

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- (2) Repealed.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(10) Repealed.

(11) Repealed.

(12) Repealed.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(14) Repealed.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) Multi-family 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 except when any part of the property is within 500 feet of the beltline corridor as defined in City Code [Section 16-36.007](#). An existing secured storage facility within 500 feet of the beltline corridor may be redeveloped at its existing floor area ratio and consistent with the requirements of this part.

(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, battery exchange stations and car washes, provided that no service station may be located within 1,500 feet of another service station.

(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.

Code of Ordinances



- (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.
- (36) Urban gardens.
- (37) Market gardens.
- (38) Small discount variety stores, provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.
- (39) Short-term rentals, subject to the regulations in Atlanta City Code [section 20-1001](#).

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; [Ord. No. 2014-53\(14-O-1278\), § 2\(Attach. B\), 12-10-14](#); [Ord. No. 2014-22\(14-O-1092\), § 2-P, 6-11-14](#); [Ord. No. 2017-68\(17-O-1159\), § 3, 11-29-17](#); [Ord. No. 2019-20\(18-O-1679\), § 3, 3-13-19](#); [Ord. No. 2019-66\(19-O-1504\), § 4, 12-11-19](#); [Ord. No. 2021-60\(21-O-0682\), § 17, 12-15-21](#))

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 generation of energy such as solar panels, wind generators and similar devices including electric vehicle charging stations equipped with Level 1 Level 2 and/or DC Fast Charge EVSE, except as otherwise herein provided, 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 areas on 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; [Ord. No. 2014-53\(14-O-1278\), § 2\(Attach. B\), 12-10-14](#))

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.
- (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) Hotels and motels.
- (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.
- (m) Park, playgrounds, stadiums, soccer, baseball, football or other athletic fields, golf courses, sports arena, and community centers.

(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) Farmers' markets.
- (d) Broadcasting towers and line-of-site relay devices for telephonic, radio or television

[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.
- (f) Reduction of parking requirements may be permitted by the director of the office of zoning and development subject to a shared parking arrangement under the following criteria:
 - i. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
 - ii. All shared parking spaces shall be clearly marked; and
 - iii. An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - a. A to-scale map indicating location of proposed parking spaces;
 - b. Hours of business operation of nonresidential parking users;
 - c. Written consent of property owners agreeing to the shared parking arrangement; and
 - d. Copies of parking leases. Renewed leases shall be filed with the bureau of planning. Lapse of a required lease agreement shall terminate the special administrative permit for shared parking.
- (g) Party house provided that the use shall be prohibited within 150 feet of a property zoned R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-4B, R-5, RG, MR or a property used for residential purposes measured from property line to property line.

(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; Ord. No. 2011-39(10-O-1773), § 3P, 9-15-11; Ord. No. 2016-26(16-O-1158), § 3, 9-15-16; Ord. No. 2019-09(18-O-1581), § 7.D, 1-31-19; Ord. No. 2019-53(19-O-1379), § 1, 10-16-19; Ord. No.

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.*
 - (a) No portion of any structure shall protrude through a height limiting plane beginning the specified number of feet above the point set forth in subsection [16-13.006\(2\)\(b\)](#) below and extending inward over the C-3 district at an angle of 45 degrees. The following districts shall be considered "protected districts" for purposes of this [section 16-13.006\(5\)](#):
 - i. R-1 through R-5;
 - ii. RG-1 and RG-2;
 - iii. MR-1, MR-2, and MR-MU; and
 - iv. Landmark, Historic, PD, and SPI districts and district subareas having uses and densities predominantly similar to those permitted in the district classifications listed in subsections (i) through (iii) above.
 - (b) Proximity to districts and measurement applications:
 - i. For parcels in a C-3 district that are contiguous to a protected district, the transitional height plane shall be measured beginning 35 feet above the required C-3 setback or transitional yard adjoining the common property line with such protected district.
 - ii. For parcels in a C-3 district that are not contiguous to but are within 150 feet of a protected district, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of the protected district, provided this transitional height plane shall not extend more than 150 linear feet (measured along the ground) from the protected district up to and into the C-3 district. (See diagrams at [section 16-29.001\(62\)](#).)
 - (c) The purpose and intent of this provision is to provide protection for the named protected districts from nearby looming structures regardless of the presence of an intervening public right-of-way or park or space, public or private street or alley, or any lot or parcel remnant.

Code of Ordinances (d) Transitional height plane measurements shall be applied to parcels on a point-by-point basis and not average grade.

(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 ten 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 ten 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 sightly condition. See [section 16-28.008\(9\)](#).

(Code 1977, § 16-13.006; Ord. No. 2009-61(09-O-1076), § 3(3), 10-13-09; Ord. No. 2019-09(18-O-1581), § 10.5, 1-31-19.)

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)

- (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](#)).

(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)

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.