



**CITY COUNCIL
ATLANTA, GEORGIA**

AN SUBSTITUTE ORDINANCE BY:
ZONING COMMITTEE

Z-03-67 66

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY REZONING EXISTING PROPERTIES FROM C-1, C-2, RLC, I-1-C, RG-2, R-4A DISTRICTS WITHIN THE KIRKWOOD COMMERCIAL DISTRICT TO NC-3 KIRKWOOD NEIGHBORHOOD COMMERCIAL DISTRICT, AND CERTAIN PROPERTIES FROM C-1 TO R-4A, AND FOR OTHER PURPOSES.

NPU: O

COUNCIL DISTRICT 5

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 Kirkwood Merchants Association, Kirkwood Business Owners Association and Kirkwood Neighbors Organization have requested to rezone the Kirkwood commercial district to the Neighborhood Commercial designation as shown on "Attachment A"; and

WHEREAS, the proposed application is in keeping with the purposes and intent of the regulations of the Neighborhood Commercial District ordinance; and

WHEREAS, the 1982 Zoning Ordinance and official zoning maps should be amended to include the proposed new designation;

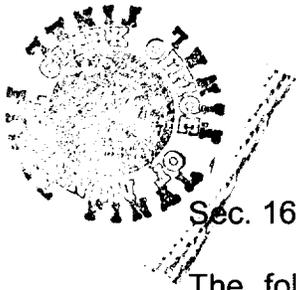
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

Section 1: That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended adding a new Chapter 32C. NC-3 Kirkwood Neighborhood Commercial District, which shall read as follows:

Chapter 32C. NC-3 Kirkwood Neighborhood Commercial District

Sec. 16-32C.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-3 Kirkwood Neighborhood Commercial District. The general NC district regulations shall apply to this NC-3 district except where said NC-3 district regulations conflict with the general NC regulations, said NC-3 regulations shall apply.



Sec. 16-32C.002. Specific Regulations.

The following regulations are specific to the NC-3 Kirkwood Neighborhood Commercial District.

1. Permitted Principal Uses:
 - a. The number of automobile service stations within the district shall not exceed one (1).
 - b. Bakeries and catering establishments shall provide a retail component to serve the neighborhood comprising a minimum total floor area of two-hundred (200) square feet.
 - c. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities shall not exceed 2,000 square feet.
 - d. Parking structures and lots to serve primary uses within the district.
 - e. Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar household goods shall be conducted within fully enclosed buildings.

2. Prohibited Uses:
 - a. Amusement arcades and game rooms.
 - b. Roominghouses.
 - c. Single room occupancy.
 - d. Tattoo and body piercing establishments.
 - e. Telecommunication switchboards, power generators and other telecommunications relay equipment and rooms or floors housing them are not permitted.
 - f. Grocery stores greater than 15,000 square feet.

3. Special Use Permits:
 - a. Clubs and lodges.
 - b. Hotels containing no more than eight (8) rooms. Further, said hotels shall contain no more than five hundred (500) square feet of meeting facilities and no hotels shall be located nearer than five hundred (500) feet from the boundaries of any public elementary or secondary school.
 - c. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities between 2,000 square feet and 8,000 square feet.

4. Special Administrative Permits: Variations in street tree requirements. Variations are subject to constraints such as overhead or underground utilities.

5. Outdoor dining within required sidewalk: outdoor dining may encroach into the sidewalk clear zone provided the following criteria are met:



- a. Shall have a minimum of six (6) feet wide of unobstructed sidewalk clear zone area when located adjacent to the street furniture and tree planting zone contiguous to on-street parking;
 - b. Shall have a minimum of eight (8) feet wide of unobstructed sidewalk clear zone area when located adjacent to the street furniture and tree planting zone and not contiguous to on-street parking;
 - c. No permanent structure or ornamentation shall be located within the area where encroachment is permitted and no element shall be attached to the sidewalk in any way;
 - d. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this Chapter; and
 - e. Outdoor dining may be separated from 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.
6. Minimum Off-street Parking Requirements:
- a. *Banks and similar institutions*: One (1) space for each three hundred (300) square feet of floor area.
 - b. *Clothing and tailor shops*: One (1) space for each three hundred (300) square feet of floor area.
 - c. *Laundry and dry cleaning pick-up stations and coin operated laundromats*: One (1) space for each three hundred (300) square feet of floor area.
 - d. *Retail establishments, including catering, delicatessen and bakeries, but not other uses as provided below*: One (1) space for each three hundred (300) square feet of floor area.
 - e. *Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and watches, and the like*: One (1) space for each three hundred (300) square feet of floor area.

Section 2: That the 1982 Zoning Ordinance Map of the City of Atlanta is hereby amended as shown on "Attachment A".

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

A true copy,

Phonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

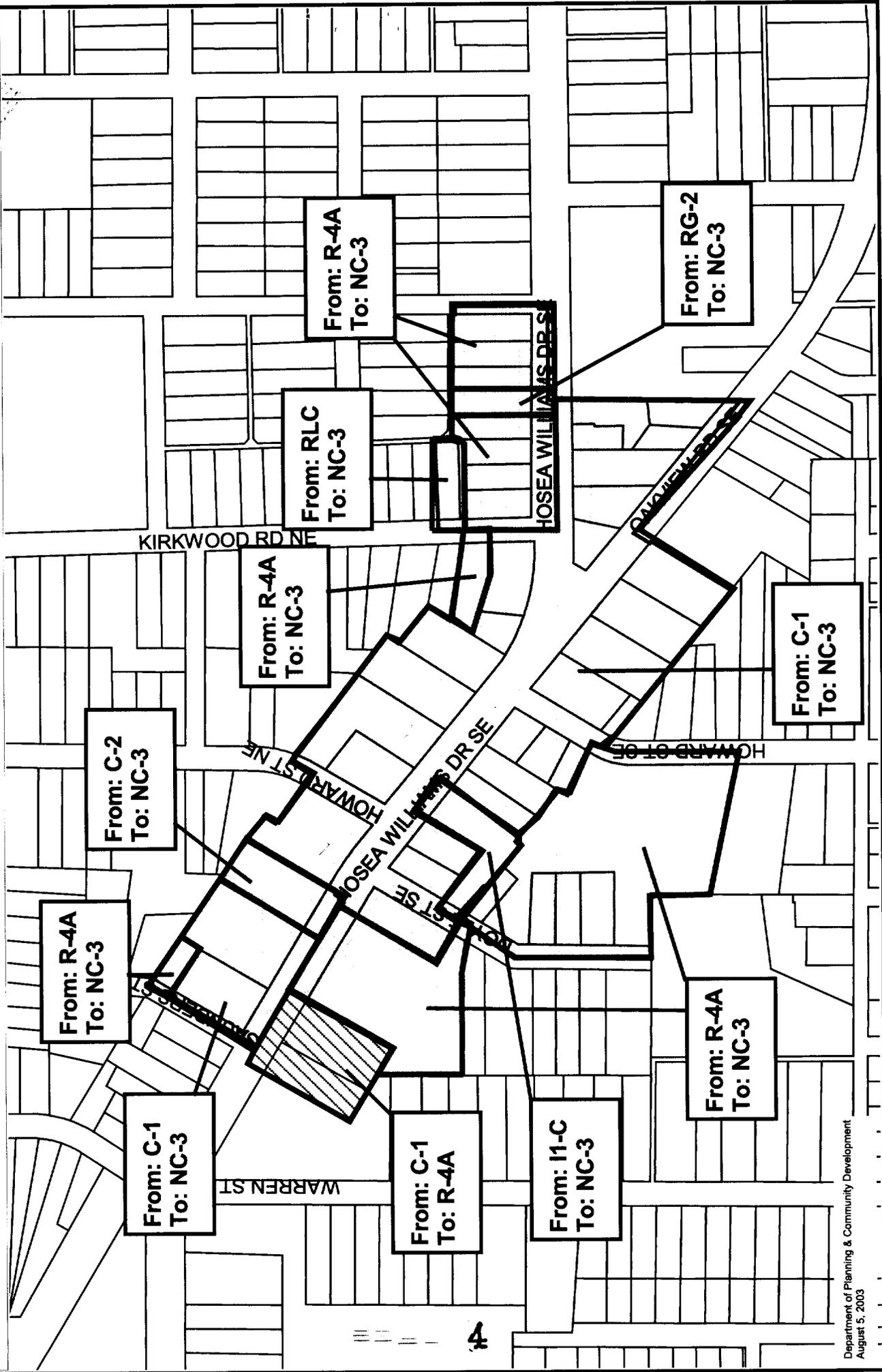
NOV 03, 2003
NOV 10, 2003

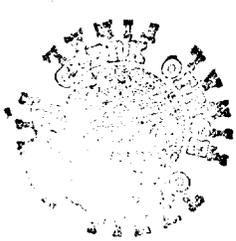
ATTACHMENT A

Z-03-02-66

PROPOSED KIRKWOOD NEIGHBORHOOD COMMERCIAL DISTRICT NC-3, AND OTHER
REZONINGS

NPU O/Council District 5





Kirkwood Business Owners Association
2033 Hosea L. Williams Dr.
Atlanta, GA 30317
Phone 404-377-1369
Fax 404-377-3070

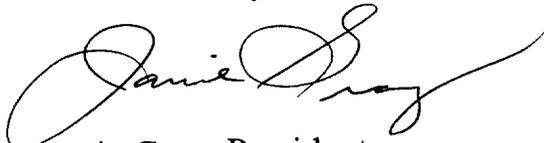
August 11, 2003

Mr. Enrique Bascunana
City of Atlanta Planning Dept.
Phone: 404-330-6296
Fax: 404-658-7491

RE: Kirkwood Commercial District Rezoning

Kirkwood Business Owners Association and its membership which is located within the proposed Kirkwood commercial district and Kirkwood neighborhood supports the rezoning of the Kirkwood Commercial District to Neighborhood Commercial Zoning.

Most sincerely,



Janie Gray, President



Kirkwood Neighbors Organization

VIA FACSIMILE TRANSMISSION

Enrique Bascunana,
City of Atlanta Bureau of Planning
City Hall South, Suite 3350
55 Trinity Street
(404) 658-7491

Dear Mr. Bascunana:

On behalf of the Kirkwood Neighbors Organization, Inc., please be advised that we support the designation of the Kirkwood commercial district as a Neighborhood Commercial District, subject to the Neighborhood Commercial District regulations as amended by the Kirkwood Merchants Association, Kirkwood Business Organization, and the Kirkwood Neighbors Organization.

Very truly yours,

Steven A. Suna
President, Kirkwood Neighbors Organization, Inc.

SAS/mjw
Sender's E-Mail: ssuna@dzkl.com
Enclosures

== == 6

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Read Message

Previous | Next | Back to:

From: "Alcock, Joseph" <jalcock@smithdalia.com>

Date: 2003/08/11 Mon PM 02:07:42 EDT

To: 'Enrique Bascunana' <ebascunana@AtlantaGa.Gov>, "~~cash643@bellsouth.net~~" <cash643@bellsouth.net>, "A" <cash643@bellsouth.net>, "ssuna@bellsouth.net" <ssuna@bellsouth.net>, "Joseph" <jalcock@smithdalia.com>, "jerle4@aol.com" <jerle4@aol.com>, "nssbc@bellsouth.net" <nssbc@bellsouth.net>

Subject: RE: Kirkwood NC letters of support

- Reply
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- (Choose Folder)

MailGuard
Options

What is
MailGuard?

Enrique-

Do you not have Jerry Sewell's letter from the CDP meeting. I am pretty sure it covered both issues, the CDP amendment and the NC Zoning. It was sent to CP Archibong's office the day of the committee review of the CDP

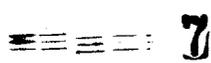
-joe

-----Original Message-----

From: Enrique Bascunana [mailto:ebascunana@AtlantaGa.Gov]
Sent: Monday, August 11, 2003 1:04 PM
To: 'cash643@bellsouth.net'; 'ssuna@bellsouth.net'; 'jalcock@smithdalia.com'; 'jerle4@aol.com'; 'nssbc@bellsouth.net'
Subject: FW: Kirkwood NC letters of support

I was going through my files and we are missing some letters of support from property owners -- we need at least 4 more letters. In addition, a letter of support from each business or neighborhood association would also be important. Attached below is the template for the letter. Please fax over by tomorrow morning so that we may introduce the legislation without delay. My fax is 404/658-7491. Thanks.

- > Mr. Enrique Bascunana,
- > City of Atlanta Bureau of Planning
- > City Hall South, Suite 3350
- > 55 Trinity Street
- >
- > Dear Mr. Bascunana,
- >



03-0 -1436
 (Do Not Write Above This Line)
 AN ORDINANCE BY: Z-03-62 66
 ZONING COMMITTEE

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY REZONING EXISTING PROPERTIES FROM C-1, C-2, RLC, I-1-C, RG-2, R-4A DISTRICTS WITHIN THE KIRKWOOD COMMERCIAL DISTRICT TO NC-3 KIRKWOOD NEIGHBORHOOD COMMERCIAL DISTRICT, AND CERTAIN PROPERTIES FROM C-1 TO R-4A, AND FOR OTHER PURPOSES.

NPU: 0 COUNCIL DISTRICT: 5

ADOPTED BY
 NOV 03 2003
COUNCIL

SUBSTITUTE

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

Date Referred 9/2/03
 Referred To: JLB & Zoning

First Reading
 Committee _____
 Date _____
 Chair _____

ZONING
 Date: Oct. 29, 2003
 Chair: [Signature]
 Actions: Fav, Adv, Held (see rev. side)
 Other: ON Substitute
 Members: [Signature]
 Refer To: [Signature]

Committee _____
 Date _____
 Chair _____
 Actions: Fav, Adv, Held (see rev. side)
 Other: _____
 Members _____
 Refer To _____

COUNCIL ACTION
 2nd Reading
 1st & 2nd Reading
 3rd Reading
 Consent Vote
 V Vote
 RC Vote

CERTIFIED
 NOV 03 2003
 NEWATA CITY COUNCIL PRESIDENT
 [Signature]

CERTIFIED
 NOV 03 2003
 [Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
 [Signature]
 NOV 10 2003
 MAYOR