



**AN ORDINANCE  
BY COUNCILMEMBERS MARY NORWOOD  
AND C. MARTIN**

**AS SUBSTITUTED BY FULL COUNCIL**

**ESTABLISHING A MORATORIUM ON THE  
ACCEPTANCE OF PERMITS FOR THE  
REPLATTING OR SUBDIVISIONS OF LOTS IN  
THE IN LAND LOTS 116, 117, 118, 138 AND 139  
OF THE 17TH DISTRICT AND 233 AND 234 OF  
THE 14TH DISTRICT, FULTON COUNTY; AND  
FOR OTHER PURPOSES.**

**WHEREAS** there are numerous parcels within Council District 8, Land Lots 116, 117, 118, 138 and 139 of the 17th District, Fulton County Georgia on or near Northside Drive, East Conway Drive, Jett Road, Powers Ferry Road/Putnam Drive and Blackland Road, (the "Chastain Park Neighborhood") that are zoned R-3, a classification with minimum lot sizes of 18,000 square feet; and

**WHEREAS** there are also numerous parcels within Council Districts 10 and 11, Land Lots 233 and 234 of the 14th District, Fulton County Georgia on or near Cascade Road, Lynhurst Drive, Lynway, Clearbrook, Kingsdale, Mangum, Valleydale and Hazelwood Roads that are zoned R-3, a classification with minimum lot sizes of 18,000 square feet; and

**WHEREAS**, the platting pattern and lot size of many of these parcels more closely resemble that of the R-2 or R-2A zoning classification which requires larger lot sizes, such that subdivision into two new R-3 lots is possible; and

**WHEREAS**, there is an increasing demand for new housing construction and development in the City of Atlanta; and

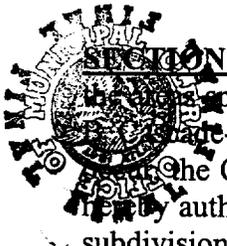
**WHEREAS**, the residents of the Chastain Park and the Cascade-Lynhurst neighborhoods have expressed concern over the effects of the subdivision of existing large R-3 lots into smaller lots permitted by the R-3 zoning classification; and

**WHEREAS**, a survey and inventory of the parcels in the Chastain Park and the Cascade-Lynhurst Neighborhoods is necessary to explore the feasibility of rezoning of that part of the Chastain Park and the Cascade-Lynhurst Neighborhoods which is now zoned R-3 to R-2A; and

**WHEREAS**, it is in the best interest of the health safety and welfare of the citizens of the City of Atlanta that all reasonable efforts be made to encourage and support the preservation and development of single family neighborhoods; and

**WHEREAS**, it is consistent with the goals of the Comprehensive Development Plan that those be developed in a manner consistent with platting, which prevails in the Chastain Park and the Cascade-Lynhurst neighborhoods until such time as the survey and inventory is completed.

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



**SECTION 1:** For a period of 180 days from the date of this ordinance or until all or part of the area specified in the attached maps, Exhibit A Chastain Park Neighborhood and Exhibit B Cascade-Lynhurst Neighborhood are rezoned from R-3 to R-2A, whichever is first to be approved. If the Commissioner of the Department of Planning and Neighborhood Development is not authorized, ordered and directed to refuse to accept applications for the replatting or subdivision of all R-3 lots in the Chastain Park and the Cascade-Lynhurst neighborhoods in Districts 8,10 and 11 as specified in the attached maps as referenced above.

**SECTION 2:** The moratorium imposed by this ordinance specifically includes any R-3 parcels, which were, after the effective date of this moratorium, made vacant by the demolition of any structures.

**SECTION 3:** If the area to be rezoned is amended during the process of rezoning, the attached maps shall control the moratorium area.

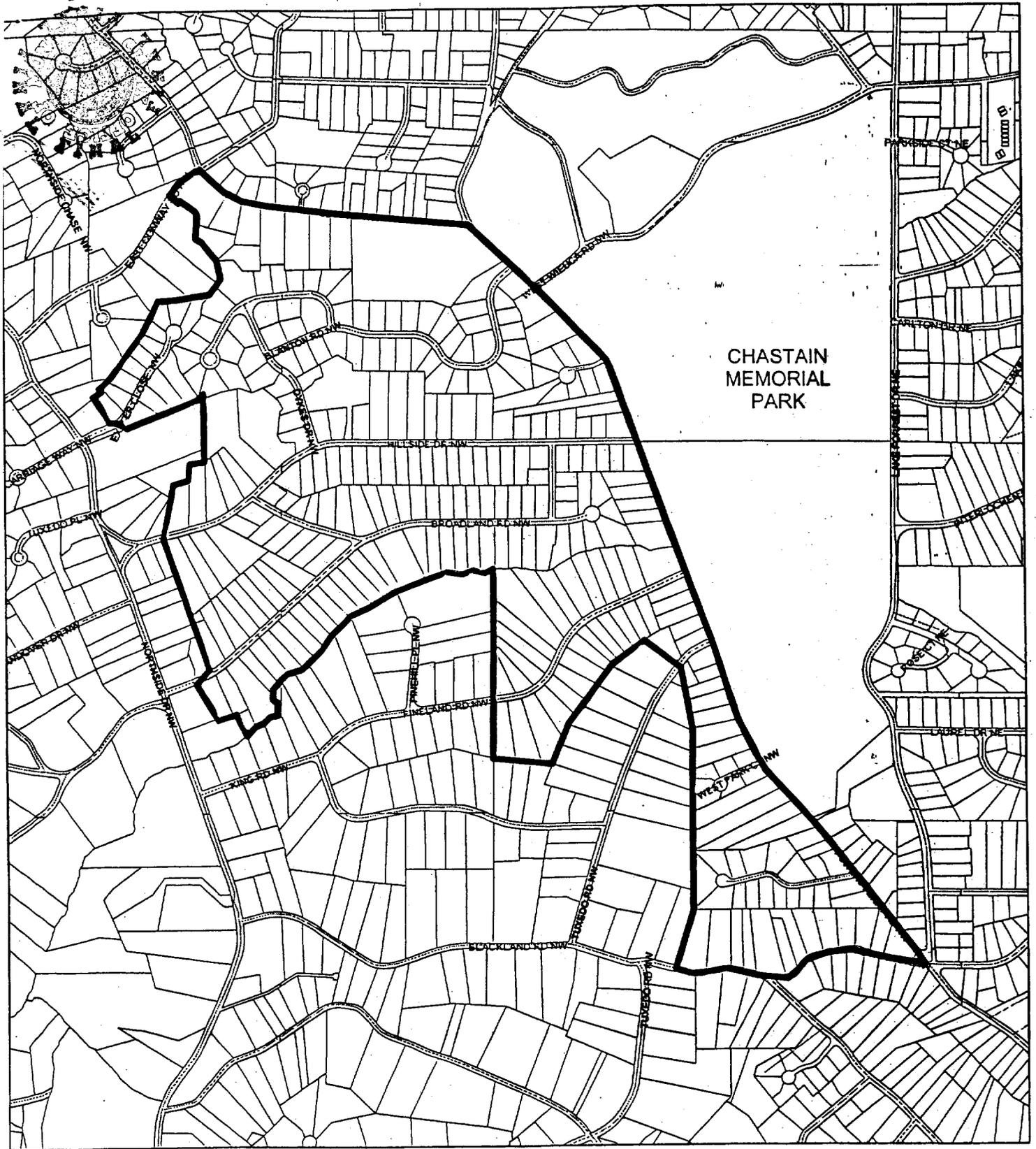
**SECTION 4:** This moratorium shall become effective immediately upon signing by the Mayor or as otherwise provided by the City Charter.

A true copy,

Deputy Municipal Clerk

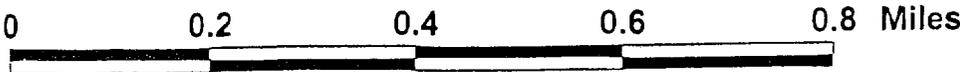
ADOPTED by the City Council  
VETOED by the Mayor  
OVERRIDEN by the City Council

AUG 16, 2004  
AUG 20, 2004  
SEPT 07, 2004

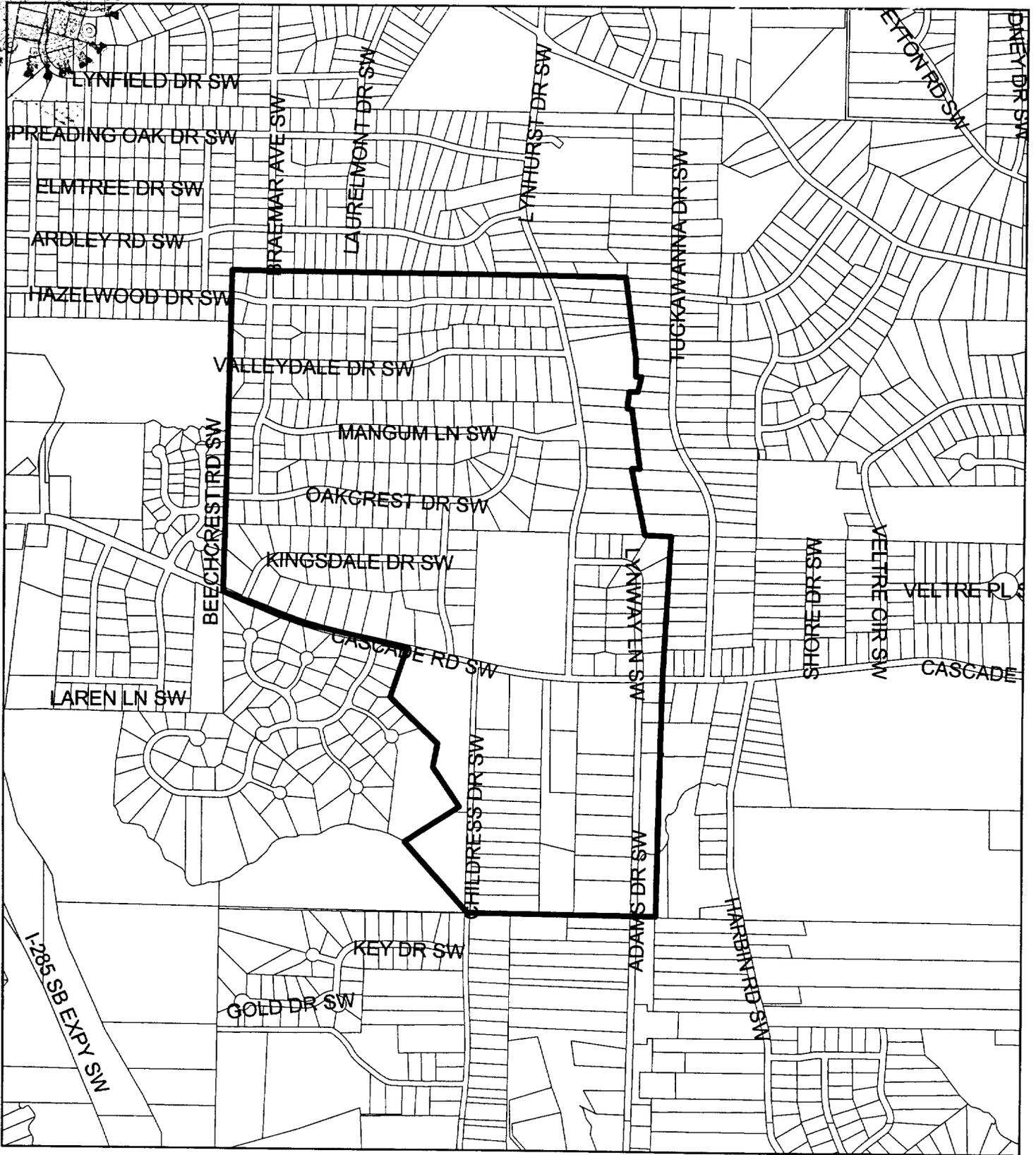


CHASTAIN  
MEMORIAL  
PARK

Exhibit "A"  
Z-04-\_\_\_\_\_

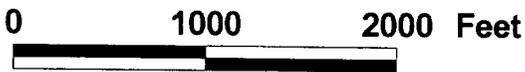


04-0-1376



**Exhibit "B"** CASCADE LYNHURST NEIGHBORHOOD

**04-0-1376**



RCS# 5951  
8/16/04  
3:18 PM

Atlanta City Council

Regular Session

04-O-1376

ESTABLISHING A MORATORIUM ON ACCEPT PRMT  
REPLATTING SUBDIV OF LOT IN CERTAIN LOTS  
ADOPT ON SUB

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	NV Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

04-O-1376

RCS# 5985  
9/07/04  
2:25 PM

Atlanta City Council

Regular Session

04-O-1376            ESTABLISHIN A MORATORIUM FOR LAND LOTS  
                         116,117,118,138,139,233 & 234.  
                              OVERRIDE

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

B Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Sheperd	NV Borders



## CITY OF ATLANTA

SHIRLEY FRANKLIN  
MAYOR

55 TRINITY AVENUE, S.W.  
ATLANTA, GEORGIA 30335-0300  
TEL (404) 330-6100

August 20, 2004

Council President Lisa Borders  
Members of the Atlanta City Council  
City Hall 2<sup>nd</sup> Floor Suite 2900  
55 Trinity Avenue, SW  
Atlanta, Georgia 30335

Dear President Borders and Members of Council:

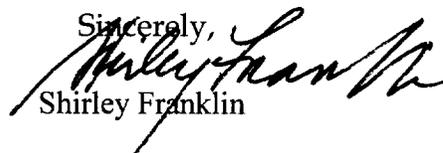
I hereby return with my veto, <sup>Ordinance</sup> Resolution # 04-O-1376

On August 16, 2004 the Atlanta City Council adopted Ordinance #04-O-1376 to establish a moratorium on the acceptance of permits for the replatting or subdivision of lots in the land lots 116, 117, 118, 138 and 139 of the 17<sup>th</sup> District of Fulton County, and for other purposes.

Atlanta is experiencing infill development activity throughout the various sections of the city. This activity enhances our residential housing stock for the numerous persons who desire to reside inside our borders. Although we are pleased with this resurgent interest in urban living, we also realize that this demand must be balanced with the protection of our wonderful communities. However, our approach to ensuring positive growth should be well thought out and based on defensible principals. I believe that these principals can be best achieved by funding the City Council's suggested comprehensive review of the Zoning Code. I have approved <sup>Ordinance</sup> Resolution # 04-O-1377, as adopted by the City Council on August 16, 2004 which suggests that a revised Zoning Code would have, as one of its objectives, the encouragement of compatible new residential construction where appropriate.

<sup>Ordinance</sup> Based on the rationale as outlined in this letter, I urge you to sustain my veto of Resolution #04-O-1376.

<sup>Ordinance</sup>

Sincerely,  
  
Shirley Franklin

21  
**04-0-1376**  
 (Do Not Write Above This Line)

**AN ORDINANCE**

BY COUNCILMEMBER MARY NORWOOD

ESTABLISHING A MORATORIUM ON THE ACCEPTANCE OF PERMITS FOR THE REPLANTING OR SUBDIVISIONS OF LOTS IN THE IN LAND LOTS 116, 117, 118, 138 AND 139 OF THE 17<sup>TH</sup> DISTRICT, FULTON COUNTY, AND FOR OTHER PURPOSES

AUG 1 6 2004

**ADOPTED BY**

**COUNCIL**

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

Date Referred 7/19/04

Referred To: 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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 \_\_\_\_\_  
 \_\_\_\_\_

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
 Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
 Other

Members

Refer To

Committee

Date

Chair

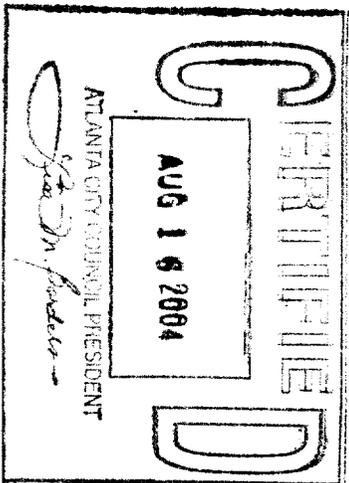
Action

Fav, Adv, Hold (see rev. side)  
 Other

Members

Refer To

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



AUG 1 6 2004  
 \_\_\_\_\_

**MAYOR'S ACTION**

**VETO**

Override 9/7/04  
 by a vote of 13 yeas  
 0 nays