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12-1604

(Do Not Write Above This Line)

ATLANTA COUNCIL MEMBER MICHAEL JULIAN BOND

2-12-42

AN ORDINANCE TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, BY AMENDING THE C-1 (COMMUNITY BUSINESS) ZONING DISTRICT REGULATIONS SO AS TO REMOVE OUTDOOR SALES AND DISPLAYS FOR GREATER THAN 90 DAYS FROM THE LIST OF USES PERMITTED BY SPECIAL USE PERMIT AND TO ADD OUTDOOR SALES AND DISPLAYS OF GREATER THAN 90 DAYS TO THE LIST OF PERMITTED PRINCIPAL USES; AND FOR OTHER PURPOSES.

FILED By Council MAR 04 2013

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred: 11/5/12  
 Referred To: ZRB + Zoning  
 Date Referred:  
 Referred To:  
 Date Referred:  
 Referred To:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

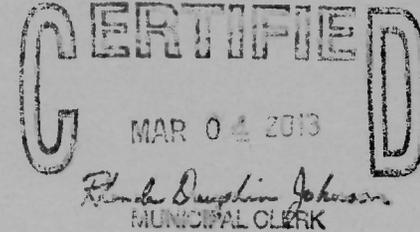
Committee <i>Zoning</i>	Committee
Date <i>2/27/13</i>	Date
Chair <i>[Signature]</i>	Chair
Action Fav, Adv, Hold (See rev.side) Other <i>FILE</i>	Action Fav, Adv, Hold (See rev.side) Other
Members <i>[Signatures]</i>	Members
Refer To	Refer To

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

FINAL COUNCIL ACTION

- 2<sup>ND</sup>     1<sup>ST</sup> & 2<sup>ND</sup>     3<sup>RD</sup>
- Readings
- Consent     V Vote     RC Vote

CERTIFIED



MAYOR'S ACTION



AN ORDINANCE  
BY: COUNCIL MEMBER MICHAEL JULIAN BOND

12-0-1604

Z-12-42

AN ORDINANCE TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, BY AMENDING THE C-1 (COMMUNITY BUSINESS) ZONING DISTRICT REGULATIONS SO AS TO REMOVE OUTDOOR SALES AND DISPLAYS FOR GREATER THAN 90 DAYS FROM THE LIST OF USES PERMITTED BY SPECIAL USE PERMIT AND TO ADD OUTDOOR SALES AND DISPLAYS OF GREATER THAN 90 DAYS TO THE LIST OF PERMITTED PRINCIPAL USES; AND FOR OTHER PURPOSES.

WHEREAS, it is in the public health, safety and general welfare to provide that outdoor sales and displays of greater than 90 days duration in the C-1 zoning district, which currently requires a special use permit from the City Council, shall hereafter be permitted as of right within said district.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

**Section 1:** That the text of the C-1 (Community Business) Zoning District regulations governing various uses permitted by special use permits which reads as follows:

**Sec. 16-11.005. - Special permits.**

The following uses are permissible only by special permit of the kind indicated, subject to limitations and requirements set forth herein or elsewhere in this part:

(1) *Special use permits:*

- (a) Helicopter landing facilities or pickup or delivery stations.
- (b) Mortuaries, funeral homes.
- (c) Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies of 90 days' or more duration.
- (d) Poolrooms, billiard parlors, amusement arcades and game rooms.
- (e) Nursing homes, assisted living facilities, rehabilitation centers and personal care homes;
- (f) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
- (g) Dormitories, fraternity houses and sorority houses, officially affiliated with an accredited college, university or private school and only for the time period that

**Section 2:** That the text of the C-1 (Community Business) Zoning District regulations governing various permitted principal uses which reads as follows:

**Sec. 16-11.003. - Permitted principal uses and structures.**

A building or premises shall be used only for the following principal purposes:

- (1) Banks, savings and loan associations, and similar financial institutions.
- (2) Repealed.
- (3) Business or commercial schools.
- (4) Child care centers, kindergartens and special schools.
- (5) Churches, synagogues, temples, mosques and other religious worship facilities, on lots of one acre or more.
- (6) Clubs and lodges.
- (7) Commercial greenhouses.
- (8) Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly, and similar uses, with primary activities conducted within fully enclosed buildings. Pool halls, billiard parlors, amusement arcades and game rooms are allowed only by special use permits.
- (9) Repealed.
- (10) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.
- (11) Repealed.
- (12) Repealed.
- (13) Hospitals.
- (14) Repealed.
- (15) Institutions of higher learning, including colleges and universities.
- (16) Laundry and dry cleaning, collection stations or plants; limited to no more than 5,000 square feet floor area; laundry and dry cleaning establishments where equipment is operated by customers.
- (17) Multifamily dwellings, two-family dwellings and single-family dwellings.
- (18) Museums, galleries, auditoriums, libraries and similar cultural facilities.
- (19) Repealed.
- (20) Offices, clinics (including veterinary if animals are kept within soundproof buildings), laboratories, studios, and similar uses, but not blood donor stations except at hospitals.
- (21) Parking structures and lots, other than park-for-hire facilities.

such affiliation is in effect, such that loss of affiliation shall result in the loss of permission for the use.

(h) Hotels and motels.

(i) Single room occupancy residence.

(j) Bingo parlors.

(k) Park-for-hire facilities.

(l) Outdoor dining at eating and drinking establishments when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, or R-5 district, or that is used as a residential property.

(m) Shelter.

**Is hereby amended to read as follows:**

**Sec. 16-11.005. - Special permits.**

The following uses are permissible only by special permit of the kind indicated, subject to limitations and requirements set forth herein or elsewhere in this part:

(1) *Special use permits:*

(a) Helicopter landing facilities or pickup or delivery stations.

(b) Mortuaries, funeral homes.

(c) Outdoor amusement enterprises, exhibits, entertainments, meetings, or outdoor areas for religious ceremonies of 90 days' or more duration.

(d) Poolrooms, billiard parlors, amusement arcades and game rooms.

(e) Nursing homes, assisted living facilities, rehabilitation centers and personal care homes;

(f) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).

(g) Dormitories, fraternity houses and sorority houses, officially affiliated with an accredited college, university or private school and only for the time period that such affiliation is in effect, such that loss of affiliation shall result in the loss of permission for the use.

(h) Hotels and motels.

(i) Single room occupancy residence.

(j) Bingo parlors.

(k) Park-for-hire facilities.

(l) Outdoor dining at eating and drinking establishments when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, or R-5 district, or that is used as a residential property.

(m) Shelter.

- (22) Professional or personal service establishments, but not hiring halls.
- (23) Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar articles.
- (24) Retail establishments, including catering establishments, delicatessens and bakeries without wholesale operations.
- (25) Sales and leasing agencies for new passenger automobiles, bicycles, mopeds, and commercial vehicles not exceeding one ton in rated capacity, selling, servicing and repairing new vehicles and dealing in the disposal, servicing or repairing of used vehicles in connection therewith and all located on the same site.
- (26) Vault-storage facility not exceeding 7,500 square feet of floor area and having all pickup and delivery of items by passenger automobile or van.
- (27) Service stations and car washes.
- (28) Structures and uses requiring for operation of MARTA or a public utility but not including uses involving storage, train yards, warehousing, switching or maintenance shop as the primary purpose.
- (29) Tailoring, custom dressmaking, millinery and similar establishments limited to not more than 5,000 square feet in area.
- (30) Supportive housing.

Except for off-street parking, automobile sales lots, and necessary activities at commercial greenhouses and service stations, or as authorized by special permit, all commercial sales and service activities shall be conducted within completely enclosed buildings, and there shall be no unenclosed displays of merchandise. No wholesaling or jobbing shall be conducted from within the district. No use or manner of operation shall be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television reception, or for other reasons is incompatible with the character of the district and its relation to adjoining residential districts.

**Is hereby amended to read as follows (with new text underlined):**

**Sec. 16-11.003. - Permitted principal uses and structures.**

A building or premises shall be used only for the following principal purposes:

- (1) Banks, savings and loan associations, and similar financial institutions.
- (2) Outdoor displays or sales areas of 90 days' or more duration.
- (3) Business or commercial schools.
- (4) Child care centers, kindergartens and special schools.
- (5) Churches, synagogues, temples, mosques and other religious worship facilities, on lots of one acre or more.
- (6) Clubs and lodges.
- (7) Commercial greenhouses.

- (8) Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly, and similar uses, with primary activities conducted within fully enclosed buildings. Pool halls, billiard parlors, amusement arcades and game rooms are allowed only by special use permits.
- (9) Repealed.
- (10) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.
- (11) Repealed.
- (12) Repealed.
- (13) Hospitals.
- (14) Repealed.
- (15) Institutions of higher learning, including colleges and universities.
- (16) Laundry and dry cleaning, collection stations or plants; limited to no more than 5,000 square feet floor area; laundry and dry cleaning establishments where equipment is operated by customers.
- (17) Multifamily dwellings, two-family dwellings and single-family dwellings.
- (18) Museums, galleries, auditoriums, libraries and similar cultural facilities.
- (19) Repealed.
- (20) Offices, clinics (including veterinary if animals are kept within soundproof buildings), laboratories, studios, and similar uses, but not blood donor stations except at hospitals.
- (21) Parking structures and lots, other than park-for-hire facilities.
- (22) Professional or personal service establishments, but not hiring halls.
- (23) Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar articles.
- (24) Retail establishments, including catering establishments, delicatessens and bakeries without wholesale operations.
- (25) Sales and leasing agencies for new passenger automobiles, bicycles, mopeds, and commercial vehicles not exceeding one ton in rated capacity, selling, servicing and repairing new vehicles and dealing in the disposal, servicing or repairing of used vehicles in connection therewith and all located on the same site.
- (26) Vault-storage facility not exceeding 7,500 square feet of floor area and having all pickup and delivery of items by passenger automobile or van.
- (27) Service stations and car washes.
- (28) Structures and uses requiring for operation of MARTA or a public utility but not including uses involving storage, train yards, warehousing, switching or maintenance shop as the primary purpose.
- (29) Tailoring, custom dressmaking, millinery and similar establishments limited to not more than 5,000 square feet in area.
- (30) Supportive housing.

Except for outdoor displays or sales areas of 90 days' or more duration, off-street parking, automobile sales lots, and necessary activities at commercial greenhouses and service stations, or as authorized by special permit, all commercial sales and service activities shall be conducted within completely enclosed buildings, and there shall be no unenclosed displays of merchandise. No wholesaling or jobbing shall be conducted from within the district. No use or manner of operation shall be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television reception, or for other reasons is incompatible with the character of the district and its relation to adjoining residential districts.

**Section 3:** This Ordinance shall not obviate the need to obtain all required business licenses and vending permits under Chapter 30 or any other Code of Ordinance requirement.