

11-0-0441

(Do Not Write Above This Line)

AN ORDINANCE

BY: COUNCIL MEMBERS

JOYCE SHEPHERD and CLETA WINSLOW

Cleta Winslow

AN ORDINANCE TO IMPOSE INTERIM CONTROLS ON AN AREA OF COUNCIL DISTRICT 12 KNOWN AS "THE MURPHY TRIANGLE" CONCERNING CERTAIN USES WHICH WILL BE INCOMPATIBLE WITH CHANGES TO THE ZONING MAP TO BE PROPOSED WITHIN THE NEXT YEAR; AND FOR OTHER PURPOSES.

ADOPTED BY

As Amended MAR 2 1 2011

COUNCIL

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

Date Referred 03/02/2011

Referred To: *zoning*

Date Referred

Referred To:

Date Referred

Ref # 489536-1

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

zoning

Date *03/16/2011*

Chair *[Signature]*

Action *Fav, Adv, Hold (see rev. side)*

Other *AS per memo*

Members

[Signatures]

Refer To

Committee

Date

Chair

Action Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

CERTIFIED
MAR 2 1 2011

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
MAR 2 1 2011

Rodolph Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAR 2 1 2011

[Signature]
MAYOR

11-O-0441

AN ORDINANCE

**BY COUNCIL MEMBERS JOYCE SHEPERD and CLETA WINSLOW
AS AMENDED BY ZONING COMMITTEE**

AN ORDINANCE TO IMPOSE INTERIM CONTROLS ON AN AREA OF COUNCIL DISTRICTS 4 AND 12 KNOWN AS "THE MURPHY TRIANGLE" CONCERNING CERTAIN USES WHICH WILL BE INCOMPATIBLE WITH CHANGES TO THE ZONING MAP TO BE PROPOSED WITHIN THE NEXT YEAR; AND FOR OTHER PURPOSES.

WHEREAS, an area in Council Districts 4 and 12 bounded by Murphy Avenue, Allene Avenue, and Dill Avenue (the "Murphy Triangle") has varying land use designation in the Comprehensive Development Plan of the City of Atlanta including Mixed-Use and are in or adjacent to areas included in the BeltLine Corridor Plan but certain parts of this area are zoned to the I-1 and I-2 zoning designations; and

WHEREAS, the Murphy Triangle was included in the Oakland City/Lakewood Livable Centers Initiative plan as a redevelopment area with unique character and potential for mixed use economic development; and

WHEREAS, a property's land use designation and inclusion in redevelopment plans is an indication of the City's long term land use planning goals for such property but the uses which are allowed on the property are controlled by the property's zoning; and

WHEREAS, the Murphy Triangle area contains or is immediately adjacent to already strong and currently redeveloping residential neighborhoods and is close proximity to the proposed route of the Atlanta BeltLine; and

WHEREAS, certain industrial uses such as junkyards, automobile salvage yards or scrap metal processors are permitted by right in I-2 if operated in enclosed buildings or by special use permit can be allowed outdoors; and

WHEREAS, many heavy industrial uses are permitted by special use permit in I-1; and

WHEREAS, the City recognizes that industrial uses are an important component of the City's economic development plan and should be allowed but believes that it is in the best interest of the public health, safety, and welfare that industrial uses should be controlled by regulations which define the manner where and in which such uses can be permitted so that they do not negatively affect the quality of life for adjacent residents and light industrial and commercial businesses or inhibit redevelopment; and

WHEREAS, map amendments are being developed proposing certain changes to the zoning for the Murphy Triangle for the purpose of putting into place new zoning which



is more compatible with that which has been recommended by the Comprehensive Development, the BeltLine Corridor Plan and the Oakland City/Lakewood Livable Centers Initiative Plan; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City of Atlanta that all reasonable efforts be made to allow sufficient time for these amendments to be prepared, introduced, considered and voted upon; and

WHEREAS, before the introduction of the ordinance putting into place the map amendments for new zoning which is more compatible with that which has been recommended by the Comprehensive Development, the BeltLine Corridor Plan and the Oakland City/Lakewood Livable Centers Initiative Plan and during the period between the introduction of the ordinance proposing such map amendments and final action by the Atlanta City Council on such ordinance and approval by the Mayor, it is necessary to place interim controls on the acceptance of applications for building permits and special use permits, in that applications submitted to the Office of Buildings and the Office of Planning would have to be analyzed under the current zoning regulations for the current zoning category of such parcels unless an interim control ordinance is in place directing the Office of Buildings and the Office of Planning that no applications shall be accepted until the final action of the Atlanta City Council on the proposed map amendments unless such applications conform with this ordinance; and

WHEREAS, it is the best interest of the City to limit the number of denials and litigated appeals of such denials by the use of interim controls; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City of Atlanta that all reasonable efforts be made to preserve the status quo to allow sufficient time for these amendments to be prepared and adopted;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA GEORGIA, HEREBY ORDAINS:

Section 1: This ordinance shall be effective with reference to those parcels defined by the area described in this section and as set forth on the map attached as Exhibit "A" and where this description is in conflict with the area denoted and enclosed on the attached map, the map shall control:

Beginning at the intersection of Dill Avenue and Murphy Avenue and proceeding north on the east side of Murphy Avenue to its intersection with the railroad tracks approximately one block south of Brookline Street;

Proceeding east along the south side of the railroad right of way across the west side of Allene Avenue just south of its intersection with Catherine Street;



Proceeding south and east down the west side of the railroad right of way down to its intersection with another railroad right of way and proceeding in a westerly direction on the south side of the second railroad right of way back to the intersection of the railroad right of way and Allene Avenue in the proximity of Avon Avenue;

Proceeding south on the west side of Allene Avenue to its intersection with Dill Avenue;

Proceeding west on the north side of Dill Avenue from its intersection with Allene Avenue back to the point of beginning.

Section 2: With respect to those parcels defined in Section 1 and zoned I-1 or I-2 and for a period no longer than one year after this ordinance becomes law, the Office of Buildings is hereby authorized, ordered and directed to refuse to accept building permit applications for any use on the parcels zoned I-1 or I-2 unless such use would also be permitted as of right under the MRC-3 zoning regulations or such use would be permitted by a special administrative permit under the MRC-3 zoning regulations.

Section 3: With respect to those parcels defined in Section 1 and zoned I-1 or I-2 and for a period no longer than one year after this ordinance becomes law, the Office of Planning is hereby authorized, ordered and directed to refuse to accept special use permit applications for the parcels zoned I-1 or I-2 unless such use would also be permitted as of right under the MRC-3 zoning regulations or such use would be permitted by a special administrative permit or special use permit under the MRC-3 zoning regulations.

Section 4: In the event that the interim controls have not expired due to the passage of one year after this ordinance becomes law, the interim controls will expire as of the date that amendments to the Zoning Map for the parcel defined in this ordinance have been enacted and the ordinance authorizing such amending states that the interim controls are no longer effective and provided however that the map amendments need not be limited to only parcels subject to this ordinance or must include all parcels subject to this ordinance.

Section 5: Building permit applications may be accepted, processed, reviewed and issued to allow replacement or repair of any existing structure on any parcel defined in Section 1, provided however that the replacement or repair shall not increase the degree of non-conformity of any use that would not otherwise be permitted to be established under the terms of the interim controls set forth herein.

Section 6: This ordinance shall become law upon the date of approval of this ordinance by the Mayor or by operation of the City Charter

A true copy,

Deputy Clerk

ADOPTED as amended by the Council
APPROVED by Mayor Kasim Reed

MAR 21, 2011
MAR 21, 2011

RCS# 920
3/21/11
1:12 PM

Atlanta City Council

REGULAR SESSION

11-O-0441 AMEND ZONING TO IMPOSE INTERIM CONTROLS
 ON AN AREA OF DISTE.4 AND 12
 ADOPT AS AMEND

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 3

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	B Watson
B Young	Y Shook	Y Bottoms	B Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

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