

**AN ORDINANCE
BY COUNCILMEMBER MICHAEL BOND**

2-00-48

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY CREATING A NEW CHAPTER TO BE ENTITLED CHAPTER _____, SPI 14 DOWNTOWN SPECIAL ENTERTAINMENT DISTRICT; TO AMEND THE OFFICIAL ZONING MAP BY REZONING ALL PROPERTIES WITHIN THE BOUNDARIES OF THE SPECIAL ENTERTAINMENT DISTRICT AS DESCRIBED HEREIN FROM ITS PREZENT ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the city of Atlanta desires to foster and promote a special entertainment district in downtown Atlanta; and

WHEREAS, the city desires to provide incentives to the private sector to participate in the creation of a vibrant urban downtown with an array of entertainment facilities for the production of electronic media or multimedia products; the airing, display or production of recorded or live entertainment or live performances (for stage or broadcast) of commercials, movies or videos, for entertainment, advertisement, education or training; facilities for entertainment support services; theaters, museums, nightclubs, restaurants, retail shopping areas; and facilities for the recording and production of records, tapes and CD's; and

WHEREAS, the city hopes to encourage the concept of an pedestrian and transit zone of alternative modes of transportation as the SPI-14 Downtown Special Entertainment District develops and encourage improvements to the public right of way that support pedestrian and transit circulation that beautify downtown; and

WHEREAS, the city wishes to encourage efforts to connect entertainment, retail and parking together in a unified system of transportation linking buses, and trains by the use of shuttle services; and

WHEREAS, the city wishes to encourage and increase the uses and level of activity in the area by providing for development to sustain and facilitate the long term financial health of downtown Atlanta.

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 by adding a new Chapter ____, "SPI 14 Downtown Special Entertainment District

“which shall read as shown on the attached “Exhibit A” and described as the area bounded by ---

Section 2. Boundaries of District Established.

The boundaries of the SPI 14 Downtown Special Entertainment District is shown on the map attached “A” and is incorporated by reference into this chapter and made a part of this chapter and this part.

Section 3. Statement of Intent

The intent of the council in establishing the area as distinguished from their existing classification and establishing the SPI-14 Downtown Special Entertainment District is as follows:

1. Establish an entertainment district as described in Section 1 below to enhance the leisure, cultural and entertainment activities of the area and promote a vital entertainment environment in downtown Atlanta.
2. Improve the visual aesthetics of the streets.
3. Encourage the development of compatible mixture of entertainment and other commercial uses and residential uses.
4. Encourage the development of high-intensity housing within multi-use complexes or independent structures within this district.
5. Maximize the advantages of mass transit.
6. Facilitate safe and convenient pedestrian circulation and to minimize pedestrian/vehicular conflicts through the implementation of the pedestrian space plan within the Special Public Interest districts.
7. Encourage a sense of activity and liveliness along the street level of building facades.

Section 4 Permitted principal uses and structures.

A building or premises shall be used only for the following principal purposes (subject to procedures as set forth in section 16-18.005):

(1) Facilities for production of electronic media or multimedia products; the airing, display or production of recorded or live entertainment or live performances (for stage or broadcast) of commercials, movies or videos, for entertainment, advertisement, education or training; facilities for entertainment support services (serving to facilitate the airing, display or provision of live entertainment) including set manufacturers, scenery makers, sound and video equipment providers and manufacturers, stage and screen writers, providers of capital for the entertainment industry and agents for talent, writers, producers and music properties and technological infrastructure support including, but not limited to, fiber optics, necessary to support multimedia and other entertainment formats, except a facility whose primary business is the sale or serving of alcoholic beverages.

(a) Commercial recreational establishments, including bowling alleys, theaters, convention halls, nightclubs, live music venues, entertainment clubs,

and similar uses with primary activities conducted within fully enclosed buildings, except as otherwise prohibited.

(b) Visual arts spaces are indoor facilities such as museums, galleries, and other facilities.

(c) Performing arts spaces means indoor facilities for the performing arts including but not limited to concert halls and legitimate theaters.

(d) Motion picture theaters means indoor facilities for the showing of motion pictures.

(2) Auditoriums.

(3) Eating establishments, other than those with drive-in facilities.

(4) Hotels.

(5) Banks, savings and loan associations, and similar financial institutions. (Drive-in facilities are not allowed.)

(6) Institution of higher learning, including colleges and universities.

(7) Business or commercial schools except as otherwise prohibited.

(8) Child care centers.

(9) Clubs and Lodges.

(10) Multifamily dwellings. One- and two-family dwellings may be permitted by administrative permit.

(11) Laundry and dry-cleaning stores, excluding drive-through facilities and dry cleaning establishments where equipment is operated by customers.

(12) Medical Offices, clinics and similar uses such as laboratories but not blood donor stations or drug rehabilitation facilities except at hospitals.

(13) Parking structures and surface parking lots with fewer than 30 parking spaces.

(14) Printing and blueprinting shops.

(15) Minor office equipment or home installation/repair shops such as small home appliances, radio and television, clock and watch repair, bicycles, repair of shoes and leather goods.

(16) Professional or personal service establishments, including beauty shops, barber shops and spas, but excluding tattoo parlors and body piercing.

(17) Retail establishments such as catering establishments, delicatessens and bakeries, grocery stores, and boutiques.

(18) Travel agencies.

(19) Sales and leasing agencies for new and used passenger automobiles, bicycles, mopeds and commercial vehicles.

(20) Employment Agencies but excluding hiring halls.

(21) Structures and uses required for operation of MARTA or a public transportation utility, but not to include uses involving storage, train yards, warehousing switching or maintenance shop as the primary purpose.

Section 5. Specific Prohibitions.

The following uses are specifically prohibited: uses or operations 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; drive-through businesses, of any kind; adult businesses as defined in section 16-28.016 or as otherwise defined in the Code of Ordinances.

Section 6. Permitted accessory uses and structures.

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically to include those facilities to serve permitted entertainment industry uses which include but not limited to facilities for the production of entertainment products, multimedia products, or as a part of airing, display or provision of live entertainment products, including multimedia products, or as part of the airing, display or provision of live entertainment for stage or broadcast, including support services such as set manufacturers, scenery makers, sound and video equipment providers and manufacturers, stage and screen writers, providers of capital for the entertainment industry and agents for talent. , writers, producers and music properties and technological infrastructure support including, but not limited to, fiber optics, necessary to support multimedia and other entertainment formats, except a facility whose primary business is the sale or serving of alcoholic beverages.

Section 7. Special Use permits.

The following uses are permissible only by special permits of the kinds indicated, subject to limitations and requirements set forth herein or elsewhere in this part subject to procedures as set forth in sections pertaining to special administrative permits.

- (1) Broadcasting towers, line-of-sight relay devices for telephonic, radio or television communications when located 200 feet or more from any off-site residential districts or residential use not located within an industrial district, and when such towers or devices are greater than 200 feet in height, when located a distance which is less than or equal to the height of the tower or device from a residential district or residential use which is not in an industrial district.
- (2) Helicopter landing facilities or pickup or delivery stations.
- (3) Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies. Outdoor vending is permitted only when included with a special event permit.
- (4) Parking facilities with 30 or more parking spaces when located within the parking limitation districts in accordance with section _____.

Section 8. Special administrative permits.

- (1) Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies. Outdoor vending is permitted only when included with a special event permit.
- (2) Parking structures with 30 or more parking spaces when located within the parking limitation districts in accordance with section _____.

(3) Special Exceptions:

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically to include those facilities to serve permitted entertainment industry uses except as otherwise prohibited.

(4) Surface Parking- for-hire Lots.

Section 9. Parking Structures and Surface Lots

(1) Park-for-hire surface parking lots are prohibited.

(2) Surface parking lots existing as of the effective date of this ordinance shall be screened from the public right-of-way with a landscaped strip which has a minimum width of five feet, is planted with trees a minimum of 34 feet on center and shrubs maintained at a maximum height of 30 inches.

(4) All surface parking lots and structures existing as of the effective date of this ordinance with a total of 30 or more parking spaces, whether primary or accessory in use and whether commercial or noncommercial, shall have minimum requirements as follows:

(a) A parking attendant shall be present during all hours of operation at any parking-for-hire parking facility with 200 or more parking spaces. An attendant will not be required if a card operated security gate is provided or if less than 50 percent of the lot is being utilized.

(b) Whenever parking rates are increased in connection with a special event, an attendant shall be present during a period beginning one (1) hour before and ending one (1) hour after said event.

(c) Lighting shall be provided throughout all parking facilities to equal a minimum of one-half (0.5) footcandle of light. A footcandle of light is a uniformly distributed flux of one (1) lumen on a surface of one (1) square foot in area. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it shall be the responsibility of the parking facility to independently provide these required levels of illumination.

(d) Parking facilities shall be maintained in a clean, safe, sanitary and attractive condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the ease of driving in the parking lot.

(e) Identifying signage shall be located at the primary entrance to all park-for-hire facilities. Such signage shall consist of one (1) 24-inch by 24-inch upper sign which shall be located directly above one (1) 12-inch-high by 24-inch-wide lower sign. Such signage shall be located at a minimum of seven (7) feet above ground level and shall be displayed such that both sign faces are visible from the street. The upper sign shall display a capital "P" which shall be a minimum of 18 inches in height. The lower sign shall display the address of the parking facility with lettering which shall be a minimum of six (6) inches in height. The upper and lower signs may be constructed as one (1) sign that shall be 36 inches in height

and 24 inches in width. Sign faces shall be dark blue with white letters in a Helvetica medium type face. All lettering shall be clearly legible from the street.

(f) Parking facilities operating before the effective date of this section shall have 24 months to comply herewith.

Section 10. Development controls.

(1) Bulk Limitations:

(a) For nonresidential uses, floor area shall not exceed an amount equal to 25 times net lot area.

(b) For residential uses, floor area shall not exceed an amount equal to 6.4 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(231)), 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) Maximum Building Coverage: 90 percent of the net lot area.

(3) Public Space Requirements: For nonresidential and mixed use development, a minimum of 15 percent of net lot area shall be provided on the site.

(4) 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) and Useable Open Space (UOSR). For developments greater than 6.40 Floor Area Ratio (FAR), the requirements for 6.40 FAR shall apply.

(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.

(5) Pedestrian Circulation Requirement: All buildings shall be set back or embayed in conformance with the standards and requirements of the pedestrian space plan map. Substitution of alternative pedestrian routes through or between buildings for part or all of the required setback or embayment in excess of the basic 13 feet may be authorized by special administrative permit, upon a finding by the bureau of planning that such pedestrian ways are not inconsistent with the purpose and intent of the pedestrian space plan map. That portion of the pedestrian circulation requirement which lies within the net lot area shall constitute a corresponding portion of the open space requirements (see above).

(6) An applicant may request and the council may waive the requirements above or reduce the requirements set forth above if it specifically finds that the waiver or lesser requirement is in accordance with the statement of intent to promote the purposes as described in Section 1 above and particularly if the development significantly encourages the following:

a) A planned relationship between the transportation system and the development.

b) Facilitates safe and convenient pedestrian circulation.

c) Promotes a street level design by providing landscaping and other visual enhancements that exhibit excellence in urban design or provides significant streetscape improvements.

Sec. 11. Maximum height.

None.

Sec. 12. Minimum off-street parking requirements

(a) For Nonresidential Uses: None.

(b) For Residential Uses: See section 16-18A.007, table I, "Land Use Intensity Ratios," for parking requirements under appropriate FAR for the development.

Section 13. Off-street loading requirements.

The off-street loading requirements for this district are as shown in the table of loading requirements, chapter 28, section 16-28.015. An applicant may request and the council may waive these requirements or reduce the requirements set forth above if it specifically finds that the waiver or lesser requirement is in accordance with the statement of intent to promote the purposes as described in Section 1 above.

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FILED BY
CITY COUNCIL

DEC 03 2001

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

Date Referred

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First Reading

Committee _____
Date _____
Chair _____
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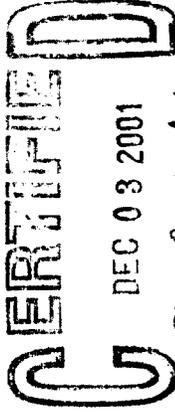
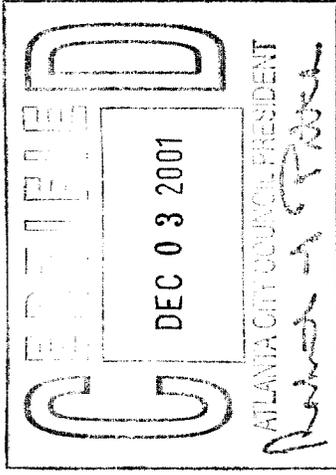
Members

Refer To

FINAL COUNCIL ACTION

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

CERTIFIED



MAYOR'S ACTION