

11-0-1843

AN ORDINANCE Above This Line

BY: CARLA SMITH

Carla Smith
Chair

AN ORDINANCE PLACING INTERIM CONTROLS IN AN AREA OF COUNCIL DISTRICTS 1 & 5, WHICH IS THE SUBJECT OF THE SOUTH MORELAND AVENUE LIVABLE CENTERS INITIATIVE STUDY (2008) AND ADOPTED AS PART OF COMPREHENSIVE DEVELOPMENT PLAN FOR THE PURPOSE OF ALLOWING TIME FOR AMENDMENT OF THE ZONING MAP TO CONFORM WITH THE PLAN.

ADOPTED BY

JAN 03 2012

COUNCIL

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

Date Referred 12/5/11

Referred To: Zoning

Date Referred

Referred To:

Date Referred

Referred To:

First Reading
Committee _____
Date _____
Chair _____
Referred To _____

Committee
Zoning

Date
Dec 4 2011

Chair
Carla Smith

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

Members
Carla Smith

Carla Smith

Carla Smith

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

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

CERTIFIED

CERTIFIED
JAN 03 2012

ATLANTA CITY COUNCIL PRESIDENT

Carla Smith

CERTIFIED
JAN 03 2012

Rachel Campbell
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JAN 14 2012

Carla Smith
MAYOR



CITY COUNCIL
ATLANTA, GEORGIA

11-0-1843

AN ORDINANCE BY: *Carla Smith*
COUNCILMEMBER CARLA SMITH *Natalie Archibald*

AN ORDINANCE PLACING INTERIM CONTROLS IN AN AREA OF COUNCIL DISTRICTS 1 & 5, WHICH IS THE SUBJECT OF THE SOUTH MORELAND AVENUE LIVABLE CENTERS INITIATIVE STUDY (2008) AND ADOPTED AS A PART OF COMPREHENSIVE DEVELOPMENT PLAN FOR THE PURPOSE OF ALLOWING TIME FOR AMENDMENT OF THE ZONING MAP TO CONFORM WITH THE PLAN.

WHEREAS, the South Moreland Avenue Livable Centers Initiative Study dated March 31, 2008 was performed under a Livable Centers Initiatives grant from the Atlanta Regional Commission; and

WHEREAS, the residents and property owners of NPU W and NPU Z worked with the Office of Planning staff and a consultant team to develop the South Moreland Avenue LCI Study; and

WHEREAS pursuant to 08-O-1032, Atlanta City Council voted unanimously to approve the South Moreland Avenue LCI Study on, July 7, 2008 as a part of the Comprehensive Development Plan; and

WHEREAS, the South Moreland Avenue LCI Plan set goals for parts of Moreland Avenue and an immediately adjacent area which are under the jurisdiction of both the City and DeKalb County; and

WHEREAS, the current zoning of certain property in the City portion of the South Moreland Avenue LCI Plan allows structures and uses which are inconsistent with the goals of that Plan; and

WHEREAS, in order to carry the goals of the South Moreland Avenue LCI Study, some of which are to change the low density commercial zone to mixed use and apply the design and site planning standards for future redevelopment by using the City's Quality of Life zoning categories in order to implement the creation of a pedestrian-oriented environment; and

WHEREAS, the Office of Buildings must process and review applications for building permits for permitted uses submitted to it under the current zoning even if the zoning of the parcel changes before the permit is approved; and

WHEREAS, the Office of Planning must process applications for uses allowed by special use permit submitted under the current zoning and submit those applications for

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vote of the City Council even if the zoning of the parcel changes before the special use permit is approved; and

WHEREAS, the Office of Planning must process applications for uses allowed by special administrative permit even if the zoning of the parcel changes before the special use permit is approved; and

WHEREAS, the Office of Planning must process applications for replatting and rezoning when they are received and commit staff time and resources to process such applications; 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 amendments to the Zoning Map consistent with the South Moreland Avenue LCI Study to be prepared by the Office of Planning and considered by the Atlanta City Council without further conflicting development or rezonings; and

WHEREAS, with respect to the limited area under the City's jurisdiction in the South Moreland Avenue LCI Plan there is an urgent need, substantially related to the public health, safety and welfare, that an ordinance direct the Office of Buildings not to accept applications for building permits and the Office of Planning not to accept applications for rezoning, special use permits or special administrative permits until the Atlanta City Council can take final action on an such ordinances but for a period not to exceed one year from the date of approval of this ordinance unless otherwise extended.

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

SECTION 1: In order to implement the goals of the South Moreland Avenue LCI Plan, interim controls are imposed by this ordinance, such that the Office of Buildings is hereby authorized, ordered and directed to refuse to accept applications for building permits for the area defined by the map hereto attached as Exhibit "A." Applications may be accepted to replace or repair an existing structure which is permitted by the current zoning provided however that the replacement or repair shall not increase the size of any building or change the use of any property.

SECTION 2: In order to implement the goals of the South Moreland Avenue LCI Plan, interim controls are imposed by this ordinance, such that the Office of Planning is hereby authorized, ordered and directed to refuse to accept applications for special use permits or special administrative permits for the area defined by the map hereto attached as Exhibit "A." Applications may be accepted to replace or repair an existing structure which is permitted by the current zoning provided however that the



Replacement or repair shall not increase the size of any building or change the use of any property.

SECTION 3: In order to implement the goals of the South Moreland Avenue LCI Plan, interim controls are imposed by this ordinance, such that the Office of Planning is hereby authorized, ordered and directed to refuse to accept applications for rezoning or replatting of any property within the area defined by the map hereto attached as Exhibit "A." Rezoning ordinances to be introduced by the Office of Planning for the purpose of implementing the South Moreland Avenue LCI Plan shall not be subject to this section.

SECTION 4: In the event that the map hereto attached as Exhibit "A." requires interpretation in order to determine if an application is subject to this order, the Office of Planning is authorized to perform such analysis but the review of the application for the purpose of such analysis shall not constitute acceptance of the application. If an application which should have been refused pursuant to the authority set forth herein accepted in and if it is later determined that the application falls within the interim control area, no rights shall vest and the application fee paid, if any, shall be refunded.

SECTION 5: This interim control ordinance shall not be construed to repeal any existing part of the City Code but directs that the authority to take actions which are otherwise authorized by the City Code is suspended in the area of the interim controls and for the period between the date of approval and the date that interim controls are terminated or one year, whichever is earlier, unless otherwise extended.

SECTION 6: The interim controls set forth in this ordinance may be extended by another ordinance and any such extension or period of overlap that may occur shall not be inconsistent with the purpose for which interim controls are being applied by this ordinance.

SECTION 7: The adoption of this ordinance authorizes its transmission to the Mayor for immediate signature.

SECTION 8: 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 Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

Jan. 03, 2012
Jan. 04, 2012



marta King Memorial

MEMORIAL DR SE

I-20 EB I-20 WB

I-20 WB
GLENWOOD AV

GLENWOOD AV

20

BOULEVARD SE

I-20 EB

McDONOUGH BL
SANTILLA

South Moreland

Fulton County

Dekalb County

McDONOUGH BL

JONESBORO RD SE
JONESBORO RD SE

Constitution Rd

Legend

-  Atlanta City Limits
-  S. Moreland Ave. LCI
-  Marta Transit Station
-  Marta Rail Transit
-  Interstates
-  Other Limited Access
-  State Route
-  Arterial Roads
-  Streets
-  Ramps
-  Railroad
-  Rivers and Streams

2

0 800 1,600 3,200 Feet

S. Moreland Avenue LCI

RCS# 1658
1/03/12
2:50 PM

Atlanta City Council

REGULAR SESSION

11-O-1843

PLACING INTERIM CONTROLS IN CDs 1 & 5
SOUTH MORELAND LCI 2008
ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

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

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