

A13-O-0278/Z-13-04 N ORDINANCE BY COUNCILMEMBER CARLA SMITH TO REZONE 1341 MORELAND AVENUE, SE (TAX PIN 14 0009 LL0748) AND MORELAND AVENUE SE, (TAX PIN 14 0009 LL0730) FROM MRC-1-C (MIXED RESIDENTIAL COMMERCIAL) TO MRC-1-C (MIXED RESIDENTIAL COMMERCIAL) FOR THE PURPOSE OF A CHANGE OF CONDITIONS; TO MODIFY THE OFFICIAL ZONING MAP; AND FOR OTHER PURPOSES.

Application File Date	
Zoning Number	Z-13-04
NPU / CD	W/2
Staff Recommendation	DENIAL
NPU Recommendation	APPROVAL
ZRB Recommendation	DENIAL

Review List:

Office of Research and Policy Analysis	Completed	05/07/2013 2:09 PM
Zoning Committee	Completed	05/15/2013 12:02 PM
Atlanta City Council	Pending	
Zoning Staff	Pending	
Office of Research and Policy Analysis	Pending	

HISTORY:

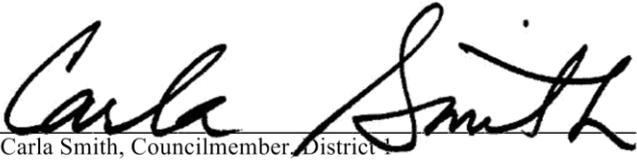
05/15/13 Zoning Committee FAVORABLE

RESULT:	FAVORABLE [UNANIMOUS]
MOVER:	Carla Smith, Councilmember, District 1
AYES:	Wan, Bottoms, Shook, Smith, Young Jr.
ABSENT:	Joyce Sheperd

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

CITY COUNCIL
ATLANTA, GEORGIA
SPONSOR SIGNATURES



Carla Smith, Councilmember, District 4

**ORDINANCE
BY COUNCILMEMBER(S) SMITH
ZONING COMMITTEE**

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AN ORDINANCE
BY CARLA SMITH

AN ORDINANCE TO REZONE 1341 MORELAND AVENUE S.E. (TAX PIN 14 0009 LL0748) AND MORELAND AVENUE S.E. (TAX PIN 14 0009 LL0730) FROM MRC-1-C (MIXED RESIDENTIAL COMMERCIAL) TO MRC-1-C (MIXED RESIDENTIAL COMMERCIAL) FOR THE PURPOSE OF A CHANGE OF CONDITIONS; TO MODIFY THE OFFICIAL ZONING MAP; AND FOR OTHER PURPOSES.

WHEREAS, in furtherance of the South Moreland Avenue Livable Centers Initiative Study dated March 31, 2008 and adopted as a part of the Comprehensive Development Plan by the Atlanta City Council pursuant to Ordinance 08-O-1032 on July 7, 2008, Ordinance 12-O-1149 (Zoning #Z-12-31) rezoned real property located at 1341 Moreland Avenue S.E. (Tax PIN 14 0009 LL0748) and Moreland Avenue S.E. (Tax PIN 14 0009 LL0730) (collectively, the “Property”) from C-1 (community business) to their existing zoning classification of MRC-1-C (mixed residential commercial); and

WHEREAS, in furtherance of the public health, safety and general welfare and pursuant to Sec. 16-02.003 of the Atlanta Zoning Ordinance, the rezoning to MRC-1-C contained eight (8) conditions regulating the use and development of the properties in accordance with conditional zoning practice; and

WHEREAS, such conditions generally supplement the MRC-1 district regulations contained in Section 16-34.001 et seq. but in the event of a conflict with said district regulations, the conditions contained in Ordinance 12-O-1149 control with respect to the use and development of the properties.

WHEREAS, the Section 16-34.026(1)(c) (i) of the MRC-1 district regulations requires that nonresidential uses be located on or below the street-level floor only (“location requirement”), and

WHEREAS, the Section 16-34.026(1)(c) (ii) of the MRC-1 district regulations requires that at such time as the non-residential square footage of a development exceeds 20,000 square feet or one-half times net lot area, concurrent residential square footage of an equivalent or greater amount must be constructed (“residential concurrency requirement”; and

WHEREAS, the residential concurrency and location restriction requirements in Section 16-34.026(1)(c) of the MRC-1 district regulations are not necessary to further the goals of the South Moreland LCI Study due to the combined size of the parcels and their location; and

WHEREAS, in furtherance of the public health, safety and general welfare and pursuant to Sec. 16-02.003 of the Atlanta Zoning Ordinance, the Office of Planning recommends and the City Council of the City of Atlanta, Georgia finds that one (1) new condition should be added (condition # 9) to delete such concurrency and location restriction requirements as they are applicable to the Property.

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

SECTION 1: That the Zoning Ordinance of the City of Atlanta be amended, and the official zoning map established in connection therewith be changed, so that the following property known as 1341 Moreland Avenue S.E. (Tax PIN 14 0009 LL0748) and Moreland Avenue S.E. (Tax PIN 14 0009 LL0730), be rezoned from the MRC-1-C (Mixed Residential Commercial) District to the MRC-1-C (Mixed Residential Commercial) District for a change of conditions, to wit:

ALL THAT TRACT or parcels of land lying and being in Land Lot 9 of the 14th District, Fulton County, Georgia being more particularly described by the legal description and/or map attached hereto as Exhibit “A”.

SECTION 2: This rezoning is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, “Conditional Development”, as identified by the use of the suffice “C” after the district designation in Section 1 above, which zoning conditions are attached hereto and incorporated herein by reference. The Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations.

For the properties known as 1341 Moreland Avenue S.E. (Tax PIN 14 0009 LL0748) and Moreland Avenue S.E. (Tax PIN 14 0009 LL0730), a new condition #9 shall be added to the eight (8) conditions in Ordinance 12-O-1149 which provides as follows:

9) Section 16-34.026(1)(c) of the MRC-1 district regulations shall not apply.

SECTION 3: That the maps referred to, now on file in the Office of Planning, be changed to conform to the terms of this ordinance.

SECTION 4: That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed. AN ORDINANCE

BY CARLA SMITH

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