be thus exempted, the permit shall be issued if otherwise lawful.
3. Administrative variations: As part of general action when plans require approval of a SAP, the Director of the Bureau of Planning may authorize variations from regulations generally applying based on written findings that either:
  - a. 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
  - 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 the time or in the future.
  - c. Notation concerning the existence of such variation shall be made by written findings of SAP approval to be filed in the office of the Bureau of Buildings as public record. Variances and Special Exceptions from zoning regulations 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 plane, minimum open and public space, maximum building height, maximum fence height, minimum parking requirements, loading requirements and signage limitations among others.

**Sec. 16-18I.005. Development Review Committee.**

- a. There is hereby established a committee whose title shall be "SPI-9 Buckhead Village Development Review Committee" (hereinafter "DRC").
- b. The purpose of the DRC shall be to review and provide formal comments

**Comment [EMW1]:** This section will be pulled out of this ordinance and adopted as a separate resolution.

- to the Director of the Bureau of Planning on each special administrative permit application within the District. The SPI-9 Buckhead Village DRC shall only be an advisory body, enacted to assist the city with the consistency of the administration of the SPI-9 Buckhead Village Overlay District regulations. DRC review and comments shall be limited to the extent to which an SAP meets the criteria contained in this chapter.
- c. The SPI-9 Buckhead Village DRC shall consist of four (4) members representing each of the following:
    - i. One (1) member as appointed by the Buckhead Community Improvement District (CID).
    - ii. One (1) member as appointed by NPU B.
    - iii. One (1) member as appointed by the Buckhead Area Transportation Management Association (BATMA).
    - iv. One (1) City of Atlanta planner from the Bureau of Planning as appointed by the Director of the Bureau of Planning. The staff planner shall serve in a non-voting, technical assistance capacity.
  - d. Appointed members of the SPI-9 Buckhead Village DRC shall have a time period of thirty (30) days from the date of the formal SAP application is certified complete by the Bureau of Planning and provided to the DRC to submit written advisory comments regarding the application to the Director of the Bureau of Planning.
    - i. The SPI-9 Buckhead Village DRC shall convene monthly, or as needed, to comment on special administrative permit applications within the District.
    - ii. The Bureau of Planning shall notify the applicant of the SAP of the date, time and location of the SPI-9 Buckhead Village DRC meeting where comments on their application will be reviewed.
  - e. In reviewing a SAP within the District, the SPI-9 Buckhead Village DRC shall confine their comments to and only consider if the application meets the standards and requirements contained in this Chapter 18I.
  - f. The SPI-9 Buckhead Village DRC shall provide the Bureau of Planning with a recommendation on the approval of all special administrative permit application within the District
    - i. The DRC may recommend one of the following actions:
      1. Approval
      2. Approval with modifications as noted
      3. Rejection
  - g. The SPI-9 Buckhead Village DRC, in conjunction with the Bureau of Planning, shall review the structure and process of the committee and shall make recommendations regarding such process to the Commissioner of the Department of Planning, Development and Neighborhood Conservation on a yearly basis, or as needed.

**Sec. 16-18I.006. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this article, except where the context clearly indicates a

different meaning:

1. *Sidewalk-level*: Any building floor within five vertical feet of the adjacent required sidewalk or provided supplemental zone. If no finished floor is within five vertical feet of the sidewalk level, the floor level closest to the sidewalk level shall be deemed sidewalk level for the purposes of this overlay. See **Figure XXX** of SPI-9 Design Guidelines.
2. *Floor Area Ratio (FAR)*: FAR expresses the relationship between the amount of useable floor area permitted in a building (or buildings) and the area of the lot on which the building stands. FAR is computed by dividing the gross floor area of a building or buildings by the total area of the lot. For purposes of this calculation, floor area of parking structures shall not be included in floor area.
3. *Density Bonus*: A provision of this Chapter that allows a parcel to accommodate additional square footage or additional residential units beyond the maximum otherwise permitted, in exchange for the provision of an amenity specified in this Chapter that provides a public benefit.
4. *Public Art Display*: A privately-owned and maintained permanent work of visual art intended for the enjoyment of the general public and adornment of public space, that is located on private property and accessible to view from the public right-of-way. Examples may include, but are not limited to, one or more of the following: sculptures, monuments, statuary, murals, mosaics, and mobiles.
5. *Area-wide Stormwater Management Facility*: Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

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

The Buckhead Village Special Public Interest District is an overlay Special Public Interest District and buildings or premises shall be used only for uses permitted in the underlying zoning district for each parcel of land within the district unless otherwise indicated in this section.

1. Prohibited uses:
  - a. Adult businesses as defined in Section 16-29.001(3) are not permitted uses in the district.
  - b. Surface parking lots as defined in Section 16-29.001(34) are not a permitted principal use in the district.
2. Additional permitted principal uses and structures shall be used only as specified in each subarea. See SPI-9 Buckhead Village: Additional Permitted Uses Table.

SPI-9 Buckhead Village: Additional Permitted Uses

	Subarea 1	Subarea 2	Subarea 3	Subarea 4
Uses	Hotels Parking Structures	Parking Structures	Active Sidewalk Level Uses, See Section 16-181.006	Hotels Parking

3. 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 when located on subterranean levels or the second floor above sidewalk-level and higher, or on sidewalk-level where the minimum active use depth as specified in Section 16-18I.004(6) 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.
4. Ground floor commercial uses along Type 1, 2, or 3 streets, see Section 16-18I.030, shall have entrances opening directly onto the sidewalk adjacent to the street or to a required usable open space (UOSR) area connected to the street.
5. Active street-front sidewalk-level uses are required in subareas 1, 2, and 4.
  - a. Active street-front, sidewalk-level uses shall be limited to the following:
    - i. banks,
    - ii. saving and loan associations and similar financial institutions;
    - iii. business or commercial schools;
    - iv. child care centers, kindergartens and special schools;
    - v. clubs and lodges;
    - vi. commercial recreation establishments;
    - vii. eating and drinking establishments;
    - viii. institutions of higher learning;
    - ix. laundry and dry cleaning,
    - x. collection stations or plants;
    - xi. multi-family dwellings;
    - xii. hotel and residential lobbies business center or fitness center
    - xiii. museum, galleries, auditoriums, libraries, and similar cultural facilities;
    - xiv. offices, clinics, laboratories, studios, and similar uses;
    - xv. professional or personal service establishments;
    - xvi. retail establishments; and
    - xvii. any use permitted by special use permit.

**Sec. 16-18I.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 specifically include clubhouses, pools and other recreation amenities, child care facilities, and parking to serve authorized residential and nonresidential uses within the district subject to the restrictions contained in Section 16-18I.022 and elsewhere in this chapter.

**Sec. 16-18I.009. Special permits.**

The following uses are permissible only by special permits of the kinds indicated, subject to 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.

1. Special use permits: As per underlying zoning and,
  - a. Transfer of development rights. Transfer of development rights is permissible pursuant to a special use permit until such time as the City of Atlanta amends city ordinances to allow the transfer of development rights via a Special Administrative Permit (SAP). Transfer of development rights is permissible provided each of the following criteria are met in addition to those set forth in Section 16-28.023:
    - i. Both the donor and recipient parcels must be located within SPI-9;
    - ii. Properties with an underlying zoning classification of C-3 located in subarea 1 may transfer development rights to properties within subarea 1 that are not zoned C-3, properties in subarea 2, or properties in subarea 3. See also Sections 16-18I.030 through 16-18I.033
    - iii. Building heights on receiving properties may be increased by 15 feet for each increment of additional building area resulting in 0.5 increases in FAR on the receiving property, but total building height shall not exceed the maximum building height permitted in said subarea. See also Sections 16-18I.030 through 16-18I.033
    - iv. Properties sending development rights are limited to transferring no more than 50 percent of the total floor area permitted by their underlying zoning.
    - v. The transfer documents must ensure that the property shall remain in perpetuity; and
    - vi. See also Section 16-28.023 for further requirements of the transfer of development rights process. For purposes of application of this subsection to said Section 16-28.023, properties shall be deemed to be closely proximate if both lie within the SPI 9 District.
    - vii. See Figure 7 of the SPI-9 Design Guidelines.
2. Special administrative permits:
  - a. Relocation of required usable open space (UOSR). See also Section 16-18I.012.
  - b. Density bonuses. See also Section 16-18I.022
  - c. Outdoor displays of merchandise or sales areas within the supplemental zone.
  - d. Outdoor dining within required sidewalk may have outdoor dining that encroaches into the sidewalk provided it adheres to all City of Atlanta ordinances and regulations governing encroachments on the public right-of-way and Section 16-18I.016.
  - e. Reduction or transfer of parking requirements
    - i. Parking requirements may be reduced or transferred off-site within 400 feet of the primary use and within the district only upon determination that:
      1. 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 generally recognized

**Comment [EMW2]:** Changed from a special exception to a special administrative permit

- standard; or
2. That the applicant has established a valid shared or off-site parking arrangement. Said shared or off-site parking arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access, and meet all other criteria of Section 16.25.002(3). Additionally, all shared or off-site parking spaces shall be clearly marked and signed as reserved during specified hours. An applicant shall submit the following information establishing conformance to the above criteria in order to share or transfer parking requirements and avoid conflicting parking demands.
    - a. A to-scale map indicating location of all proposed parking spaces;
    - b. Indicate hours of business operation(s);
    - c. Written consent of all property owners agreeing to the shared or off-site parking arrangement;
    - d. Copies of parking leases for shared or off-site parking arrangements. Renewed leases shall be provided to the Director of the Bureau of Planning. Lack of a current lease shall automatically terminate the special exception authorization.

**Sec. 16-18I.010. Redevelopment requirements.**

Any property wherein 60 percent or greater of the principal building is removed or destroyed by any means shall be redeveloped in accordance with the requirements of this chapter and any paving or other accessory 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.

**Sec. 16-18I.011. Transitional uses and yards.**

1. Transitional uses: Underlying zoning district regulations apply.
2. Transitional height plane: Where properties within SPI-9 adjoin an R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-4B, R-5, or R-G district 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 X** of SPI-9 Design Guidelines.
3. Transitional yards: Underlying zoning district regulations apply
4. Screening. In addition to any transitional yard requirements, where this district adjoins an R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-5 or R-G district without an intervening street, a permanent opaque fence or wall not less than 6 feet in height shall be provided and maintained in sound and sightly condition. Said fence or wall may be replaced by providing a landscaped buffer with the required transitional yard as follows:
  - i. The buffer shall contain a five-foot tall irrigated berm at 2 to 1 slope

- ii. The berm shall be planted with three staggered rows of evergreen trees at a minimum of 8 feet in height, planted 10 feet on center.
- iii. Sufficient groundcover shall be planted to prevent erosion and maintain stability of the berm.

**Sec. 16-18I.012. Development controls.**

See SPI-9 Buckhead Village: Development Controls Table for Bulk Limitations, Yard Requirements, Open Space Requirements, and Height Requirements subject to the sections 1 through 10 below:

SPI-9 Buckhead Village: Development Controls Table

		Subarea 1	Subarea 2	Subarea 3	Subarea 4
Bulk Limitations <sup>1</sup>	Max. FAR without Bonuses	As per underlying zoning			
	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

<p>Transfer of Development Rights</p>	<p>Properties with an underlying zoning of C-3, excess allowable floor area accumulated through density bonuses allowable under Section 16-18I.013 that cannot be accommodated on the subject property may be transferred to any properties located in Subareas 2 or 3 and properties located in Subarea 1 except those with an underlying zoning of C-3 pursuant to Section 16-18I.009.</p>	<p>Properties within Subarea 2 may receive excess allowable floor area accumulated through density bonuses allowable under Section 16.18I.013 that cannot be accommodated on subject properties within Subarea 1.</p>	<p>Properties within Subarea 3 may receive excess allowable floor area accumulated through density bonuses allowable under Section 16.18I.013 that cannot be accommodated on subject properties within Subarea 1.</p>	<p>Not permitted.</p>
<p>Front Yard Requirements 2, 3, 4</p>	<p>Type 1</p>	<p>25 feet</p>		
	<p>Type 2</p>	<p>25 feet</p>		
	<p>Type 3</p>	<p>20 feet</p>		
	<p>Type 4</p>	<p>10 feet</p>		

Rear Yard Requirements	30 feet when abutting residential uses	30 feet when abutting residential uses for properties with an underlying zoning classification of C-3, 20 feet for all others when abutting residential uses	30 feet when abutting residential uses for properties with an underlying zoning classification of C-3, 20 feet for all others when abutting residential uses	30 feet when abutting residential uses
Side Yard Requirements	20 feet when abutting any residential district	20 feet when abutting any residential district	20 feet when abutting any residential district	20 feet when abutting any residential district
Open Space Requirements (see also Section 16-181.012(X))	20 percent UOSR required for all parcels over 1 acre. Required UOSR may be relocated as per Section 16-181.012		25 percent UOSR required for all parcels over 1 acre. Required UOSR may be relocated as per Section 16-181.012	20 percent UOSR required for all parcels over 1 acre. Required UOSR may be relocated as per Section 16-181.012
Maximum Height	225 feet	150 feet	225 feet	225 feet
Relationship of Building to Street <sup>5</sup>	Building entrances shall face the adjacent street, shall be directly accessible from the sidewalk adjacent to such street and shall open directly onto the adjacent sidewalk, or onto public space adjacent to the sidewalk.			
<sup>1</sup> Increased FAR and/or GFA may be allowed in exchange for specific amenities or qualities of development as described in this chapter. See Section 16-181.013.				
<sup>2</sup> 60 percent of each property frontage shall be fronted by buildings located parallel to the curbline. The maximum distance from the curbline shall be determined by street type classification. See also supplemental zone requirements at Section 16-181.017				
<sup>3</sup> Buildings located on a corner of two public streets shall be considered to have two front yards. Side elevations will be subject to required front setback unless the side street is a Type 4 street; see Section 16-181.30.				
<sup>4</sup> For properties less than 100 feet in depth from the public street to the rear lot line, the front 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 5 foot amenity zone and 5 foot sidewalk zone.				

<sup>5</sup> See also Section 16-18I.018.

1. Usable open space requirement (UOSR):
  - a. Residential uses, including portions of mixed-use development shall utilize gross area of a regular lot (GLA) when calculating maximum permitted residential floor area. The usable open space requirement (UOSR) shall also be calculated utilizing GLA.
  - b. For all uses within SPI-9 with a gross lot area in excess of one acre, usable open space requirements (UOSR) shall be as indicated in SPI-9 Buckhead Village: Development Controls Table. See also Section 16-28.010 for definitions and measurements.
  - c. Green/vegetated roofs may be counted toward UOSR requirements provided the following regulations are met.
    - i. Access to the green/vegetated roof is provided to occupants of the building where said green/vegetated roof is located;
    - ii. The green/vegetated roof is visible from the upper floors of buildings on adjacent lots, and
    - iii. The green/vegetated roof is part of the stormwater management system for the development.
  - d. For all uses, a minimum of 50 percent of the required usable open space (UOSR) shall be public space. See Figure 12 of the SPI-9 Design Guidelines. See also Section 16-28.012 for definitions and measurements.
    - i. Required yards and requirements for sidewalk widths which are constructed on private property may be counted towards this requirement if open for continuous access to the public.
    - ii. Public space may include planted areas, fountains, plazas, hardscape elements related to sidewalks and plazas, and similar features which are located on private property if continuously accessible to the public.
2. New streets incentive. New public streets and private streets that function as public streets may be counted towards UOSR and public space requirements provided they conform to the Connect Atlanta Plan and the following criteria are met:
  - a. Connects two other public streets;
  - b. Meets sidewalk requirements for the district subarea; and
  - c. Gates shall not be permitted across said streets.
3. On-street parking incentive. New on-street parking may be counted towards UOSR and public space requirements provided 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. The new on-street parking is located where there is no existing street lane;
  - c. The new on-street parking occupies an entire block face or a minimum distance of 200 feet;
  - d. Sidewalk bulbouts are provided at street intersections; and
  - e. All other sidewalk requirements of this chapter are met.
4. Minimum design criteria for public space areas:

- a. Areas counted towards the required public space shall form an inter-connected and continuous network of paths, greenways, and trails throughout the SPI-9 district.
  - b. Areas counted towards the required public space shall have multiple points of entry that are directly accessible from adjacent sidewalks and surrounding buildings.
  - c. To the maximum extent possible, lands containing 100-year floodplains, stream buffers, wetlands, slopes over 15 %, and shallow or exposed rock shall remain undisturbed and included in the areas counted towards the required usable open space.
  - d. Wetland and floodplain areas shall be preserved in their natural state, except for the installation of required detention facilities and stormwater Best Management Practices (BMPs).
  - e. Sidewalks and associated amenities located on private property may be credited toward UOSR and public space calculations if the sidewalk and streetscape is continuously accessible to the public and constructed consistent with the standards of the applicable SPI-9 Design Guidelines.
  - f. Landscaped strips along internal or external streets located on private property may be credited toward UOSR and public space calculations if the landscaped strip is constructed at a continuous width of 20 feet or greater (including sidewalk) and is continuously accessible to the public.
  - g. Stormwater management facilities may be located within UOSRs, if designed and improved as an amenity, subject to review and approval of the Director of the Bureau of Planning.
5. Ownership of open space areas. Public space, and other usable open space areas, stormwater management facilities, floodplain and wetland areas shall be owned in fee-simple by a mandatory property owner's association or approved entity which administers a reciprocal access and maintenance agreement for the project or other entity approved in advance by the City Council during their normal course of business. The developer shall record the deed to the open space area prior to, or concurrent with, the recording of the first final subdivision plat or certificate of occupancy. An access easement following the alignment of future public streets is acceptable. However, "pocket parks" or "greens" may be deeded concurrent with the unit or phase of the final subdivision plat of which it is a part.
  6. Additional open space incentive: Usable open space provided in excess of the required USOR may be eligible for a density bonus as provided in Section 16-18I.013.
  7. Relocation of open space. At the option of the property owner and upon approval of a special administrative permit (SAP), up to 50 percent of UOSR required for residential uses and up to 80 percent of USOR 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 the following criteria must be met;
- i. The receiving parcel must contain more than required amount of usable open space (UOSR) that would have been necessary to fulfill the unmet portions of required UOSR; relocated from each and every development project that has been authorized for such relocation of UOSR, not including floodplain, wetlands, slopes over 15%, or other factors that reduce its utility for public access, recreation, and enjoyment;
  - ii. The loss of UOSR from the sending parcel does no public detriment;
  - iii. The receiving parcel includes a quantity, quality, and design of amenities that could not feasibly have been provided by separate open spaces on the individual parcels that contributed their common space to the receiving parcel.
  - iv. The receiving parcel must be connected to the sending parcel(s) by a continuous public walkway;
  - v. All of the open space in the receiving parcel shall meet the definition of public space in Section 16-28.010 except that no portion of any public right-of-way shall be included;
  - vi. The receiving parcel is owned and maintained either by a public agency or by a private property owners' association approved by the Bureau of Planning;
  - vii. Open space in the receiving parcel is located adjacent to and visible from a public street, and
  - viii. Open space in the receiving parcel is accessible to the public during normal city park hours.
  - ix. The open space in the receiving parcel:
    1. Shall provide active or passive recreational amenities.
    2. Shall be no greater than 24 inches above or below the adjacent public sidewalk for a minimum distance of 15 feet from the beginning of the adjacent sidewalk.
    3. Shall be visible and accessible from any point along 90 percent of any adjacent sidewalk.
    4. Shall permit and encourage pedestrians to walk on a minimum of 80 percent of the surface of the parcel excluding fountains, pedestrian furniture, public art and similar elements.
8. Maintenance and Protection of Common Areas. A property owner's association, or other entity approved in advance by the Director of the Bureau of Planning, shall be responsible for the continuous maintenance and protection of common open space areas created through the receipt of UOSR from sending parcels pursuant to this Section. The property owner's association bylaws or covenants, at a minimum shall contain the following provisions:
- a. Governance of the association by the Georgia Property Owner's Association Act (OCGA Section 44-3-220 et seq.) or a successor to that Act that grants lien rights to the association for maintenance expenses

- and tax obligations.
- b. Responsibility for maintenance of common areas and recreation areas.
  - c. Responsibility for insurance and taxes.
  - d. Automatic compulsory membership of all property owners and their successors; and compulsory assessments.
  - e. Conditions and timing of transferring control of the association from the developer to the property owners.
  - f. Guarantee that the association will not be dissolved without the advance approval of the Director of the Bureau of Planning.
9. Affordable new for-sale housing units or rental housing unit incentive. The provision of new affordable workforce housing units may make SPI-9 properties eligible for a density bonus and reduction in required parking as provided in the City of Atlanta Affordable Workforce Housing Ordinance. Section 16.28.029.
10. Area-wide Stormwater Management Facilities. The owner of property upon which an area-wide stormwater management facility is constructed shall be eligible for bonus GFA credit, as provided in Section 16-181.12 provided that:
- a. The area-wide stormwater management facility is part of an approved stormwater management plan that includes each land development project being served by the area-wide facility; and
  - b. The area-wide stormwater management facility serves as the stormwater detention/retention area for at least 2 acres in the same drainage basin; and
  - c. The developer of such area-wide stormwater management facility presents to the Director of the Bureau of Planning written agreements with the property owners to serve at least five separate properties that would otherwise be required by local regulations to construct separate facilities; and
  - d. The area-wide stormwater management facility is designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than the stormwater quantity and quality control that which would be afforded by separate on-site facilities; and
  - e. The area-wide stormwater management facility is controlled by an entity that is legally obligated to accept responsibility for long-term operation and maintenance of the area-wide stormwater management facility; and
  - f. The area-wide stormwater management facility is located and designed in accordance with the requirements of the City of Atlanta Department of Watershed Management and the Georgia Environmental Protection Division; and
  - g. The area-wide stormwater management facility either is out of view entirely, or be attractively landscaped and integrated with surrounding UOSRs that provide public amenities such as fountains, outdoor plazas, multi-use paths , or other amenities approved by the Director of the Bureau of Planning.
11. LEED Certification. To receive a density bonus for LEED Certification, as provided in Section 16-181.013 the applicant shall submit for approval appropriate documentation prepared by a LEED-certified professional that the project, if

constructed as proposed, meets the “Silver” standards of LEED, or another equivalent standard approved by the City of Atlanta.

**Sec. 16-18I.013. Density Bonus.**

1. Floor Area Ratio (FAR) bonuses. The maximum allowable Floor Area Ratio (FAR) of a development on a parcel located in the Buckhead Village Special Public Interest 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 6 of the SPI-9 Design Guidelines for an illustration of FAR.

SPI-9 Buckhead Village: FAR Bonus Table

Amenities	FAR Bonus
Mixed-use development in subareas 1, 2, and 4 combining commercial and residential uses where over 50 percent of the gross building space is residential use. See Figures 5A and 5B of the SPI-9 Design Guidelines.	0.5 FAR
Mixed-use development in subarea 3 combining commercial and residential uses where over 75% of the gross building space is residential use.  See Figures 5A and 5B of the SPI-9 Design Guidelines.	0.5 FAR
Development where 20 percent of the housing units provided are affordable workforce housing units. See Section 16.28.026.	As per the City of Atlanta Affordable Workforce Housing Ordinance
Assemblage of multiple parcels into a single property. Parcels counting towards this bonus include parcels of record at the time of the adoption of this Chapter. Subdivisions of existing lots and subsequent assemblages are not eligible.	3 to 6 parcels: 0.25 FAR  Over 6 parcels: 0.5 FAR
Increased usable open space (UOSR) that meets the definition of public space as provided in Section 16.28.012 and the standards of Section 16-18I.012.7.	Additional 0.2 FAR for each 1% of gross site area in qualifying UOSR in excess of the minimum public space required in the applicable subarea. See Sections 16-18I.030 through 16-18I.033.
Structured Parking when provided for a minimum of 70 percent of the required off street parking for a use. See Section 16-18I.022.	Additional 0.5

**Comment [EMW3]:** Considering minimum threshold levels in order to achieve a bonus.

Amenities	FAR Bonus
Cultural facilities such as libraries, not-for-profit educational facilities and similar uses	0.25 FAR
Daycare facilities (open to the general public)	0.25 FAR
LEED Certification – Silver or Higher See Section 16-18I.012.	0.25 FAR

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 developer shall be entitled to additional gross floor area (GFA), in addition to that otherwise allowed, for uses otherwise authorized in the applicable zoning category in accordance with the SPI-9 Buckhead Village: GFA Bonus Table.

SPI-9 Buckhead Village: GFA Bonus Table

Publicly-dedicated Improvement	GFA Bonus
Outdoor dining areas on the ground floor adjacent to public space when located in Subarea 1 and fronting a Type 1 or Type 2 street. See also Section 16-18I.016.	GFA equal to 5 times the square footage said dining area.
Connectivity improvements meeting the standards of Section 16-18I.015.	GFA equal to 10 times the land area dedicated and improved.
Public Art Display	Shall be counted as 15,000 sq. ft. toward the required publicly accessible usable open space and public space and may result in a density bonus if total publicly accessible usable open space, including this credit, exceeds the required UOSR for the applicable subarea. See also Section 16-18I.012.
Area-wide stormwater management facility meeting the standards of Section 16-18I.012.	GFA equal to 4 times the land area dedicated and improved.

3. For sites that meet the requirements 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 Clerk of Superior Court of Fulton County. The density bonus shall be specific to the property to which it was initially conferred shall require current and future property owners to maintain the property and/or improvements meriting the award of bonus GFA or FAR in an attractive and fully operable condition.
4. Land dedicated to the City pursuant to the provisions of Section 16-18I.012 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. Such land shall

not be included in the area of a private lot for the purposes of establishing minimum yards and setbacks.

5. In no case may the total GFA of a development, including all bonuses earned in Section 16-18I.013, exceed the FAR and building height maximum allowable for the applicable subarea, see Sections 16-18I.030 through 16-18I.033 and Figure 6 of the SPI-9 Design Guidelines for an example of the application of bonuses to increase height and FAR.

**Sec. 16-18I.014 Site Limitations.**

Maximum building heights. See specific regulations for each subarea in the SPI-9 Buckhead Village: Development Controls Table, Section 16-18I.012.

**Sec. 16-18I.015 Roadways.**

New public streets shall have minimum widths as specified herein and in Section 16-18I.030 the following regulations shall also apply to all roadways within SPI-9:

1. Streets shall be constructed to create an inter-connected system of grid-patterned streets.
2. No new development may be constructed on a property or block longer than 400 feet without an intervening street or publicly accessible walkway/path.
3. Cul-de-sacs are prohibited.
4. In order for a developer/owner to receive GFA bonus credit for constructing a new street connection, as provided in Section 16-18I.013 such new street shall contribute to an inter-connected network and meet all of the following standards:
  - a. Location of the new street shall be reviewed and approved by the Director of the Bureau of Planning. Such approval shall be contingent on a finding that the new street will serve a public purpose such as improving traffic safety, reducing traffic congestion, or improving vehicular and pedestrian circulation and access to major thoroughfares.
  - b. Right-of-way and design of the new streets shall meet applicable requirements of provided in Section 16-18I.030 and the SPI-9 Design Guidelines.
  - c. Each new street shall connect at least two other streets.
  - d. Access to the new street shall not be gated.

**Sec. 16-18I.016. Sidewalks.**

Public sidewalks shall be located along all public streets and shall have minimum widths as specified herein and in Section 16-18I.030. Public sidewalks shall consist of two zones: an amenity zone and a walk zone. The following regulations shall apply to all public sidewalks:

1. Amenity zone requirements: The amenity zone shall be located immediately adjacent to the curb; width shall be as specified for the applicable street type, see Section 16-18I.030 This zone is reserved for the placement of street trees as required in Section 16-18I.030 and provided street furniture including utility and light poles, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters, bicycle racks, seating and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such

elements, where installed, shall be a type specified by the Director of the Bureau of Planning in accordance with uniform design standards utilized by the Director 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 see Section 16-181.030 with a consistent cross-slope not exceeding two percent. No fixed elements, including 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 16-181.017.
3. Paving: All sidewalk paving shall be a type specified by the Director of the Bureau of Planning in accordance with uniform design standards utilized by the Director 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 equal distance between street lights. All newly planted trees shall be single-stemmed with a minimum of three inches in caliper measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven feet. Trees shall have a minimum planting area of 40 square feet. All plantings, planting replacement and planting removal shall be approved by the city arborist. The area between required plantings shall either be planted with evergreen ground cover such as mondo grass or liriope spicata, or shall be saved as approved by the Director of planning. Street tree planting intervals shall be as specified for the applicable street type, see Section 16-181.030.
5. The sidewalk area shall taper as necessary to provide a smooth transition to existing sidewalks of an adjacent zoning district. In the event that the abutting district has no existing sidewalk, the walk zone shall taper to a width of six feet.
6. Decorative pedestrian lights, where appropriate, shall be placed equidistant between required street trees within the amenity zone. Pedestrian lighting placement intervals shall be as specified for the applicable street type, see Section 16-181.030.
7. Objects in the amenity zone: Trash receptacles, benches, bike racks or other similar elements shall be placed within the amenity zone and be a type specified by the Director of the Bureau of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way. Awning, canopies or similar elements shall be prohibited within the amenity zone.
8. Objects in the walk zone: Outdoor dining (including landscape elements), vending elements, and potted plants may encroach upon the required sidewalk walk zone subject to the following:
  - a. Outdoor dining within required sidewalk for pre-existing buildings. Buildings existing prior to the adoption of this chapter with adjacent sidewalks that do not meet the requirements of this chapter, may have

- outdoor dining that encroaches into the sidewalk provided it adheres to all City of Atlanta ordinances and regulations governing encroachments on the public right-of-way and the following criteria are met:
- i. Shall have a minimum of 6 feet of unobstructed sidewalk area adjacent to the curb when located adjacent to on-street parking;
  - ii. Shall have a minimum of 8 feet of unobstructed sidewalk area adjacent to the curb when not located adjacent to on-street parking;
  - iii. No permanent structure or ornamentation shall be located within the encroachment area and no element shall be attached to the sidewalk in any way;
  - iv. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter; and
  - v. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they meet the requirements of Section 16-18I.017 and do not exceed a height of 36 inches including any plant material.
- b. Outdoor dining within required sidewalk for new construction: New developments may have outdoor dining that encroaches into the sidewalk a maximum of two feet provided it adheres to all City of Atlanta ordinances and regulations governing encroachments on the public right-of-way and the following criteria are met:
- i. No permanent structure or ornamentation shall be located within the encroachment area and no element shall be attached to the sidewalk in any way;
  - ii. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter; and
  - iii. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they meet the requirements of Section 16-18I.017 and do not exceed a height of 36 inches including any plant material.
9. 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.
10. 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 not visible or less visible from public streets and sidewalks.
11. New streets: Any new streets created shall have the components and widths as identified in Section 16-18I.030 for the applicable street type.
12. Sidewalk and supplemental zone minimum width requirements as specified in Section 16-18I.030 shall supplant any minimum setback requirements for any yards immediately adjacent to any public or private street.

**Sec. 16-18I.017. Supplemental Zone.**

For purposes of these regulations, the area between any building, parking lot or parking

structure and the back of the required sidewalk when no intervening building exists shall be defined as the supplemental zone. The supplemental zone shall have the minimum widths specified herein and in Section 16-18I.030 and meet the following requirements:

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 unless existing topographical considerations render this requirement unreasonable.
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. Above finished sidewalk grade unless existing topographical considerations render this requirement unreasonable.
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 its horizontal area and 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.
    - 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.
    - 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 Peachtree Road: Shall be required at a minimum width of five feet.
    - iii. Along all other streets:
      1. The minimum total square footage shall be no less than 20 percent of the total square footage of both the total of the amenity zone and walk zone; and
      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.

4. Fences and walls: Shall only be allowed in the supplemental zone when meeting the following regulations:
  - a. For all sidewalk-level residential and outdoor dining uses:
    - i. Fences shall not exceed 42 inches in height.
    - ii. Walls shall not exceed 24 inches in height unless existing topography requires a retaining wall of greater height.
    - iii. Outdoor dining may be separated from the sidewalk only with movable planters, fencing, or similar barriers provided they do not exceed a height of 36 inches including any plant material.
  - b. For all other non-residential sidewalk-level uses (except as permitted above): Walls and fencing is prohibited.

**Sec. 16-181.018. Relationship of Building to Street.**

1. Building floors shall be delineated at the second or third story above sidewalk level and lower and shall be executed through varied window openings, belt courses, cornice lines or other means of architectural detailing.
2. The primary pedestrian entrance for pedestrians to access all sidewalk level uses and business establishments with street frontage:
  - a. Shall face and be visible from the street.
  - b. Shall be directly accessible and visible from the sidewalk.
  - c. Shall remain unlocked during business hours for nonresidential uses.
3. A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six inches in height.
4. When active sidewalk-level uses are required, see Section 16-181.004,
  - a. All buildings shall have a defined sidewalk-level for purposes of the active-use requirement
  - b. 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 unreasonable, and
  - c. Entrances to said uses shall be architecturally articulated, face, be visible from, and be directly accessible from the required sidewalk along such street.
5. Buildings with residential uses at the sidewalk level shall meet the following regulations:
  - a. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five-feet wide. Said pedestrian walkway shall be perpendicular to the street and shall be permitted to share said walkway with one adjacent unit.
  - b. When multi-family housing is located on the ground floor in a building the supplemental zone shall be landscaped as shown in **Figure XXX** of the SPI-9 Design.
  - c. All such buildings with more than four residential units that are adjacent to the sidewalk shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent

- sidewalk, park, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access shall be perpendicular to the street and shall be permitted to share said walkway with no more than one adjacent unit.
- d. Buildings with multiple street frontages shall have windows at sidewalk level on all street facing facades.
6. Fenestration, (the total of all window and door openings) shall be provided for a minimum of 65 percent of the length of the building multiplied by the height of the first floor for nonresidential uses in subareas 1, 2 and 3:
    - a. Beginning at a point not more than three feet above the sidewalk, to a height no less than ten feet above the sidewalk, or
    - b. Beginning at the finished floor elevation to a height no less than ten feet above the finished floor elevation when the finished floor elevation is three or more feet above the sidewalk; or
    - c. Beginning at a point not more than sidewalk level, to a height no less than ten feet above the finished floor elevation when the finished floor elevation is below the sidewalk.
    - d. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows.
    - e. Entrances may be counted towards fenestration requirements.
  7. Fences and walls shall meet the following regulations:
    - a. For residential uses adjacent to the sidewalk, fences shall not exceed 42 inches in height when located between the primary building and the street or between any supplemental zone and the adjacent street.
    - b. For nonresidential uses adjacent to the sidewalk, fences are prohibited when located between the building and the sidewalk except where specifically authorized elsewhere in this Chapter for outdoor dining.
    - c. Retaining walls located adjacent to a sidewalk along a public street shall not exceed a height of two feet and 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. Retaining walls shall be finished poured concrete or shall be faced with stone, brick or smooth stucco. See also Section 16-29.001(25)(b).
    - d. No walls, except retaining walls, shall be located between the street and any building, with the exception of screening for authorized off-street loading areas.
    - e. 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.
    - f. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.
  8. Massing and articulation. Edifices longer than 100 continuous feet shall include variations in the façade treatment, depth, materials, textures, colors and/or window and door patterns to provide visual interest and prevent monotonous building facades.

9. Minimum building façade height. The minimum height of a building façade facing a Type 1 or Type 2 street, see Section 16-181.030, shall be no less than 18 feet.

**Sec. 16-181.019. Signage.**

Refer to Section 16-28A: Sign Ordinance.

**Comment [EMW4]:** Additional urban signage standards to be added per city recommendation.

**Sec. 16-181.020. Lighting.**

1. All lighting including parking decks, surface parking lots and lit canopies shall reduce light spillage onto residential used properties by providing cutoff luminaries which have a maximum 90 degree illumination. See Section 16-28.028 for additional standards for parking deck lighting.
2. All lighting that up-lights trees, buildings, or other elements, shall be located a minimum height of eight feet above the sidewalk, driveway or pedestrian area when not located within completely landscaped areas.

**Sec. 16-181.021. Loading areas, loading dock entrances and building mechanical and accessory features.**

1. Loading areas and loading areas shall be screened so as not to be visible from any public plaza, ground level or sidewalk level outdoor dining area, public sidewalk or public right-of-way. In addition, dumpsters and loading areas serving residential uses shall be enclosed with opaque walls six feet in height.
2. Loading dock entrances for nonresidential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.
3. Building mechanical and accessory features:
  - a. Shall be located to the side or rear of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way.
  - b. When located on rooftops shall be incorporated in the design of the building and screened with building materials similar to the building.
  - c. Shall not be permitted between the building and any public street.
4. Off-street loading and servicing areas shall be located to the rear of all buildings or screened from public view by a combination of opaque walls and landscaping. See **Figure XX** of the SPI-9 Design Guidelines. Walls shall be constructed of materials and colors that are compatible with those of the principal building facade.
5. Access ways and loading areas used for delivery trucks, service vehicles, and driveway and loading areas for garbage trucks shall provide safe means of ingress and egress from public streets such that delivery vehicles and garbage trucks are not required to back into Type 1, 2 or 3 streets, see also Section 16-181.030.
6. All access ways and loading areas shall provide a minimum horizontal and vertical clearance of 14 ft. at all points.
7. Dumpsters shall not be located in any required front yard. Dumpsters shall be placed on a concrete pad of sufficient size and strength to support service vehicles without failure. 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. Service access shall be via an opaque metal gate. Dumpsters may be enclosed within the building and accessible through a roll up door or service entry. Access to any dumpster must remain closed when not in use.

8. Mechanical equipment located at ground level and roof level shall be screened from view from all streets and public rights-of-way with screening walls or landscaping.
9. Screening walls for dumpsters, loading docks, and mechanical equipment shall be constructed of materials that are compatible with those of the principal building facade.

**Sec. 16-18I.022. Off-street loading requirements.**

Loading Requirements. Minimum off-street space shall be provided according to the SPI-9 Buckhead Village Loading Table. All loading berths shall provide a vertical clearance of 14 feet and shall not be located within the required sidewalk. See Section 16-18I.021 for screening requirements. Reduction of off-street loading requirements may be approved by the Director of the Bureau of Planning 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 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
	500,000 sq. ft. floor area and above	2	3

**Sec. 16-18I.023. Driveways, curb cuts and parking structures.**

1. 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.
2. Maximum permitted number of driveway curb cuts for each development, subject to the provisions of Section 16-25.002(3):
    - a. Developments with only one street frontage, which is less than 300 feet in length: One;
    - b. Developments with only one street frontage, which is greater than or equal to 300 feet in length: Two and separated by a minimum distance of 200 linear feet;
    - c. Developments with more than one street frontage: One located on each street frontage;
    - d. For the purposes of this section, two curb cuts serving two one-way driveways shall only be counted as one curb cut.
  3. Driveways:
    - a. Drive-through service windows and drive-in facilities shall not be located between the principal structure and the street
    - b. Drive-through service windows shall not be visible from the public right of way along a Type 1 or Type 2 street see Section 16-181.030.
    - c. Driveways or circular drives, except to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street with the exception of hotels and child care centers, kindergartens and special schools, subject to provisions in Section 16-25.002(3).
    - d. 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.
    - e. Bands of textured concrete shall be installed which are: i) adjacent to the street which is in-line and equal in width to the street furniture zone; and ii) adjacent to the back of the required walk zone and in-line with the supplemental zone with a minimum width of five feet from the sidewalk or such standard as developed by the Department of Public Works. See Figure 11 of the SPI-9 Design Guidelines.
  4. Inter-parcel Access. Inter-parcel access, joint driveways, cross-access drives, and access easements shall be provided when adjacent 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), as follows, except where the Director determines that they are infeasible because of topographic or other site-specific constraints:
    - a. Abutting non-residential developments shall provide a cross-access drive and sidewalk access to allow circulation between sites.
    - b. Joint driveways and cross-access easements shall be established for multi-parcel, non-residential development wherever feasible along streets classified when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such agreement is provided to the Bureau of Planning. The site shall incorporate all of the following:
      - i. Continuous cross-access drive connecting adjacent parcels along the street frontage; and

- ii. A design speed of 15 mph and a two-way travel aisle with a minimum of 20 ft. to accommodate automobiles, service vehicles, and loading vehicles; and
  - iii. Driveway aprons, stub-outs, and other design features to indicate that abutting properties may be connected to provide cross access via a service drive.
5. Parking structures (either principal or accessory use): In addition to 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 adjacent R-1 through R-5, RLC, R-G, MR, PD-H district:
    - i. Shall have an appearance of a horizontal storied building on all levels. Said structure shall have an appearance similar to that of the adjoining or attached residential, commercial or mixed-use 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 16-181.006 unless topographic considerations render this requirement unreasonable. In such case, a continuous minimum five feet wide landscaped strip shall be provided between the structure and the public sidewalk, except at ingress and egress points into the structure. Said landscaped strip shall be planted with evergreen street trees spaced a maximum distance of 20 feet on center with a minimum caliper and height as specified in Section 16-181.016. The landscape strip shall also be planted with evergreen ground cover such as mondo grass, liriopse spicata, ivy or evergreen shrubs with a maximum mature height of 24 inches. All plantings, planting replacement and planting removal shall be approved by the city arborist.
    - iii. Above-ground decks of 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 must be decorative and must be an integral part of the overall building design or screened from view with landscaping that is at least 10 ft. in height. See **Figure X** of the SPI-9 Design Guidelines.
    - iv. Above-ground decks of parking structures that have a total length or width of 240 ft. or more shall provide a lighted and signed 10 ft.-wide pedestrian path passing through the parking structure near the midpoint of the longest side and connecting with other sidewalks leading to adjacent buildings and to the surrounding streets.
6. Valet Facilities: All valet facilities and uses shall not be located in the existing right-of-way drive lanes and upon any on-street parking spaces, unless authorized by the commissioner of public works with review comments from the

Director of the Bureau of Planning.

**Sec. 16-18I.024. Lighting, security and maintenance requirements for parking structures and surface parking lots.**

All surface parking lots and structures, whether a principle use or accessory in use, and whether serving commercial or noncommercial uses, shall have the following minimum requirements:

1. Lighting shall be provided throughout all parking facilities to equal a minimum of one-half footcandle of light. A footcandle of light is a uniformly distributed flux of one lumen on a surface of one square foot in area. 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 facility to independently provide these required levels of illumination. See also Section 16-18I.020.
2. 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 also Section 16-28.014 for additional requirements.
3. Parking facilities operating before the effective date of this section shall have 48 months to comply herewith.

**Sec. 16-18I.025. Minimum landscaping for surface 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 this district.

**Sec. 16-18I.026. Off-street parking requirements.**

In addition to the provisions of Section 16-28.008(7), which shall apply and are incorporated herein, parking shall be provided based on the requirements of the underlying zoning classification of each property, subject to subsections 1 through 7 below. See also Sections 16-28.013 and 16-28.014.

1. Minimum parking for eating and drinking establishments: One space for each 300 square feet of floor area; and
  - a. Accessory uncovered outdoor dining over 25 percent of the total gross floor area of the business: Shall provide one space per 600 square feet for the said total accessory outdoor dining area.
  - b. Accessory uncovered outdoor dining less than 25 percent of the total gross floor area of the business: No minimum parking requirement.
2. 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.
3. Off-street parking lots shall be screened from adjacent roadways and sidewalks by a decorative fence or wall, berm, or vegetative screen at least 30 inches in height. Fence or wall shall be of similar design and materials to the surrounding buildings. Screening shall be installed between the parking lot and the sidewalks.

See Figure 11 of the SPI-9 Design Guidelines. Perpendicular driveway crossings and pedestrian paths are allowed through the screening.

4. On-street parking spaces can be used to meet up to 25 percent of the required off-street parking for a development subject to the following:
  - a. Up to 50 percent of all on-street parking spaces within 300 feet of the development entrance may be counted towards the required off-street.
  - b. Notwithstanding any provision of the City of Atlanta Code of Ordinances to the contrary, park-for-hire surface parking lots are prohibited from being counted toward required off-street parking for a development.
  - c. All parking areas and structures shall have delineated walkways at a minimum width of four feet connecting ground-level parking to the public sidewalks and building entrances.
5. Reduction of off-street parking requirements, parking requirements may be reduced at the discretion of the Director of Planning upon determination that 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 generally recognized standard; and/or up to 25 percent may be granted by administrative variation where inter-parcel access is provided and subject to evidence of a shared parking arrangement within 600 feet of the property and not located within districts R-1 through R-5, RLC or PDH or immediately adjacent detached single-family dwelling in districts RG-1, RG-2, MR-1, and MR-2. Said evidence of a shared parking arrangement shall include the following :
  - a. A to-scale map indicating location of proposed parking spaces; and
  - b. Hours of business operation of non-residential parking users; and
  - c. Copies of parking leases. Renewed leases shall be filed with the Bureau of Planning. Lapse of a required lease agreement shall terminate the SAP for shared parking, and
  - d. Where shared parking involves more than one property owner or developer, a cross-access easement and agreement shall be provided to the Director and shall be recorded with the deed of such properties. Such agreement must certify the allocation of parking spaces among the parties that is consistent with the approved shared parking analysis
    - i. The minimum term for cross-access and shared parking agreements shall be 21 years from the date a building permit is issued for any use claiming such shared parking guarantee.
  - e. Required residential parking shall be segregated from parking for all other uses.
  - f. If a parking structure is constructed for public use or for joint use by several properties within a 600-ft. radius of such parking structure that enter into agreements guaranteeing them long-term use of specific numbers of parking spaces, then the Director is authorized to substitute written guarantee of long-term access to such parking spaces for spaces otherwise required in this Section.
6. Fees in Lieu of Parking. If an entity authorized by the City of Atlanta is created to provide parking on an area-wide basis within SPI-9 pursuant to an agreement

approved by the Buckhead Area Transportation Management Association (BATMA), then such entity may collect fees from designated properties in lieu of such designated properties being required to meet some or all of the off-street parking requirements of Section 16-181.022. Fees collected in this manner shall be pursuant to a fee schedule approved by BATMA and shall be used only for the acquisition of land, improvement, or maintenance of off-street parking facilities constructed for the benefit of those buildings, structures, and users paying such fees.

7. Carpool parking: Any development having over 50,000 square feet of gross office space shall reserve and designate at least five percent of the parking spaces "Carpool Only, or "Vanpool Only". Such spaces shall be located near the building's entrance or other preferable locations within the employee parking areas. Parking structures accommodating vanpool access at entry level must provide a minimum ceiling height of eight feet two inches.

**Sec. 16-181.027. Membership in transportation management association and transportation management plans.**

Any development greater than 50,000 square feet total gross leasable floor area of space shall become a member of an existing Transportation Management Association (TMA), which provides services to the area or shall provide a Transportation Management Plan (TMP) with the criteria listed below.

1. The Bureau of Buildings shall not issue occupancy permits for any development in this district until such time as the developer or leasing agent for each of the components has submitted to the Director of the Bureau of Planning, written confirmation of TMA membership or has submitted a Transportation Management Plan. The local TMA may assist with the preparation of the TMP.
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 workweek for all estimated employees arriving at the work site and for all residents leaving the residential 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:
  - a. Commute alternatives;
  - b. Incentives for public transit ridership such as transit cards;
  - c. Carpooling and vanpooling;
  - d. Commuter bicycling and walking programs;
  - e. Alternative work hours for commercial components;
  - f. Staggered work hours for commercial components;
  - g. Compressed work weeks for commercial components;
  - h. Flexible work hours (flextime) for commercial components;
  - i. Telecommuting.
  - j. Transportation demand strategies;
  - k. Improvements to alternative modes such as vanpooling;
  - l. Financial incentives given to employees and/or residents who use commute alternatives;

- m. Parking management programs;
  - n. Commute alternatives information and marketing;
  - o. Shared parking arrangements;
  - p. Provision for a mixture of uses on-site;
  - q. Pedestrian links to adjacent uses.
3. 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. 16-18I.028. Minimum bicycle parking requirements.**

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

- 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 of the Bureau of Planning 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. 16-18I.029 Pedestrian Bridges and Tunnels.**

Pedestrian bridges, tunnels, buildings and parking structures shall be prohibited when located above or below public streets with the exception of tunnels for service (including access to reserved parking spaces) and loading purposes only.

**Sec. 16-18I.030 Specific Regulations by Street Type**

The streets within SPI-9 Buckhead Village Special Public Interest District are divided into four categories as shown on Map Attachment B. See also Figures 1 through 4 of the SPI-9 Design Guidelines. Specific regulations by street type are as shown in SPI-9 Buckhead Village: Streetscape Regulations Table

SPI-9 Buckhead Village: Streetscape Regulations Table

Street Type	1	2	3	4
Amenity Zone width	7 feet	7 feet with	5 feet	4 feet

		bicycle lane		
		5 feet without bicycle lane <sup>2</sup>		
Walk Zone width	13 feet	10 feet	10 feet	6 feet minimum
Supplemental Zone width	5 feet minimum	5 feet minimum	5 feet <sup>3</sup>	Optional
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 <sup>1</sup>	Alternating Atlanta type "A" and Atlanta type "C"		Alternating Atlanta type "A" and Atlanta type "C"
<sup>1</sup> As approved by the Director of the Bureau of Planning				
<sup>2</sup> Bicycle lanes are required on Piedmont Road south of Peachtree Street.				
<sup>3</sup> Unless otherwise approved by the Director of the Bureau of Planning due to lot dimensions or other hardships				

**Sec. 16-18I.031 Standards of Architectural Design.**

1. Conformity with Design Guidelines. The applicant for a building permit in the SPI-9 shall prepare and submit preliminary architectural plans and elevations of all buildings for review by the Director. The Director shall review such plans and elevations in order to determine if they are substantially consistent with the SPI-9 Design Guidelines. No building permit shall be approved in SPI-9 unless the Director finds that the architectural design is substantially consistent with the SPI-9 Design Guidelines.
2. Exterior Building Materials. Exterior building materials for all buildings except single-family residential buildings are restricted to brick, stone, textured concrete masonry, precast concrete, architectural metal, hardiplank, stucco, and glass.
3. The use of textured concrete masonry, hardiplank, stucco or architectural metal is restricted to no more than 30 percent of the any building's total exterior wall surfaces.
4. Vinyl siding and metal siding is prohibited for residential buildings, and wood or hardiplank siding is permitted on exteriors of residential buildings, but is limited to 50 percent of the total exterior wall surfaces of any building larger than 600 square feet in floor area.