

#1

2201

13-O-1046

(Do Not Write Above This Line)

2-13-23

AN ORDINANCE
BY: COUNCILMEMBER
KEISHA LANCE BOTTOMS

AN ORDINANCE TO AMEND
SECTION 16-32F OF THE NC-
6 CASCADE HEIGHTS
NEIGHBORHOOD
COMMERCIAL DISTRICT OF
THE 1982 ZONING
ORDINANCE OF THE CITY
OF ATLANTA, SO AS TO
MODIFY AND REVISE
CERTAIN PROVISIONS IN
SAID SECTION; AND FOR
OTHER PURPOSES.

substitute 2201

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

Date Referred 5/20/13

Referred To: ZRB + Zoning

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee
Zoning

Date
10/2/13

Chair
[Signature]

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

Members
Carla Spivey
Joyann Steper
Hilary
[Signature]
[Signature]

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
 ADOPTED BY

OCT 07 2013

COUNCIL

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

OCT 07 2013

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED

OCT 07 2013

Keisha Lance Bottoms
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

OCT 16 2013

WITHOUT SIGNATURE
BY OPERATION OF LAW



AN ORDINANCE
BY COUNCILMEMBER KEISHA LANCE BOTTOMS
AS SUBSTITUTED BY ZONING COMMITTEE

A SUBSTITUTE ORDINANCE TO AMEND THE TEXT OF CHAPTER 32F (NC-6 CASCADE HEIGHTS NEIGHBORHOOD COMMERCIAL DISTRICT) OF THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED,; AND FOR OTHER PURPOSES.

WHEREAS, on September 18, 2006 the Atlanta City Council adopted the Campbellton-Cascade Corridors Redevelopment Plan (“Plan”) as a policy guide for future development within the Corridors; and

WHEREAS, consistent with the recommendation of the Plan, in 2008 the Atlanta City Council rezoned properties within the Corridors to the NC-6 Cascade Heights Neighborhood Commercial District; and

WHEREAS, in response to the Campbellton Road and Cascade Avenue corridor rezonings recently adopted in the winter of 2012 and spring of 2013 to implement additional zoning recommendations of the Redevelopment Plan, the Office of Planning has reviewed the existing NC-6 zoning regulations and determined that certain provisions should be updated to enhance future redevelopment in the NC-6 district; and

WHEREAS, the purpose and intent of this amendment is to maintain a balance of uses to create a vibrant and sustainable commercial district in keeping with the general regulations of the Neighborhood Commercial District ordinance; and

WHEREAS, the Neighborhood Commercial District ordinance allows the longstanding business and property owners within the district to accommodate the needs of the adjacent neighborhoods.

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

SECTION 1: Section 16-32F of the Zoning Ordinance of the City of Atlanta is hereby amended by deleting said Section in its entirety and inserting in lieu thereof the following:

Section 16-32F.001. Scope of provisions.

The regulations set forth in this chapter, or set forth elsewhere in this part, when referred to in this chapter, are the regulations for the NC-6 Cascade Heights Neighborhood Commercial District. The following NC-6 District regulations shall apply in addition to those of the general NC District regulations; except where said NC-6 District regulations conflict with the general NC regulations, said NC-6 regulations shall apply.



Section 16-32F.002. Specific regulations.

The following regulations are specific to the NC-6 Cascade Heights Neighborhood Commercial District:

1. NPU notification. In addition to required SAP submittal, the applicant shall also provide to the Director of the Office of Planning a United States Postal Service proof of a certificate of mailing (first-class) of one copy of the full SAP application to the appropriate Neighborhood Planning Unit (NPU) chair or their designee for the purpose of notification and comment, and also a signed affidavit of said NPU notification. Said appropriate NPU shall have a period of 21 days from the date of the said certificate of mailing to provide one set of written comments to the Office of Planning prior to any SAP approval.
2. Prohibited uses: In further limitation of those permitted principal uses and structures not permitted, as set forth in Section 16-32.005:
 - a. Eating and Drinking Establishments meeting the definition of “nightclub” set forth in Chapter 10 of the Code of Ordinances (Alcoholic Beverages).
 - b. Speakers and amplified music located outside enclosed permanent structures.
 - c. Park-for-hire facilities on surface lots.
 - d. Pawn shops.
 - e. Tattoo and body piercing establishments.
4. Permitted principal uses: In further limitation of those permitted principal uses and structures set forth in Section 16-32.005:
 - a. The following uses shall be permitted provided that they are separated from another parcel having the same permitted use by a minimum horizontal distance of 1,000 linear feet as measured from property line to property line:
 - i. Automobile service stations.
 - ii. Dry cleaning establishments.
 - iii. Hair salons, barber shops, beauty supply, beauty school, and nail salons. This shall not be construed to mean that two such uses within the same parcel shall be prohibited.
 - b. Package stores within the district provided that they are separated from another parcel with the same permitted use by a minimum horizontal distance of 1,500 linear feet, measured from property line to property line.
 - c. Parking structures and surface lots to serve primary uses within the district.
 - d. Retail establishments shall not exceed 5,000 square feet except where permitted by special use permit issued pursuant to this Section 16-32F.



5. Hours of operation for certain primary and accessory uses:
 - a. Commercial recreation establishments, including theaters and other similar places of assembly (not to be construed as churches or similar places of religious assembly) with primary activities conducted within fully enclosed buildings: shall not operate between the hours of 2:00 a.m. to 7:00 a.m.
 - b. Eating and drinking establishments: shall not operate between the hours of 2:00 a.m. to 6:30 a.m., Monday through Thursday. There shall be no limit to hours of operation Friday and Saturday.
 - c. Clubs and lodges: shall not operate between the hours of 2:00 a.m. to 7:00 a.m.
 - d. Grocery stores: shall have no limit to hours of operation.
 - e. All other uses: No use shall operate for services to the general public between the hours of 11:00 p.m. to 7:00 a.m.

6. Special Use Permits: In further limitation of those uses only permissible by special use permit set forth in Section 16-32.007:
 - a. Commercial recreation establishments, including theaters and other places of assembly and similar uses with primary activities conducted within fully enclosed buildings.
 - b. Retail establishments between 5,000 square feet and 15,000 square feet in floor area.

7. Special administrative permits. In addition to the uses permitted by special administrative permit, the following administrative variations shall be permitted:
 - a. *Street tree requirements.* Variations are subject to constraints such as overhead or underground utilities, topography, or for the preservation of existing trees greater than six inches in caliper measured four and one-half feet above the natural grade at the base.
 - b. *Street furniture and tree planting zone:* On-street parking may be placed in the street furniture zone, provided that street trees are installed in bulb-outs located at intervals within the area used for on-street parking, as approved by the Director of the Office of Planning.
 - c. *Sidewalk and supplemental zone width requirements:* In blocks where 50 percent or more of the buildings were built before 1950, width requirements may be reduced to match the existing building setbacks, as measured from the curb, of the nearest two adjacent buildings located on the same side of the street. Sidewalk and supplemental zone width requirements may also be varied subject to constraints related to existing topography or preservation of existing trees (as noted above). The materials for the supplemental zone shall be finished with either patterned concrete, brick or stone in a scale to reduce the scale of the surface.



- d. *Outdoor dining within required sidewalk for new and pre-existing buildings:* outdoor dining may encroach into the sidewalk clear zone provided all of the following criteria are met:
- i. Shall have an unobstructed sidewalk width of a minimum of six (6) feet along Cascade Road and four (4) feet along all other streets. Said outdoor dining area shall also not be located within five (5) feet of a pedestrian crosswalk, handicap ramp, taxi stand, fire hydrant, FDC (Fire Department Connection) equipment on building facades, and within eight (8) feet of driveways, and within 15 feet of transit stops or transit shelters. In areas of congested pedestrian activity and or pedestrian safety concerns, the director is authorized to require a wider pedestrian path, as circumstances dictate.
 - ii. No permanent structure or ornamentation shall be located within the area where encroachment is permitted.
 - iii. The outdoor dining area shall be visually delineated on the sidewalk with pavers or in an alternative manner, as approved by the Director of the Office of Planning, which may include movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of 36 inches including any plant material. Tables, chairs, umbrellas, and any other furniture shall not extend outside of the designated dining area.
 - iv. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter.
8. Maximum building heights. Structures which are within 150 feet of an R-1 through R-5 and PD-H district boundary shall have a maximum of three stories and a height of 42 feet. Structures that are between 150 feet and 300 feet from an R-1 through R-5 and PD-H district boundary shall have a maximum of five stories and a height of 66 feet. Mezzanines and lofts shall be considered a story.
9. In addition to the requirements of Section 16-32.015 the following building design requirements shall apply:
- a. Building entrances: The primary pedestrian entrance facing the street and sidewalk shall be articulated and differentiated from other components of the façade with two or more of the following elements:
 - i. Recessed entries, not exceeding five (5) feet in depth from the façade;
 - ii. Entry surrounds;
 - iii. Transom windows;
 - iv. Awnings or canopies. Metal awnings are prohibited.
 - b. Building stoops, steps and cheek walls facing the street and sidewalk shall be finished with either patterned concrete, brick or stone. Steps shall have closed risers, ends and cheek walls.
 - c. Building facade materials shall consist of the following for principal and accessory structures:
 - iii. All structures:
 - 1) All exterior facades adjacent to and/or visible from a public street shall be predominately at least 60% brick per vertical wall plane. Stone, cast stone or three-part hard coat stucco may comprise the remainder of such building façade(s).
 - 2) All exterior facades not adjacent to and/or visible from a public street shall be brick, stone, cast stone, three-part hard coat stucco, architecturally treated concrete masonry units, split-faced concrete, or split-faced brick.
 - 3) Accent building materials of non-reflective glass, natural stone, true stucco, glass block shall not exceed 40% per vertical wall plane.



- 4) Exposed concrete masonry unit (CMU) block, corrugated steel panels, aluminum siding, vinyl siding, wood siding, prefabricated metal, exposed pressboard are prohibited as exterior finishes.
 - 5) Facade materials of accessory structures shall match materials of the principal structure(s).
 - iv. Retaining walls: shall be faced with or constructed of stone, brick, or decorative concrete modular block only.
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10. In addition to the requirements of Section 16-32.018 "Loading areas, loading dock entrances and building mechanical and accessory features":
 - a. Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public right-of-way, park or plaza, outdoor dining area, or adjacent property.
 - b. Dumpsters shall be screened with brick opaque walls and a self-closing opaque gate along one side which matches the brick color. Said screening shall be twelve (12) inches above the dumpster at a maximum height of seven (7) feet.
 - c. Building mechanical and accessory features not located on rooftops shall provide landscaping or similar screening. Said shrubbery shall consist of a continuous hedge of evergreen shrubbery, and shall be a minimum height of three (3) feet at time of planting and reach a minimum height of six (6) feet at maturity.
 11. Security materials: Burglar bars, steel gates, and steel-roll down doors or shutters are prohibited on the exterior of a structure when visible from any public or private street. Interior security roll down doors shall allow 80% visibility into the tenant space and shall be fully retractable during business hours of operation.
 12. Lighting: Lights outlining and/or detailing a building and/or windows are prohibited.
 13. Vending machines, paper stands, and other similar devices shall be located interior to the building structure.
 14. In addition to the requirements of Section 16-32.020 "Curb cuts and parking structures", two curb cuts serving two one-way driveways shall only be counted as one curb cut.
 15. Off-street parking requirements: In addition to requirements provided in Section 16-32.023 "Minimum Parking Requirements," the following parking requirements shall supplant the requirements for the uses specified below in the Table.



NC-6 CASCADE HEIGHTS NEIGHBORHOOD COMMERCIAL DISTRICT: PARKING TABLE	
Permitted Use	Minimum Parking Requirement*
Banks and similar institutions	4.0 spaces per 1,000 sq. ft.
Retail Establishments (including catering, delicatessen and bakeries) Clothing and Tailor Shops Sales and Repair Establishments	4.0 spaces per 1,000 sq. ft.
Eating and Drinking Establishments	5.0 spaces per 1,000 sq. ft.
Outdoor Dining (greater than 25% of the enclosed floor area)	3.0 spaces per 1,000 sq. ft.
Office	2.0 spaces per 1,000 sq. ft.
Dwellings and Lodgings	1.0 space per unit
All other non-residential uses and Accessory Uses, not otherwise identified in Section 16-32.023	2.0 spaces per 1,000 sq. ft.
Electric Vehicle Charging Requirements	None
Minimum parking requirements may be reduced within the NC-6 District provided a shared parking arrangement subject to requirements of Section 16-32.023(3).	

SECTION 2: Section 16-28A.010(36)(c) of the Sign Ordinance of the City of Atlanta is hereby amended by deleting subsection (c) in its entirety which reads as follows:

- c. In addition to the NC District general sign regulations, the following shall also apply to the Cascade Heights NC-6 District:
 - i. Wall signs and parapet wall signs shall be flush against the wall and shall not cover architectural building ornamentation.
 - ii. Blade signs shall not extend five feet beyond the building façade.

and inserting in lieu thereof the following:

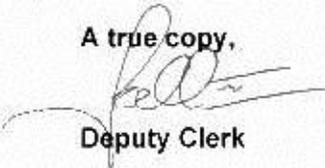
- c. In addition to the NC District general sign regulations, the following shall also apply to the Cascade Heights NC-6 District:
 - i. Wall signs and parapet wall signs shall be flush against the wall and shall not cover architectural building ornamentation and shall be internally illuminated or lit from behind (i.e. halo lighting)
 - ii. Blade signs shall not extend five feet beyond the building façade.
 - iii. Placement: Signage shall not be permitted on building facades facing side or rear property lines directly adjacent to residential districts or uses when tenant signage may be provided on other building facades.
 - iv. Window signs:
 - 1. Signs visible from the public right-of-way which touch or are located within one foot of any window pane or glass on either the inside or the outside of a building shall be limited to one (1) sign per façade with each sign no larger than six (6) square feet.



2. Existing window sign removal: Existing window signs, exceeding the above requirements, which are valued at less than 200 dollars each, shall be removed within 30 days of adoption of this ordinance.
- v. Removal of legal, nonconforming freestanding signs and sign faces:
1. Within 30 days of the cessation of a business, each sign face associated with said ceased business shall be removed from any on-premise freestanding sign structure. Cessation of business shall be measured from the expiration of the business license. Each on-premise freestanding sign face for any business not in operation on the date of this ordinance shall have 30 days thereafter to remove said sign face(s). Operation of a business shall be evidence by a business license.
 2. Within 90 days of the cessation of a business, or adoption of this ordinance, whichever is greater, any freestanding sign structure shall be removed if no business, as evidenced by a business license, occupies the premise on which the freestanding sign is located. Cessation of business shall be measured from the expiration of the last business license associated with the premise.
 3. Within 90 days of issuance of a business license for new on-premise business establishments that do not utilize an existing freestanding sign, said freestanding sign structure shall be removed.

SECTION 3: That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

A true copy,


Deputy Clerk

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

OCT 07, 2013
OCT 16, 2013

RCS# 3049
10/07/13
4:23 PM

Atlanta City Council

MULTIPLE

13-O-1046, 13-O-1098 AND 13-O-1097

ADOPT ON SUB

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 1

E Smith	B 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	NV Mitchell

MULTIPLE