



00-0-2089

City Council  
Atlanta, Georgia

AN ORDINANCE  
BY: ZONING COMMITTEE

Z-00-92  
11-14-00

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

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at **49 Boulevard, S.E.**, be changed from the **RG-3 (Residential General-Sector 3)** District to **C-3-C (Commercial-Residential-Conditional)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **45** of the **14<sup>th</sup>** District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property 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. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

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

APR 02, 2001

APR 11, 2001

**ZONING CONDITIONS FOR Z-00-92**

**49 BOULEVARD**

**Section A. Development Controls:**

1. Residential FAR shall be limited to 1.49 and nonresidential FAR shall be limited to .60.
2. Heights of buildings shall be limited to 68 feet measured from the elevation of the centerline of the adjacent roadway.

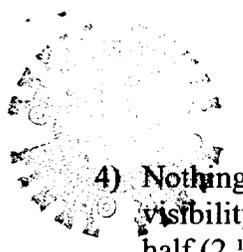
**Section B. Sidewalk Conditions:**

Sidewalks shall be located along all streets and shall have minimum widths as specified herein. Sidewalks shall consist of two zones: a street furniture and tree planting zone and a clear zone.

- 1) Street furniture and tree planting zone requirements: The street furniture and tree planting zone shall have a minimum width of five (5) feet. Said zone shall be located immediately adjacent to the curb and shall be continuous. In addition to the required planting of trees, this zone may also be used for the placement of street furniture, including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.
- 2) Clear zone requirements: Said zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be continuous. Said zone shall be hardscape, and shall be unobstructed for a minimum width as specified below for each street and a minimum height of eight (8) feet by any permanent or nonpermanent element. The clear zone shall have the following minimum widths:
  - a) Boulevard: Ten (10) feet.
  - b) All other streets: Six (6) feet.
- 3) Street tree planting requirements: Street trees shall be planted along all street frontages in the street furniture and tree planting zone. Street shade trees with a minimum mature height of forty (40) feet shall be planted at a maximum spacing of sixty (60) feet and a minimum spacing of forty (40) feet. All newly planted street shade trees shall be a minimum of four (4) inches in caliper measured thirty-six (36) inches above the ground, shall be a minimum of twelve (12) feet in height, and shall be limbed up to a minimum height of seven (7) feet. Accent trees with a minimum mature height of fifteen (15) feet shall be spaced so that the maximum distance between all trees does not exceed twenty-five (25) feet. Trees shall have a minimum planting area of twenty-five (25) square feet. No less than forty (40%) percent of the street furniture zone shall be planted with evergreen ground cover, and no more than sixty (60%) shall be impervious surface.

Z-00-92

Received  
by Zoning Committee  
3/27/01

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- 4) Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half (2 ½) feet and eight (8) feet above grade. See Zoning Code Section 16.28.009, Visibility at Intersections.
  - 5) No awning or canopy shall encroach more than five (5) feet over the required sidewalk.
  - 6) Decorative pedestrian lights, where installed, shall be placed a maximum of (40) feet on center and spaced equal distance between required trees along all streets. Where installed, said lights shall be located within either the street furniture and tree planting zone or the supplemental zone (see paragraph 9 for definition of "supplemental zone").
  - 7) The primary pedestrian entrance for pedestrians to access all sidewalk level uses and business establishments with street frontage:
    - a) Shall face and be visible from the street.
    - b) Shall be directly accessible and visible from the sidewalk; and
    - c) For business establishments, shall remain unlocked during business hours.
  - 8) For buildings with residential uses at the sidewalk level, all primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five (5) feet wide.
  - 9) For purposes of these regulations, the area between any building and the nearest edge of the required sidewalk shall be defined as the supplemental zone. For street-fronting, sidewalk-level residential units, the supplemental zones shall be a minimum width of five (5) feet and shall be landscaped, with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of two-thirds of the supplemental zone area.

Z-0092  
page 2 of 2

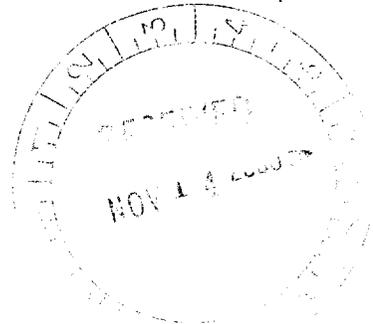
LEGAL DESCRIPTION

49 Boulevard

**ALL THAT TRACT and parcel of land lying and being in Land Lot 45 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:**

**BEGINNING AT A POINT located at the intersection of the southerly side of Chamberlain Street and the southwesterly side of Boulevard; running thence in a westerly direction and along the southerly side of Chamberlain Street a distance of 296.07 feet to a point located at the intersection of the southerly side of Chamberlain Street and the northeasterly side of Fitzgerald Street; running thence South 20 degrees 59 minutes East and along the northeasterly side of Fitzgerald Street a distance of 270.60 feet to a point; running thence South 27 degrees 35 minutes East and continuing along the northeasterly side of Fitzgerald Street a distance of 42.70 feet; running thence South 22 degrees 01 minutes East and continuing along the northeasterly side of Fitzgerald Street a distance of 351.64 feet to a point located at the intersection of the northeasterly side of Fitzgerald Street and the northwesterly side of Todd Street; running thence North 69 degrees 36 minutes 30 seconds East and along the northwesterly side of Todd Street a distance of 228.24 feet to a point located at the intersection of the northwesterly side of Todd Street and the southwesterly side of Boulevard; running thence North 20 degrees 13 minutes West and along the southwesterly side of Boulevard a distance of 261.55 feet to a point; running thence North 18 degrees 48 minutes West and continuing along the southwesterly side of Boulevard a distance of 39.52 feet to a point; running thence North 09 degrees 55 minutes West and continuing along the southwesterly side of Boulevard a distance of 130.34 feet to a point; running thence North 19 degrees 23 minutes West and continuing along the southwesterly side of Boulevard a distance of 123.40 feet to a point located at the intersection of the southwesterly side of Boulevard and the southerly side of Chamberlain Street, same being the point of beginning; said property being in the Butler Street Urban Development Project Redevelopment Plan (said Project having been approved by the Mayor and Alderman of the City of Atlanta on June 15, 1959).**

2-00-92





# ADMINISTRATIVE CORRECTION TO LEGISLATION REQUEST FORM

**TO:**

Rhonda Dauphin Johnson  
Municipal Clerk

Re: 00-0-2089  
Legislative ID Number (Ordinance/Resolution)

4/2/01  
Adoption Date

4/11/01  
Approval Date

**FROM:**

Councilmember

Department Head

Name:

Rhonda D Johnson

Dept/Bureau:

Municipal Clerk

E-Mail Address:

Telephone No:

(4) 330-6033

Fax No.:

Rhonda Dauphin Johnson

Signature(s) of Councilmember and/or Department Head

(Questions 1-5, below and on reverse side of page, must be completed.)

1.) What is the requested change/correction? (Give detailed description; Use additional page(s) if necessary; Provide supporting attachments as needed.)

The requested correction is necessary to reflect the Committee amendment deleting the attached conditions by removing the site plan dated 1/8/01.

00-0-2089

(Do Not Write Above This Line)

AN ORDINANCE Z-00-92  
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE  
RG-3 (RESIDENTIAL GENERAL-SECTOR  
3) DISTRICT TO THE C-3-C  
(COMMERCIAL-RESIDENTIAL-  
CONDITIONAL) DISTRICT, PROPERTY  
LOCATED AT 49 BOULEVARD, S.E.  
FRONTING 554.81 FEET ON THE  
WESTERLY SIDE OF BOULEVARD  
BEGINNING AT THE SOUTHWEST  
CORNER OF CHAMBERLAIN STREET.  
DEPTH: 296.07 FEET; AREA:  
3.476 ACRES; LAND LOT 45, 14TH  
DISTRICT, FULTON COUNTY, GEORGIA.  
OWNER: GLENN INVESTORS L.P.

APPLICANT: SAME  
BY: SHARON A. GAY, ATTORNEY  
NPU-M COUNCIL DISTRICT 2

REFERRED BY JAN 02 2001  
CITY COUNCIL

ADOPTED BY

APR 02 2001

AS AMENDED

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

Date Referred 01/02/01

Referred To ZRB & Zoning

Date Referred

Referred To

Date Referred

Referred To

Committee Zoning  
Date 2-12-00  
Chair Deborah Starns  
Referred to ZRP & Zoning

Committee Zoning  
Date 4/30/01  
Chair  
Actions  
Fav, Adv, Held (see rev. slide)  
Others  
Members

Refer To

Committee Zoning  
Date 3/27/01  
Chair Deborah Starns  
Actions  
Fav, Adv, Held (see rev. slide)  
Others AS AMENDED  
Members  
Refer To

FINAL COUNCIL ACTION

- 2nd Readings
- 1st & 2nd Readings
- 3rd Readings
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED  
APR 2 2001  
COUNCIL PRESIDENT PRO TEM

APR 02 2001  
CITY COUNCIL

MAYOR'S ACTION

APPROVED

APR 11 2001

WITHOUT SIGNATURE  
BY OPERATION OF LAW