08-O -2032

AN ORDINANCE

BY COUNCILMEMBER

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY CREATING A NEW CHAPTER ENTITLED CHAPTER 18W - SPI 23 ATLANTIC STATION REDEVELOPMENT SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS; TO AMEND THE OFFICIAL ZONING MAP BY OVERLAYING EXISTING ZONING DISTRICTS C-4-C AND I-2 WITH SAID SPI 23 DISTRICT SO AS TO PROVIDE FOR COMPREHENSIVE AND CONSISTENT REGULATIONS WITHIN THE SPI RELATIVE TO SIGNAGE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the Redevelopment Powers Law (O.C.G.A. §36-44-1, *et seq.*), the Council of the City of Atlanta, Georgia has previously approved the Atlantic Steel Brownfield Redevelopment Plan (the "Plan") and created Tax Allocation District Number Two -- Atlantic Steel (the "TAD") by Resolution No. 99-R-1344, adopted on October 4, 1999 and approved by the Mayor on October 5, 1999 (the "1999 Resolution"); and

WHEREAS, the 1999 Plan provided that "the TAD proceeds derived from within the 138-acre Atlantic Steel site will be dedicated to the infrastructure needs of the Master Development Plan of that site until such time all needs of that development have been met," and it was anticipated that the City would issue three series of tax allocation bonds to pay for the infrastructure, environmental remediation and capping, and parking (collectively the "Infrastructure") needed to implement the Plan; and

WHEREAS, Ordinance 98-O-0080 (Z-97-58) was adopted by the City Council on April 6, 1998 and approved by the Mayor on April 13, 1998, rezoning the bulk of the property now known as Atlantic Station from the I-2 classification to the C-4-C (Central Area Commercial Residential-Conditional); and

WHEREAS, since 1998 there have been additional zoning variances, special administrative permits, and a rezoning embodied in Ordinance 02-O-0281 (Z-02-27) of a four acre parcel to PD-H; and

WHEREAS, in October 2001 the City entered into a Development Agreement with Atlantic Station, LLC to carry out redevelopment activities as set forth in the Plan; and

WHEREAS, Atlantic Station caused the construction considerable system improvements and infrastructure within the TAD, without which the redevelopment would have been impossible to achieve; and

WHEREAS, Atlantic Station caused unprecedented residential and office development to occur within the TAD; and

WHEREAS, Atlantic Station caused unmatched development of retail and entertainment facilities within the TAD; and

WHEREAS, as a result of the foregoing activity, Atlantic Station is now a unique area in which the principles of new urbanism and smart growth are exemplified; and

WHEREAS, Atlantic Station represents the unsurpassed evolution from a dilapidated Brownfield to a community where people can truly "live, work, and play," which serves as the national model for smart growth and environmental sustainability; and

WHEREAS, the City of Atlanta comprehensively regulates signage so as to enhance the aesthetic appearance of the City, protect the safety of the public, and to achieve other health, safety and welfare purposes; and

WHEREAS, the Council finds that protection of the City of Atlanta's investment and financial interests within the Atlantic Station Redevelopment Area is an important governmental interest; and

WHEREAS, the Council wishes to recognize the unique aspects of Atlantic Station and create a comprehensive overlay special public interest district for the boundaries of the Atlantic Station Redevelopment Area, consistent with other SPI districts undertaken within the City; and

WHEREAS, the Council now wishes to create regulations to achieve the design and commercial needs of the public and Atlantic Station, which will improve the downtown retail environment and allow this unique development to thrive and truly become the vibrant community envisioned by the Developers and City.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

SECTION ONE: That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended by adding a new **Chapter 18W - SPI 23 ATLANTIC STATION REDEVELOPMENT DISTRICT** Regulations, which shall read as follows:

SECTION 16-18W.0001 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 SPI-23 Atlanta Station Redevelopment Special Public Interest District. These regulations shall overlay the existing districts or portions of existing districts as shown on the attached map. To the extend there is any conflict between the 1982 Zoning Ordinance and this ordinance, this ordinance shall control within the SPI.

SECTION 16-18W-0002 STATEMENT OF INTENT

It is in the intent of the City of Atlanta to recognize the unique aspects of Atlantic Station and create a comprehensive overlay special public interest district for the boundaries of the Atlantic Station Redevelopment Area, consistent with other SPI districts undertaken within the City. The City wishes to encourage a compatible mixture of residential, commercial, entertainment, cultural and recreational uses within Atlantic Station as has been initiated through the redevelopment of the area. Further, the City intends to contemporaneously create regulations to achieve and naintain the design and commercial needs of the public and of the Atlantic Station development and improve the retail environment, and which will allow this unique venture to continue to thrive and truly become the vibrant community envisioned by the Residents, Businesses and City.

SECTION 16-18W.0003 BOUNDARIES OF SPI-23 ATLANTIC STATION REDEVELOPMENT SPECIAL PUBLIC INTEREST DISTRICT.

The Boundaries of the SPI-23 Atlantic Station Redevelopment Special Public Interest District are shown on the maps in Exhibit A which by this reference are incorporated into and made a part of this chapter and this part. The Atlantic Station Special Public Interest District shall be contiguous with the previously adopted Atlantic Steel Brownfield Redevelopment Plan and Tax Allocation district Number Two-Atlantic Steel, as adopted by Resolution 99-R-1344, adopted by Council on October 4, 1999 and approved by the Mayor on October 5, 1999, which boundaries are as follows:

ATLANTIC STEEL BROWNFIELD REDEVELOPMENT AREA AND TAX ALLOCATION BOND DISTRICT NO. 2 BOUNDARY DESCRIPTION

A tract of land in the City of Atlanta comprised of both private parcels and public rights-of-way shall be set aside as The Atlantic Steel Brownfield Redevelopment Area and Tax Allocation Bond District No. 2 and those parcels and rights-of-way comprising the district are more particularly described as follows:

Beginning at a point on the eastern right-of-way (ROW) of Techwood Drive at its intersection with the southern ROW of 16th Street and the western ROW of the southbound 14th Street exit of I-75; thence westerly along the southern ROW of 16th Street to the eastern ROW of Fowler Street; thence south along the eastern ROW of Fowler Street approximately 240 feet to a point; thence in a westerly direction across the ROW of Fowler Street and 170 feet along the southern property line of a vacant tract to its western property line; thence north approximately 87 feet along that property line to the southern property line of a vacant tract; thence westerly along said tract 170 feet to the eastern ROW of Barnes Street; thence westerly across the ROW of Barnes Street and continuing westerly along the south side property lines of 1270 Barnes Street, NW, and 1271 Lyle Place, NW to the eastern side of the ROW of Lyle Place; thence westerly

across Lyle Place to the southeast corner of 1272 Lyle Place, NW and continuing along its south side property line 68 feet to its rear property line; thence westerly to the western ROW of Holly Street to a point 200 feet south of the southwestern intersection of 16th Street and Holly Street; thence continuing in a westerly direction to and across the ROW of Francis Street and continuing westerly to the western ROW of Atlantic Drive; thence south along its western ROW 104 feet to a point; thence in a western direction to the eastern ROW of State Street; thence southerly along the eastern ROW of State Street to its intersection with the northern ROW of 14th Street; thence westerly along the northern ROW of 14th Street to the intersection with the western ROW of State Street; thence northerly along the western ROW of State Street to a point that is 304.50 feet south of the intersection of said ROW and the southern ROW of 16th Street; thence continuing westerly 135 feet to a point; thence south to the southern ROW of 15th Street; thence east 195 feet to the eastern ROW of State Street; thence south along the easterly State Street ROW to its intersection with the south ROW of Laurent Street; thence westerly along said south ROW of Laurent Street to its intersection with the east ROW of Mecaslin Street; thence south to its intersection with the north ROW of 14th Street; thence east along the northern ROW of 14th Street to its intersection with the west ROW of Techwood Drive; thence north along the western ROW of Techwood Drive to the intersection with the northern ROW of 16th Street; thence easterly along said northern ROW to the intersection with the eastern ROW of Techwood Drive; thence south along the eastern ROW of Techwood Drive to its intersection with the southern ROW of 10th Street; thence west along the southern ROW of 10th Street to its intersection with the western ROW of Techwood Drive; thence north along the western ROW of Techwood Drive to its intersection with the southern ROW of 14th Street; and thence west along the southern ROW of 14th Street to the eastern ROW of Northside Drive; thence south along the eastern ROW of Northside Drive to the midpoint of the railroad bridge and the northern boundary of the Westside TAD; then westerly across Northside Drive ROW to its western ROW; then northerly along the western ROW of Northside Drive to its intersection with the southern ROW of 14th Street; and thence in a westerly direction along the southern ROW of 14th Street to the eastern ROW of Howell Mill Road; thence in a southerly direction, along said eastern ROW of Howell Mill Road to the northern side of its intersection with Northside Drive/Marietta Street; thence westerly across the Howell Mill Road/Marietta Street ROW intersection to its western ROW; and thence north along said western ROW of Howell Mill Road to its intersection with the northern ROW of I-75; thence in an easterly direction along the northern ROW OF I-75 to its intersection with the eastern ROW of Howell Road; thence in a southerly direction following along the eastern ROW of Howell Mill Road to the northern ROW of 14th Street; thence east along said ROW to the western ROW of Northside Drive; thence north along the western ROW of Northside Drive to a point on the northerly side of said ROW intersection with the north ROW of I-75 ; thence easterly across the ROW of Northside Drive to the eastern ROW of Northside Drive; thence south along said eastern ROW of Northside Drive to its intersection with the eastern ROW of Hemphill Drive; thence

southeasterly along the curvature of Hemphill Drive at its merger with Northside Drive to the northern ROW of 14th Street; and thence east along the northern ROW of 14th Street (700 feet) to a point; thence northerly (200 feet) to a point; thence in a northwesterly direction 245 feet to a point; thence 611 feet to the eastern ROW of Northside Drive; thence 310 feet to the southern ROW of Norfolk Southern Railroad; thence along the curvature of the south side of the Norfolk Southern Railroad ROW approximately 5,000 feet to a wall and the southwestern side of I-75 ROW; thence in a southeasterly direction along the I-75 ROW to its intersection with the eastern ROW of Techwood Drive, the southern ROW of 16th Street and the point of beginning, together with two out parcels (A & B) adjacent to the Norfolk Southern Railroad ROW more particularly described as follows:

Parcel A comprising approximately six (6) acres lying between the Norfolk Southern Railroad ROW and Bishop Street beginning 275 feet east of Northside Drive on the south side of Bishop Street and running easterly along Bishop Street to a point on its southern ROW; and thence southerly 595 feet to the northern ROW of Norfolk Southern Railroad; thence west 476 feet along said ROW to a point and running northerly 683 feet to the southern ROW of Bishop Street and the point of beginning.

Parcel B which lies on the eastern side of Mecaslin Street containing approximately two (2) acres between the ROW of the mainline Norfolk Southern Railroad and a Norfolk Southern industrial belt spur ROW adjacent to the eastern ROW of Mecaslin Street as follows: beginning at a point of the eastern ROW of Mecaslin Street and the northwestern side of the Norfolk Southern Railroad spur line (industrial belt) ROW and running north along the eastern ROW of Mecaslin Street 253 feet to the southeastern side of a 15 foot alley and running thence along the southern side of the alley approximately 392 feet and thence southerly 237 feet to a point on the northwestern ROW of the Norfolk Southern Railroad industrial belt line; thence westerly 507 feet to the eastern ROW of Mecaslin Street and the point of beginning.

Less and excepting therefrom 2 parcels described as follows:

Tax Parcel 17-0149-LL005 and Tax Parcel 17-0108-0007-004.

Said district containing approximately 150 acres plus public ROW along streets adjacent to and serving the district.

SECTION 16-18W.0004 Application procedures.

A special administrative permit shall be required for development in this district as set forth in this section. A special administrative permit (SAP) application and four copies each of a site plan, landscape plan and elevation drawings of each exterior façade shall be submitted and approved by the director of the bureau of planning prior to the applicant filing for a building permit. All new construction, including additions to existing buildings, expansions of existing outdoor dining, outdoor dining within required sidewalk

areas, or any construction which results in increased lot coverage or a modification of the building footprint within this district, shall be subject to said site plan review and approval. Before making application for a special administrative permit, a pre-application conference between the applicant and the director of the bureau of planning or the director's designee is required to discuss the application and relevant requirements of these regulations. Said preapplication conference shall be held within 14 days of the request by the applicant, unless a longer period is mutually agreed upon. All applications for a special administrative permit shall be processed in accordance with the standards and procedures applicable to said SAP applications contained in Chapter 25 of Part 16 except as otherwise modified by this chapter 18W.

SECTION 16-18W.0005 Permitted principal uses and structures.

A building or premises shall be used only for the following principal purposes:

1. Banks, savings and loan associations, and similar financial institutions.

2. Broadcasting towers, line-of-sight relay devices for telephonic, radio or television communications when located 200 feet or more from any off-site residential districts or residential use not located within an industrial district, and when such towers or devices are greater than 200 feet in height, when located a distance which is less than or equal to the height of the tower or device from a residential district or residential use which is not in an industrial district.

3. Business or commercial schools.

4. Child care centers, kindergartens and special schools.

5. Churches, synagogues, temples, mosques and other religious worship facilities.

6. Clubs and lodges.

7. Commercial greenhouses.

8. Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly, and similar uses, with primary activities conducted within fully enclosed buildings.

9. Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

10. Dormitories, fraternities and sororities.

11. Hospitals.

12. Hotels and motels.

13. Institutions of higher learning, including colleges and universities.

14. Laundry and dry cleaning collection station or plants; laundry and dry cleaning establishments where equipment is operated by customers.

15. Mortuary and funeral homes.

16. Multifamily dwellings.

17. Museums, galleries, auditoriums, libraries and similar facilities.

18. Offices, clinics (including veterinary), laboratories, studios, and similar uses, but not blood donor stations except at hospitals. Veterinary clinics shall be located within soundproof buildings when located within 300 feet of any residential use.

19. Parking structures.

20. Printing or blueprinting shops.

21. Professional or personal service establishments.

22. Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks, and similar activities.

23. Retail establishments, including catering establishments, delicatessens and bakeries with wholesale operations limited to no more than 7,500 square feet in area.

24. Sales and leasing agencies for new and used passenger automobiles, bicycles, mopeds, and commercial vehicles not exceeding one ton in rated capacity.

25. Service stations, car washes.

26. Structures and uses required for operation of MARTA or public utility, but does not include uses involving storage, train yards, warehousing, switching, or maintenance shops as the primary purpose.

27. Tailoring, custom dressmaking, millinery.

28. No use or manner of operation shall be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television reception, or is otherwise incompatible with the character of the district or its relation to adjoining residential districts.

SECTION 16-18W.0006 Permitted accessory uses and structures.

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically includes clubhouses, pools, and other recreation amenities, and parking to serve authorized residential and nonresidential uses within the district subject to the restrictions elsewhere in this chapter.

SECTION 16-18W.0007 Development Controls.

Development within SPI 23 shall be consistent with the requirements of Ordinance 98-O-0-800, adopted by Council on April 6, 1998, and approved by the Mayor on April 13, 1998, as may have been amended and may in the future be amended from time to time by ordinance of the City Council.

SECTION 16-18W.0008 Locational Requirements.

Within SPI 23, the locational requirements of Code Section 16-28.024 and 10-88.1 shall be of no force and effect.

SECTION 16-18W.0009 Signage in SPI 23 Atlanta Station Redevelopment District

Within SPI 23, the signs permitted shall be those as prescribed in Section 16-28A.010(11), subject to the following additions:

1. *Number and Area of Signs:* In addition to the signs provided hereinabove, including without limitation wall signs, projecting signs, canopy signs, parapet wall signs, suspended signs and marquee signs, signs adjacent to an interstate highway shall also be permitted. The maximum size of any billboard shall not exceed 672 square feet. No more than (2) billboards per building shall be allowed. No more than (12) stairwell signs shall be permitted. The maximum size of any sign adjacent to an interstate highway shall be 1200 square feet. Not more than two signs adjacent to an interstate highway shall be permitted.

2. *Business Identification Signs:* The combined area of permitted business identification signs shall not exceed (25) percent of the total area of the front wall of each said business establishment, and in no case shall any individual sign exceed 500 square feet. Where existing nonconforming buildings are located immediately adjacent a street, such buildings shall be permitted to have (2) signs, not exceeding 80 square feet in sign area. Every building establishment shall be entitled to at least 80 square feet total combined sign area.

3. *Atlantic Station District Signs:* In addition to the freestanding business identification sign permitted in subsection (2) above, each District within Atlantic

Station shall be permitted one (1) single freestanding business identification sign. Said sign may be located within the required front yard setback. Said sign shall not exceed 200 square feet in sign area. Where a District has frontage on two (2) or more streets, one (1) additional sign shall be permitted for each additional street frontage provided that such additional street does not face a residential district.

4. *Wall Signs on Corner Lots:* For corner lots, one (1) additional wall business identification sign for the business establishment occupying the corner space shall be permitted, provided it is oriented toward the additional street frontage. The total area of said wall sign shall not exceed (25) percent of the area of the wall of said building occupied by such business establishment and oriented toward the additional street frontage, or 80 square feet, whichever is more.

5. *Shopping Center Signs:* Shopping centers shall be permitted (4) freestanding business identification signs, in addition to any freestanding business identification signs permitted. Where a shopping center has frontage on two (2) or more streets, two (2) additional signs shall be permitted for each additional street frontage, whether or not such additional street is facing a residential district.

6. *Height of Signs:* Freestanding business signs shall note exceed 50 feet in height above the level of the surface of the pavement of the nearest lane of the main traveled way or 50 feet from the ground at the base of structure to the tallest part of the structure whichever is greater.

7. *Animated and Flashing Signs:* No such sign shall be erected within 50 feet of an adjoining residential district if directly visible therefrom.

8. *Changing Signs and Signs Employing Changing Sign Technology:* Shall be permitted provided they are in compliance with Zoning Code Section 16-28A.007(x).

9. *General Advertising Signs:* General advertising signs are permitted in SPI 23 and shall be located within the buildable area of the lot and shall not exceed 1,200 square feet in are, or be greater than 30 feet in height or 60 feet in length. Zoning Code Sections 12-28A.007 (b)(1)(2)(6) (9)and (10) regarding general advertising signs shall not apply in SPI 23.

10. *Large Screen Video Displays:* In addition to the signs otherwise authorized in SPI 23, LSVD Signs, shall be authorized provided they meet each of the following standards:

    (a) LSVD signs shall be authorized within SPI 23.

    (b) No LSVD sign shall exceed 520 square feet in total sign face area;

    (c) All LSVD signs shall be constructed and erected as wall signs. Freestanding LSVD signs are specifically prohibited;

(d) No portion of an LSVD sign shall extend 60 feet in height above ground level; provided further that no part of an LSVD sign shall be placed above, supported on, or extend above the roof of a building;

(e) No LSVD sign face shall be directly visible from the interior of any property used for residential purposes;

(f) All LSVD sign faces shall be directed toward public pedestrian gathering areas in SPI 23;

(g) No LSVD sign shall operate between the hours of 12:00 midnight and 7:00 a.m. unless a special events permit has been issued by the special events office for a special event during these hours held within area(s) designated hereinabove in sub-section (a) in which the LSVD sign is located;

(h) No directly visible portion of an LSVD sign face shall be located within 100 feet of any street having a posted speed limit greater than 35 miles per hour;

(i) All LSVD signs must otherwise comply with all other provisions of this code as well as all other laws and regulations of the State of Georgia and the City of Atlanta.

SECTION TWO: That the 1982 Zoning Ordinance Map of the City of Atlanta is hereby amended as shown on Exhibit "A."

SECTION THREE: That to the extent any ordinances or parts of ordinances are in conflict herewith, this ordinance shall control within the SPI 23 Atlanta Station Redevelopment District.

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08-O -2032

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AN ORDINANCE

BY COUNCILMEMBER

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY CREATING A NEW CHAPTER ENTITLED CHAPTER 18W - SPI 23 ATLANTIC STATION REDEVELOPMENT SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS; TO AMEND THE OFFICIAL ZONING MAP BY OVERLAYING EXISTING ZONING DISTRICTS C-4-C AND I-2 WITH SAID SPI 23 DISTRICT SO AS TO PROVIDE FOR COMPREHENSIVE AND CONSISTENT REGULATIONS WITHIN THE SPI RELATIVE TO SIGNAGE; AND FOR OTHER PURPOSES.

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

Date Referred 10/6/08

Referred To: ZRB + Zoning

Date Referred

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First Reading

Committee

Date

Chair

Referred to

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FINAL COUNCIL ACTI

☐2nd ☐1st & 2nd Readings

☐Consent ☐V Vote ☐RC

CERTIFIED

MAYOR'S ACTION