

**AN ORDINANCE BY:
COUNCILMEMBER ALEX WAN**



AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY AMENDING SECTION 16-28A.010(36) OF THE SIGN ORDINANCE TO PROVIDE FOR ADDITIONAL REGULATIONS REGARDING ALLOWABLE SIGNAGE WITHIN THE ATKINS PARK NC-12 DISTRICT; AND FOR OTHER PURPOSES.

WHEREAS, on December 1, 2008, the City Council of the City of Atlanta adopted Ordinance 08-O1757 (Z-08-68) establishing the Atkins Park NC-12 District ("NC-12 District") and rezoned property within the boundaries of that district as shown on a map attached thereto Atkins Park NC-12 District, which was returned without signature of the Mayor and therefore approved as per City Charter Section 2-403 on December 10, 2008; and

WHEREAS, Section 16-28A.010 (36) of the City of Atlanta Sign Ordinance provides, with specific exceptions, that signage within any of the NC districts must comply with the regulations found in Section 16-28A.010 (5) of the Sign Ordinance (C-1 sign regulations); and

WHEREAS, Section 16-28A.010 (5) prohibits signs extending or projecting over any property line over any street or public right of way; and

WHEREAS, in certain limited circumstances within the NC-12 District, the public, health, safety and welfare is served by allowing a sign to extend or project over a property line over certain streets or public rights of way, so long as required encroachment agreements are authorized by the City of Atlanta pursuant to Article II of Chapter 138 of City Code; and

WHEREAS, the proposed legislation is consistent with the purposes and intent of the regulations of the Neighborhood Commercial District Regulations adopted in Section 16-32.002 of the City of Atlanta Zoning,

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

Section 1. That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended by adding a new subsection Section 16-28A.010(36)(d) regulating signage within the NC-12 Atkins Park District which shall read as follows:

- (d) In addition to the NC District general sign regulations, the following shall apply to the Atkins Park NC-12 District:
 - (i) One (1) sign may extend or project over a property line over a sidewalk or street right of way, subject to the following restrictions:
 - (a) signs extending or projecting over the sidewalk or street right of way must be approved by an encroachment agreement

authorized by the City of Atlanta meeting the requirements of Article II of Chapter 138 of City Code; and

- (b) signs extending or projecting over the sidewalk or street right of way may only be located over the sidewalk or street right of way of Greenwood Avenue or St. Charles Avenue and in no event shall such signs extend or project into the sidewalk or street right of way of North Highland Avenue; and
- (c) signs extending or projecting over the sidewalk or street right of way must have at least a 9 foot six inch clearance from the finished elevation of the sidewalk to the bottom of the sign; and
- (d) signs extending or projecting over the sidewalk or street right of way is limited to a maximum total sign area of 16 square feet and must be perpendicular to the property line over which it extends.

Section 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.