

CHAPTER 32A. - NC-1 LITTLE FIVE POINTS NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 16-32A.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 NC-1 Little Five Points Neighborhood Commercial District.

(Ord. No. 2002-34, § 1, 5-30-01)

Sec. 16-32A.002. - Specific regulations.

The following regulations are specific to NC-1 Little Five Points Neighborhood Commercial District.

1. The number of gasoline service stations within the district shall not exceed two.
2. The number of eating and drinking establishments shall not exceed 25 percent of the total number of business establishments within the district.
 - a. For the purposes of this district, a business establishment or a business shall be defined as any permitted use required to obtain a business license under chapter 30 of this Code and that is operated in a building within the boundaries of the district in addition to the following regulations:
 - i. Each counted business establishment shall occupy a minimum of 400 square feet.
 - ii. Where more than one business occupies a building in this district, the total number of businesses shall include each business which is required to obtain a business license required by chapter 30 of this Code except that:
 - a) Licenses issued to individuals engaged in those professions listed in section 30-63 shall be counted as one business establishment for those individuals that are associated in a group practice or partnership; and
 - b) Shared office suites, shared retail spaces and businesses within a shared or common space shall be counted as one business establishment.
 - b. As of the effective date of this chapter, the director of the bureau of planning (the "director") shall create and maintain a census of the total number of businesses and the total number of eating and drinking establishments. The census shall be verified to confirm the actual number of businesses and eating and drinking establishments in operation in the district within 15 days of the date that an application for an eating and drinking establishment is received by the director.
 - c. When the total number of eating and drinking establishments reaches 25 percent of the total number of businesses, the director shall continue to accept applications for special administrative permits for such establishments but shall not be required to decide on said applications within the time set forth by section 16-25.004. The director shall note on each application for a permit for an eating and drinking establishment, which is not to be decided on within the time set forth by section 16-25.004, the date that such application was evaluated for eligibility to be processed and the date of the census which was used in making such decision. The director shall then suspend the processing of said application considered ineligible for immediate consideration by marking the application as pending due to the limitation contained in this Code section and retaining the application for later processing in accord with this subsection. Within three days of the decision that the application was deemed ineligible for immediate consideration; the director shall notify the applicant in writing of said decision.

- d. Each application considered ineligible for immediate consideration shall be reviewed not less than every 30 days to a maximum of 90 days unless it is withdrawn at the request of the applicant. When the census of businesses in the district indicates that the addition of one or more eating and drinking establishments will not exceed the limit set forth in this section, the director shall process the earliest pending application for a permit for such establishments. The date that the application was stamped as received by the bureau of planning shall be used to determine priority for processing and the director shall decide on the issuance of the earliest application within 30 days from the date that the application is deemed eligible for processing.
 - i. In the event that the first or any succeeding application processed after any update is denied or withdrawn, the director shall proceed to process the next application as of the date of denial or withdrawal of the prior application. Provided however, that in no case shall the director have less than 30 days to make a decision on the application being processed.
 - e. In the event that any decision of the director concerning a special administrative permit is overturned by the board of zoning adjustment or by court order, the action on the application shall proceed as ordered and as of the date of the order, the census of businesses in the district shall be updated to reflect its terms.
3. Parcels owned by the Atlanta Board of Education and located west of Moreland Avenue and at a distance of greater than 500 feet south of Euclid Avenue and less than 880 feet south of Euclid Avenue shall continue to be used for public open space as currently designated in the CDP provided however that the portion within 60 feet of commercial parking facilities adjacent to Euclid Avenue properties may be used for commercial parking facilities.
 4. Findley Plaza shall have a clear zone minimum width of ten feet adjacent to buildings fronting the plaza. The area between said clear zone and Moreland Avenue and Euclid Avenue shall be the street furniture zone.
 5. Davis Plaza shall have a supplemental zone that is 15 feet in width adjacent to the buildings fronting the western side of the plaza (even numbered Seminole Avenue addresses). Davis Plaza shall have a furniture zone that is ten feet in width adjacent to the buildings fronting the eastern side of the plaza (odd numbered Seminole Avenue addresses). The area between the supplemental and furniture zones, down the center of Davis Plaza, shall be a clear zone.

(Ord. No. 2002-34, § 1, 5-30-01)

CHAPTER 32B. - NC-2 EAST ATLANTA VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 16-32B.001. - Scope of provisions.

The regulations set forth in this chapter are the specific regulations for the NC-2 East Atlanta Village Neighborhood Commercial District. The following NC-2 District regulations shall apply in addition to those of the general Neighborhood Commercial (NC) District regulations. Where these NC-2 District regulations conflict with the general NC regulations, these NC-2 regulations shall control.

(Ord. No. 2013-36(11-O-0533), § 1, 7-24-13)

Sec. 16-32B.002. - Specific regulations.

The following regulations are specific to the NC-2 East Atlanta Village Neighborhood Commercial District:

1. NPU notification. In addition to the required SAP submittal, the applicant shall also provide to the Director of the Office of Planning a United States Postal Service certificate of mailing (first-class) of one copy of the full SAP application to the appropriate Neighborhood Planning Unit (NPU) chair or their designee for the purpose of notification and comment, and also a signed affidavit of said NPU notification. Said appropriate NPU shall have a period of 21 days from the date of the said certificate of mailing to provide one set of written comments to the Office of Planning prior to any SAP approval.
2. Permitted Principal Uses. In further limitation of those permitted principal uses and structures set forth in Sec. 16-32.005:
 - a. The number of automobile service stations within the district shall not exceed two.
 - b. The number of tattoo and body piercing establishments shall not exceed three.
 - c. The following uses shall be permitted if the parcel on which they are located is separated by a minimum distance of 500 linear feet, measured from property line to property line, from any like use: barber shops, beauty supply, beauty school, hair salons, and manicure and nail salons. This shall not be construed to mean that a mixture of the above said uses as part of a single parcel or business establishment shall be prohibited. Said uses or combination of uses shall not exceed 4,000 square feet of floor area.
 - d. Parking structures and surface lots to serve primary uses within the district.
 - e. The following uses shall not have establishments exceeding 8,000 square feet of floor area, except where permitted by special use permit issued pursuant to section 16-32.007:
 1. Commercial recreation establishments, including theaters and health and fitness establishments, and other places of assembly and similar uses with primary activities conducted within fully enclosed buildings.
 - ii. Banks, credit unions, savings and loan associations, and similar financial institutions but not including any drive-through service window. Automatic teller machines and night drops are permitted.
 - f. The following uses shall not have establishments exceeding 12,000 square feet of floor area: professional offices, studios, and clinics (including veterinary if animals are kept within soundproofed buildings).
 - g. New telecommunication towers or wireless data equipment or structures within the central commercial area bounded by Moreland Avenue on the west, McPherson Avenue on the

north, Flat Shoals Avenue on the east, and Glenwood Avenue on the south. New telecommunication towers or wireless data equipment and structures shall only be permitted outside the central commercial area in accordance with the criteria set forth in section 16-25.002(3)(i)(iv)(c) demonstrating that such new tower is necessary. In establishing necessity, the applicant must provide a radio frequency analysis or other scientific study demonstrating why the tower or equipment is necessary outside of the permitted area. Economic considerations may not be used to establish necessity. The restrictions contained herein shall not be construed to include collocation of telecommunications equipment on existing buildings or structures.

3. Prohibited uses, In further limitation of those permitted principal uses and structures not permitted, as set forth in section 16-32.005:
 - a. Pawn shops.
 - b. Title loan and Payday loan/Advancement shops. This shall not be construed to include check cashing services.
4. Special Use Permits. In further limitation of those uses only permissible by special use permit set forth in section 16-32.007:
 - a. The following establishments greater than 8,000 square feet of floor area: Commercial recreation establishments, including theaters and health and fitness establishments, and other places of assembly and similar uses with primary activities conducted within fully enclosed buildings.
 - b. The following establishments between 8,000 and 15,000 square feet of floor area: Banks, credit unions, savings and loan associations, and similar financial institutions but not including any drive-through service window.
5. Special Administrative Permits: In further limitation of outdoor display or sales areas permitted by special administrative permit set forth in section 16-32.007(2), the following shall apply:
 - a. Outdoor display or sales areas shall not be permitted along Moreland Avenue or any parcel that shares a side yard with Moreland Avenue.
 - b. Outdoor display or sales areas shall display copies of the Business License and the approved Special Administrative Permit, name of the sales area Owner and Owner's contact information, at all times during hours of operation.
 - c. White tents that are 10 feet by 10 feet in size shall be required and all goods shall be stored within the tents.
 - d. Amplified music shall not be permitted and lighting shall not extend beyond the perimeter of the tent.
6. Transitional yards. In addition to the general NC district requirements of section 16-32.009, such yards shall be planted with evergreen trees spaced a maximum distance of 20 feet on center. Said trees shall be a minimum of two and one-half inches in caliper as measured 36 inches above ground, shall be a minimum of 12 feet in height, and shall have a 25 feet minimum mature height. In the transitional yards abutting parking structures, such trees shall be planted in a staggered double row spaced a maximum of 20 feet on center. Notwithstanding the foregoing, all plantings, planting replacement and planting removal shall be approved by the city arborist.
7. Maximum building heights.
 - a. Properties along the west side of Moreland Avenue south of Glenwood Avenue: Buildings within 150 feet of an R-1 through R-5 and PD-H district boundary shall have a maximum height of 35 feet and a total of three (3) stories. Structures that are between 150 feet and 300 feet from an R-1 through R-5 and PD-H district boundary shall have a maximum of height of 52 feet.

- b. Properties with frontage along the east side of Moreland Avenue: Buildings shall have a maximum height of 104 feet and a total of eight (8) stories.
 - c. All other areas: Buildings within 150 feet of an R-1 through R-5 and PD-H district boundary shall have a maximum height of 42 feet and a total of three (3) stories. Structures that are between 150 feet and 300 feet from an R-1 through R-5 and PD-H district boundary shall have a maximum of height of 66 feet and a total of five (5) stories.
 - d. Mezzanines and lofts shall be considered a story.
 - e. Building heights shall comply with the transitional height plane requirements of section 16-32.009.
8. Active-uses shall be required at the sidewalk-level of all buildings and structures, including parking decks.
- a. All buildings shall have a defined sidewalk-level for purposes of the active-use requirement. Active uses shall be required within buildings and parking structures at sidewalk-level for the entire length of said building façade except at ingress and egress points into parking structures or loading areas. When two or more floors meeting the definition of sidewalk-level exist within the same structure, this requirement shall only apply to the frontage of the sidewalk-level adjacent to the required sidewalk or provided supplemental zone.
 - b. Sidewalk-level: Any building floor within five (5) vertical feet of the adjacent required sidewalk or provided supplemental zone.
 - c. For the purposes of this chapter active uses shall be serviced by plumbing, heating, and electricity and shall not include parking, non-residential storage areas, driveways, or queuing lanes parallel to the adjacent street.
 - d. Minimum active use depths shall be provided as follows:
 - i. Buildings with residential uses at the sidewalk-level with no residential units located above or below a unit: a minimum depth of 10 feet as measured from the street-facing building façade.
 - ii. All other uses: A minimum depth of 20 feet as measured from the street-facing building façade.
9. Rooftop dining. Outdoor rooftop dining and outdoor amplified music shall not be permitted within 50 feet of any R-1 through R-5 district.
10. Outdoor dining. (In addition to encroachment agreement required as applicable by the Department of Public Works) Sidewalk-level outdoor dining may locate either within supplemental zones or by encroaching into the sidewalk clear zone. When outdoor dining encroaches into the sidewalk clear zone, the following criteria shall be met:
- a. Shall have a minimum of six (6) feet wide of unobstructed sidewalk clear zone area;
 - b. No permanent structure or ornamentation shall be located within the area where encroachment is permitted and no element shall be attached to the sidewalk in any way;
 - c. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter; and
 - d. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of thirty-six (36) inches including any plant material.
11. Dumpsters, bulk storage containers and other loading areas. In addition to the general NC district requirements of section 16-32.018, the following additional restrictions shall apply:
- a. Shall be paved with impervious materials.

- b. Shall be enclosed with a self-closing opaque gate and opaque walls or fencing. Said gate, walls and fencing shall be a minimum of twelve (12) inches higher than the dumpster receptacle. The maximum combined height of a dumpster and screening walls or fencing shall be seven (7) feet.
12. Building mechanical and accessory features. In addition to the general NC district requirements of section 16-32.018, the following additional restrictions shall apply:
 - a. When not located on rooftops and visible from the right-of-way shall be screened with landscaping consisting of a continuous hedge of evergreen shrubs, which shall be a minimum height of three (3) feet at time of planting and shall be maintained by the property owner.
 - b. When located on rooftops shall be placed at least ten (10) feet from the primary street front edge of the rooftop.
 13. Fencing. Barbed wire and razor wire shall not be permitted. Chain link fencing, other solid fencing, barbed wired, and razor wire shall be prohibited in the front yards of properties along Flat Shoals Ave. and Glenwood Ave. In addition to the general NC district requirements of section 16-32.015, any chain link fencing where permitted, shall be black or dark green vinyl coated. Barbed wire and razor wire shall not be permitted.
 14. Lighting. In addition to the general NC district requirements of section 16-32.021, all exterior lighting shall reduce light spillage onto adjacent properties by providing cutoff luminaries that have a maximum 90 degree illumination directed downwards and which shall not shine on any adjacent residentially zoned property.
 15. Curb cuts. In addition to the general NC district requirements of section 16-32.020, two curb cuts serving two one-way driveways shall only be counted as one curb cut.
 16. Off-Street Parking Requirements. In addition to the general NC district requirements of Section 16-32.023, the following parking requirements shall supplant the requirements for the uses specified below in the Table. The Director of the Office of Planning may approve through a Special Administrative Permit a reduction of parking through an off-site shared parking arrangement between any parcels located within the NC-2 district in accordance with the requirements of Section 16-32.023(3).

NC-2 East Atlanta Village Neighborhood Commercial District: Parking Table	
Permitted Use	Minimum Parking Requirement
• Banks and similar institutions	1 space per 300 square feet of floor area
• Clothing and Tailor Shops	
• Office	
• Retail Establishments (including catering, delicatessen and bakeries)	
• Sales and Repair Establishments	
• Laundry and dry cleaning pick-up stations and coin operated	

Laundromats	
• Dwellings and Lodgings	1 space per unit
• All other uses	As specified in Section 16-32.023
• Electric Vehicle Charging Requirements	None

(Ord. No. 2013-36(11-O-0533), § 1, 7-24-13)

CHAPTER 32C. - NC-3 KIRKWOOD NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 16-32C.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 for the NC-3 Kirkwood Neighborhood Commercial District. The general NC district regulations shall apply to this NC-3 district except where said NC-3 district regulations conflict with the general NC regulations, said NC-3 regulations shall apply.

(Ord. No. 2003-103, § 1, 11-10-03)

Sec. 16-32C.002. - Specific regulations.

The following regulations are specific to the NC-3 Kirkwood Neighborhood Commercial District.

1. Permitted principal uses:
 - a. The number of automobile service stations within the district shall not exceed one.
 - b. Bakeries and catering establishments shall provide a retail component to serve the neighborhood comprising a minimum total floor area of 200 square feet.
 - c. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities shall not exceed 2,000 square feet.
 - d. Parking structures and lots to serve primary uses within the district.
 - e. Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar household goods shall be conducted within fully enclosed buildings.
2. Prohibited uses:
 - a. Amusement arcades and game rooms.
 - b. Roominghouses.
 - c. Single room occupancy.
 - d. Tattoo and body piercing establishments.
 - e. Telecommunication switchboards, power generators and other telecommunications relay equipment and rooms or floors housing them are not permitted.
 - f. Grocery stores greater than 15,000 square feet.
3. Special use permits:
 - a. Clubs and lodges.
 - b. Hotels containing no more than eight rooms. Further, said hotels shall contain no more than 500 square feet of meeting facilities and no hotels shall be located nearer than 500 feet from the boundaries of any public elementary or secondary school.
 - c. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities between 2,000 square feet and 8,000 square feet.
4. Special administrative permits: Variations in street tree requirements. Variations are subject to constraints such as overhead or underground utilities.
5. Outdoor dining within required sidewalk: Outdoor dining may encroach into the sidewalk clear zone provided the following criteria are met:

- a. Shall have a minimum of six feet wide of unobstructed sidewalk clear zone area when located adjacent to the street furniture and tree planting zone contiguous to on-street parking;
 - b. Shall have a minimum of eight feet wide of unobstructed sidewalk clear zone area when located adjacent to the street furniture and tree planting zone and not contiguous to on-street parking;
 - c. No permanent structure or ornamentation shall be located within the area where encroachment is permitted and no element shall be attached to the sidewalk in any way;
 - d. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter; and
 - e. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of 36 inches including any plant material.
6. Minimum off-street parking requirements:
- a. Banks and similar institutions: One space for each 300 square feet of floor area.
 - b. Clothing and tailor shops: One space for each 300 square feet of floor area.
 - c. Laundry and dry cleaning pick-up stations and coin operated laundromats:
One space for each 300 square feet of floor area.
 - d. Retail establishments, including catering, delicatessen and bakeries, but not other uses as provided below: One space for each 300 square feet of floor area.
 - e. Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and watches, and the like: One space for each 300 square feet of floor area.

(Ord. No. 2003-103, § 1, 11-10-03)

CHAPTER 32D. - NC-4 CHESHIRE BRIDGE ROAD NORTH NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 16-32D.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 for the NC-4 Cheshire Bridge Road North Neighborhood Commercial District. The general NC district regulations shall apply to this NC-4 district except where said NC-4 district regulations conflict with the general NC regulations, said NC-4 regulations shall apply.

(Ord. No. 2005-31, § 1, 1-10-05)

Sec. 16-32D.002. - Specific regulations.

The following regulations are specific to the NC-4 Cheshire Bridge Road North Neighborhood Commercial District.

1. Permitted Principal Uses: Parking structures and lots to serve primary uses within the district.
2. Special Use Permits: Retail establishments between 8,000 square feet and 15,000 square feet in floor area.
3. Special Administrative Permits:
 - a. Variations in street tree requirements. Variations are subject to constraints such as overhead or underground utilities.
 - b. Demolition and relocation of existing retail establishments that exceed 8,000 square feet into a new structure, provided that there is no increase in total floor area of the establishment.
4. Street furniture and tree planting zone: Along Cheshire Bridge Road the street furniture and tree planting zone shall be landscaped except where on-street parking is provided, and shall have a minimum width of ten feet adjacent to curb. On-street parking may be placed in the street furniture zone, provided that street trees are installed in bulb-outs located at intervals within the area used for on-street parking, as approved by the Bureau of Planning.
5. Outdoor dining within required sidewalk: outdoor dining may encroach into the sidewalk clear zone provided the following criteria are met:
 - a. Shall have a minimum of 8 feet wide of unobstructed sidewalk clear zone area when located adjacent to the street furniture and tree planting zone;
 - b. No permanent structure or ornamentation shall be located within the area where encroachment is permitted and no element shall be attached to the sidewalk in any way;
 - c. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this Chapter; and
 - d. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of 36 inches including any plant material.
6. Minimum Off-street Parking Requirements:
 - a. Banks and similar institutions: One space for each 300 square feet of floor area.
 - b. Clothing and tailor shops: One space for each 300 square feet of floor area.

- c. Laundry and dry cleaning pick-up stations and coin operated laundromats: One space for each 300 square feet of floor area.
- d. Retail establishments, including catering, delicatessen and bakeries, but not other uses as provided below. One space for each 300 square feet of floor area.
- e. Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and watches, and the like: One space for each 300 square feet of floor area.

(Ord. No. 2005-31, § 1, 1-10-05)

CHAPTER 32E. - NC-5 CHESHIRE BRIDGE ROAD SOUTH NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 16-32E.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 for the NC-5 Cheshire Bridge Road South Neighborhood Commercial District. The general NC district regulations shall apply to this NC-5 district except where said NC-5 district regulations conflict with the general NC regulations, said NC-5 regulations shall apply.

(Ord. No. 2005-32, § 1, 1-10-05)

Sec. 16-32E.002. - Specific regulations.

The following regulations are specific to the NC-5 Cheshire Bridge Road South Neighborhood Commercial District.

1. Permitted Principal Uses: Parking structures and lots to serve primary uses within the district.
2. Special Use Permits: Retail establishments between 8,000 square feet and 15,000 square feet in floor area.
3. Special Administrative Permits:
 - a. Variations in street tree requirements. Variations are subject to constraints such as overhead or underground utilities.
 - b. Demolition and relocation of existing retail establishments that exceed 8,000 square feet into a new structure, provided that there is no increase in total floor area of the establishment.
4. Street furniture and tree planting zone: Along Cheshire Bridge Road the street furniture and tree planting zone shall be landscaped except where on-street parking is provided, and shall have a minimum width of ten feet adjacent to curb. On-street parking may be placed in the street furniture zoned, provided that street trees are installed in bulb-outs located at intervals within the area used for on-street parking, as approved by the Bureau of Planning.
5. Outdoor dining within required sidewalk: outdoor dining may encroach into the sidewalk clear zone provided the following criteria are met:
 - a. Shall have a minimum of eight feet wide of unobstructed sidewalk clear zone area when located adjacent to the street furniture and tree planting zone;
 - b. No permanent structure or ornamentation shall be located within the area where encroachment is permitted and no element shall be attached to the sidewalk in any way;

- c. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this Chapter; and
 - d. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of 36 inches including any plant material.
6. Minimum Off-street Parking Requirements:
- a. Banks and similar institutions: One space for each 300 square feet of floor area.
 - b. Clothing and tailor shops: One space for each 300 square feet of floor area.
 - c. Laundry and dry cleaning pick-up stations and coin operated laundromats: One space for each 300 square feet of floor area.
 - d. Retail establishments, including catering, delicatessen and bakeries, but not other uses as provided below: One space for each 300 square feet of floor area.
 - e. Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and watches, and the like: One space for each 300 square feet of floor area.

(Ord. No. 2005-32, § 1, 1-10-05)

CHAPTER 32F. - NC-6 CASCADE HEIGHTS NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 16-32F.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 for the NC-6 Cascade Heights Neighborhood Commercial District. The following NC-6 District regulations shall apply in addition to those of the general NC District regulations: except where said NC-6 District regulations conflict with the general NC regulations, said NC-6 regulations shall apply.

(Ord. No. 2009-49(08-O-1020), § 1, 8-26-09; [Ord. No. 2013-50\(13-O-1046\), § 1, 10-16-13](#))

Sec. 16-32F.002. - Specific regulations.

The following regulations are specific to the NC-6 Cascade Heights Neighborhood Commercial District:

1. NPU notification. In addition to required SAP submittal, the applicant shall also provide to the director of the office of planning a United States Postal Service proof of a certificate of mailing (first-class) of one copy of the full SAP application to the appropriate neighborhood planning unit (NPU) chair or their designee for the purpose of notification and comment, and also a signed affidavit of said NPU notification. Said appropriate NPU shall have a period of 21 days from the date of the said certificate of mailing to provide one set of written comments to the office of planning prior to any SAP approval.
2. Prohibited uses: In further limitation of those permitted principal uses and structures not permitted, as set forth in section 16-32.005:
 - a. Eating and drinking establishments meeting the definition of "nightclub" set forth in chapter 10 of the Code of Ordinances (alcoholic beverages).
 - b. Speakers and amplified music located outside enclosed permanent structures.
 - c. Park-for-hire facilities on surface lots.
 - d. Pawn shops.
 - e. Tattoo and body piercing establishments.
4. Permitted principal uses: In further limitation of those permitted principal uses and structures set forth in section 16-32.005:
 - a. The following uses shall be permitted provided that they are separated from another parcel having the same permitted use by a minimum horizontal distance of 1,000 linear feet as measured from property line to property line:
 - i. Automobile service stations.
 - ii. Dry cleaning establishments.
 - iii. Hair salons, barber shops, beauty supply, beauty school, and nail salons. This shall not be construed to mean that two such uses within the same parcel shall be prohibited.
 - b. Package stores within the district provided that they are separated from another parcel with the same permitted use by a minimum horizontal distance of 1,500 linear feet, measured from property line to property line.
 - c. Parking structures and surface lots to serve primary uses within the district.

- d. Retail establishments shall not exceed 5,000 square feet except where permitted by special use permit issued pursuant to this section 16-32F.
5. Hours of operation for certain primary and accessory uses:
- a. Commercial recreation establishments, including theaters and other similar places of assembly (not to be construed as churches or similar places of religious assembly) with primary activities conducted within fully enclosed buildings: shall not operate between the hours of 2:00 a.m. to 7:00 a.m.
 - b. Eating and drinking establishments: shall not operate between the hours of 2:00 a.m. to 6:30 a.m., Monday through Thursday. There shall be no limit to hours of operation Friday and Saturday.
 - c. Clubs and lodges: shall not operate between the hours of 2:00 a.m. to 7:00 a.m.
 - d. Grocery stores: shall have no limit to hours of operation.
 - e. All other uses: No use shall operate for services to the general public between the hours of 11:00 p.m. to 7:00 a.m.
6. Special use permits: In further limitation of those uses only permissible by special use permit set forth in section 16-32.007:
- a. Commercial recreation establishments, including theaters and other places of assembly and similar uses with primary activities conducted within fully enclosed buildings.
 - b. Retail establishments between 5,000 square feet and 15,000 square feet in floor area.
7. Special administrative permits. In addition to the uses permitted by special administrative permit, the following administrative variations shall be permitted:
- a. Street tree requirements: Variations are subject to constraints such as overhead or underground utilities, topography, or for the preservation of existing trees greater than six inches in caliper measured four and one-half feet above the natural grade at the base.
 - b. Street furniture and tree planting zone: On-street parking may be placed in the street furniture zone, provided that street trees are installed in bulb-outs located at intervals within the area used for on-street parking, as approved by the director of the office of planning.
 - c. Sidewalk and supplemental zone width requirements: In blocks where 50 percent or more of the buildings were built before 1950, width requirements may be reduced to match the existing building setbacks, as measured from the curb, of the nearest two adjacent buildings located on the same side of the street. Sidewalk and supplemental zone width requirements may also be varied subject to constraints related to existing topography or preservation of existing trees (as noted above). The materials for the supplemental zone shall be finished with either patterned concrete, brick or stone in a scale to reduce the scale of the surface.
 - d. Outdoor dining within required sidewalk for new and pre-existing buildings: Outdoor dining may encroach into the sidewalk clear zone provided all of the following criteria are met:
 - i. Shall have an unobstructed sidewalk width of a minimum of six feet along Cascade Road and four feet along all other streets. Said outdoor dining area shall also not be located within five feet of a pedestrian crosswalk, handicap ramp, taxi stand, fire hydrant, FDC (Fire Department Connection) equipment on building façades, and within eight feet of driveways, and within 15 feet of transit stops or transit shelters. In areas of congested pedestrian activity and or pedestrian safety concerns, the director is authorized to require a wider pedestrian path, as circumstances dictate.
 - ii. No permanent structure or ornamentation shall be located within the area where encroachment is permitted.

- iii. The outdoor dining area shall be visually delineated on the sidewalk with pavers or in an alternative manner, as approved by the director of the office of planning, which may include movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of 36 inches including any plant material. Tables, chairs, umbrellas, and any other furniture shall not extend outside of the designated dining area.
 - iv. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter.
- 8. Maximum building heights. Structures which are within 150 feet of an R-1 through R-5 and PD-H District boundary shall have a maximum of three stories and a height of 42 feet. Structures that are between 150 feet and 300 feet from an R-1 through R-5 and PD-H District boundary shall have a maximum of five stories and a height of 66 feet. Mezzanines and lofts shall be considered a story.
- 9. In addition to the requirements of section 16-32.015 the following building design requirements shall apply:
 - a. Building entrances: The primary pedestrian entrance facing the street and sidewalk shall be articulated and differentiated from other components of the façade with two or more of the following elements:
 - i. Recessed entries, not exceeding five feet in depth from the façade;
 - ii. Entry surrounds;
 - iii. Transom windows;
 - iv. Awnings or canopies. Metal awnings are prohibited.
 - b. Building stoops, steps and cheek walls facing the street and sidewalk shall be finished with either patterned concrete, brick or stone. Steps shall have closed risers, ends and cheek walls.
 - c. Building façade materials shall consist of the following for principal and accessory structures:
 - i. All structures:
 - 1) All exterior façades adjacent to and/or visible from a public street shall be predominately at least 60 percent brick per vertical wall plane. Stone, cast stone or three-part hard coat stucco may comprise the remainder of such building façade(s).
 - 2) All exterior façades not adjacent to and/or visible from a public street shall be brick, stone, cast stone, three-part hard coat stucco, architecturally treated concrete masonry units, split-faced concrete, or split-faced brick.
 - 3) Accent building materials of non-reflective glass, natural stone, true stucco, glass block shall not exceed 40 percent per vertical wall plane.
 - 4) Exposed concrete masonry unit (CMU) block, corrugated steel panels, aluminum siding, vinyl siding, wood siding, prefabricated metal, exposed pressboard are prohibited as exterior finishes.
 - 5) façade materials of accessory structures shall match materials of the principal structure(s).
 - ii. Retaining walls: Shall be faced with or constructed of stone, brick, or decorative concrete modular block only.
- 10. In addition to the requirements of section 16-32.018 "Loading areas, loading dock entrances and building mechanical and accessory features":

- a. Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public right-of-way, park or plaza, outdoor dining area, or adjacent property.
 - b. Dumpsters shall be screened with brick opaque walls and a self-closing opaque gate along one side which matches the brick color. Said screening shall be 12 inches above the dumpster at a maximum height of seven feet.
 - c. Building mechanical and accessory features not located on rooftops shall provide landscaping or similar screening. Said shrubbery shall consist of a continuous hedge of evergreen shrubbery, and shall be a minimum height of three feet at time of planting and reach a minimum height of six feet at maturity.
11. Security materials: Burglar bars, steel gates, and steel-roll down doors or shutters are prohibited on the exterior of a structure when visible from any public or private street. Interior security roll down doors shall allow 80 percent visibility into the tenant space and shall be fully retractable during business hours of operation.
 12. Lighting: Lights outlining and/or detailing a building and/or windows are prohibited.
 13. Vending machines, paper stands, and other similar devices shall be located interior to the building structure.
 14. In addition to the requirements of section 16-32.020 "Curb cuts and parking structures", two curb cuts serving two one-way driveways shall only be counted as one curb cut.
 15. Off-street parking requirements: In addition to requirements provided in section 16-32.023 "minimum parking requirements," the following parking requirements shall supplant the requirements for the uses specified below in the table.

NC-6 CASCADE HEIGHTS NEIGHBORHOOD COMMERCIAL DISTRICT: PARKING TABLE	
Permitted Use	Minimum Parking Requirement*
Banks and similar institutions	4.0 spaces per 1,000 sq. ft.
Retail establishments (including catering, delicatessen and bakeries) clothing and tailor shops sales and repair establishments	4.0 spaces per 1,000 sq. ft.
Eating and drinking establishments	5.0 spaces per 1,000 sq. ft.
Outdoor dining (greater than 25% of the enclosed floor area)	3.0 spaces per 1,000 sq. ft.
Office	2.0 spaces per 1,000 sq. ft.

Dwellings and lodgings	1.0 space per unit
All other non-residential uses and Accessory Uses, not otherwise identified in section 16-32.023	2.0 spaces per 1,000 sq. ft.
Electric vehicle charging requirements	None
Minimum parking requirements may be reduced within the NC-6 district provided a shared parking arrangement subject to requirements of section 16-32.023(3).	

(Ord. No. 2009-49(08-O-1020), § 1, 8-26-09; [Ord. No. 2013-50\(13-O-1046\), § 1, 10-16-13](#))

CHAPTER 32G. - NC-7 EXISTING TRADITIONAL NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 16-32G.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 for the NC-7 Existing Traditional Neighborhood Commercial District. The following NC-7 District regulations shall apply in addition to those of the general NC District regulations; except where said NC-7 District regulations conflict with the general NC regulations, said NC-7 regulations shall apply. Whenever the following regulations conflict with historic district regulations of Part 16, Chapter 20 the more stringent regulations shall apply with the exception of required yard setbacks in which case the specific NC District regulations shall apply.

(Ord. No. 2008-66(08-O-0297), § 1, 7-28-08)

Sec. 16-32G.002. - Supplemental procedures.

In addition to the special administrative permit (SAP) procedures specified in sections 16-32.004 and 16-25.004, the applicant shall provide to the director of the bureau of planning evidence that one copy of the full SAP application has been provided to the appropriate Neighborhood Planning Unit (NPU) Zoning Contact or their designee for the purpose of notification prior to the date the special administrative permit is filed.

(Ord. No. 2008-66(08-O-0297), § 1, 7-28-08)

Sec. 16-32G.003. - Specific regulations.

The following regulations are specific to the NC-7 Existing Traditional Neighborhood Commercial District:

1. Prohibited primary and accessory uses:
 - a. Automobile service stations including automobile maintenance and repair shops and car washes.
 - b. Barber shops, beauty shops, manicure shops and similar personal service establishments greater than 5,000 square feet.
 - c. Commercial recreation uses including bowling alleys, poolrooms, billiard parlors, amusement arcades and game rooms.
 - d. Eating and Drinking Establishments that receive an alcohol license as a nightclub establishment.
 - e. Grocery stores greater than 15,000 square feet.
 - f. Hotels and motels.
 - g. Park-for-hire facilities.
 - h. Pawn shops.
 - i. Telecommunication switchboards, power generators and other telecommunications relay equipment and rooms or floors housing them.
 - j. Tattoo and body piercing establishments.
 - k. Other uses for the purpose of lottery sales, games of chance, or gambling.

2. Hours of operation:
 - a. No use shall operate between the hours of 2:00 a.m. to 6:30 a.m.
 - b. No use for purposes of commercial sales or service, including outdoor dining, shall be allowed to operate outside enclosed permanent structures between the hours of 11:00 p.m. to 6:30 a.m.
 - c. The collection of refuse or garbage shall not occur between the hours of 8:00 p.m. to 7:00 a.m.
3. Transitional yards and screening:
 - a. Where this district adjoins an R-1 through R-5, RG-1, RG-2, MR-1, MR-2, RLC or PD-H district without an intervening street and with an existing building or a structure which is to remain within 20 feet of the adjacent residential districts described above: The transitional yard(s) required shall be no less than the minimum existing transitional yard provided unless granted a special exception by the board of zoning adjustment. Such yard shall not be used for the purpose of providing either: new parking, new paving, new loading, new servicing or any other new activity with the exception of pedestrian walkways or trails. Such yards shall otherwise be planted as approved by the city arborist and maintained as a landscaped strip.
 - b. Where this district adjoins an R-1 through R-5, RG-1, RG-2, MR-1, MR-2, RLC or PD-H district without an intervening street and does not contain an existing building or a structure within 20 feet of the adjacent residential districts described above: a minimum of 20 feet is required which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of pedestrian walkways, trails, private alleys or drives up to ten feet in width. Such yards shall otherwise be planted as approved by the city arborist and maintained as a landscaped strip.
 - c. Screening: In addition to the above transitional yard requirements, opaque walls a minimum of six feet in height shall be provided and maintained in a sightly condition.
4. Special administrative permits. In addition to the variations specified in section 16-32. et al., The following administrative variations shall be permitted:
 - a. Street tree requirements. Variations are subject to constraints such as overhead or underground utilities, topography, or for the preservation of existing trees greater than six inches in caliper measured four and one-half feet above the natural grade at the base.
 - b. Street furniture and tree planting zone: On-street parking may be placed in the street furniture zone, provided that street trees are installed in bulb-outs located at intervals within the area used for on-street parking, as approved by the bureau of planning.
 - c. Sidewalk and supplemental zone width requirements: In blocks where 50 percent or more of the buildings were built before 1950, width requirements may be reduced to match the existing building setbacks, as measured from the curb, of the nearest two adjacent buildings located on the same side of the street. Sidewalk and supplemental zone width requirements may also be varied subject to constraints related to existing topography or preservation of existing trees (as noted above).
 - d. Outdoor dining within required sidewalk for new and pre-existing buildings: outdoor dining may encroach into the sidewalk clear zone provided all of the following criteria are met:
 - i. Shall have a minimum of four feet width of unobstructed sidewalk area. In areas of congested pedestrian activity and or pedestrian safety concerns, the director is authorized to require a wider pedestrian path, as circumstances dictate.
 - ii. No permanent structure or ornamentation shall be located within the area where encroachment is permitted.

- iii. The outdoor dining area shall be visually delineated on the sidewalk with pavers (or similar treatment) and may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of 36 inches including any plant material. Tables, chairs, umbrellas, and any other furniture shall not extend outside of the designated dining area.
 - iv. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter.
5. In addition to the requirements of section 16-32.018 "loading areas, loading dock entrances and building mechanical and accessory features":
 - a. Dumpsters and bulk storage containers: shall be limited in height to seven feet above finished grade and provide opaque walls a minimum of 12 inches higher than said dumpster or storage container to provide screening so as not to be visible from any public right-of-way, park or plaza, outdoor dining area, or adjacent property. Chain link and similar fencing in combination with other screening elements shall not be allowed to satisfy said opaque wall screening requirement. In addition to the above screening requirements, dumpsters shall be located upon impervious materials.
 - b. Loading areas: shall be located upon impervious materials and shall be screened (from locations as described in 16-32G.004(a) above.) so as not to be visible from any public right-of-way, park or plaza, outdoor dining area, or adjacent property.
 - c. Building mechanical and accessory features not located on rooftops shall provide opaque landscaping or similar screening (from locations as described in 16-32G.004(a) above.) so as not to be visible from any public right-of-way, park or plaza, outdoor dining area, or adjacent property.
 - d. Exterior utility connections, with the exception of life safety connections, shall not to be visible from any public right-of-way, park or plaza, or outdoor dining area.
 6. Bulk limitations: Residential floor area ratio (FAR) shall not exceed an amount equal to 0.696 times the gross lot area.
 7. Maximum building height: In addition to requirements provided in section 16-32.012(2), no structure shall exceed a height of 52 feet at a distance of 300 feet or greater from the nearest single-family residential district.
 8. In addition to the requirements of section 16-32.020 "Curb cuts and parking structures," two curb cuts serving two one-way driveways shall only be counted as one curb cut.
 9. Off-street parking requirements: In addition to requirements provided in section 16-32.023 "Minimum Parking Requirements", the following parking requirements shall supplant the requirements for the uses specified below in the Table.

NC-7 EXISTING TRADITIONAL NEIGHBORHOOD COMMERCIAL DISTRICT:	
PARKING TABLE	
Permitted Use	Minimum Parking Requirement*
Retail Establishments (including bakeries & catering establishments) Tailoring, custom dressmaking, millinery & similar establishments Sales and Repair Establishments	4.0 spaces per 1,000 sq. ft.

Eating and Drinking Establishments Outdoor Dining (if greater than 25% of the enclosed floor area; otherwise no minimum parking requirement)	3.0 spaces per 1,000 sq. ft. 3.0 spaces per 1,000 sq. ft.
Office	2.0 spaces per 1,000 sq. ft.
Dwellings and Lodgings	1.0 space per unit
All other non-residential uses and accessory uses, not otherwise identified in section 16-32.023	2.0 spaces per 1,000 sq. ft.
Electric Vehicle Charging Requirements	None
*Minimum parking requirements may be reduced within the NC-7 district provided a shared parking arrangement subject to requirements of section 16-32.023(3).	

10. Building materials: No exterior insulation finishing system (EIFS) shall be used that is visible from any public right-of-way, park or plaza, outdoor dining area, or adjacent property.

(Ord. No. 2008-66(08-O-0297), § 1, 7-28-08)

CHAPTER 32J. - NC-10 AMSTERDAM NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 16-32J.001. - Scope of provisions.

The regulations set forth in this chapter are the specific regulations for the NC-10 Amsterdam Neighborhood Commercial District. These regulations set forth herein shall apply in this district in addition to the general NC regulations or shall be applied instead of the general NC regulations where these regulations differ from the general NC regulations.

(Ord. No. 2008-88(08-O-1758), § 1, 12-10-08)

Sec. 16-32J.002. - Specific regulations.

The following regulations are specific to NC-10 Amsterdam Neighborhood Commercial District.

1. NPU notification. In addition to the required SAP submittal, the applicant shall also provide to the director of the bureau of planning a United States Postal Service certificate of mailing (first-class) of one copy of the full SAP application to the appropriate Neighborhood Planning Unit (NPU) chair or their designee for the purpose of notification and comment, and also a signed affidavit of said NPU notification. Said appropriate NPU shall have a period of 21 days from the date of the said certificate of mailing to provide one set of written comments to the bureau of planning prior to any SAP approval.
2. Establishment of subareas. The NC-10 Amsterdam Neighborhood Commercial District is divided into two subareas as shown on "Attachment A". The subareas are described as follows:
Subarea 1: Amsterdam Mixed Use.
Subarea 2: Amsterdam Parking.
3. Principal uses.
 - a. Subarea 1.
 - i. Gasoline service stations within the district shall be prohibited.
 - ii. The number of eating and drinking establishments within the district shall not exceed six such uses.
 - b. Subarea 2. Uses shall be limited to parking only.
4. Maximum building heights. Structures within the district shall have a maximum height of 42 feet and three floors.
5. Supplemental zone. Supplemental zones are optional and shall not be required on any street in this district.
6. Outdoor dining. Outdoor dining may locate either within supplemental zones or by encroaching into the sidewalk clear zone. When outdoor dining encroaches into the sidewalk clear zone, the following criteria shall be met:
 - a. Shall have a minimum of six feet wide of unobstructed sidewalk clear zone area;
 - b. No permanent structure or ornamentation shall be located within the area where encroachment is permitted and no element shall be attached to the sidewalk in any way;
 - c. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter; and

- d. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of 36 inches including any plant material.
7. Relationship of building to street. Active uses shall be required at the sidewalk-level of all buildings and structures,
- a. All buildings shall have a defined sidewalk-level for purposes of the active-use requirement. Active uses shall be required within buildings and parking structures at sidewalk-level for the entire length of said building façade except at ingress and egress points into parking structures or loading areas. When two or more floors meeting the definition of sidewalk-level exist within the same structure, this requirement shall only apply to the frontage of the sidewalk-level adjacent to the required sidewalk or provided supplemental zone.
 - b. Sidewalk-level: any building floor within five vertical feet of the adjacent required sidewalk or provided supplemental zone.
 - c. For the purposes of this chapter active uses shall be serviced by plumbing, heating, and electricity and shall not include parking, non-residential storage areas, driveways, or queuing lanes parallel to the adjacent street.
 - d. Minimum active use depths shall be provided for a minimum depth of 20 feet as measured from the street-facing building façade.
8. Parking requirements.
- a. A maximum parking ratio equivalent to 1.25 times the minimum parking ratios of section 16-32.023 shall be applied to all non-residential uses. Parking spaces shall not be permitted in excess of the maximum parking ratio for said uses.
 - b. Above-ground parking structures shall have planted within adjacent transitional yards a staggered double-row of Japanese Cryptomeria (*Cryptomeria japonica*) trees, or equivalent evergreen species, located a maximum of 16 feet on-center and with a minimum planted height of eight feet and a minimum mature height of 25 feet. These requirements shall supplant the landscape requirements of section 16-28.028(c)(iii).
 - c. Above-ground parking structures which are located in Subarea 2 shall:
 - i. Have a maximum height of 14 feet as measured from the lowest finished grade located in Subarea 2 at the time of adoption of the NC-10 district, to the top of the subject exterior wall structure with the exception of vertical circulation elements such as elevator shafts, stairwells or lighting,
 - ii. Utilize only brick, wood, stucco, stone or mansard as exterior materials. All materials shall be earth-toned.
 - d. Off-site parking: Off-street required parking shall be permitted to be located off-site of the primary use anywhere within the NC-10 zoning district. All parking spaces shall be clearly marked and signed as reserved during specified hours. An applicant shall submit the following information:
 - i. A to-scale map indicating location of the proposed parking spaces;
 - ii. Hours of business operation;
 - iii. Written consent from property owner of the proposed off-site parking area;
 - iv. Copies of parking leases. Renewed leases shall be provided to the Bureau of Buildings. Lapse of a required lease agreement shall terminate the permit.

(Ord. No. 2008-88(08-O-1758), § 1, 12-10-08)

CHAPTER 32K. - NC-11 VIRGINIA-HIGHLAND NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 16-32K.001. - Scope of provisions.

The regulations set forth in this chapter are the specific regulations for the NC-11 Virginia-Highlands Neighborhood Commercial District. These regulations set forth herein shall apply in this district in addition to the general NC regulations or shall be applied instead of the general NC regulations where these regulations differ from the general NC regulations.

(Ord. No. 2008-86(08-O-1755), § 1, 12-10-08)

Sec. 16-32K.002. - Specific regulations.

The following regulations are specific to NC-11 Virginia-Highland Neighborhood Commercial District.

1. NPU notification. In addition to the required SAP submittal, the applicant shall also provide to the director of the bureau of planning a United States Postal Service certificate of mailing (first-class) of one copy of the full SAP application to the appropriate Neighborhood Planning Unit (NPU) chair or their designee for the purpose of notification and comment, and also a signed affidavit of said NPU notification. Said appropriate NPU shall have a period of 21 days from the date of the said certificate of mailing to provide one set of written comments to the bureau of planning prior to any SAP approval.
2. Principal uses. The number of gasoline service stations within the district shall not exceed one.
3. Transitional yards. In addition to the requirements of section 16-32.009, the following requirements shall apply:
 - a. Above-ground parking structures located adjacent to transitional yards shall have planted within such yards a staggered double-row of Japanese Cryptomeria (*Cryptomeria japonica*) trees, or equivalent evergreen species, spaced a maximum distance of 16 feet on-center. Said trees shall have a minimum planted height of eight feet and a minimum mature height of 25 feet. These requirements shall apply throughout the district with the exception of parcels noted below in subsection (b).
 - b. For parcels located east of North Highland Avenue and south of Virginia Avenue, the following regulations shall apply:
 - i. Side and rear yards. Accessory parking lots or parking structures shall be permitted to be located within the side and rear transitional yard.
 - ii. Landscaping. Evergreen trees a minimum of six feet in height shall be provided within the transitional rear yard at a minimum ratio of one tree per 400 square feet of transitional rear yard. Said plantings may be permitted to be planted within accessory parking lots or parking structures.
 - iii. Additional screening. In addition to the screening requirements of section 16-32.009.3(b), the following additional regulations shall apply within the transitional yard:
 - 1) The finished height of any parking structure shall be a minimum of seven feet below the finished height of the required opaque screen wall or the adjacent grade, whichever is greater.
 - 2) Evergreen landscaping shall be planted on both sides of the opaque screen wall for the purposes of covering the wall with landscaping.

- c. The landscape requirements of this subsection shall supplant the landscape requirements of section 16-28.028(c)(iii).
- 4. Maximum building heights. Structures within the district shall have a maximum height of 42 feet and three floors.
- 5. Supplemental zone. Supplemental zones are optional and shall not be required on any street in this district.
- 6. Outdoor dining. Outdoor dining may locate either within supplemental zones or by encroaching into the sidewalk clear zone. When outdoor dining encroaches into the sidewalk clear zone, the following criteria shall be met:
 - a. Shall have a minimum of six feet wide of unobstructed sidewalk clear zone area;
 - b. No permanent structure or ornamentation shall be located within the area where encroachment is permitted and no element shall be attached to the sidewalk in any way;
 - c. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter; and
 - d. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of 36 inches including any plant material.
- 7. Relationship of building to street. Active uses shall be required at the sidewalk level of all buildings and structures.
 - a. All buildings shall have a defined sidewalk-level for purposes of the active-use requirement. Active uses shall be required within buildings and parking structures at sidewalk-level for the entire length of said building façade except at ingress and egress points into parking structures or loading areas. When two or more floors meeting the definition of sidewalk-level exist within the same structure, this requirement shall only apply to the frontage of the sidewalk-level adjacent to the required sidewalk or provided supplemental zone.
 - b. Sidewalk-level: any building floor within five vertical feet of the adjacent required sidewalk or provided supplemental zone.
 - c. For the purposes of this chapter active uses shall be serviced by plumbing, heating, and electricity and shall not include parking, non-residential storage areas, driveways, or queuing lanes parallel to the adjacent street.
 - d. Minimum active use depths shall be provided for a minimum depth of 20 feet as measured from the street-facing building façade.
- 8. Parking requirements.
 - a. General:
 - i. Off-site parking: Any required parking shall be permitted to locate off-site anywhere within the NC-11 district by means of a special administrative permit approval, except as noted below in subsection 8(b) for eating and drinking establishments.
 - ii. Shared parking. For the purposes of this NC district, a shared parking arrangement shall be defined as the use of a parking space by vehicles generated by two or more individual business establishments without conflict or encroachment. The director of the bureau of planning may grant an administrative variation (through a special administrative permit) to reduce parking requirements through a shared parking arrangement (whether on-site or off-site) subject to the following criteria:
 - 1) The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access; and

- 2) All shared parking spaces shall be clearly marked and signed reserved during specified hours which shall not be less than the hours of operation of the use.
 - iii. An applicant seeking a special administrative permit for off-site parking or approval of a shared parking arrangement shall submit the following information:
 - 1) A to-scale map indicating location of the proposed parking spaces;
 - 2) Hours of business operation;
 - 3) Written consent from property owner of the proposed off-site parking area;
 - 4) Leases shall be provided to the bureau of buildings prior to the issuance of a certificate of occupancy. Lapse of a required lease shall render the business out of compliance with the parking regulations.
 - iv. Reduction in parking. Reductions in parking requirements, except as noted in subsection (ii) above for shared parking arrangements, shall require a special exception by the board of zoning adjustments.
- b. Eating and drinking establishments.
- i. Off-site parking. At any time when 14 eating and drinking establishments are legally permitted to operate within the district, no additional eating and drinking establishment shall be granted an administrative variation to allow for off-site parking but shall seek such relief from the board of zoning adjustment by special exception. As of the effective date of this chapter, the director of the bureau of planning (the "director") shall create and maintain a census of the total number of eating and drinking establishments operating in the district. The census shall be verified to confirm the actual number of eating and drinking establishments in operation in the district within 15 days of the date that an application for a variation to allow for off-site parking for an eating and drinking establishment is received by the director to determine whether an application to the board of zoning adjustment is required.
 - ii. Shared parking. Parking facilities containing the required parking for any eating and drinking establishment shall not provide less than the total of the minimum number of parking spaces that are required for each individual eating and drinking establishment which claims that the parking facility is being used to meet its parking requirement. No individual use meeting its required parking within a facility that serves multiple uses may claim any space that is being utilized by another use unless those spaces are the subject of a shared parking arrangement as permitted in subsection (iii) below.
 - iii. Reduction of parking. Eating and drinking establishments shall not be granted an administrative variation to reduce the required parking or utilize shared parking but may seek this relief by application to the board of zoning adjustment for a special exception. All other uses seeking to reduce their parking through a shared parking arrangement shall comply with subsection 8(a) above.
 - iv. Parking signage. Parking facilities providing parking to serve multiple business establishments (whether on-site or off-site) shall include signage that identifies all said business establishments. Such signage shall be visible near the entrance(s) of said parking facility.

(Ord. No. 2008-86(08-O-1755), § 1, 12-10-08)

CHAPTER 32L. - NC-12 ATKINS PARK NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 16-32L.001. - Scope of provisions.

The regulations set forth in this chapter are the specific regulations for the NC-12 Atkins Park Neighborhood Commercial District. These regulations set forth herein shall apply in this district in addition to the general NC regulations or shall be applied instead of the general NC regulations where these regulations differ from the general NC regulations.

(Ord. No. 2008-87(08-O-1757), § 1, 12-10-08)

Sec. 16-32L.002. - Specific regulations.

The following regulations are specific to NC-12 Atkins Park Neighborhood Commercial District.

1. NPU notification. In addition to the required SAP submittal, the applicant shall also provide to the director of the bureau of planning a United States Postal Service certificate of mailing (first-class) of one copy of the full SAP application to the appropriate Neighborhood Planning Unit (NPU) chair or their designee for the purpose of notification and comment, and also a signed affidavit of said NPU notification. Said appropriate NPU shall have a period of 21 days from the date of the said certificate of mailing to provide one set of written comments to the bureau of planning prior to any SAP approval.
2. Establishment of subareas. The NC-12 Atkins Park Neighborhood Commercial District is divided into two subareas as shown on "Attachment A". The subareas are described as follows:
Subarea 1: Atkins Park Mixed Use.
Subarea 2: Atkins Park Multi-family.
3. Principal uses.
 - a. Gasoline service stations within the district shall be prohibited.
 - b. Subarea 2. Uses shall be limited to residential and parking only.
4. Transitional yards. In addition to the requirements of section 16-32.009, above-ground parking decks and structures shall have planted within adjacent transitional yards a staggered double-row of Japanese Cryptomeria (*Cryptomeria japonica*) trees, or equivalent evergreen species, located a maximum of 16 feet on-center and with a minimum planted height of eight feet and a minimum mature height of 25 feet.
5. Maximum building heights. Structures within the district shall have a maximum height of 42 feet and three floors.
6. Supplemental zone. Supplemental zones are optional and shall not be required on any street in this district.
7. Outdoor dining. Outdoor dining may locate either within supplemental zones or by encroaching into the sidewalk clear zone. When outdoor dining encroaches into the sidewalk clear zone, the following criteria shall be met:
 - a. Shall have a minimum of six feet wide of unobstructed sidewalk clear zone area;
 - b. No permanent structure or ornamentation shall be located within the area where encroachment is permitted and no element shall be attached to the sidewalk in any way;

- c. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter; and
 - d. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of 36 inches including any plant material.
8. Relationship of building to street. Active uses shall be required at the sidewalk level of all buildings and structures.
- a. All buildings shall have a defined sidewalk-level for purposes of the active-use requirement. Active uses shall be required within buildings and parking structures at sidewalk-level for the entire length of said building façade except at ingress and egress points into parking structures or loading areas. When two or more floors meeting the definition of sidewalk-level exist within the same structure, this requirement shall only apply to the frontage of the sidewalk-level adjacent to the required sidewalk or provided supplemental zone.
 - b. Sidewalk-level: any building floor within five vertical feet of the adjacent required sidewalk or provided supplemental zone.
 - c. For the purposes of this chapter active uses shall be serviced by plumbing, heating, and electricity and shall not include parking, non-residential storage areas, driveways, or queuing lanes parallel to the adjacent street.
 - d. Minimum active use depths shall be provided for a minimum depth of 20 feet as measured from the street-facing building façade.
9. Additional parking regulations.
- a. Above-ground parking decks and structures which are located in Subarea 2 shall have a maximum height of 14 feet as measured from the lowest point of grade located in Subarea 2 at the time of adoption of the NC-12 zoning district, with the exception of vertical circulation elements such as elevator shafts, stairwells or lighting.
 - b. General:
 - i. Off-site parking: Any required parking shall be permitted to locate off-site anywhere within the NC-12 district by means of a special administrative permit approval, except as noted below in subsection 8(c) for eating and drinking establishments.
 - ii. Shared parking. For the purposes of this NC district, a shared parking arrangement shall be defined as the use of a parking space by vehicles generated by two or more individual business establishments without conflict or encroachment. The director of the bureau of planning may grant an administrative variation (through a special administrative permit) to reduce parking requirements through a shared parking arrangement (whether on-site or off-site) subject to the following criteria:
 - 1) The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access; and
 - 2) All shared parking spaces shall be clearly marked and signed reserved during specified hours which shall not be less than the hours of operation of the use.
 - iii. An applicant seeking a special administrative permit for off-site parking or approval of a shared parking arrangement shall submit the following information:
 - 1) A to-scale map indicating location of the proposed parking spaces;
 - 2) Hours of business operation;
 - 3) Written consent from property owner of the proposed off-site parking area;

- 4) Leases shall be provided to the bureau of buildings prior to the issuance of a certificate of occupancy. Lapse of a required lease shall render the business out of compliance with the parking regulations.
- iv. Reduction in parking. Reductions in parking requirements, except as noted in subsection (ii) above for shared parking arrangements, shall require a special exception by the board of zoning adjustments.
- c. Eating and drinking establishments.
 - i. Off-site parking. At any time when 17 eating and drinking establishments are legally permitted to operate within the district, no additional eating and drinking establishment shall be granted an administrative variation to allow for off-site parking but shall seek such relief from the board of zoning adjustment by special exception. As of the effective date of this chapter, the director of the bureau of planning (the "director") shall create and maintain a census of the total number of eating and drinking establishments operating in the district. The census shall be verified to confirm the actual number of eating and drinking establishments in operation in the district within 15 days of the date that an application for a variation to allow for off-site parking for an eating and drinking establishment is received by the director to determine whether an application to the board of zoning adjustment is required.
 - ii. Shared parking. Parking facilities containing the required parking for any eating and drinking establishment shall not provide less than the total of the minimum number of parking spaces that are required for each individual eating and drinking establishment which claims that the parking facility is being used to meet its parking requirement. No individual use meeting its required parking within a facility that serves multiple uses may claim any space that is being utilized by another use unless those spaces are the subject of a shared parking arrangement as permitted in subsection (iii) below.
 - iii. Reduction of parking. Eating and drinking establishments shall not be granted an administrative variation to reduce the required parking or utilize shared parking but may seek this relief by application to the board of zoning adjustment for a special exception. All other uses seeking to reduce their parking through a shared parking arrangement shall comply with subsection 8(a) above.
 - iv. Parking signage. Parking facilities providing parking to serve multiple business establishments (whether on-site or off-site) shall include signage that identifies all said business establishments. Such signage shall be visible near the entrance(s) of said parking facility.

(Ord. No. 2008-87(08-O-1757), § 1, 12-10-08)

CHAPTER 32M. - NC-13 INMAN PARK NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 16-32M.001. - Scope of provisions.

The regulations set forth in this chapter are the specific regulations for the NC-13 Inman Park Neighborhood Commercial District. These regulations set forth herein shall apply in this district in addition to the general NC regulations or shall be applied instead of the general NC regulations where these regulations differ from the general NC regulations.

(Ord. No. 2012-03(11-O-1842), § 1, 2-15-12)

Sec. 16-32M.002. - Specific regulations.

The following regulations are specific to NC-13 Inman Park Neighborhood Commercial District:

(1) Principal and accessory uses:

- a. Gasoline service stations shall be prohibited.
- b. Tattoo and body piercing establishments shall be prohibited.
- c. Nightclubs and private clubs as defined in City of Atlanta Code section 10-1 shall be prohibited.
- d. The number of eating and drinking establishments shall not exceed four.
- e. Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE allowed in the side or rear of the building as an accessory to another.

(2) Hours and manner of operation:

- a. No use shall be open to the public between the hours of 2:00 a.m. and 6:00 a.m.
- b. Eating and drinking establishments shall be permitted to operate until 12:00 midnight on Sunday through Thursday and until 2:00 a.m. on Saturday and Sunday morning and until 2:00 a.m. on the date of January 1 on whatever day of the week it shall occur unless the hours are extended as set forth herein.
- c. Two eating and drinking establishments shall be permitted to operate until 2:00 a.m. on any day provided that the property owner or owners of all properties in which eating and drinking establishments operate within the district files with the Office of Planning and sends a copy to the chair of NPU-N a sworn certificate with the following information
 - i. Business names and addresses of all eating and drinking establishments operating in the district;
 - ii. Business names and addresses of the two establishments that are allowed extended hours of operation; and
 - iii. A statement that this information has been provided to all eating and drinking establishments in the district.

This certificate shall be conclusive evidence of compliance with this section until a new certificate is submitted by the property owner.

- d. Outdoor speakers and amplified music outside enclosed permanent structures shall be prohibited.
- e. Live amplified music shall be prohibited.

- f. The collection of refuse or garbage shall not occur between the hours of 9:00 p.m. and 7:00 a.m.
- (3) Transitional yards and screening: Where transitional yards and screening are required by section 16-32.009, the following provisions shall apply:
- a. Transitional yards shall be a minimum of six feet wide and shall be planted with a combination of trees or evergreen shrubs and ground cover as approved by the city arborist and maintained in a slightly condition as a landscaped buffer.
 - b. Screening: Where this district adjoins a lot in an R-1 through R-5 district without an intervening street, wooden fencing six feet in height shall be provided along the district boundary. Where this district adjoins a lot in an R-G district without an intervening street, permanent opaque walls six feet in height constructed of stone, masonry, or wooden fencing shall be provided along the district boundary. All walls and fencing shall be maintained in a slightly condition.
- (4) Parking requirements: Off-street surface parking shall be located in the side and rear yards and shall not be located between the principal structures and the street,
- (5) Supplemental zone: Supplemental zones are optional and shall not be required on any street in this district.
- (6) Outdoor dining: Outdoor dining, including eating and drinking, shall be prohibited in the district.
- (7) Sidewalks and street furniture zones: The street furniture zone and clear zone may be reduced to match the existing building setbacks from the street curbs.
- (8) Loading areas:
- a. Dumpsters shall be located at the rear of the principal structures.
 - b. Dumpsters and bulk storage containers shall be screened by opaque wooden fencing a minimum of 12 inches higher than said dumpster or storage container so as not to be visible from a public right-of-way or adjacent residential property.
- (9) District Plan: The plan entitled "NC-13 Inman Park District Plan" set forth below as Attachment A is made a part of these NC-13 District Regulations and shall control all development as set forth therein, provided however the NC-13 Inman Park District Plan shall not supersede the regulations of HD 16-20L:SA 1 with respect to exterior improvements to any building.

(Ord. No. 2012-03(11-O-1842), § 1, 2-15-12; [Ord. No. 2014-53\(14-O-1278\), § 2\(Attach. B\), 12-10-14](#))