

AN ORDINANCE BY: 
COUNCILMEMBER CARLA SMITH

AN ORDINANCE TO REZONE CERTAIN PROPERTIES WITHIN THE MORELAND AVENUE LIVABLE CENTERS INITIATIVE STUDY NPU-W FROM VARIOUS DISTRICTS TO VARIOUS DISTRICTS TO IMPLEMENT THE MORELAND AVENUE LCI STUDY.

WHEREAS, the South Moreland Avenue Livable Centers Initiative Study dated March 31, 2008 was performed under a Livable Centers Initiatives grant from the Atlanta Regional Commission; and

WHEREAS, the residents and property owners of NPU W and NPU Z worked with the Office of Planning Staff and a consultant team to develop the South Moreland Avenue LCI Study; and

WHEREAS, pursuant to 08-O-1032, Atlanta City Council voted unanimously to approve the South Moreland Avenue LCI Study on July 7, 2008 as a part of the Comprehensive Development Plan; and

WHEREAS, the recommendations from the South Moreland Avenue LCI Study should be implemented through the rezoning of the properties within the corridor; and

WHEREAS, the official zoning maps should be amended to include the properties along the Moreland Avenue corridor in as shown on Attachment 'A'.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

SECTION 1: 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 Moreland Avenue LCI with the designations as shown on Attachment 'A'.

SECTION 2: This amendment is approved under the provisions of Section 16-02.003 of the City of Atlanta Zoning Ordinance, entitled "Conditional Zoning", as identified with the use of the suffix "C" after the district designation. The Director of the Office of Buildings shall issue building permits for the development of the properties with said "Conditional Zoning" designation only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations.

1) For all properties in a MRC (Mixed Residential Commercial) designation:
The following uses shall require a Special Use Permit:

- i. Automobile repair garages, paint and body shops.
- ii. Clubs and lodges.
- iii. Mixed-use storage facilities.
- iv. Mortuaries and funeral homes.
- v. Pool halls, billiard parlors, bingo parlors, amusement arcades and game rooms.

b) The following uses shall be permitted with the following conditions:

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- i. Sales/repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar articles shall be conducted within completely enclosed buildings.
- ii. Eating and Drinking Establishments, except those establishments that receive an alcohol license as a nightclub establishment.
- iii. Hair salons, barber shops, beauty supply, beauty school, and nail salons shall be permitted if the parcel on which they are located is separated by a minimum distance of 500 feet, measured from, property line to property line from any like use on a separate parcel. This shall not be construed to mean that two of the above said uses within the same parcel shall be prohibited.
- iv. 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 feet, measured from property line to property line.
- v. Automobile service stations and car washes within the district provided that they are separated from another parcel with the same permitted use by a minimum horizontal distance of 1,000 feet, measured from property line to property line.

c) The following uses are prohibited:

- i. Helicopter landing facilities or pickup or delivery stations: prohibited for all uses, except hospitals as allowed through a special use permit.
- ii. Mixed-use storage facilities.
- iii. Pawn shops.
- iv. Tattoo and body piercing establishments.
- v. Truck Stops.

2) The following conditions shall apply to all properties regardless of zoning designation:

- a) Building entrances: The primary pedestrian entrance shall be architecturally articulated.
- b) Building facade materials shall consist of the following:
 - i. Single and two-family residential structures: All exterior facades shall be brick, horizontal wood clapboard siding, or horizontal hardiplank (cementitious siding).
 - ii. Townhouse residential structures: shall be defined as a row of two or more attached multi-family dwelling units with no unit located above or below another residential unit whereas:
 1. All exterior facades adjacent to a public street shall be brick, stone, cast stone, three-part hard coat stucco, horizontal wood clapboard siding or hardiplank (cementitious siding).
 2. All exterior facades not adjacent to a public street shall be brick, stone, cast stone, three-part hard coat stucco, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal hardiplank (cementitious siding). Exposed concrete masonry units are not permitted.
 - iii. All other multi-family residential and non-residential structures:
 1. All exterior facades adjacent to and/or visible from a public street shall be predominately at least 51% brick. Stone, cast stone or three-part hard coat stucco may comprise the remaining 49% of each building façade.
 2. All exterior facades 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, split-faced brick, horizontal wood clapboard siding, or horizontal hardiplank (cementitious siding).
 - ~~iv. Retaining walls: shall be faced with or constructed of stone, brick, or decorative concrete modular block only.~~

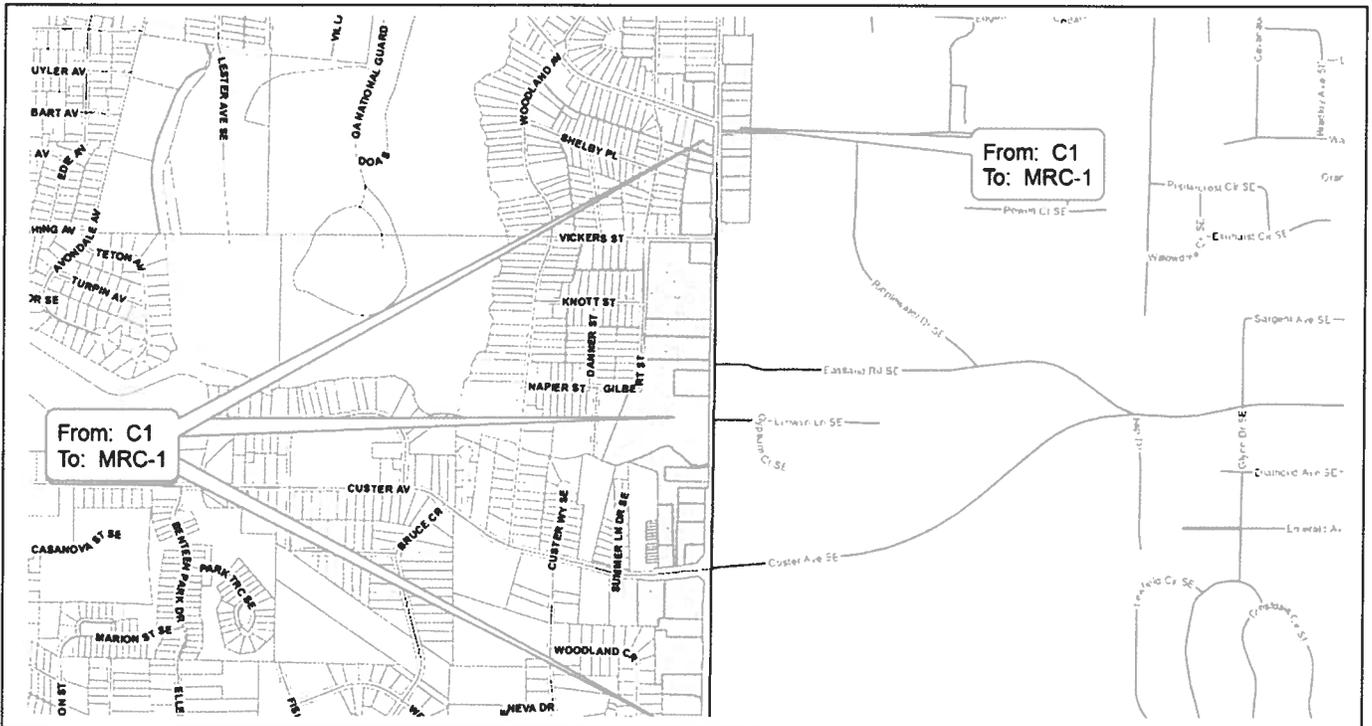
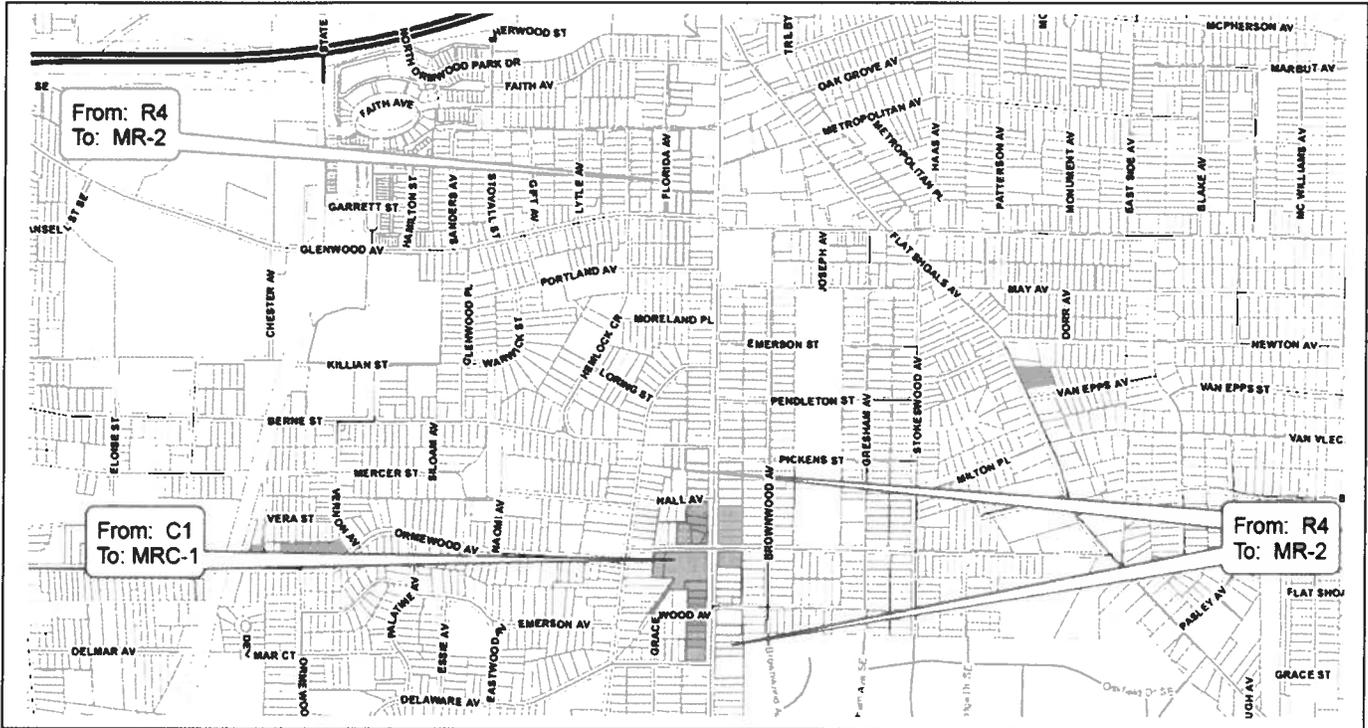
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- 3) **Fencing:** In addition to the fencing requirements of the MRC and MR districts, any chain link fencing where permitted in these districts, shall be black or dark green vinyl coated.
- 4) **Dumpsters and Loading areas:** In addition to the dumpster and loading requirements of the MRC and MR districts, the following additional restrictions shall apply:
 - a) Dumpsters and loading areas 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.
 - b) Landscape screening where required, shall consist of a continuous hedge of evergreen shrubs, which shall be a minimum height of six (6) feet at time of planting and shall be maintained by the property owner.
- 5) **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 street.
- 6) **Lighting:** Lights outlining and/or detailing a building and/or windows are prohibited.
- 7) **Vending machines, paper stands, and other similar devices** shall be located interior to the building structure.
- 8) **Signage:** In addition to the signage requirements of the MRC and MR districts, the following additional restrictions shall apply:
 - a) **Free-standing signs,** where permitted, shall be constructed of the same materials as the principal structure and shall be directly and continuously upon the ground or a grade-level support structure with no separation between the sign and the ground or grade-level support structure. Said signs shall not be supported by visible columns, uprights, poles or braces and shall be of continuous solid construction without holes, gaps or spacing.
 - b) **Wall signs:** Signs attached to the building facade shall be internally illuminated or lit from behind (i.e. halo lighting).

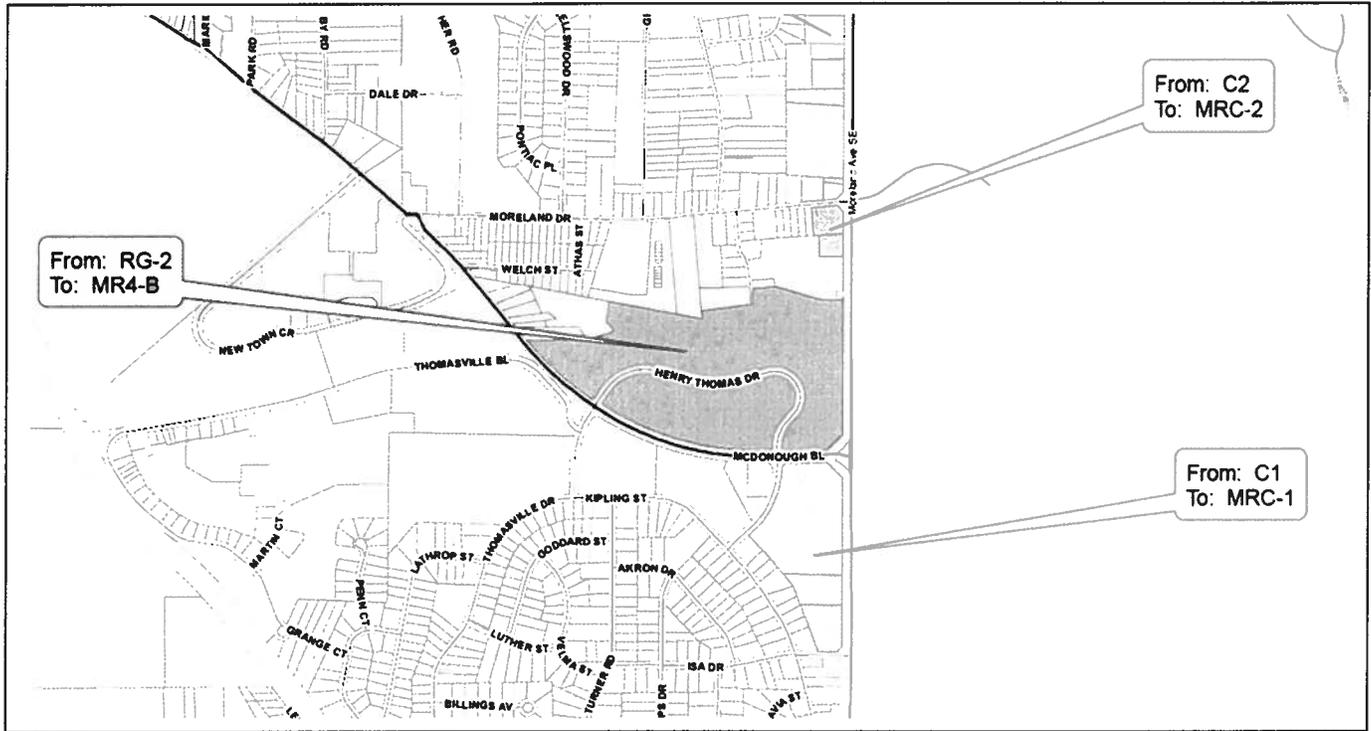
SECTION 3: The regulations contained within Section 2 of this Ordinance shall supplement the regulations contained within Section 16-34.001 et seq. or Section 16-35.001 et seq. of the Atlanta Zoning Ordinance, Whenever the regulations contained within Section 2 of this Ordinance are different than those contained within Section 16-34.001 et seq. or Section 16-35.001 et seq. of the Atlanta Zoning Ordinance, the regulations contained within Section 2 of this Ordinance shall control.

SECTION 4: All ordinances or parts of ordinances in conflict with this ordinance shall be repealed to the extent of the conflict.

ATTACHMENT "A"



ATTACHMENT "B"



12-0-1149

(Do Not Write Above This Line)

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- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred: 8/20/12
 Referred To: ZRB + Zoning
 Date Referred:
 Referred To:
 Date Referred:
 Referred To:

First Reading
 Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee _____
 Date _____
 Chair _____
 Action Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____
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FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED

MAYOR'S ACTION