

11-0-0448
 (Do Not Write Above This Line)

AN ORDINANCE Z-11-08
 BY ZONING COMMITTEE

AN ORDINANCE TO
 AMEND THE 1982 ZONING
 ORDINANCE OF THE CITY
 OF ATLANTA, AS
 AMENDED, SO AS TO
 REVISE SECTION 16-
 25.002(3) FOR THE
 PURPOSE OF CLARIFYING
 THE EFFECT OF SITE
 PLANS AND CONDITIONS
 REQUIRED THE CITY
 COUNCIL IN
 CONJUNCTION WITH THE
 ISSUANCE OF SPECIAL
 USE PERMITS; AND FOR
 OTHER PURPOSES.

Substitute
ADOPTED BY

SEP 06 2011
COUNCIL

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

Date Referred 03/21/11

Referred To: ZRB/Zoning

Date Referred

Referred To:

Date Referred

Referred To:

Committee Zoning
 Date March 16, 2011
 Chair [Signature]
 Referred To ZRB & Zoning

Committee Zoning
 Date August 31, 2011
 Chair [Signature]
 Action
 Fav, Adv, Hold (see rev. side)
 Other ON SUBSTITUTE
 Members
[Signatures]
 Refer To

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

Committee
 Date
 Chair
 Action
 Fav, Adv, Hold (see rev. side)
 Other
 Members
 Refer To

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

CERTIFIED

CERTIFIED
 SEP 06 2011
 COUNCIL PRESIDENT PROTEM

CERTIFIED
 SEP 03 2011
 Rhonda Daughin Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 15 2011

WITHOUT SIGNATURE
 BY OPERATION OF LAW



**AS SUBSTITUTE ORDINANCE
BY ZONING COMMITTEE**

11-0-0448
Z-11-08

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, SO AS TO REVISE SECTION 16-25.002(3) FOR THE PURPOSE OF CLARIFYING THE EFFECT OF SITE PLANS AND CONDITIONS REQUIRED THE CITY COUNCIL IN CONJUNCTION WITH THE ISSUANCE OF SPECIAL USE PERMITS; AND FOR OTHER PURPOSES.

WHEREAS, the granting of special use permits is decided by the City Council pursuant to the criteria set forth in Sec. 16-25.002; and

WHEREAS, as a part of the process of reviewing special use permit applications, the Office of Planning Staff Report may recommend conditions and require site plans in order to assure that satisfactory provisions and arrangements are made for the particular characteristics of use set forth in Sec. 16-25.002(3); and

WHEREAS, a special use permit is only issued by the City Council after public notice and public hearing before the Zoning Review Board at which time the public may request that certain conditions be included, that site plans be required or that certain features be added to site plans; and

WHEREAS, the City Council in consideration of the criteria set forth in Sec. 16-25.002, the Staff Report and the recommendation of the Zoning Review Board may request that certain conditions be included, that site plans be required or that certain features be added to site plans; and

WHEREAS, special use permits are intended to be used to permit development of substantial significance or of unusual operational characteristics and, as such, there may be extraordinary and exceptional conditions pertaining to the particular piece of property where the special use will be located because of its size, shape, topography, subsurface conditions, overhead structures or the existence of sufficient trees, all of which also may impact certain district regulation requirements; and

WHEREAS, such site plans and conditions should be deemed sufficient in the particular case to protect the public interest and surrounding properties for the purpose of limiting development of a use which is otherwise permitted by the Zoning code pursuant to special use permit; and

WHEREAS, the City's current practice with respect to the granting of special use permits is to adopt such conditions to protect the public interest and surrounding properties, while concurrently considering the nature of the special use and the particularities of the property on which it is to be located, which conditions can, where



the City Council deems appropriate in its discretion, include a modification of certain requirements of the district within which such special use is located, so long as such modification would not cause substantial detriment to the public good or an impairment to the purposes and intent of the Zoning Ordinance; and

WHEREAS, the use of a process which meets the public hearing and notice requirements of the Zoning Procedures Law to allow certain characteristics of district regulations, some of which can be varied by the Board of Zoning Adjustment, such as building setbacks, lot coverage and parking will allow development of certain sites in a manner that is less detrimental to the public good or an impairment to the purposes and intent of the Zoning Ordinance than a rezoning; and

WHEREAS, site plans and the requirements specified thereon by condition should expressly become a part of a special use permit and modify the district regulations such that rezoning or application to the Board of Zoning Adjustment will not be required;

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1: That Section 16-25.002(3) of the Zoning Ordinance which reads as follows:

- (3) *Construction, generally:* No special permit shall be issued unless it is determined that, in addition to meeting the special requirements set forth within the district within which such special permit is located, satisfactory provisions and arrangements have been made concerning the following, applicable to each application:

be amended to read as follows by the addition of the underlined language:

- (3) *Construction, generally:* No special permit shall be issued unless it is determined that, in addition to meeting the special requirements set forth within the district within which such special permit is located, satisfactory provisions and arrangements have been made concerning the following, applicable to each application, provided however that where site plans and conditions are attached to special use permits, the site plan and the conditions shall control with respect to the setbacks, lot coverage of the buildings on the site and floor area ratio allowed by such site plans and conditions. Provided further that any decrease of any setback, lot coverage or open space or increase in floor area ratio shall be noted on the site plan and addressed in the appropriate subsection below:

Section 2: That subsection (h) of Section 16-25.002(3) which reads as follows:

- h. Required yards and other open spaces;



be amended to read as follows by the addition of the underlined language:

- h. Required yards and other open spaces;
 1. For special use permits, required yards and open spaces shall be permitted in the manner represented on the site plan and set forth in the conditions. Where no site plan or conditions are attached to a special use permit concerning required yards and open spaces, the district regulations shall control.
 2. For special administrative permits, the district regulations shall control but variations may be granted if permitted by the district regulations.

Section 3: This Ordinance shall be effective immediately upon approval by the Mayor or by operation of City Charter Section 4-203.

A true copy,

A handwritten signature in black ink, appearing to be "S. B. ...", is written over a vertical line. Below the signature is the text "Deputy Municipal Clerk".

Deputy Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

Sept. 6, 2011
Sept. 15, 2011

RCS# 1379
9/06/11
4:08 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

11-O-0448 AND 11-O-0784

ADOPT SUB

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 1

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

MULTIPLE

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