

City Council
Atlanta, Georgia

AN ORDINANCE

BY: NATALYN ARCHIBONG



AN ORDINANCE TO AMEND ORDINANCE 06-O-0510 ADOPTED BY THE CITY COUNCIL APRIL 17, 2006 AND APPROVED BY THE MAYOR APRIL 25, 2006 FOR PROPERTY LOCATED AT 126, 130 AND 134 MAYSON AVENUE N.E. AND 1469-1483 CHIPLEY STREET, N.E. AND ORDINANCE 06-O-1203 ADOPTED BY CITY COUNCIL SEPTEMBER 18, 2006 AND APPROVED BY THE MAYOR SEPTEMBER 26, 2006 FOR PROPERTY LOCATED AT 140 MAYSON AVENUE, N.E. AND 1472 (ALSO KNOWN AS 1470) CHIPLEY STREET, N.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 126, 130, 134 and 140 Mayson Avenue, N.E. and 1469-1483 Chipley Street, N.E. and 1472 (also known as 1470) Chipley Street, N.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 210 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 That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.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 IV
126, 130, and 134 Mayson Ave. NE
1469, 1471, 1473, 1475, 1477, 1479, 1481, and 1483 Chipley St. NE
Edgewood 1

ALL THAT TRACT or parcel of land lying and being in Land Lot 210 of the 15th District of DeKalb County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin at the intersection of the southerly right of way of Chipley Street (having a 40 foot right of way) and the westerly right of way of Mayson Avenue (having a 40 foot right of way); hence running South 02 degrees 26 minutes 13 seconds West 120.15 feet along the westerly right of way of Mayson Avenue to an iron pin; thence running South 88 degrees 45 minutes 04 seconds West 247.00 feet to an iron pin; thence running North 00 degree 22 minutes 50 seconds West 118.8 feet to an iron pin on the southerly right of way of Chipley Street; thence running North 88 degrees 29 minutes 53 seconds East 252.93 feet to the POINT OF BEGINNING, containing 29,829 square feet or 0.685 acres as shown on plat by Charles W. Worthy, L.S. No. 1560, dated October 22, 1979, and revised March 10, 1980. The above tract is also known as 1469-83 Chipley Street; and 124-134 Mayson Avenue in accordance with the present system of numbering streets and houses in the City of Atlanta, DeKalb County, Georgia.



Description of Property and Legal Descriptions

Rezoning: 140 Mayson Ave. NE and 1472 Chipley St. NE

From: R-5

To: MR-3

140 Mayson Avenue NE

ALL THAT TRACT or parcel of land lying and being in Land Lot 210 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 Chipley Street (having a 40 foot right of way) and the westerly right of way of Mayson Avenue (having a 40 foot right of way); thence running South 88 degrees 32 minutes 12 seconds West 100.0 feet along the northerly right of way of Chipley Street to an iron pin; thence running North 02 degrees 34 minutes 15 seconds East 40.0 feet to an iron pin; thence running North 87 degrees 49 minutes 07 seconds East 100.0 feet to an iron pin on the westerly right of way of Mayson Avenue; thence running South 02 degrees 35 minutes 27 seconds West 40.0 feet to the POINT OF BEGINNING, containing 4,007.50 square feet or 0.091 acre as shown on plat by Charles W. Worthy, L.S. No. 1560, dated October 22, 1979, and revised March 10, 1980. The above tract is also known as 140 Mayson Avenue in accordance with the present system of numbering streets and houses in the City of Atlanta, DeKalb County, Georgia.

1472 Chipley Street

ALL THAT TRACT or parcel of land lying and being in Land Lot 210 of the 15th District of DeKalb County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin at northerly right of way of Chipley Street (having a 40 foot right of way) 212.72 feet westerly from the westerly right of way of Mayson Avenue; thence running South 88 degrees 32 minutes 12 seconds West 37.0 feet along the northerly right of way of Chipley Street to an iron pin; thence running North 02 degrees 34 minutes 15 seconds East 117.0 feet to an iron pin; thence running North 87 degrees 49 minutes 07 seconds East 38.0 feet to an iron pin on the westerly right of way of Mayson Avenue; thence running South 02 degrees 35 minutes 27 seconds West 17.0 feet to the POINT OF BEGINNING, containing 4,530.24 square feet or 0.104 acre as shown on plat by Charles W. Worthy, L.S. No. 1560, dated October 22, 1979, and revised March 10, 1980. The above tract is also known as 1472 Chipley Street Avenue in accordance with the present system of numbering streets and houses in the City of Atlanta, DeKalb County, Georgia.