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**AN ORDINANCE**

**BY COUNCIL MEMBERS KEISHA LANCE BOTTOMS & C. T. MARTIN**

**AMENDING THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA FOR THE PURPOSE OF ADDING ADDITIONAL GUIDELINES AND REGULATIONS FOR THE CASCADE HEIGHTS NEIGHBORHOOD COMMERCIAL DISTRICT CHAPTER 32F.NC-6 BY INSERTING A NEW SUBPARAGRAPH (1)(f); AND FOR OTHER PURPOSES.**

**WHEREAS**, the Cascade Heights Neighborhood Commercial District Chapter 32F. NC-6 was created in 2008 (08-O-1020/Z-08-17); and

**WHEREAS**, the Cascade Heights merchants and business owners requested the commercial district and would like to see a more defined ordinance for the district; and

**WHEREAS**, the Cascade Heights Neighborhood Commercial District would like to establish specific regulations for the purpose and intent of the district; and

**WHEREAS**, the intent of the district was to maintain a balance of uses as well as create a vibrant and sustainable commercial district in keeping with the regulations of the Neighborhood Commercial District ordinance.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**SECTION 1:** That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended by adding specific regulations to the Chapter 32F. NC-6 Cascade Heights Neighborhood Commercial District.

Sec. 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.

Sec. 16-32F.002. - Specific regulations.

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

1. *Permitted principal uses:*

a. The following uses shall be permitted if the parcel on which they are located is separated by a minimum distance of 1,000 linear feet, measured from, property line to property line from any like use: hair salons, barber shops, beauty supply, beauty school, and nail salons. This shall not be construed to mean that two of the above said uses within the same parcel shall be prohibited.

b. Dry cleaning establishments within the district provided that they are separated from another parcel with the same permitted use by a minimum horizontal distance of 1,000 linear feet, measured from property line to property line.

c. Automobile service stations within the district provided that they are separated from another parcel with the same permitted use by a minimum horizontal distance of 1,000 linear feet, measured from property line to property line.

d. Package stores within the district provided that they are separated from another parcel with the same permitted use by a minimum horizontal distance of 1,000 linear feet, measured from property line to property line.

e. Eating and drinking establishments, except those establishments that receive an alcohol license as a nightclub establishment.

**f. Discount/bargain stores within the district provided that they are separated from another parcel with the same permitted use by a minimum horizontal distance of five (5) miles, measured from property line to property line. Prior to the issuance of a building permit or business license the impacted Neighborhood Planning Unit (NPU) should have reviewed the proposed business application.**

*be notified of (KB)*

2. *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.

3. *Prohibited uses:*

- a. Park-for-hire facilities on surface lots.
- b. Pawn shops.
- c. Tattoo and body piercing establishments.

4. *Special administrative permits.* 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 bureau 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).

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 a minimum of four feet width of unobstructed sidewalk area. 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 similar treatment) and may be separated from the sidewalk only with 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**.

5. In addition to the requirements of section 16-32.018 "loading areas, loading dock entrances and building mechanical and accessory features":

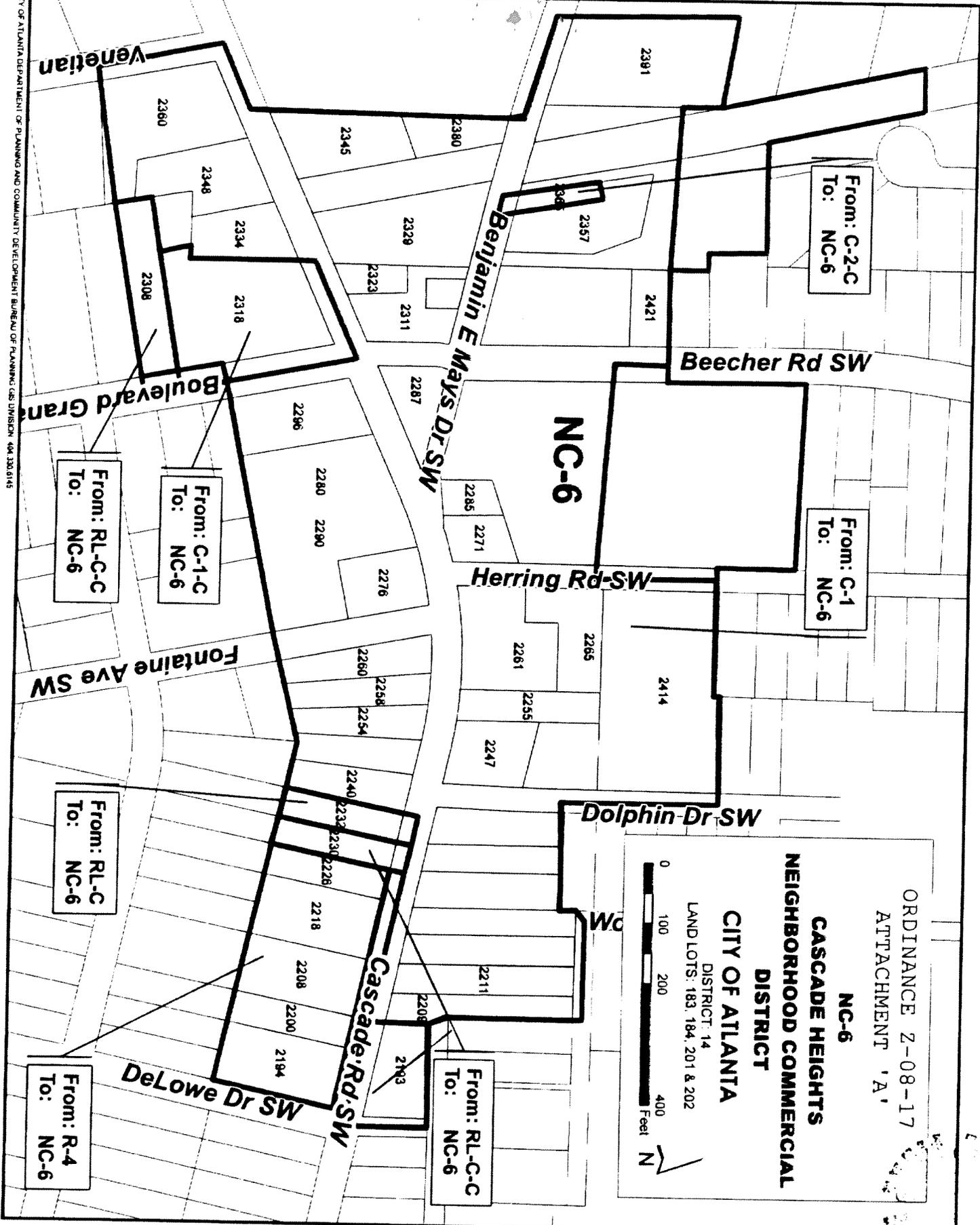
a. Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public right-of-way, park or plaza, outdoor dining area, or adjacent property.

b. Dumpsters shall have a self-closing gate and walls or fencing a minimum of 12 inches higher than the dumpster receptacle.

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 feet at time of planting and reach a minimum height of six feet at maturity. 6. 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.

7. *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 (**NOT INSERTED**).

**SECTION 2:** That all ordinances and parts of ordinances in conflict herewith be and the same are hereby waived in this instance only.



ORDINANCE 2-08-17  
 ATTACHMENT 'A'  
**NC-6**  
**CASCADE HEIGHTS**  
**NEIGHBORHOOD COMMERCIAL**  
**DISTRICT**  
 CITY OF ATLANTA  
 DISTRICT 14  
 LAND LOTS: 183, 184, 201 & 202

