CITY COUNCIL
ATLANTA, GEORGIA

07-O -0089

AN ORDINANCE BY:

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, SO AS TO AMEND, CHAPTER 6C, FULTON COUNTY RESIDENTIAL; TO ESTABLISH DESIGN GUIDELINES FOR SAID DISTRICT; TO ENACT, BY REFERENCE AND INCORPORATION, A MAP ESTABLISHING THE BOUNDARIES OF SAID DISTRICT FOR THE HUNTINGTON COMMUNITY; TO AMEND THE CITY OF ATLANTA ZONING MAPS; TO MODIFY THE ZONING PROCESS FOR ANNEXATIONS; AND FOR OTHER PURPOSES.

WHEREAS, owners of real property and resident electors in the Huntington Community have applied to the City of Atlanta for annexation of certain property located within the Huntington Community (Property), as more fully described in exhibit "A" attached hereto; and

WHEREAS, Zoning Procedures Law requires a municipality to complete the zoning process for Property to be annexed into the city with the exception of the final vote before the annexation of the property; and

WHEREAS, the property is currently zoned R-3 in Fulton County; and

WHEREAS, the City of Atlanta wishes to adopt the current zoning to reduce and minimize any potential impact on surrounding properties; and

WHEREAS, because of time restraints placed on the ability of municipalities to annex properties in South Fulton the City needs to truncate the current zoning process while still meeting the Zoning Procedures law requirements; and

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, 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 within the Huntington Community, as shown on the attached Exhibit "A" be zoned to the Fulton County R-3, (FC-R-3) category.

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 only in compliance with the attached conditions. Any conditions herby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District Regulation variances can be approved only by the Board of Zoning adjustment.

Section 3. That the official zoning maps of the City of Atlanta be changed to conform with the terms of this Ordinance.

Section 4. That the 1982 Zoning Ordinance of the City of Atlanta, as amended, is herby further amended to read as follows on exhibit "B" attached hereto.

Section 5. That the City zoning process is hereby amended to allow for the public hearing be heard at the City Council meeting on _____ instead of the Zoning Review Board for the purpose of Zoning annexed land only.

Section 6. All ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby waived to the extent of the conflict.

VILLAGE PARK LANE
3330
3336
3340
3366
3370
3380
3390
3400
3410
3420
3430
3440
3460
SOMERSET TRAIL
3350
3360
3365
3368
3370
3375
3385
4245
4255
4265
SOMERSET CIRCLE
4240
4250
4260
4270
3400
3410
3420
3430
3450
3465
3475
3485
3495
3505
3470
3480
3490
3500
3510
3470
3480
FAIRBURN ROAD
CAMP CREEK PARKWAY
4335
4345
POMPEY DRIVE
4330
4340
4350
4360
3595
OLD FAIRBURN ROAD
HUNTINGTON

EXHIBIT A

.Chapter 6C. Fulton County R-3 Single Family Dwelling District.

16-06.001 *R-3 District scope and intent.* To adopt the regulations currently in place for land annexed into the City from Fulton County. Adoption of this designation is to ensure that there is no impact to surrounding properties and to allow for continuity in the land use regulations.

16-06.002 *Use regulations.* Within the R-3 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. Permitted uses. Structures and land may be used for only the following purposes:

1. Single family dwelling.

2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.

B. Accessory uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

16-06.003 *Development standards.*

A. Height regulations: No building shall exceed 40 feet in height.

B. Minimum front yard: 50 feet.

C. Minimum side yard:

-- ten feet adjacent to interior line.

-- 20 feet adjacent to street.

D. Minimum rear yard: 35 feet.

E. Minimum lot area: 18,000 square feet.

F. Minimum lot width: 100 feet.

G. Minimum lot frontage: 35 feet adjoining a street.

H. Minimum heated floor area.

1,200 s.f. on ground level for less than two story.

1,320 s.f. for two story or more than two story with 900 s.f. on ground floor. *I. Minimum accessory structure requirements.* Accessory structures may be located in the rear or side yards only, but shall not be located within a minimum yard.

16-06.004 Applicability. This category is only available for those properties that where part of the annexation of land in Horseshoe Community and Midwest Cascade Neighborhoods that took place during September 2006. Also the Huntington Community which took place during 2007.

"Exhibit B"