

City Council
Atlanta, Georgia

AN ORDINANCE
BY: NATALYN ARCHIBONG



AN ORDINANCE TO AMEND ORDINANCE 06-O-0508 ADOPTED BY THE CITY COUNCIL APRIL 17, 2006 AND APPROVED BY THE MAYOR APRIL 25, 2006 FOR PROPERTY LOCATED AT 1412, 1416, 1418 AND 1420 HARDEE STREET, S.E., 84 AND 86 HUTCHINSON STREET, S.E., 90-124 HUTCHINSON STREET, S.E., 125 HUTCHINSON STREET, S.E. AND 128-178 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 1412, 1416, 1418 and 1420 Hardee Street, S.E., 84 and 86 Hutchinson Street, S.E., 90-124 Hutchinson Street, S.E., 125 Hutchinson Street, S.E. and 128-178 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 RG-3 (Residential General-Sector 3) be amended to RG-3-C (Residential General-Sector 3-Conditional) for the afore mentioned property.

ALL THAT TRACT or parcel of land lying and being in Land Lot 209 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 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 (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 That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.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 II
1412, 1416, 1418, and 1420 Hardee St.
84 and 86 Hutchinson St.
Edgewood 1

ALL THAT TRACT or parcel of land lying and being in Land Lot 209 of the 15th District of DeKalb County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin at the intersection of the northerly right of way of Hardee Street (having a 40 foot right of way) and the westerly right of way of Hutchinson Street (having a 30 foot right of way); thence running North 00 degrees 16 minutes 09 seconds East 165.00 feet along the westerly right of way of Hutchinson Street to an iron pin located on the southerly side of an alley; thence running South 89 degrees 57 minutes 35 seconds West 165.00 feet along the southerly side of said alley to an iron pin; thence running South 00 degrees 16 minutes 09 seconds West 165.00 feet to an iron pin on the northerly side of Hardee Street; thence running North 89 degrees 57 minutes 35 seconds East 165.00 feet to the POINT OF BEGINNING, containing 527,293 square feet or 0.6266 acres as shown on plat by Charles W. Worthy, L.S. No. 1560, dated October 20, 1979, and revised March 9, 1980. The above tract is also known as 1412-1420 Hardee Street; and 84-86 Hutchinson Street in accordance with the present system of numbering streets and houses in the City of Atlanta, DeKalb County, Georgia.



Parcel II
90, 96, 104, 108, 112, 116, 120, 124 Hutchinson St.
Edgewood 1

ALL THAT TRACT or parcel of land lying and being in Land Lot 209 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 Hutchinson Street (having a 30 foot right of way) 175.91 feet northerly from the northerly side of Hardee Street; thence running North 00 degrees 16 minutes 09 seconds East 400 feet along the westerly side of Hutchinson Street to an 18-inch tree; thence running South 89 degrees 54 minutes 28 seconds West 168.40 feet to an iron pin; thence running South 01 degree 34 minutes 23 seconds West 400 feet to an iron pin on the northerly side of an alley; thence running North 89 degrees 57 minutes 35 seconds East 177.5 feet along the northerly side of said alley to the POINT OF BEGINNING, containing 69,165 square feet or 1.588 acres as shown on plat by Charles W. Worthy, L.S. No. 1560, dated October 20, 1979, and revised March 9, 1980. The above tract is also known as 90-124 Hutchinson Street in accordance with the present system of numbering streets and houses in the City of Atlanta, DeKalb County, Georgia.



Parcel II
128, 134, 140, 146, 150, 156, 162, 166, 170, 174 and 178 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 209 of the 15th Land District of DeKalb County and more particularly described as follows:

To find the Point of Beginning, commence a nail and cap set at the intersection of the center line of Hutchinson Street (having a 50 foot right-of-way) and the center line of Chipley Street (having a 40 foot right-of-way); **THENCE** running South 10 degrees 11 minutes 21 seconds West a distance of 104.16 feet to an iron pin set on the westerly right-of-way line of Hutchinson Street, said iron pin set being the **POINT OF BEGINNING, FROM THE POINT OF BEGINNING AS THUS ESTABLISHED**, thence running along the right-of-way line of Hutchinson Street North 01 degrees 38 minutes 20 seconds East a distance of 548.59 feet to a 1 inch open top pipe found; **THENCE** running North 88 degrees 30 minutes 13 seconds West a distance of 177.75 feet to an iron pin found on the easterly side of a 10 foot alley (apparently not open); **THENCE** running along the easterly side of the 10 foot alley South 01 degrees 28 minutes 19 seconds West a distance of 550.75 feet to a 1 ½ inch open top pipe found; **THENCE** running South 89 degrees 12 minutes 29 seconds East a distance of 176.16 feet to an iron pin set, said iron pin set being the **POINT OF BEGINNING**.

Said tract being described as Tract Eight, 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.