City Council
Atlanta, Georgia

06-O-0785

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-06-43

AN ORDINANCE TO REZONE FROM C-5-C (CENTRAL BUSINESS SUPPORT-CONDITIONAL), C-3 (COMMERCIAL RESIDENTIAL), I-1 (LIGHT INDUSTRIAL) AND SPI-1 (SPECIAL PUBLIC INTEREST CENTRAL CORE) TO MRC-2-C (MIXED RESIDENTIAL COMMERCIAL-CONDITIONAL), CERTAIN PARCELS LOCATED IN THE CASTLEBERRY HILL NEIGHBORHOOD, AND FOR OTHER PURPOSES.

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 property located in the Castleberry Hill neighborhood, and more specifically identified on the map attached hereto and incorporated herein by this reference, be changed from C-5-C (Central Business Support-Conditional) C-3 (Commercial Residential), I-1 (Light Industrial) and SPI-1 (Special Public Interest Central Core) to MRC-2-C (Mixed Residential Commercial-Conditional).

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 do not authorize the violation of any 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 That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.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 Dauphin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council **JULY 05, 2006**
APPROVED by the Mayor **JULY 12, 2006**

CONDITIONS FOR Z-06-43
CASTLEBERRY HILL QUALITY OF LIFE REZONING-MRC-2-C

APPROVAL of the MRC-2 (Mixed Residential Commercial) conditions on the following:

GENERAL ZONING CONDITIONS:

1. Prohibited principal uses and structures.
   a. **Auto service stations, car washes, auto repair facilities, or other uses that include the implementation of gas pumps.**
   b. Commercial greenhouses.
   c. Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly and similar uses with primary activities conducted within fully enclosed buildings. Pool halls, billiard parlors and amusement arcades.
   d. New and used car sales.
   e. Repair garages, paint and body shops.
   f. Security storage centers.
   g. Drive-through service windows and drive-in facilities except for Drug Stores and/or Dry Cleaners.

2. Permitted Accessory Uses and Structures.
   Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises and such merchandise shall occupy not more than 25 percent of the total floor area on the premises.

3. Prohibited special use permits.
   a. Bingo parlors.
   b. Helicopter landing facilities or pickup or delivery stations.
   c. Hospitals.
   d. Park for hire surface parking lots.
   e. Poolrooms, billiard parlors, amusement arcades.
   f. Rooming houses and boardinghouses.
   g. Single room occupancy residences.
   h. Truck stops.

4. Building façade materials.
   Brick, stone, and hardcoat stucco systems with a smooth finish shall be the predominant building materials for the facades of the principal structure facing public streets. Brick, stone, and hardcoat stucco systems with a smooth finish, as well as concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Aluminum siding and vinyl siding are not permitted on any façade.

5. Roofs.

   Roofs of new construction, additions or alterations shall either be flat or pitched at a slope not to exceed 2:12, with a maximum peak height no greater than 10 feet. All roofs shall be concealed by a minimum 30 inch parapet wall.

6. Roof top structures.
   a. All principal components of a structure or addition on the roof of a building visible from a public street shall be of formed sheet metal, glass, brick, stone or hardcoat stucco systems.
   b. The enclosed floor area of a structure shall not exceed 25% of the total roof area, unless otherwise necessary to meet the minimum requirements for mechanical and elevator equipment, stairwells, elevator and stair landings.
   c. Enclosed structures shall not exceed 10 (ten) feet in height above the parapet wall and shall be setback no less than 10 (ten) feet from all street-fronting facades.
   d. All components of an addition on a roof of a principal building shall be set behind the parapet wall.

7. Transitional uses and yards (Section 16-34.009).
   a. Adjoining lot with same frontage.
      This requirement shall also apply to all properties that abut the Castleberry Hill Landmark District (20N).
   b. Transitional height planes.
      This requirement shall also apply to all properties that abut the Castleberry Hill Landmark District (20N).
   c. Transitional yards.
      This requirement shall also apply to all properties that abut the Castleberry Hill Landmark District (20N).

8. Sidewalks.
   Public sidewalks shall be located along all public and private streets and shall have a minimum width of ten (10) feet along all streets. The clear zone width shall be a minimum of five (5) feet for all ten (10) foot wide sidewalks. Along Northside Drive, Martin Luther King, Jr. Drive and Centennial Olympic Park Drive sidewalks shall meet the width requirements of the MRC district and any reductions to sidewalk widths shall require approval by the Bureau of Planning, subject to site constraints that are unique to that particular piece of property.

9. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes are prohibited.

10. Tree preservation and replacement.
    The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code section 158-26 shall also apply to this district.

11. **Any project that includes the use of gas pumps that submits plans for a building permit within 48 hours of Council adoption shall be deemed grandfathered for the purposes of this ordinance and this ordinance only.**

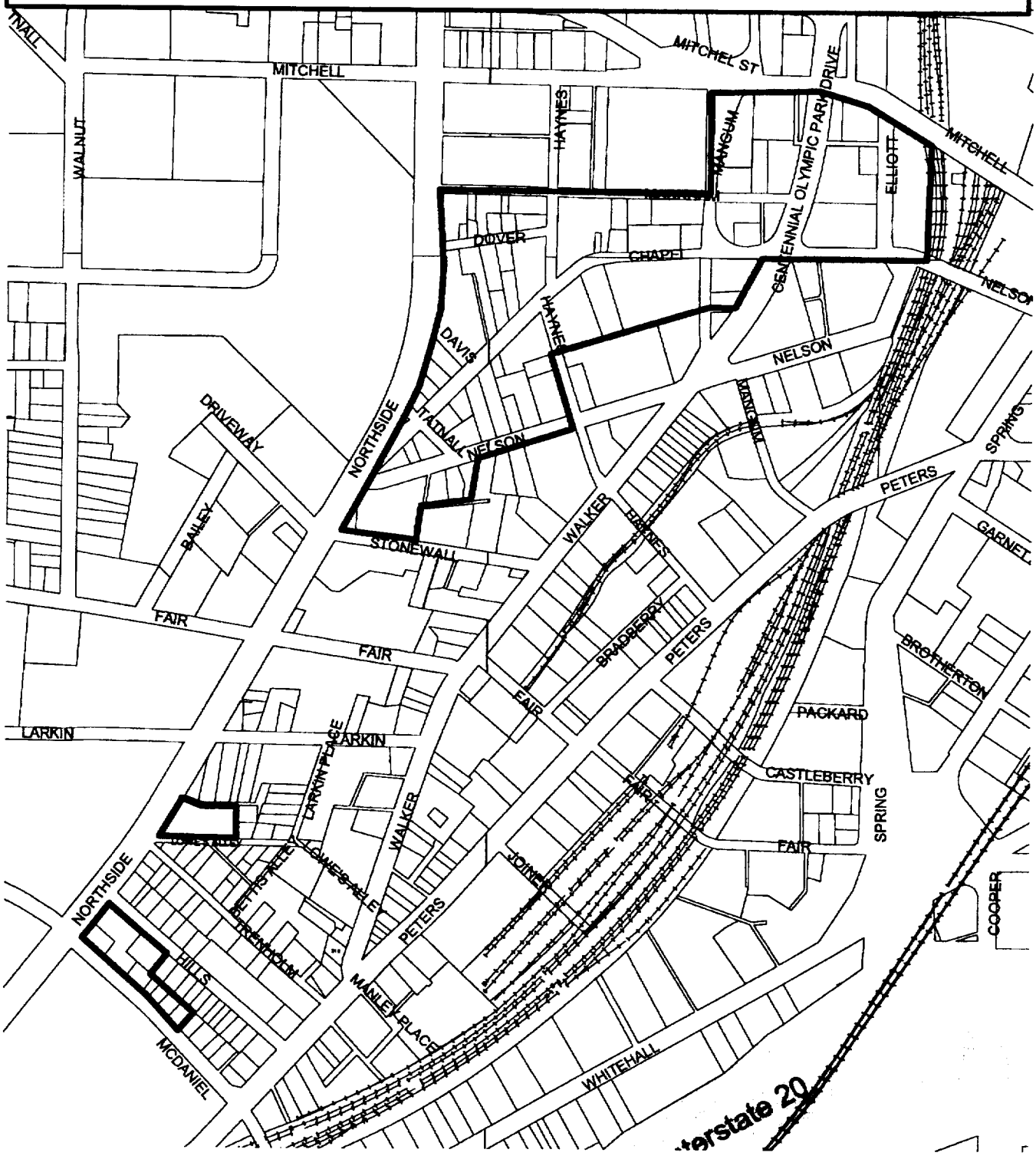
SPECIFIC MRC-2-C CONDITIONS

1. Maximum building heights.
   Structures or portions of structures shall have a maximum height of 52 feet within 150 feet of the Castleberry Hill Landmark District boundaries or any contributing buildings outside of the Landmark District with a maximum height of 70 feet beyond 150 feet of the Castleberry Hill Landmark District boundaries.

Proposed Castleberry Hill MRC-2-C Zoning District

N

Map produced by the Atlanta Urban Design Comm., 3/15/06.



RCS# 381
7/05/06
6:02 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

06-O-0784 Z-06-42
06-O-0785 Z-06-43
ADOPT AS AMEND

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	3
EXCUSED:	0
ABSENT	0

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

MULTIPLE

#6

06-O -0785

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AN ORDINANCE Z-06-43

BY: COUNCILMEMBER IVORY LEE YOUNG, JR.

AN ORDINANCE TO REZONE FROM C-5-C (CENTRAL BUSINESS SUPPORT-CONDITIONAL), C-3 (COMMERCIAL RESIDENTIAL), I-1 (LIGHT INDUSTRIAL) AND SPI-1 (SPECIAL PUBLIC INTEREST CENTRAL CORE) TO MRC-2-C (MIXED RESIDENTIAL COMMERCIAL-CONDITIONAL), CERTAIN PARCELS LOCATED IN THE CASTLEBERRY HILL NEIGHBORHOOD, AND FOR OTHER PURPOSES.

ADOPTED BY

JUL 05 2006

COUNCIL

7/5/06
AS AMENDED By Roll Call Vote

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

Date Referred 03/29/06
Referred To: ZRB & Zoning
Date Referred
Refferred To:
Date Referred
Referred To:

First Reading
Committee
Date
Chair
Referred To

Committee	Committee
Date	Date
Chair	Chair
Action Fav, Adv, Hold (see rev. side) Other As Amended	Action Fav, Adv, Hold (see rev. side) Other
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action Fav, Adv, Hold (see rev. side) Other	Action Fav, Adv, Hold (see rev. side) Other
Members	Members
Refer To	Refer To

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

CERTIFIED

JUL 05 2006

CERTIFIED
JUL 05 2006
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
JUL 12 2006
MAYOR