

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.

**WHEREAS**, the City of Atlanta conducted the Campbellton-Cascade Corridors Redevelopment Plan, which was adopted on September 18, 2006 by City Council as a guide for future development; and

**WHEREAS**, the Atlanta City Council adopted legislation in 2008 to rezone properties to the NC-6 Cascade Heights Neighborhood Commercial District to implement the Campbellton-Cascade Corridors Redevelopment Plan; 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 is to maintain a balance of uses to create a vibrant and sustainable commercial district in keeping with the 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:**
  - 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.*
  
3. ~~**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.~~
  
4. **Permitted principal uses:**
  - 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.*
  
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. Prohibited uses:

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

7. 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 ***an unobstructed sidewalk width*** of a minimum of ***six (6) feet along Cascade Avenue*** and four (4) feet of ~~unobstructed sidewalk area~~ ***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 similar treatment or in an alternative manner, as approved by the Director of the Office of Planning, which may include~~ 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.

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.***

b. ***Building stoops, steps and cheek walls facing the street and sidewalk shall be finished with either 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:***

i. ~~Residential structures with two or less dwelling units:~~

- 1) ~~All exterior facades adjacent to a public street shall be brick, stone, cast stone, three-part hard coat stucco, horizontal wood clapboard siding or hardiplank (cementitious siding).~~
- 2) ~~All exterior facades not adjacent to a public street shall be brick, stone, cast stone, three-part hard coat stucco, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal hardiplank (cementitious siding). Exposed concrete masonry units are not permitted.~~

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) ***Façade 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.

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 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.~~
11. **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.*
12. **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.*
13. **Lighting:** *Lights outlining and/or detailing a building and/or windows are prohibited.*
14. **Vending machines, paper stands, and other similar devices** *shall be located interior to the building structure.*
15. **Signage:** *In addition to the signage requirements of the NC district, the following additional restrictions shall apply:*
- a. **Wall signs:** *Signs attached to the building facade shall be internally illuminated or lit from behind (i.e. halo lighting).*
- b. **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.*
16. 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.

17. 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.

<b>NC-6 CASCADE HEIGHTS NEIGHBORHOOD COMMERCIAL DISTRICT: PARKING TABLE</b>	
<b>Permitted Use</b>	<b>Minimum Parking Requirement*</b>
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: That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.**