

City Council
Atlanta, Georgia

AN ORDINANCE
BY: NATALYN ARCHIBONG



**AN ORDINANCE TO AMEND ORDINANCE 06-O-0507
ADOPTED BY THE CITY COUNCIL APRIL 17, 2006 AND
APPROVED BY THE MAYOR APRIL 25, 2006 FOR PROPERTY
LOCATED AT 18-48 MONTGOMERY STREET, S.E., 54
MONTGOMERY STREET, S.E. AND 19-53 HUTCHINSON
STREET, S.E. FOR THE PURPOSES OF ADDING CONDITIONS**

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 following property located at 18-48 Montgomery Street, S.E., 54 Montgomery Street, S.E., and 19-53 Hutchinson Street, S.E. be amended by adding the list of zoning conditions as described in Exhibit 'A' (attached). Furthermore, that the zoning designation of MR-3 (Multi-Family Residential) be amended to MR-3-C (Multi-Family Residential-Conditional) for the afore mentioned property.

ALL THAT TRACT or parcel of land lying and being in Land Lot 208 of the 15th District, Fulton County, Georgia, being more particularly described by the attached legal description.

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 suffice "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 (including any conditional site plan) 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 That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Exhibit 'A'

Organized Neighbors of Edgewood (ONE) Supplemental Zoning Requirements Concerns

Building Heights

Maximum building heights to be no more than 28'-0" at midpoint of roof for any structure within 30' of any side or rear yard that is adjacent to an R (1-5) zoning. Buildings are also limited to a maximum of two stories in height for this same 30'-0" from any side or rear yard that is adjacent to an R (1-5) zoning. No more than 40% of the length of any street facing building façade shall be 35' high as measured to midpoint of roof.

Fenestration

Fenestration shall be provided for a minimum of 25 percent of the length of rear and side yard facing building façades at the first and second floors.

Pedestrian Street Lights

A minimum of two street lights are required per parcel per street frontage.

Porches/Stoops

All street level residential units shall have a exterior porch. Minimum porch width and depth is to be 5' as measured by clear area within any rails or walls. All porches are required to have rails with vertical pickets.

All porches, and or building entries must have a sidewalk (5'-0" min width) connection to the sidewalk clear zone at the street.

Building Roof Lines

Each building façade must have a break in roof plane space no more than 50'-0" apart.

Dumpsters

Solid fencing or walled enclosures shall obstruct any dumpsters from public view from the street.

Materials Requirements:

The use of vinyl siding is prohibited.

The use of false divided lites at windows are prohibited. False divided lites are also described as lite divisions located between two panes of glass at a window, door, or sidelite without an accompanying exterior lite division grill.

No exposed concrete will be permitted at foundations or retaining walls. Any such concrete must be covered by masonry.

All pressure treated lumber used in exterior construction must be painted if located at a building façade that faces a street.

Lighting

1. All lighting including all parking decks and lots and lit canopies shall reduce light spillage onto residentially used properties by providing cutoff luminaries which have a maximum 90 degree illumination.
2. All lighting that up-lights trees, buildings or other elements, shall be located a minimum height of eight feet above the sidewalk, driveway or pedestrian area when not located within completely landscaped areas.

Amenity Areas

1. Minimum provided amenity areas per parcel are to be listed on the rezoning site plans provided by the architect.



Parcel I
18, 24, 30, 36, 42, 48 Montgomery St.
Edgewood 1

ALL THAT TRACT or parcel of land lying and being in Land Lot 208 of the 15th District of DeKalb County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin on the westerly right of way of Montgomery Street (having a 40 foot right of way) 215.4 feet northerly from the northerly right of way of Boulevard Drive; thence running North 88 degrees 10 minutes 52 seconds West 116 feet to an iron pin; thence running North 1 degree 56 minutes 44 seconds East 300 feet to a point; thence running South 88 degrees 06 minutes 13 seconds East 106 feet to a point on the westerly right of way of Montgomery Street; thence running South 00 degrees 02 minutes 08 seconds West 300 feet along the westerly right of way of Montgomery Street to the POINT OF BEGINNING, containing 33,292 square feet or 0.764 acres as shown on plat by Charles W. Worthy, L.S. No. 1560, dated October 29, 1979, and revised March 8, 1980. The above tract is also known as 18-48 Montgomery Street in accordance with the present system of numbering streets and houses in the City of Atlanta, DeKalb County, Georgia.



Parcel I
54 Montgomery St.
Edgewood 1

ALL THAT TRACT or parcel of land lying and being in Land Lot 208 of the 15th District of DeKalb County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin on the westerly-right-of-way-of-Montgomery Street-(having-a 40-foot right of way) 100 feet southerly from the southerly right of way of Haynes Street; thence running South 00 degrees 02 minutes 08 seconds West 50 feet along the westerly right of way of Montgomery Street to a point; thence running North 88 degrees 06 minutes 13 seconds West 106 feet to a point; thence running South 01 degree 56 minutes 44 seconds East 50 feet to an iron; thence running South 88 degrees 05 minutes 21 seconds East 104.33 feet to the POINT OF BEGINNING, containing 5,256 square feet or 0.121 acres as shown on plat by Charles W. Worthy, L.S. No. 1560, dated October 29, 1979, and revised March 8, 1980. The above tract is also known as 54 Montgomery Street in accordance with the present system of numbering streets and houses in the City of Atlanta, DeKalb County, Georgia.



Parcel I
19, 25, 31, 37, 43, 47 and 53 Hutchinson St.
Edgewood 2

All that tract or parcel of land lying or being located in the City of Atlanta and being in Land Lot 208 of the 15th Land District of DeKalb County and more particularly described as follows:

To find the Point of Beginning, commence at the intersection of the southerly right-of-way line of Hardee Street (having a 30 foot right-of-way) with the easterly right-of-way line of Hutchinson Street (having a 50 foot right-of-way); **THENCE** running South 01 degrees 23 minutes 02 seconds West a distance of 149.65 feet to a 1 inch open top pipe found, said open top found being the **POINT OF BEGINNING; FROM THE POINT OF BEGINNING, AS THUS ESTABLISHED**, thence along the easterly right-of-way line of Hutchinson Street South 01 degrees 12 minutes 16 seconds West a distance of 349.42 feet to an iron pin found; **THENCE** running South 88 degrees 52 minutes 37 seconds East a distance of 150.31 feet to an iron pin found; **THENCE** running North 01 degrees 04 minutes 28 seconds East a distance of 199.18 feet to an iron pin found in the northeasterly corner of Tract Six; **THENCE** running North 01 degrees 29 minutes 34 seconds East a distance of 98.83 feet to a ¾ inch open top pipe found; **THENCE** running North 00 degrees 41 minutes 12 seconds East a distance of 51.29 feet to an iron pin found; **THENCE** running North 88 degrees 49 minutes 49 seconds West a distance of 149.89 feet to a 1 inch open top pipe found, said open top found being the **POINT OF BEGINNING.**

Said tract being described as Tract Five, Parcels A, B and C, Tract Six and Tract Seven, Parcel A on Survey for The United States Department of Housing and Urban Development, dated November 12, 2004, prepared by Boutwell Engineering, Inc., and bearing the seal and certification of Cleveland S. Boutwell, Jr., Georgia Registered Land Surveyor No. 1704.