

11-1842  
 (Do Not Write Above This Line)

AN ORDINANCE BY  
 COUNCILMEMBER KWANZA HALL

*2-11-35*

AN ORDINANCE TO AMEND THE  
 1982 ZONING ORDINANCE OF THE  
 CITY OF ATLANTA BY REZONING  
 EXISTING ZONING DISTRICT RG-  
 2/HC 16-20L:SA1 (RESIDENTIAL-  
 GENERAL/INMAN PARK HISTORIC  
 DISTRICT) TO THE NC-13/HC 16-  
 20L:SA1 (INMAN PARK  
 NEIGHBORHOOD COMMERCIAL  
 DISTRICT/INMAN PARK HISTORIC  
 DISTRICT) DISTRICT.

*Substitute*  
 ADOPTED BY

FEB 06 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 + ZRRS*  
 Date Referred  
 Referred To:  
 Date Referred  
 Referred To:

First Reading  
 Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

Committee *ZONING*  
 Date *FEB 6 2012*  
 Chair *[Signature]*

Action  
 Fav, Adv, Hold (see rev. side)  
 Other *[Signature]*

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  
 Consent  V Vote  RC Vote

CERTIFIED

CERTIFIED  
 FEB 06 2012  
 ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

CERTIFIED  
 FEB 06 2012  
*Rachel Douglas Johnson*  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

FEB 15 2012

WITHOUT SIGNATURE  
 BY OPERATION OF LAW



**AN ORDINANCE BY  
COUNCILMEMBER KWANZA HALL**

**11-O-1842  
Z-11-35**

**AS SUBSTITUTED BY ZONING COMMITTEE**

**AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY REZONING EXISTING ZONING DISTRICT RG-2/HC 16-20L:SA1 (RESIDENTIAL-GENERAL/INMAN PARK HISTORIC DISTRICT) TO THE NC-13/HC 16-20L:SA1 (INMAN PARK NEIGHBORHOOD COMMERCIAL DISTRICT/INMAN PARK HISTORIC DISTRICT) DISTRICT.**

**WHEREAS**, the business and property owners have requested to rezone certain properties in the Inman Park Historic District to the Neighborhood Commercial designation as shown on “Attachment A”;

**WHEREAS**, the proposed district includes contributing structures over 80 years old that historically have been used for neighborhood commercial purposes;

**WHEREAS**, the proposed regulations are in keeping with the purposes and intent of the regulations of the Neighborhood Commercial District ordinance and are consistent with the purposes and intent of the regulations of the Inman Park Historic District to protect historic residences and historic commercial nodes;

**WHEREAS**, the proposed district boundaries are immediately adjacent to historic single family homes and duplexes that are contributing structures and have been used for residential purposes for many decades;

**WHEREAS**, in recent years eating and drinking establishments have begun operating within the proposed district;

**WHEREAS**, because of the close proximity of historic residences to the historic commercial buildings, the City Council finds that it is necessary and desirable to limit the number of eating and drinking establishments within the proposed district and to limit the number of such establishments operating after midnight in order to protect the adjacent historic properties from excessive noise and disruption;

**WHEREAS**, the 1982 Zoning Ordinance and official zoning maps should be amended to include the proposed new designation.

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

**Section 1:** That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended adding a new Chapter 32M. NC-13 Inman Park Neighborhood Commercial District, which shall read as follows and shall include within its text the “NC-13 Inman Park District Plan” attached hereto as Attachment A:



## Chapter 32M. NC-13 Inman Park Neighborhood Commercial District

### Sec. 16-32M.001. Scope of Provisions.

The regulations set forth in this Chapter are the specific regulations for the NC-13 Inman Park Neighborhood Commercial District. These regulations set forth herein shall apply in this district in addition to the general NC regulations or shall be applied instead of the general NC regulations where these regulations differ from the general NC regulations.

### Sec. 16-32M.002. Specific Regulations.

The following regulations are specific to NC-13 Inman Park Neighborhood Commercial District:

1. *Principal and accessory uses:*
  - a. Gasoline service stations shall be prohibited.
  - b. Tattoo and body piercing establishments shall be prohibited.
  - c. Nightclubs and private clubs as defined in City of Atlanta Code Section 10-1 shall be prohibited.
  - d. The number of eating and drinking establishments shall not exceed four\_(4).
  
2. *Hours and manner of operation:*
  - a. No use shall be open to the public between the hours of 2:00 a.m. and 6:00 a.m.
  - b. Eating and drinking establishments shall be permitted to operate until 12:00 midnight on Sunday through Thursday and until 2:00 am on Saturday and Sunday morning and until 2:00 am on the date of January 1 on whatever day of the week it shall occur unless the hours are extended as set forth herein.
  - c. Two (2) eating and drinking establishments shall be permitted to operate until 2:00 am on any day provided that the property owner or owners of all properties in which eating and drinking establishments operate within the district files with the Office of Planning and sends a copy to the chair of NPU-N a sworn certificate with the following information
    - i. Business names and addresses of all eating and drinking establishments operating in the district;
    - ii. Business names and addresses of the two (2) establishments that are allowed extended hours of operation; and
    - iii. A statement that this information has been provided to all eating and drinking establishments in the district.

This certificate shall be conclusive evidence of compliance with this section until a new certificate is submitted by the property owner.

- d. Outdoor speakers and amplified music outside enclosed permanent structures shall be prohibited.
- e. Live amplified music shall be prohibited.



- f. The collection of refuse or garbage shall not occur between the hours of 9:00 p.m. and 7:00 a.m.

3. *Transitional yards and screening:* Where transitional yards and screening are required by section 16-32.009, the following provisions shall apply:

- a. Transitional yards shall be a minimum of six feet wide and shall be planted with a combination of trees or evergreen shrubs and ground cover as approved by the city arborist and maintained in a sightly condition as a landscaped buffer.

- b. *Screening:* Where this district adjoins a lot in an R-1 through R-5 district without an intervening street, wooden fencing six feet in height shall be provided along the district boundary. Where this district adjoins a lot in an R-G district without an intervening street, permanent opaque walls six feet in height constructed of stone, masonry, or wooden fencing shall be provided along the district boundary. All walls and fencing shall be maintained in a sightly condition.

4. *Parking requirements:* Off-street surface parking shall be located in the side and rear yards and shall not be located between the principal structures and the street.

5. *Supplemental zone:* Supplemental zones are optional and shall not be required on any street in this district.

6. *Outdoor dining:* Outdoor dining, including eating and drinking, shall be prohibited in the district.

7. *Sidewalks and street furniture zones:* The street furniture zone and clear zone may be reduced to match the existing building setbacks from the street curbs.

8. *Loading areas:*

- a. Dumpsters shall be located at the rear of the principal structures.
- b. Dumpsters and bulk storage containers shall be screened by opaque wooden fencing a minimum of 12 inches higher than said dumpster or storage container so as not to be visible from a public right of way or adjacent residential property.

9. *District Plan:* The plan entitled "NC-13 Inman Park District Plan" set forth below as Attachment A is made a part of these NC-13 District Regulations and shall control all development as set forth therein, provided however the NC-13 Inman Park District Plan shall not supersede the regulations of HD 16-20L:SA 1 with respect to exterior improvements to any building.

**Section 2.** That the properties set forth on Attachment B are hereby rezoned from RG-2/HD 16-20L: SA 1 to NC-13/ HD 16-20L: SA 1, and the 1982 Zoning Ordinance Map of the City of Atlanta is hereby amended accordingly.

A true copy,

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

Feb. 06, 2012  
Feb. 15, 2012





