



00-0-2087

City Council  
Atlanta, Georgia

AN ORDINANCE  
BY: ZONING COMMITTEE

U-00-43  
11-14-00

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

SECTION 1. Under the provisions of Section 16-11.005(1)(m) of the Zoning Ordinance of the City of Atlanta a Special Use Permit for a **Outdoor Dining Area** is hereby approved. Said use is granted to **Inman Park Properties** and is to be located at **351-361 Moreland Avenue, N.E.** to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **209** of the **15<sup>th</sup>** District, **DeKalb** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provision of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements," and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

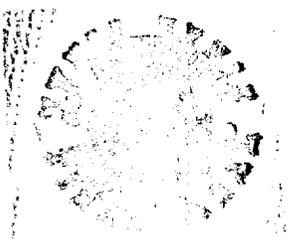
A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

FEB 05, 2001

FEB 14, 2001



Conditions for U-00-43

1. Site plan entitled "353 Moreland Avenue, Special Use Permit" prepared by Brock Green, Architects and Planners, dated November 14, 2000, last revised January 3, 2001 and marked received by the Bureau of Planning January 4, 2001.
2. The attached document addressed to NPU-N, dated December 12, 2000 and signed by Joshua Sagarin identified as Exhibit A and marked received by the Bureau of Planning January 11, 2001 is hereby adopted as a condition of this special use permit and its provisions shall be enforced as such.

On December 11, the CPNO met and overwhelmingly approved the Special Use Permit and Liquor licenses subject to the conditions outlined in the letter below.

To NPU-N:  
12/12/2000

In order to support Special Use Permit # 0043 for accessory outdoor dining the CPNO has attached the conditions listed below. The applicant has also agreed to these conditions.

**Conditions on the outdoor patios:**

- 1. A wall will be constructed along the south side of the patio adjacent to the Bank of America site to minimize noise carrying on to Josephine St.*
- 2. Hours of alcohol service to end by midnight Sunday through Wednesday, by one a.m. on Thursdays and by Two a.m. on Friday and Saturdays, restaurants to close by one hour after these times.*
- 3. Valet parking to be provided at peak periods on weekends to increase parking counts in the onsite lot.*

**Conditions on the design of the structure proper:**

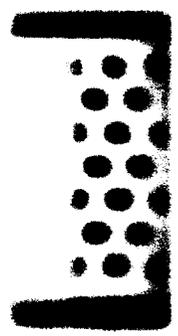
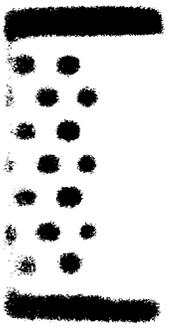
- 1. No rooftop decks overlooking Josephine St.*
  - 2. No residential windows overlooking Josephine St.*
  - 3. No unshielded parking lot lighting to spill onto Josephine St.*
  - 4. Bike racks to be provided.*
- 5) NO LIVE OR ELECTRICALLY REPRODUCED MUSIC may be played for commercial ENTERTAINMENT PURPOSES IN THE 2ND STORY AREAS*

I have agreed to the conditions listed above being added to the special use permit for accessory outdoor dining.

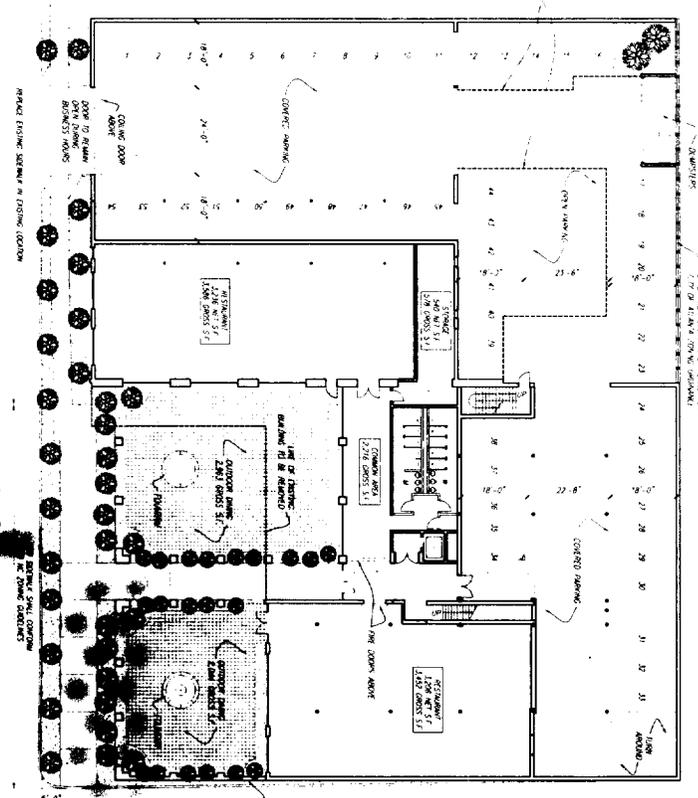


Joshua Sagarin

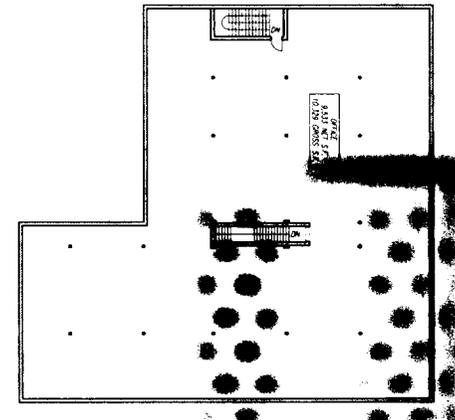




**1. PROPOSED FIRST LEVEL**



**2. PROPOSED SECOND LEVEL**



ZONING ANALYSIS	
MAX LOT AREA	15,000 SF
MIN LOT AREA	10,000 SF
MIN LOT WIDTH	30 FT
MIN LOT DEPTH	100 FT
MIN FRONT SETBACK	10 FT
MIN SIDE SETBACK	5 FT
MIN REAR SETBACK	10 FT
MIN FLOOR AREA	10,000 SF
MIN FLOOR AREA PER FOOTPRINT	10,000 SF
MIN FLOOR AREA PER GROUND COVER	10,000 SF
MIN FLOOR AREA PER TOTAL COVER	10,000 SF
MIN FLOOR AREA PER TOTAL COVER (WITH TERRACE)	10,000 SF
MIN FLOOR AREA PER TOTAL COVER (WITH TERRACE AND BALCONY)	10,000 SF
MIN FLOOR AREA PER TOTAL COVER (WITH TERRACE, BALCONY AND PORCH)	10,000 SF
MIN FLOOR AREA PER TOTAL COVER (WITH TERRACE, BALCONY, PORCH AND DECK)	10,000 SF
MIN FLOOR AREA PER TOTAL COVER (WITH TERRACE, BALCONY, PORCH, DECK AND STAIRS)	10,000 SF
MIN FLOOR AREA PER TOTAL COVER (WITH TERRACE, BALCONY, PORCH, DECK, STAIRS AND PATIO)	10,000 SF
MIN FLOOR AREA PER TOTAL COVER (WITH TERRACE, BALCONY, PORCH, DECK, STAIRS, PATIO AND WALKWAY)	10,000 SF
MIN FLOOR AREA PER TOTAL COVER (WITH TERRACE, BALCONY, PORCH, DECK, STAIRS, PATIO, WALKWAY AND DRIVEWAY)	10,000 SF
MIN FLOOR AREA PER TOTAL COVER (WITH TERRACE, BALCONY, PORCH, DECK, STAIRS, PATIO, WALKWAY, DRIVEWAY AND GARAGE)	10,000 SF
MIN FLOOR AREA PER TOTAL COVER (WITH TERRACE, BALCONY, PORCH, DECK, STAIRS, PATIO, WALKWAY, DRIVEWAY, GARAGE AND PORCH)	10,000 SF
MIN FLOOR AREA PER TOTAL COVER (WITH TERRACE, BALCONY, PORCH, DECK, STAIRS, PATIO, WALKWAY, DRIVEWAY, GARAGE, PORCH AND BALCONY)	10,000 SF
MIN FLOOR AREA PER TOTAL COVER (WITH TERRACE, BALCONY, PORCH, DECK, STAIRS, PATIO, WALKWAY, DRIVEWAY, GARAGE, PORCH, BALCONY AND TERRACE)	10,000 SF
MIN FLOOR AREA PER TOTAL COVER (WITH TERRACE, BALCONY, PORCH, DECK, STAIRS, PATIO, WALKWAY, DRIVEWAY, GARAGE, PORCH, BALCONY, TERRACE AND TERRACE)	10,000 SF
MIN FLOOR AREA PER TOTAL COVER (WITH TERRACE, BALCONY, PORCH, DECK, STAIRS, PATIO, WALKWAY, DRIVEWAY, GARAGE, PORCH, BALCONY, TERRACE, TERRACE AND TERRACE)	10,000 SF

U-00-43

APPROVED FOR CONSTRUCTION

JAN 10 10 11 AM '11

**353 MORELAND AVE.**  
Atlanta, GA

**SHEET TITLE**  
SPECIAL USE PERMIT

**DATE**  
11.14.00

**SCALE**  
AS SHOWN

**DRAWN BY**  
JIM

**CHECKED BY**  
EB

**SHEET NO.**  
A-1

**PROJECT NO.**  
201217

**PROJECT TITLE**

**ARCHITECT & ENGINEERS**

**CONSULTANTS**

**DATE**

**SCALE**

**DRAWN BY**

**CHECKED BY**

**SHEET NO.**

**PROJECT NO.**

**PROJECT TITLE**



**DESCRIPTION - <sup>351</sup>~~363~~ & 361 MORELAND AVENUE**

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 209 OF THE 15<sup>TH</sup> DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:**

**TO REACH THE POINT OF BEGINNING, START AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF McCLENDON AVENUE AND THE EAST RIGHT-OF-WAY OF MORELAND AVENUE (85'RW). THENCE RUNNING SOUTHERLY ALONG THE SAID EAST RIGHT-OF-WAY OF MORELAND AVENUE A DISTANCE OF 184.20 FEET TO AN IRON PIN LOCATED AT THE SOUTHWEST CORNER OF PROPERTY NOW OR FORMERLY OWNED BY MRS. LAURA C. FLANDERS AND THE POINT OF BEGINNING. THENCE FROM THE POINT OF BEGINNING RUNNING S88°21'20"E ALONG THE SOUTHERLY PROPERTY LINE OF THE SAID FLANDERS PROPERTY A DISTANCE OF 166.39 FEET TO A POINT LOCATED ON THE WESTERLY PROPERTY LINE OF PROPERTY NOW OR FORMERLY OWNED BY S.T. WEYMAN. THENCE RUNNING S02°18'22"W ALONG THE SAID WESTERLY PROPERTY LINE OF THE WEYMAN PROPERTY A DISTANCE OF 165.48 FEET TO A POINT; THENCE CONTINUING S02°46'42"W ALONG THE SAID WESTERLY PROPERTY LINE OF THE WEYMAN PROPERTY A DISTANCE OF 45.03 FEET TO A 1" OPEN TOP PIPE LOCATED ON THE NORTHERLY PROPERTY LINE OF PROPERTY NOW OR FORMERLY OWNED BY NATIONS BANK. THENCE RUNNING N88°27'18"W ALONG THE SAID NORTHERLY PROPERTY LINE OF THE NATIONS BANK PROPERTY A DISTANCE OF 165.82 FEET TO A POINT LOCATED ON THE SAID EAST RIGHT-OF-WAY OF MORELAND AVENUE. THENCE RUNNING N02°12'45"E ALONG THE SAID EAST RIGHT-OF-WAY OF MORE LAND AVENUE A DISTANCE OF 210.79 FEET TO THE SAID IRON PIN LOCATED ON THE EAST RIGHT-OF-WAY OF MORELAND AVENUE AND THE POINT OF BEGINNING.**

**SAID TRACT OR PARCEL CONTAINING 0.804 ACRES OR 35,022 SQUARE FEET.**

U-00-43



RCS# 2587  
2/05/01  
4:38 PM

Atlanta City Council

Regular Session

00-O-2087      U-00-43; 351-361 Moreland Ave., NE (N-6)  
Outdoor Dining Area  
ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 1

Y McCarty	B Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	NV Emmons
Y Bond	Y Morris	NV Maddox	Y Alexander
NV Winslow	Y Muller	Y Boazman	NV Pitts

00-0-2087

(Do Not Write Above This Line)

AN ORDINANCE U-00-43  
BY: ZONING COMMITTEE

AN ORDINANCE GRANTING A SPECIAL  
USE PERMIT FOR AN OUTDOOR  
DINING AREA (SECTION 16-11.005(1)  
(m), PROPERTY LOCATED AT 351-361  
MORELAND AVENUE, N.E. FRONTING  
210.79 FEET ON THE EAST SIDE OF  
MORELAND AVENUE BEGINNING 184.20  
FEET SOUTH FROM THE SOUTHEAST  
CORNER OF MCCLENDON AVENUE.  
DEPTH: 166.39 FEET; AREA: .804  
ACRES; LAND LOT 209, 15TH  
DISTRICT, DEKALB COUNTY, GEORGIA.  
OWNER: INMAN PARK PROPERTIES  
APPLICANT: DAVID E. GREEN  
NPU-N COUNCIL DISTRICT 6

REFERRED BY JAN 02 2001  
CITY COUNCIL

ADOPTED BY  
FEB 05 2001  
COUNCIL

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

Date Referred 01/02/01

Referred To Zoning

Date Referred

Referred To

Date Referred

Referred To

Committee ZONING  
Date 12-12-00  
Chair Deborah Starnes  
Referred to ZRS & ZONING

First Reading

Committee ZONING  
Date 1/30/01  
Chair Deborah Starnes

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Actions \_\_\_\_\_  
Fav, Adv, Held (see rev. slide) \_\_\_\_\_  
Others \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Actions \_\_\_\_\_  
Fav, Adv, Held (see rev. slide) \_\_\_\_\_  
Others \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Actions \_\_\_\_\_  
Fav, Adv, Held (see rev. slide) \_\_\_\_\_  
Others \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Actions \_\_\_\_\_  
Fav, Adv, Held (see rev. slide) \_\_\_\_\_  
Others \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

**FINAL COUNCIL ACTION**  
 2nd  1st & 2nd  3rd  
Readings  
 Consent  V Vote  RC Vote

**CERTIFIED**

**CERTIFIED**  
FEB 5 2001  
ATLANTA CITY COUNCIL PRESIDENT  
Robert A. Pitts

**CERTIFIED**  
FEB 05 2001  
Tish Johnson  
MAYOR'S CLERK

**MAYOR'S ACTION**

**APPROVED**

FEB 14 2001

WITHOUT SIGNATURE  
BY OPERATION OF LAW