

FOR GROUND LEASE - 0.94 ACRES ROSWELL ROAD AND IRBY AVENUE CITY OF ATLANTA, GEORGIA



COMMENTS

The property is located in the heart of the Buckhead business district. Roswell Road is a major north/south artery for Buckhead and Fulton County.

PROPERTY HIGHLIGHTS

LOCATION: The subject is located in the northwest corner of Roswell Road and Irby Avenue

FRONTAGE: Approximately 194+/- feet on Roswell Road
Approximately 150+/- feet on Irby Avenue

ZONING: SPI-9 - City of Atlanta

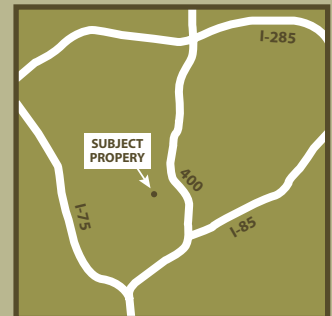
TRAFFIC COUNT: 21,612 cars per day on Roswell Road

TOPOGRAPHY: The property is grade level with Roswell Road

PRICE: \$44,000 per month ground lease

MAJOR & ARROLL, LLC
COMMERCIAL REAL ESTATE

Information contained herein has been obtained from the owner of the property or from other sources we deem reliable. We have no reason to doubt its accuracy but cannot guarantee that it is correct.

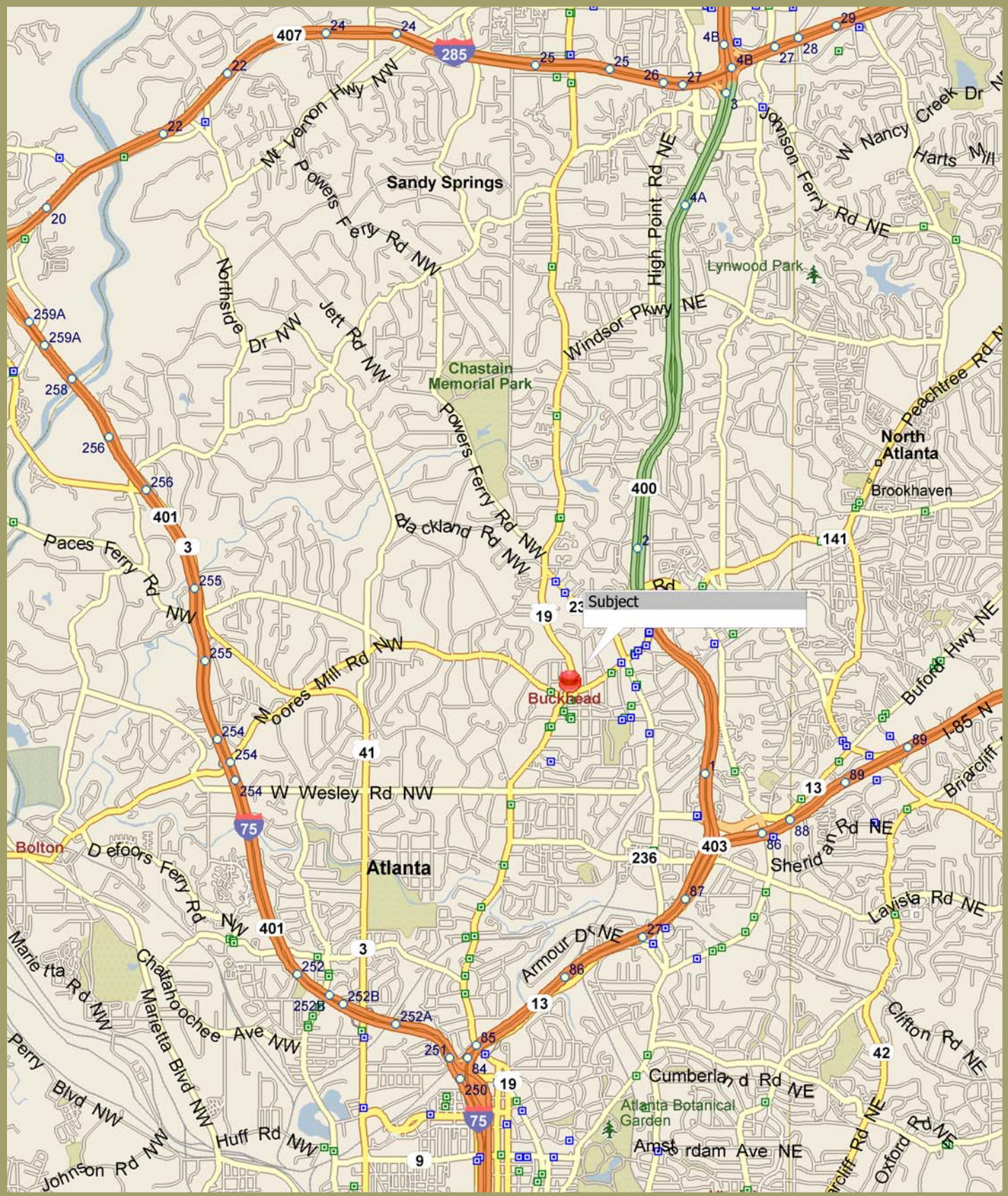


PRESENTED BY:

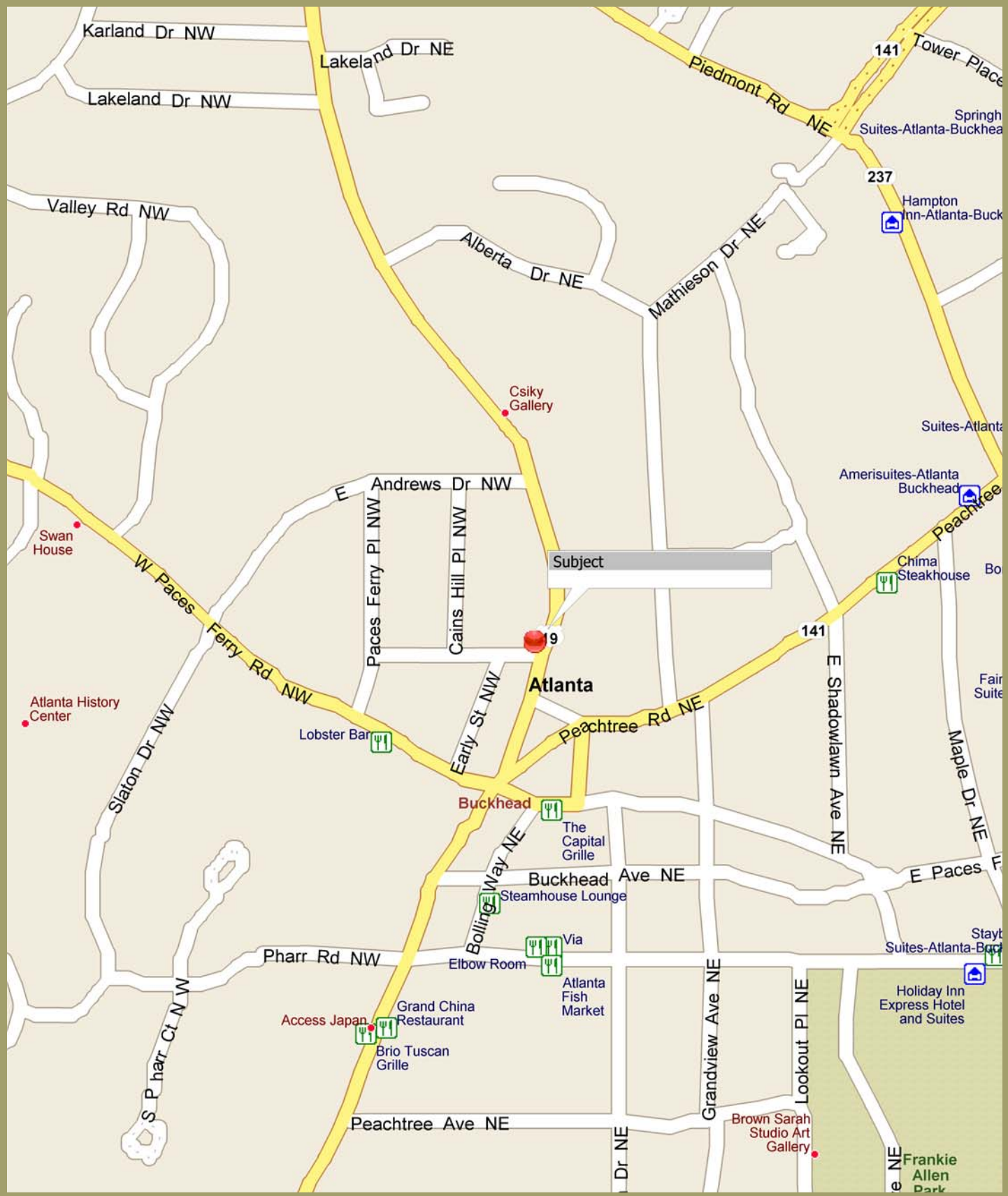
Barry Major
bmajor@majorandarroll.com
(404) 845-0056

Major & Arroll, LLC
91 West Wieuca Road
Building B, Suite 100
Atlanta, Georgia 30342
Fax: (404) 250-9613
www.majorandarroll.com

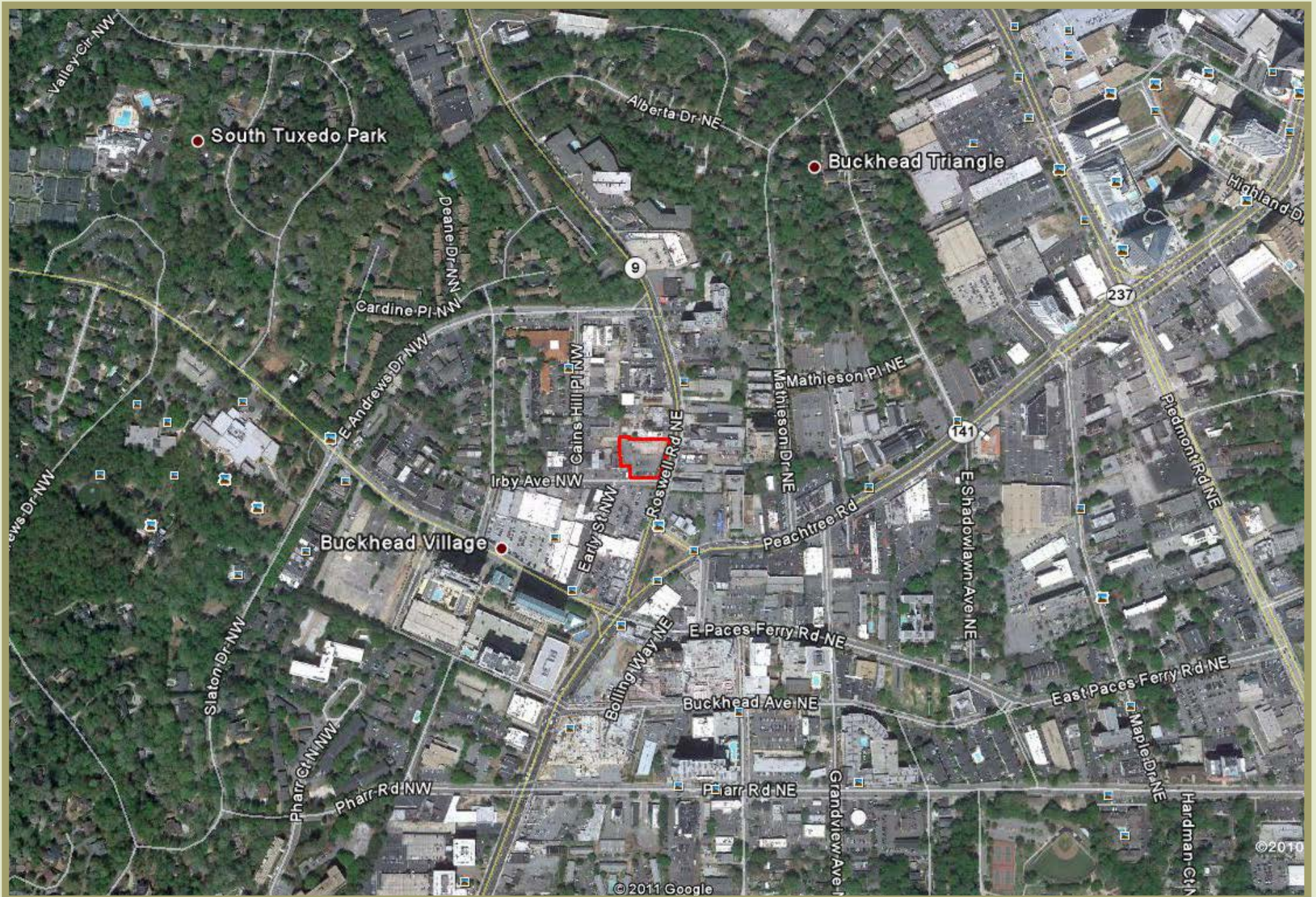
LOCATION MAP



LOCATION MAP



AERIAL

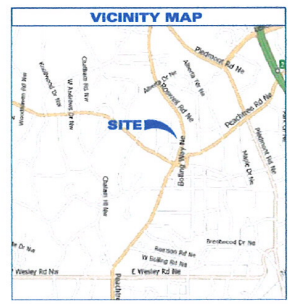
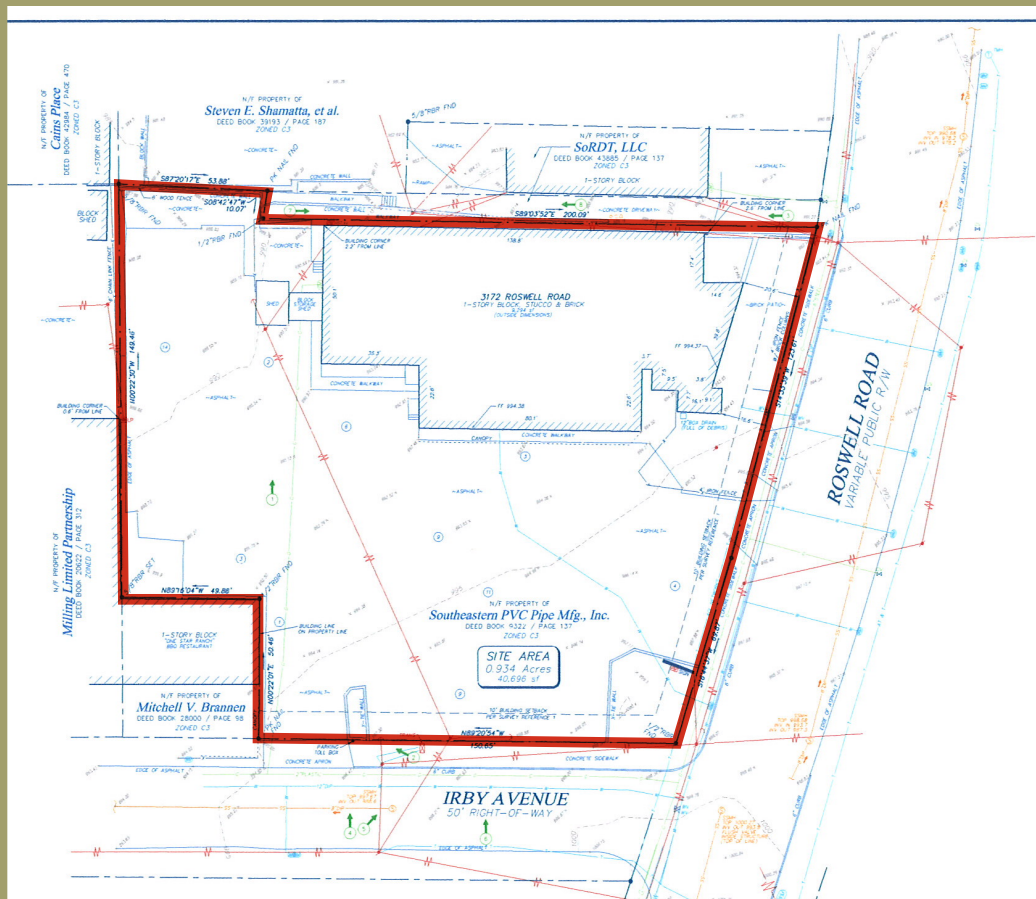


AERIAL



MAJOR & ARROLL, LLC
COMMERCIAL REAL ESTATE

FINAL PLAT



GENERAL NOTES

THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 13120224 E AND THE DATE OF SAID MAP IS JUNE 22, 1995. THIS DETERMINATION WAS MADE BY GRAPHICAL INSPECTION OF THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

THE HORIZONTAL DATUM FOR THIS SURVEY IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83) FROM GPS OBSERVATIONS PERFORMED BY GEOSURVEY, LTD.

THE VERTICAL DATUM FOR THIS SURVEY IS BASED ON THE NORTH AMERICAN DATUM OF 1985 (NAD85) FROM GPS OBSERVATIONS PERFORMED BY GEOSURVEY, LTD.

THE SITE IS ZONED "C-1" (GENERAL COMMERCIAL DISTRICT). THE MINIMUM YARD SETBACKS ARE: FRONT = 10 FEET, SIDE & REAR = NONE AND SIDE STREET SIDE - ON CORNER LOTS THERE SHALL BE A SETBACK ALONG THE SIDE STREET SIDE OF NOT LESS THAN ONE-HALF THE REQUIRED DEPTH OF THE FRONT YARD.

PLEASE NOTE: ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

SURVEY REFERENCES

1) ALTA SURVEY FOR COMMERCIAL LAND TITLE INSURANCE COMPANY, BY G. PREPARED BY LOO-TURLEY & ASSOCIATES, P.C., DATED OCTOBER 6, 2005

2) BOUNDARY SURVEY FOR MRS. LOUISE JONES WOODWARD, PREPARED BY C. ROBERTS, RECORDED OCTOBER 25, 1987 IN PLAT BOOK 08, PAGE 78

LEGEND

STANDARD ABBREVIATIONS	STANDARD SYMBOLS
DI - DIRT ROADS	SP - SPOT ELEVATION
CU - CURB SLEET	PP - POWER POLE
CM - CORRUGATED METAL PIPE	SV - SIVY WIRE
CMF - CONCRETE MANHOLE	PL - POWER LINE
CD - SANITARY CLEANOUT	LI - LIGHT POLE
CT - CHIMNEY TOP PIPE	ET - ELECTRIC TRANSFORMER
D - DIRT SLEET	WV - WATER VAULT
EM - ELECTRIC BOX	GV - GAS VALVE
FM - FENCE	WH - WATER WALK
GM - GAS METER	WM - WATER METER
IN - INVERT	WMP - WATER METER
MB - MANHOLE	WPE - WATER METER
MP - MANHOLE	WPE - WATER METER
OP - OPEN TOP PIPE	WPE - WATER METER
PM - POWER METER	WPE - WATER METER
PP - POINT OF BEGINNING	WPE - WATER METER
POC - POINT OF COMMENCING	WPE - WATER METER
PPB - POINT OF BEGINNING	WPE - WATER METER
PPS - 5/8" IRON PEG SET	WPE - WATER METER
RSP - REINFORCED CONCRETE PIPE	WPE - WATER METER
TS - SANITARY SLEET	WPE - WATER METER
TEL - TELEPHONE BOB	WPE - WATER METER
TIB - TRAFFIC SIGNAL BOX	WPE - WATER METER

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON LOCATION OF MARKINGS PROVIDED BY:

UTILISURVEY, LLC
1170 ATLANTA INDUSTRIAL DRIVE
MARIETTA, GEORGIA 30066

THE UNDERGROUND UTILITIES (EXCEPT THE LOCATION OF EXISTING DRAINAGE SEWER AND IRRIGATION UTILITIES AS WELL AS UNDERGROUND STORAGE TANKS) WERE LOCATED BY UTILISURVEY, LLC UTILIZING RADIO FREQUENCY TECHNOLOGY. THIS TECHNOLOGY IS CAPABLE OF LOCATING METALLIC UTILITIES AND TRACER WIRES... ANY NON-METALLIC UTILITIES (WITHOUT TRACER WIRE) ARE NOT LOCATED.

THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA. EITHER IN-SERVICE OR ABANDONED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED UTILIZING THE TECHNOLOGY FIRST ON THIS SITE BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATIONS INDICATED. ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

INFORMATION REGARDING MATERIAL AND SIZE OF UTILITIES IS BASED ON RECORDS ACQUIRED FROM THE UTILITY OWNERS.

UTILITY CONTACTS

GAS
ENGINEERING DEPARTMENT
ATLANTA GAS LIGHT
1214 CAROLINE STREET
ATLANTA, GA 30307
(404) 584-4906

TELEPHONE
KEN FRANKO OR PAUL PROFFER
GEORGIA COUNTY WATER & SEWER
1000 W. HUNTER DRIVE
STONE MOUNTAIN, GA 30083
(770) 621-7233

POWER
JERRY SMITH
GEORGIA POWER - TUCKER
1897 MONTREAL CIRCLE
TUCKER, GA 30084
(770) 621-2332

WATER & SEWER
KEN FRANKO OR PAUL PROFFER
GEORGIA COUNTY WATER & SEWER
1000 W. HUNTER DRIVE
STONE MOUNTAIN, GA 30083
(770) 621-7233

PLEASE NOTE

UNDERGROUND UTILITIES, THE LOCATION, SIZE AND DEPTH OF UNDERGROUND UTILITIES IS PROVIDED HEREON. THE LOCATION, SIZE AND DEPTH OF UNDERGROUND UTILITIES IS PROVIDED HEREON. THE LOCATION, SIZE AND DEPTH OF UNDERGROUND UTILITIES IS PROVIDED HEREON. THE LOCATION, SIZE AND DEPTH OF UNDERGROUND UTILITIES IS PROVIDED HEREON.

PARKING SUMMARY

REGULAR SPACES: 0
HANDICAP SPACES: 0
TOTAL PARKING: 0

IF YOU DIG

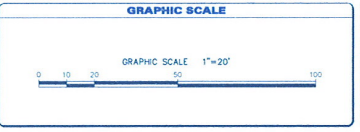
IF YOU DIG GEORGIA... CALL US FIRST: 1-800-732-7413 (770) 633-4444 (METRO ATLANTA ONLY) UNDER PENALTY OF PERSECUTION IT'S THE LAW

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSON OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

CLOSURE INFORMATION

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PERIOD OF ONE FOOT IN 166.67 FEET AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. A REPORT BISE ROBUST TOTAL STATION AND TOS TRANSFER DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 323,333 FEET. SEE 1991



REVISIONS

No.	Date	Description
1		

GeoSurvey, Ltd.

Land Surveying & Mapping

1170 Atlanta Industrial Drive
Marietta, Georgia 30066

Phone: (770) 795-9900
Fax: (770) 795-8880

BOUNDARY & TOPOGRAPHIC SURVEY FOR

NEW SOUTH PARTNERS, LLC

SITE INFORMATION

CITY: FULTON STATE: GEORGIA
LAND LOT: 99 DISTRICT: 17
FIELD WORK BY: PROJ TECH: SC PROJ MOR: DEE REVIEWED: DJH
SURVEY DATE: FEBRUARY 4, 2008 DRAWING SCALE: 1" = 20'
GS Dwg File: 20083458.dwg GS Job No.: 20083459

ZONING

CHAPTER 13. C-3 COMMERCIAL RESIDENTIAL DISTRICT REGULATIONS

Sec. 16-13.001. 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 C-3 Commercial Residential District.

(Code 1977, § 16-13.001)

Sec. 16-13.002. Statement of intent.

The intent of this chapter in establishing C-3 Commercial Service District is as follows:

To provide for moderate- to high-intensity uses of a broad range in mixed use type development, generally in areas at major intersections or along roadways, through areas that presently are intensively developed or of regional significance.

(Code 1977, § 16-13.002)

Sec. 16-13.003. Permitted principal uses and structures.

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

- (1) Banks, savings and loan associations, and similar financial institutions.
- (2) Repealed.
- (3) Business or commercial schools.
- (4) Child care centers, kindergartens and special schools.
- (5) Churches, synagogues, temples, mosques and other religious worship facilities on lots of one acre or more.
- (6) Clubs and lodges.
- (7) Commercial greenhouses.
- (8) Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly, and similar uses, with primary activities conducted within fully enclosed buildings. Pool halls, billiard parlors and amusement arcades allowed only by special use permits.
- (9) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.
- (10) Repealed.
- (11) Repealed.
- (12) Repealed.
- (13) Hospitals.
- (14) Repealed.
- (15) Institutions of higher learning, including colleges and universities.
- (16) Laundry and dry cleaning, collection stations or plants; laundry and dry cleaning establishments where equipment is operated by customers.
- (17) Mortuary and funeral homes.
- (18) Multifamily dwellings, two-family dwellings and single-family dwellings.
- (19) Museums, galleries, auditoriums, libraries and similar cultural facilities.
- (20) New and used car sales, including other motorized vehicles such as mopeds and motorcycles.
- (21) Secured-storage facility.

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- (22) Offices, clinics (including veterinary), laboratories, studios, and similar uses, but not blood donor stations except at hospitals. Veterinary clinics shall be located within soundproof buildings when located within 300 feet of any residential use.
- (23) Parking structures and lots.
- (24) Plumbing, air conditioning service and repair.
- (25) Printing shops.
- (26) Professional or personal service establishments, but not hiring halls.
- (27) Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar devices.
- (28) Repair garages, paint and body shops.
- (29) Retail establishments, including catering establishments, delicatessens and bakeries with wholesale operations.
- (30) Vault-storage facility not exceeding 7,500 square feet of floor area.
- (31) Service stations, car washes.
- (32) Structures and uses required for operation of MARTA or a public utility but not including uses involving storage, train yards, warehousing, switching or maintenance shop as the primary purpose.
- (33) Tailoring, custom dressmaking, millinery and similar establishments.
- (34) Adult businesses as defined in section 16-29.001(3). See also section 16-28.016.
- (35) Supportive housing.

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.

(Code 1977, § 16-13.003; Ord. No. 2004-53, § 16A, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2005-41(06-O-0381), § 13, 7-12-05; Ord. No. 2009-24(08-O-1251), § 2F, 6-9-09; Ord. No. 2009-61(09-O-1076), §§ 2(3), 3(2), 10-13-09)

Sec. 16-13.004. Permitted accessory uses and structures.

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, wind generators and similar devices. No merchandise shall be stored other than that to be sold at retail on the premises, and no storage for such merchandise shall occupy more than 25 percent of the total floor area of the premises. No off-premises storage of such merchandise shall be permitted in the district as either a principal or accessory use.

(Code 1977, § 16-13.004)

Sec. 16-13.005. Special permits.

The following uses are permissible only by special permits of the kind indicated, subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) *Special use permits:*
 - (a) Helicopter landing facilities or pickup or delivery stations.
 - (b) Outdoor amusement enterprises, exhibits, entertainments, meetings, displays, or sales area, or outdoor areas for religious ceremonies of 90 days' or more duration.
 - (c) Poolrooms, billiard parlors, amusement arcades.
 - (d) Nursing homes, assisted living facilities, rehabilitation centers and personal care homes.

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- (e) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
 - (f) Dormitories, fraternity houses and sorority houses, officially affiliated with an accredited college, university or private school and only for the time period that such affiliation is in effect, such that loss of affiliation shall result in the loss of permission for the use.
 - (g) Roominghouses.
 - (h) Single room occupancy residence.
 - (i) *Truck stops*: Provided that no truck stop shall be located within 1,000 feet of any other truck stop nor within 1,000 feet of any public or private school, any public or private park or recreation facility, any public or private hospital or mental health care facility, any church or similar place of religious worship, any cemetery, any child care or day care facility or any residential districts.
 - (j) Bingo parlors.
 - (k) Roominghouses.
 - (l) Shelter.
 - (2) *Special administrative permits*:
 - (a) Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies of less than 90 days' duration.
 - (b) Zero-lot-line development (see section 16-28.011(6)).
 - (c) Repealed.
 - (d) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, alternative design mounting structures, and new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
 - (e) Whenever an application for such a permit is made, the director of the bureau of planning shall provide prior notification to the pertinent district councilmember and at-large councilmembers.
 - (3) *Special exceptions*:
 - (a) Churches, synagogues, temples, mosques and other religious worship facilities on lots of less than one acre.
 - (b) Off-street parking within 500 feet of primary use.
- (Code 1977, § 16-13.005; Ord. No. 1993-54, § 1, 12-13-93; Ord. No. 1995-02, § 1, 1-11-95; Ord. No. 1996-19, § 1, 5-13-96; Ord. No. 1997-06, § 4, 2-10-97; Ord. No. 1997-65, § 1, 11-10-97; Ord. No. 2001-96, §§ XXX, XXXI, 12-12-01; Ord. No. 2004-53, §§ 16B, 16C, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2008-62(06-O-0038), §§ 4D(1), 5H(1), 5G(1), 6D, 7-7-08; Ord. No. 2009-24(08-O-1251), § 2F(1), 6-9-09)

Sec. 16-13.006. Transitional uses, structures, requirements.

- (1) *Transitional Use*: Where a lot in this district abuts a lot in any R-1 through R-G district at the side along the same street frontage, and without an intervening street, the first lot within this district, or the first 100 feet of such lot, if it is wider than 100 feet, shall not be used for any secured-storage facility, drive-in facility, car wash, service station, mortuary or funeral home, sales lot for automobiles, repair garage, or paint or body shop.
- (2) *Transitional Height Planes*: Where this district adjoins a district in the R-1 through R-G classification without an intervening street, height within the district shall be limited as follows: No portion of any structure shall protrude through a height-limiting plane beginning 35 feet

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above the buildable area boundary nearest to the common district boundary and extending inward over this district at an angle of 45 degrees.

(3) *Transitional Yards:*

(a) *Side yard:* Adjacent to an R district without an intervening street, 20 feet is required which shall not be used for the purpose of parking, paving, loading, servicing or storage activity and shall be planted and/or maintained in a natural state.

(b) *Rear yard:* There shall be a rear yard of 30 feet or 10 percent of the depth of the lot; such rear yard, however, shall not exceed 50 feet. Said yard shall not be paved or used for parking, loading or servicing, but shall be left in an undisturbed state except where additional planting or screening shall be required.

(1) Lots of 200-foot depth or less shall provide a rear yard of 20 feet.

(2) Lots in excess of 200-foot depth shall provide a rear yard of 10 percent of the depth of the lot but not more than 50 feet.

(3) Said rear yard shall be left in an undisturbed state, except where additional planting or fencing is required.

(c) *Screening:* Where a lot in this district abuts a lot in an R-1 through R-G district on the rear or side yard lot line without an intervening street, opaque fencing or screening not less than six feet in height shall be provided and maintained in slightly condition. See section 16-28.008(9).

(Code 1977, § 16-13.006; Ord. No. 2009-61(09-O-1076), § 3(3), 10-13-09)

Sec. 16-13.007. Development controls.

(1) *Bulk Limitations:*

(a) For nonresidential uses, floor area shall not exceed an amount equal to five times net lot area.

(b) For residential uses, floor area shall not exceed an amount equal to 3.2 times gross lot area as indicated on table I, "Land Use Intensity Ratios" (see section 16-08.007).

(c) For mixed use (see section 16-29.001(23)), floor area shall not exceed the sum of nonresidential (a) and residential (b) above, but in no event greater than the maximum ratios permitted for each.

(2) *Minimum open space requirements:*

(a) For exclusively residential uses, appropriate open space requirements as indicated on table I, "Land Use Intensity Ratios," shall be required for both total open space (TOSR) and useable open space (UOSR).

(b) For mixed use developments, appropriate open space requirements as indicated on table I, "Land Use Intensity Ratios," shall require the useable open space (UOSR) only.

(3) *Minimum yard requirements:*

(a) *Front yard setback:* Ten-foot minimum.

(b) *Side or rear:* None, except as provided in section 16-13.006 above.

(c) *Side street side:* On corner lots there shall be a setback along the side street side of not less than one-half the required depth of the front yard.

(4) No fixed minimum lot widths or areas are established for these districts, but lot dimensions shall be sufficient to meet other requirements set forth herein.

(Code 1977, § 16-13.007; Ord. No. 1999-53, § 3, 6-16-99)

Sec. 16-13.008. Maximum height limitations.

No building shall exceed a height of 225 feet (see section 16-28.022).

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(Code 1977, § 16-13.008)

Sec. 16-13.009. Minimum off-street parking requirements.

The following parking requirements shall apply to all uses approved by special permit as well as permitted uses (see section 16-28.014 and also section 16-28.015 for loading requirements):

(1) *Schools, colleges, churches, recreation or community centers and other places of assembly:* One space for each four fixed seats (with 18 inches of bench length counted as one seat) or one 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:

(a) *Public or private elementary or middle school:* Two spaces for each classroom.

(b) *High school:* Four spaces for each classroom.

(c) *Colleges and universities:* Eight spaces for each classroom.

(2) *Nursing homes, convalescent homes, and similar care facilities:* One space per four beds.

(3) *Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools or day care centers for young children:* One 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, as approved by the director, bureau of traffic and transportation.

(4) *Dwellings and lodgings:* Off-street parking requirements shall be as follows: See section 16-08.007, table I, for applicable ratios according to the appropriate floor area ratio.

(5) *Banks, savings and loan institutions, and the like:* One space for each 200 square feet of floor area.

(6) *Business colleges, trade schools, conservatories, dancing schools, and the like:* One space for each 200 square feet of floor area.

(7) *Dormitories, fraternity houses and sorority houses.* One space for two beds plus one space for each 200 square feet of floor area designated or occupied other than for sleeping purposes.

(8) *Clubs, lodges:* One space for each 200 square feet of floor area.

(9) *Printing shops:* One space for each 200 square feet of floor area.

(10) *Plumbing, tinsmithing, or cabinet shops, general service or repair establishment:* One space for each 200 square feet of floor area.

(11) *Repair garages, paint and body shops:* One space for each 200 square feet of floor area.

(12) *Car washes:* See section 16-28.021.

(13) *Drive-in establishments:* See section 16-28.021.

(14) *Hotels and motels:* One space per rental unit plus one-half space per employee; one space per 100 square feet of restaurant/lounge gross leasable area; one space per 300 square feet of other convention facilities (GLA).

(15) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Where 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, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

(16) *Other uses:* One space for each 300 square feet of floor area.

(17) *Single room occupancy residences:* One space for each two dwelling units plus one space for each employee.

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(18) *Accessory outdoor dining*: Limited to 25 percent of the total gross floor area of the building or business with no parking requirements: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

(19) *Shelter*: One 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 additional parking space shall be provided for each 2,000 square feet of the facility.

(20) *Secured-storage facilities*: One space per 50 individual units/compartments plus one space for each employee on the peak working shift.

(Code 1977, § 16-13.009; Ord. No. 1996-59, § 3, 8-26-96; Ord. No. 2002-26, § 6, 3-14-02; Ord. No. 2005-41(06-O-0381), §§ 14, 15, 7-12-05; Ord. No. 2008-62(06-O-0038), §§ 4D(2), 6D(1), 7-7-08; Ord. No. 2009-24(08-O-1251), § 2F(2), 6-9-09; Ord. No. 2009-61(09-O-1076), § 3(4), 10-13-09)

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CHAPTER 18I. SPI-9 BUCKHEAD VILLAGE OVERLAY DISTRICT REGULATIONS

Sec. 16-18I.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.

(Ord. No. 2007-57(07-O-1454), § 1(Att. A), 9-24-07)

Sec. 16-18I.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 neighborhood shopping needs, specialty retail shopping needs, and to provide a mix of uses which provides goods and services to residents of adjacent neighborhoods;
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 assure a district which is safe and which does not create traffic congestion, noise, or other problems for adjoining residential areas;
4. To implement the community vision for streetscapes and street beautification through the provision of sidewalks and pedestrian amenities, and to improve Buckhead Village by creating an aesthetically pleasing urban environment through quality, vibrant streetscape design;
5. To implement the intent of the SPI-9 district through modifications of underlying district zoning regulations.

(Ord. No. 2007-57(07-O-1454), § 1(Att. A), 9-24-07)

Sec. 16-18I.003. 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. 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

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exception or special use permit action, the special administrative permit 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: Any interior renovations or exterior repairs not explicitly set forth shall not require SAP approval. Said classes of special administrative permit applications may be exempted 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 planning director 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 special administrative permit, 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.

(Ord. No. 2007-57(07-O-1454), § 1(Att. A), 9-24-07)

Sec. 16-18I.004. Permitted principal uses and structures.

For purposes of this chapter, sidewalk-level shall be defined as any floor of a building with a finished-floor elevation within five feet of the adjacent sidewalk.

1. Active uses: Along Peachtree Road, Pharr Road, East Paces Ferry Road, West Paces Ferry Road, and Roswell Road: Sidewalk-level active uses with street frontage shall only be either: banks, saving and loan associations and similar financial institutions; business or commercial schools; child care centers, kindergartens and special schools; clubs and lodges; commercial recreation establishments; eating and drinking establishments; institutions of higher learning; laundry and dry cleaning, collection stations or plants; multi-family dwellings; museum, galleries, auditoriums, libraries, and similar cultural facilities; offices, clinics, laboratories, studios, and similar uses; professional or personal service establishments; retail establishments; and any use permitted by special use permit. 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. Entrances to said uses shall be architecturally articulated, face, be visible from, and be directly accessible from the required sidewalk along such street. All buildings shall have a defined sidewalk-level for purposes of the active-use requirement.

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2. 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 above in section 16-18I.004(1) is provided.
3. No parcel within the SPI-9 Buckhead Village Overlay District shall be utilized for any adult business use.
4. 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.
(Ord. No. 2007-57(07-O-1454), § 1(Att. A), 9-24-07)

Sec. 16-18I.005. Sidewalks.

Public sidewalks shall be located along all public streets and shall have minimum widths as specified herein and in the Buckhead SPI-9 Streetscape Table. Public sidewalks shall be no less than 15 feet in width and consist of two zones: a street furniture and tree planting zone and a clear zone. The following regulations shall apply to all public sidewalks:

1. *Street furniture and tree planting zone requirements:* The street furniture and tree planting zone shall be located immediately adjacent to the curb and shall be a continuous minimum width of five feet. This zone is reserved for the placement of street trees as required in section 16-18I.005(4) 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. *Clear zone requirements:* The clear zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be a continuous hardscape for a minimum width of ten feet 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 clear zone for a minimum height of eight feet (see also section 16-18I.005(8)).
3. *Paving:* All sidewalk paving 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 street furniture and tree planting zone and sidewalk clear 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 street furniture and tree planting 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.
 - a. Along Peachtree Street: Street trees shall be planted at a maximum interval of 40 feet on center.

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- b. Along all other streets in the SPI-9 district: Street trees shall be planted at a maximum interval of 30 feet on center.
5. The sidewalk area shall taper as necessary to provide a smooth transition to the existing sidewalk of an adjacent zoning district. In the event that the abutting district has no existing sidewalk, the clear 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 street furniture and tree planting zone.
- a. Along Peachtree Street: Pedestrian lights shall be spaced at a maximum interval of 40 feet on center. All said lights shall be alternating Atlanta type "A" and Atlanta type "C" as approved by the director of the bureau of planning.
- b. Along all other streets in the SPI-9 district: Pedestrian lights shall be spaced at a maximum interval of 60 feet on center. All said lights shall be Atlanta type "C" or other as approved by the director of the bureau of planning.
7. Objects in the street furniture and tree planting zone: Trash receptacles, benches, bike racks or other similar elements shall be placed within the street furniture and tree planting 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 street furniture and tree planting zone.
8. Objects in the clear zone: Outdoor dining (including landscape elements), vending elements, and potted plants may encroach upon the required sidewalk clear zone subject to the following:
- a. A minimum of seven feet of unobstructed sidewalk clear zone is provided; and
- b. No permanent structure or ornamentation shall be located within the encroachment area and no element shall be attached to the required sidewalk clear zone in any way; and
- c. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers, provided meeting the requirements of section 16-18I.006(4), and at such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter.
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 redevelopment of a parcel reasonable efforts shall be made to place utilities underground or to the rear of structures.
11. New streets: Any new streets created shall have the components and widths as identified in the Buckhead SPI-9 Streetscape Table.
- TABLE INSET:

Buckhead SPI-9 Streetscape Table	Peachtree Street (Min. width in feet)	All Other Streets (Min. width in feet)
Required Street Furniture and Tree Planting Zone	7'	5'
Required Sidewalk Clear Zone	13'	10'

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Required Supplemental Zone	5'	See Sec. 16-18I.006
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12. Sidewalk and supplemental zone minimum width requirements as specified in section 16-18I.005 and 16-18I.006 shall supplant any minimum setback requirements for any yards immediately adjacent to any public or private street.

(Ord. No. 2007-57(07-O-1454), § 1(Att. A), 9-24-07; Ord. No. 2008-17(07-O-2599), § 1, 3-12-08)

Sec. 16-18I.006. 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 the above Buckhead SPI-9 Streetscape Table 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: i) the provided supplemental zone elevation; or ii) 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) That portion of any supplemental zone square footage required by this section which prohibits any proposed development from achieving a maximum building coverage of 85 percent of the net lot area shall be waived to the extent of the required supplemental zone and shall not be required to be met.

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(2) The minimum total square footage shall be no less than 20 percent of the total square footage of both the total of the street furniture and tree planting zone and sidewalk clear zone; and

(3) 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

(4) 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.

(Ord. No. 2007-57(07-O-1454), § 1(Att. A), 9-24-07)

Sec. 16-18I.007. Driveways, curb cuts and parking structures.

1. Driveway curb cuts:

a. Shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the commissioner of public works.

b. 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 and separated by a minimum distance of 250 linear feet;

iii. Developments with more than one street frontage: One located on each street frontage;

iv. For the purposes of this section, two curb cuts serving two one-way driveways shall only be counted as one curb cut.

2. Driveways:

a. Drive-through service windows and drive-in facilities shall not be located between the principal structure and the street.

b. 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).

c. All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as the adjacent sidewalk clear zone.

d. 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 clear 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.

e. Notwithstanding the provisions of section 16-28.006(10), independent driveways are not required whereas the director of the bureau of planning may authorize a common or joint

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driveway 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 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.

3. *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.

b. 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 16-18I.004(1) 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 16-18I.005(4). The landscape strip shall also be planted with evergreen ground cover such as mondo grass, liriopie 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.

4. 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.

(Ord. No. 2007-57(07-O-1454), § 1(Att. A), 9-24-07; Ord. No. 2008-67(08-O-0196), § 3, 7-21-08)

Sec. 16-18I.008. Off-street parking and loading requirements.

In addition to the provisions of subsection 16-28.008(7), which shall apply and are incorporated herein, parking and loading shall be provided based on the requirements of the underlying zoning classification of each property, subject to subsections 1 through 5 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

i. 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.

ii. Accessory uncovered outdoor dining less than 25 percent of the total gross floor area of the business: No minimum parking requirement.

2. Parking facilities shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking during non-normal business hours by compliance with non-residential parking requirements 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. 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.

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5. Reduction of off-street parking requirements may be granted by administrative variation 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:

- i. A to-scale map indicating location of proposed parking spaces; and
- ii. Hours of business operation of non-residential parking users; and
- iii. Written consent of property owners agreeing to the shared parking arrangement; and
- iv. Copies of parking leases. Renewed leases shall be filed with the bureau of planning. Lapse of a required lease agreement shall terminate the special administrative permit for shared parking.

6. 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.

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 and all new parking structures shall be built to accommodate vanpool access at entry level at a minimum ceiling height of eight feet two inches.

(Ord. No. 2007-57(07-O-1454), § 1(Att. A), 9-24-07)

Sec. 16-18I.009. 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 street furniture and tree planting 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

TABLE INSET:

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.

(Ord. No. 2007-57(07-O-1454), § 1(Att. A), 9-24-07)

Sec. 16-18I.010. Pedestrian bridges and tunnels.

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

(Ord. No. 2007-57(07-O-1454), § 1(Att. A), 9-24-07)