08-O-1452

AN ORDINANCE
BY COUNCILMEMBER JOYCE SHEPERD
AS SUBSTITUTED BY ZONING COMMITTEE Z-08-55

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY REZONING CERTAIN PROPERTIES FROM C-1 (COMMUNITY BUSINESS DISTRICT)/BELTLINE OVERLAY DISTRICT, RLC (RESIDENTIAL LIMITED COMMERCIAL)/BELTLINE OVERLAY DISTRICT, AND R-4 (SINGLE FAMILY RESIDENTIAL)/BELTLINE OVERLAY DISTRICTS WITHIN THE CAPITOL VIEW AND CAPITOL VIEW MANOR NEIGHBORHOODS TO THE NC-9 DILL AVENUE-METROPOLITAN PARKWAY NEIGHBORHOOD COMMERCIAL DISTRICT/BELTLINE OVERLAY DISTRICT, AND FOR OTHER PURPOSES.

WHEREAS, the residents, business and property owners have requested to rezone certain properties in the Capitol View and Capitol View Manor neighborhoods to the Neighborhood Commercial designation as shown on "Attachment A"; and

WHEREAS, the City of Atlanta conducted the Oakland City/Lakewood Livable Centers Initiative Plan, which was adopted in November 2004 by City Council as a guide for future development in the area; and

WHEREAS, the purpose and intent is to maintain a balance of uses to create a vibrant and sustainable commercial district in keeping with the regulations of the Neighborhood Commercial District ordinance; and

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 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 32I. NC-9 Dill Avenue-Metropolitan Parkway Neighborhood Commercial District, which shall read as follows:

Chapter 32I. NC-9 Dill Avenue-Metropolitan Parkway Neighborhood Commercial District

Section 16-32I.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-9 Dill Avenue-Metropolitan Parkway Neighborhood Commercial District. The following NC-9 District regulations shall apply in addition to those of the general NC District regulations; except where said

NC-9 District regulations conflict with the general NC regulations, said NC-9 regulations shall apply.

Section 16-32I.002. Specific Regulations.

The following regulations are specific to the NC-9 Dill Avenue-Metropolitan Parkway Neighborhood Commercial District:

1. Permitted Principal Uses:
   a. The following uses shall be permitted if the parcel on which they are located is separated by a minimum distance of 500 linear feet, measured from, property line to property line from any like use: barber shops, beauty supply, beauty school, hair salons, and manicure and nail salons. This shall not be construed to mean that a mixture of the above said uses as part of a single parcel or business establishment shall be prohibited. Said uses or combination of uses shall not exceed 4,000 square feet of floor area.
   b. Laundry and dry cleaning collections stations, and laundry and dry cleaning establishments where customers operate equipment shall be permitted if the parcel on which they are located is separated by a minimum distance of 500 linear feet, measured from, property line to property line from any like use.
   c. Parking structures and surface lots to serve primary uses within the district.

2. Prohibited Uses:
   a. Automobile service stations.
   b. Park-for-hire facilities on surface lots.
   c. Pawn shops.
   d. Tattoo and body piercing establishments.
   e. Telecommunication switchboards, power generators and other telecommunications relay equipment and rooms or floors housing them – as principal uses.

3. Special Use Permits.
   a. Childcare centers, kindergartens and special schools.

4. Special Administrative Permits. The following administrative variations shall be permitted:
   a. Street Tree requirements. Variations are subject to constraints such as overhead or underground utilities, topography, or for the preservation of existing trees greater than six (6) inches in caliper measured four and one-half (4.5) feet above the natural grade at the base.
   b. Street furniture and tree planting zone: On-street parking may be placed in the street furniture zone, provided that street trees are installed in bulb-outs located at intervals within the area used for on-street parking, as approved by the Bureau of Planning.
   c. Sidewalk and Supplemental Zone width requirements: In blocks where 50 percent or more of the buildings were built before 1950, width requirements may be reduced to match the existing building setbacks, as measured from the curb, of the nearest two adjacent buildings located on the same side of the street. Sidewalk and supplemental zone width requirements may also be varied subject

to constraints related to existing topography or preservation of existing trees (as noted above).

d. Outdoor dining within required sidewalk: Outdoor dining may encroach into the sidewalk provided all of the following criteria are met:
   i. Pedestrian clearance: Shall have a minimum of four (4) feet width of unobstructed sidewalk area parallel to the street along Dill Avenue and six (6) feet along Metropolitan Parkway. Said outdoor dining area shall also not be located within five (5) feet of a pedestrian crosswalk, handicap ramp, taxi stand, fire hydrant, FDC (Fire Department Connection) equipment on building facades, within eight (8) feet of driveways, and within 15 feet of transit stops or transit shelters. In areas of congested pedestrian activity and or pedestrian safety concerns, the Director of the Bureau of Planning is authorized to require a wider pedestrian path, as circumstances dictate.
   ii. Visual delineation: The outdoor dining area shall be visually delineated on the sidewalk by metal pins with a minimum two inch diameter installed at the corners in the ground and flush with the grade of the sidewalk, or in an alternative manner as approved by the Director of the Bureau of Planning. Said dining area may be separated from the pedestrian path on 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. All tables, chairs, planters and other furniture shall be located totally within the limits of the designated dining area.
   iii. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this Chapter.

5. Maximum building heights. Structures which are within 150 feet of an R-1 through R-5 and PD-H district boundary shall have a maximum of three stories and a height of 42 feet. Structures that are between 150 feet and 300 feet from an R-1 through R-5 and PD-H district boundary shall have a maximum of five stories and a height of 66 feet. Mezzanines and lofts shall be considered a story.

6. In addition to the requirements of Section 16-32.018 "Loading areas, loading dock entrances and building mechanical and accessory features":
   a. Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public right-of-way, park or plaza, outdoor dining area, or adjacent property.
   b. Dumpsters shall have a self-closing gate and walls or fencing a minimum of twelve (12) inches higher than the dumpster receptacle.
   c. Building mechanical and accessory features not located on rooftops shall provide landscaping or similar screening. Said shrubbery shall consist of a continuous hedge of evergreen shrubbery, and shall be a minimum height of three (3) feet at time of planting and reach a minimum height of six (6) feet at maturity.

7. In addition to the requirements of Section 16-32.020 "Curb cuts and parking structures", two curb cuts serving two one-way driveways shall only be counted as one curb cut.

8. Off-Street Parking Requirements: In addition to requirements provided in Section 16-32.023 "Minimum Parking Requirements", the following parking requirements shall supplant the requirements for the uses specified below in the Table.

NC-9 Dill Avenue-Metropolitan Parkway Neighborhood Commercial District: Parking Table	
Permitted Use	**Minimum Parking Requirement***
Banks and similar institutions	4.0 spaces per 1,000 sq. ft.
Retail Establishments (including catering, delicatessen and bakeries) Clothing and Tailor Shops Sales and Repair Establishments	4.0 spaces per 1,000 sq. ft.
Eating and Drinking Establishments Outdoor Dining (greater than 25% of the enclosed floor area)	5.0 spaces per 1,000 sq. ft. 3.0 spaces per 1,000 sq. ft.
Office	2.0 spaces per 1,000 sq. ft.
Dwellings and Lodgings	1.0 space per unit
All other non-residential uses and Accessory Uses, not otherwise identified in Section 16-32.023	2.0 spaces per 1,000 sq. ft.
Electric Vehicle Charging Requirements	None
**Minimum parking requirements may be reduced within the NC-9 District, subject to a shared parking arrangement per the requirements of Section 16-32.023(3).*	

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.