

City Council
Atlanta, Georgia

AN ORDINANCE BY:
COUNCILMEMBERS CLETA WINSLOW AND C.T. MARTIN

Z-12-16

AN ORDINANCE TO REZONE CERTAIN PROPERTIES WITHIN THE CASCADE AVENUE CORRIDOR IN NPU-S AND NPU-T FROM THE C-1 (COMMUNITY BUSINESS) AND C-1-C (COMMUNITY BUSINESS-CONDITIONAL) DISTRICTS TO THE NC-14 CASCADE AVENUE-BEECHER STREET NEIGHBORHOOD COMMERCIAL DISTRICT, AND FOR OTHER PURPOSES.

WHEREAS, the Campbellton-Cascade Corridors Redevelopment Plan was adopted by City Council on September 18, 2006, and approved by the Mayor on September 26, 2006; and

WHEREAS, recommendations from the Campbellton-Cascade Corridors Redevelopment Plan should be implemented through the rezoning of the properties within the corridor; and

WHEREAS, the residents and property owners in NPUs I, P, R, S, and T worked with the Office of Planning Staff and a consultant team led by Glattig Jackson, Inc. to develop a vision for the redevelopment of both corridors; and

WHEREAS, the residents and property owners of NPU-S and NPU-T have requested the City to rezone the Cascade Avenue-Beecher Street commercial node to implement the recommendations from the Campbellton-Cascade Corridors Redevelopment Plan; and

WHEREAS, the purpose and intent is to maintain a balance of uses to create a vibrant and sustainable commercial district in keeping with the regulations of the Neighborhood Commercial District ordinance; and

WHEREAS, the Neighborhood Commercial District ordinance allows the longstanding business and property owners within the district to accommodate the needs of the adjacent neighborhoods; and

WHEREAS, the official zoning maps should be amended to include the properties along the Cascade Avenue-Beecher Street commercial node in NPU-S and NPU-T as shown on Attachments 'A' and 'B'.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended adding a new Chapter 32M. NC-14 Cascade Avenue-Beecher Street Neighborhood Commercial District, which shall read as follows:

Chapter 32M. NC-14 Cascade Avenue-Beecher Street Neighborhood Commercial District.

Section 16-32M.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-14 Cascade Avenue-Beecher Street Neighborhood Commercial District. The following NC-14 District regulations shall apply in addition to those of

the general NC District regulations; except where said NC-14 District regulations conflict with the general NC regulations, said NC-14 regulations shall apply.

Section 16-32M.002. Specific Regulations.

The following regulations are specific to the NC-14 Cascade Avenue-Beecher Street Neighborhood Commercial District:

1. Permitted Principal Uses:

- a. 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: hair salons, barber shops, beauty supply, beauty school, and nail salons. This shall be not be construed to mean that two of the above said uses within the same parcel shall be prohibited.
- b. Dry cleaning establishments within the district provided that they are separated from another parcel with the same permitted use by a minimum horizontal distance of 500 linear feet, measured from property line to property line.
- c. Automobile service stations within the district provided that they are separated from another parcel with the same permitted use by a minimum horizontal distance of 500 linear feet, measured from property line to property line.
- d. Package stores within the district provided that they are separated from another parcel with the same permitted use by a minimum horizontal distance of 500 linear feet, measured from property line to property line.
- e. Eating and Drinking Establishments, except those establishments that receive an alcohol license as a nightclub establishment.

2. 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.

3. Prohibited Uses:

- a. Automobile service stations.
- b. Park-for-hire facilities on surface lots.
- c. Pawn shops.
- d. Tattoo and body piercing establishments.

4. Special Administrative Permits. 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 (6) inches in caliper measured four and one-half (4.5) 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 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).
 - 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. Pedestrian clearance: Shall have a minimum of six (6) feet width of unobstructed sidewalk area. Said outdoor dining area shall also not be located within five (5) feet of a pedestrian crosswalk, handicap ramp, taxi stand, fire hydrant, FDC (Fire Department Connection) equipment on building facades, and within eight (8) 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. Visual delineation: The outdoor dining area shall be visually delineated on the sidewalk by metal pins with a minimum two inch diameter installed in the ground at the corners and flush with the grade of the sidewalk, or in an alternative manner as approved by the Director of the Office of Planning. Said dining area may be separated from the pedestrian path on 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. All tables, chairs, planters and other furniture shall be located totally within the limits 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. 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.
6. 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 have a self-closing gate and walls or fencing a minimum of twelve (12) inches higher than the dumpster receptacle.
 - 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 (3) feet at time of planting and reach a minimum height of six (6) feet at maturity.
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7. 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.

8. **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-13 CASCADE AVENUE-BEECHER STREET 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
* <i>Minimum parking requirements may be reduced within the NC-13 District, subject to a shared parking arrangement per the requirements of Section 16-32.023(3).</i>	

SECTION 2: That the 1982 City of Atlanta Zoning Ordinance be amended and the official zoning maps established in connection therewith be changed to include the properties located along the Cascade Avenue-Beecher Street commercial node with the designations as shown on Attachments 'A' and 'B'.

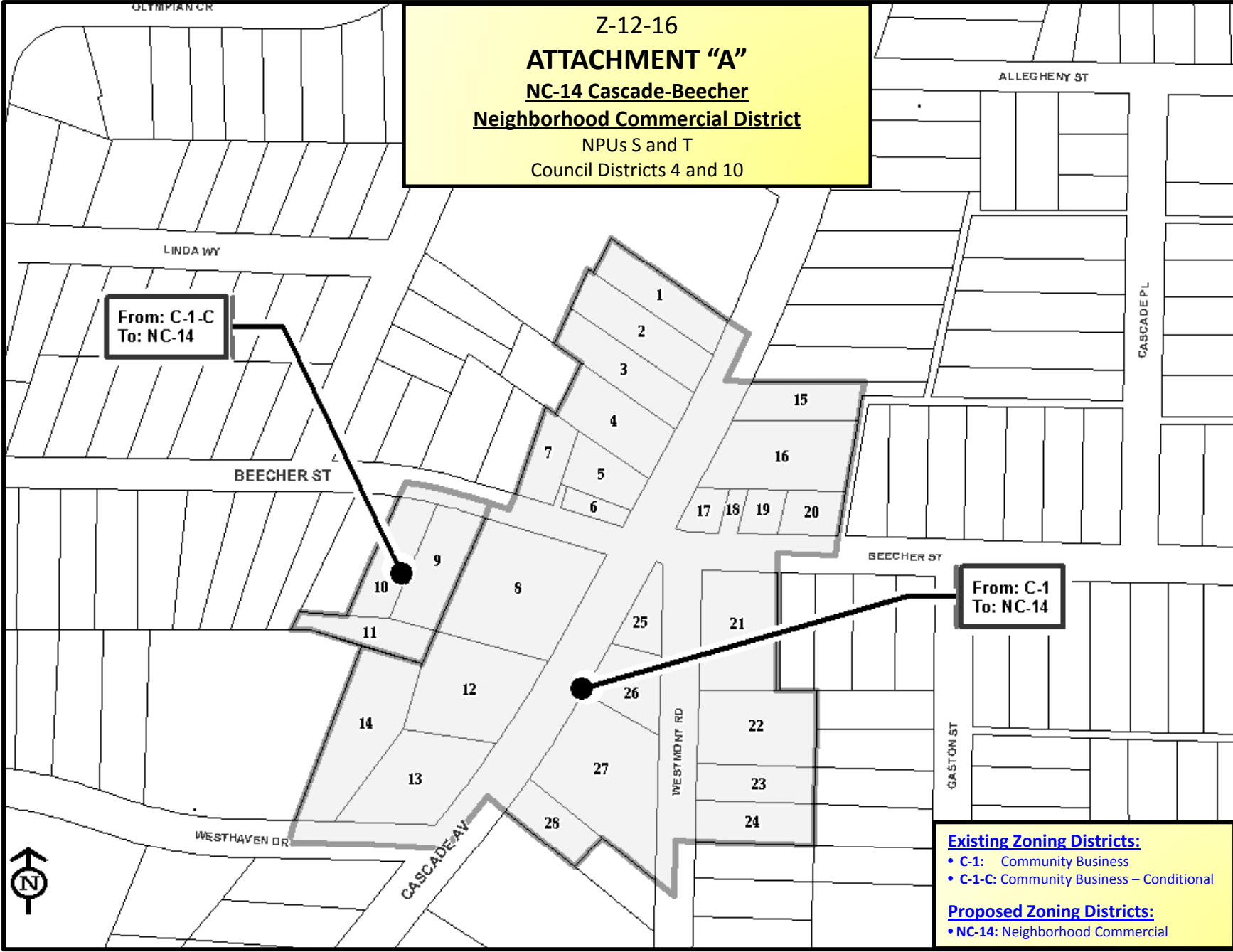
SECTION 3: That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

Z-12-16
ATTACHMENT "A"
NC-14 Cascade-Beecher
Neighborhood Commercial District
NPU S and T
Council Districts 4 and 10

From: C-1-C
To: NC-14

From: C-1
To: NC-14

- Existing Zoning Districts:**
- C-1: Community Business
 - C-1-C: Community Business – Conditional
- Proposed Zoning Districts:**
- NC-14: Neighborhood Commercial



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ATTACHMENT "B"
Map "A" Parcels

Parcel	Address(es)	Parcel ID Number	Zoning From	Zoning To
1	773 CASCADE AVE SW	14 01500009049	C-1	NC-14
2	779 CASCADE AVE SW	14 01500009050	C-1	NC-14
3	783 CASCADE AVE SW	14 01500009051	C-1	NC-14
4	787 CASCADE AVE SW	14 01500009052	C-1	NC-14
5	795 CASCADE AVE SW	14 01500009053	C-1	NC-14
6	797 CASCADE AVE SW	14 01500009054	C-1	NC-14
7	1535 BEECHER ST SW	14 01500009055	C-1	NC-14
8	807 CASCADE AVE SW	14 01500011068	C-1	NC-14
9	BEECHER ST SW	14 01500011018	C-1-C	NC-14
10	BEECHER ST SW	14 01500011017	C-1-C	NC-14
11	BEECHER ST SW	14 01500011028	C-1-C	NC-14
12	829 CASCADE AVE SW	14 01500011027	C-1	NC-14
13	833 CASCADE AVE SW	14 01500011059	C-1	NC-14
14	WESTHAVEN DR SW	14 01500011071	C-1	NC-14
15	782 CASCADE AVE SW	14 01390005025	C-1	NC-14
16	790 CASCADE RD SW	14 01390005155	C-1	NC-14
17	1511 BEECHER ST SW	14 01390005021	C-1	NC-14
18	BEECHER ST SW		C-1	NC-14
19	1505 BEECHER ST SW	14 01390005020	C-1	NC-14
20	1499 BEECHER ST SW	14 01390005019	C-1	NC-14
21	816 WESTMONT RD SW	14 01390005057	C-1	NC-14
22	826 WESTMONT RD SW	14 01390005147	C-1	NC-14
23	830 WESTMONT RD SW	14 01390005090	C-1	NC-14
24	836 WESTMONT RD SW	14 01390005089	C-1	NC-14
25	804 CASCADE AVE SW	14 01500011045	C-1	NC-14
26	816 CASCADE AVE SW	14 01500011046	C-1	NC-14
27	824 CASCADE AVE SW	14 01500011047	C-1	NC-14
28	834 CASCADE AVE SW	14 015000011048	C-1	NC-14