

AN ORDINANCE TO AMEND CHAPTER 150, ARTICLE II, SECTION 150-26 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO ADD QUALIFICATIONS FOR TEMPORARY USE PARKING LOT PERMITS, APPLICATION FEES, AND OPERATIONAL RULES GOVERNING THE OPERATION OF PARKING LOTS PERMITTED THEREUNDER; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Review List:

Atlanta City Council
Transportation Committee

Completed 08/22/2013 12:35 PM
Pending

HISTORY:

08/19/13 Atlanta City Council

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

CITY COUNCIL
ATLANTA, GEORGIA

13-O-1218

SPONSOR SIGNATURES

A handwritten signature in black ink, appearing to read "Michael Julian Bond", written over a horizontal line.

Michael Julian Bond, Councilmember, Post 1 At-Large

**AN ORDINANCE
BY COUNCILMEMBER(S) BOND**

AN ORDINANCE TO AMEND CHAPTER 150, ARTICLE II, SECTION 150-26 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO ADD QUALIFICATIONS FOR TEMPORARY USE PARKING LOT PERMITS, APPLICATION FEES, AND OPERATIONAL RULES GOVERNING THE OPERATION OF PARKING LOTS PERMITTED THEREUNDER; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta Charter provides that the City of Atlanta may regulate parking in the City of Atlanta. Atlanta City Charter, 1-102(C)(36); and

WHEREAS, Chapter 150, Article II, Section 150-26 permits the police chief with the concurrence of the commissioner of public works to issue temporary 30 day off-street parking permits for use during athletic events or annual fairs; and

WHEREAS, unlike parking lots and parking garages operating in accordance with permits issued under Chapter 30, Article XVII, holders of permits issued in accordance with Section 150-26 are not permitted to provide monthly parking, or to operate without an attendant or cashier; and

WHEREAS, Section 150-26 does not currently contain qualifications for the issuance of permits issued thereunder; and

WHEREAS, Section 150-26 does not set fee for the filing of an application for and or a fee for the issuance of a permit thereunder; and

WHEREAS, Section 150-26 does not currently contain operational rules governing the operation of lots permitted thereby; and

WHEREAS, it is the desire of the City of Atlanta to amend Section 150-26 to add qualifications for permits issued thereunder, a fee for an application fee and a fee for a permit issued thereunder, and operational rules governing the operation of lots permitted thereunder; and

WHEREAS, the purpose of the permit and application fees included in the amended ordinance is not to raise revenue, but to cover the cost of processing the permit applications, and such fees are authorized as long as the fees charged approximate the costs of the necessary regulatory activity; *Hadley v. City of Atlanta*, 232 Ga. App. 871, 874,502 S.E. zd 784 (1998); and

WHEREAS, in 2013, it was determined that the cost to the City of processing permits issued under Section 1,50-26 applications exceeds the fee proposed herein. See Financial Study attached hereto as Exhibit A.

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

Section 1:That Chapter 150, Article II, Section 150-26 of the City of Atlanta Code of Ordinances which currently reads as follows:

Sec. 150-26. Temporary and experimental regulations.

The police chief, with the concurrence of the commissioner of public works, may make regulations necessary to make effective this chapter and other traffic ordinances of the city and may make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such

temporary or experimental regulation shall remain in effect for more than 90 days or involve off-street parking, except that a temporary or experimental regulation involving off-street parking may be made and enforced, without regard to the zoning of any tract of land affected thereby, for a limited period of time not to exceed 30 days and only during athletic events or annual fairs. Certain areas of the city are excluded from the issuance of temporary off-street parking permits as follows:

(1) The Vine City neighborhood, described as the area bounded by Simpson Street, Northside Drive, Martin Luther King, Jr., Drive and Ashby Street, with the exception of the properties known as 90-124 Northside Drive and 30-1,58 Northside Drive, as well as properties within the following boundaries (as included in Exhibit "A" and narratively described herein): at a point which begins at the Southwest corner of Thurmond Street and Northside Drive traveling westward along the southern right-of-way of Thurmond Street to the Southeast corner of Maple Place and Thurmond Street; Thence traveling south along the eastern right-of-way to Maple Place to the Northeast corner of the intersection of Maple Place and Spencer Street; Thence traveling eastward along the Northern right-of-way of Spencer Street to a point parallel to the Southeast corner of the intersection of Spencer Street and Electric Avenue; Thence traveling south along the eastern right-of-way of Electric Avenue to a point at the Northeast corner of Electric Avenue and Carter Street; to also include the properties described by parcel numbers 140083000811,5, 1400830008116, 1400830008044, 1400830007113 and 1400830007114, all of said properties being bounded by Carter Street on the north; Thence traveling northward to the Southwest corner of the intersection of Northside Drive and Thurmond Street to the point of beginning.

(2) The area bounded on the north by Interstate 20; on the east by Connally Street, Ormond Street and Primrose Street; on the south by the CSX Railroad; and on the west by the Norfolk-Southern Railroad, Humphries

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Street, Gleen Street and McDaniel Street, and generally described as the neighborhoods of Mechanicsville, Peoplestown and Summerhill, with the exception of that parcel known as 496 Martin Street, S.E. for the remainder of the 1993 Atlanta Braves baseball season.

(3) The English Avenue Neighborhood, described as the area bounded by Simpson Street, Northside Drive, North Avenue and Ashby Street with the exception of the property known as 505 .Jones Avenue, N.W., Atlanta, Georgia 30318 (Parcel Identification Number 14-0082-00⁰9-⁰77-¹).

5²3 Joseph E. Boone Boulevard, N.\tV., Atlanta, Georgia 303¹8 (Parcel Identification Number 14-0082-0009-069-8).

5¹⁰ Jones Avenue, N.W., Atlanta, Georgia 30318 (Parcel Identification Number 14-0082-0009-⁰7¹-4).

517 .Jones Avenue, N.W., Atlanta, Georgia 30318 (Parcel Identification Number 14-0082-0009-⁰⁶7-²).

551-573 Cameron Alexander Boulevard, N.W., Atlanta, Georgia 30318 (Parcel Identification Numbers; 14-0082-0001-045-6; 14-0082-0001091-0; 14-00820001-095-1; 14-0082-0005-076-7; 14-0082-0005-⁰⁰⁰72).

440 Northside Drive, N.W., Atlanta, Georgia 30318 (Parcel Identification Number 14-0082-0005-053-6).

Be amended such that it shall read as follows:

Sec. 150-26. Temporary Use Parking Lot Permits.

(a) Before any lot or building may be used for off-street public parking pursuant to this section, the owner of the lot or the operator thereof must first obtain a permit from the Department of Public Works' Office of Transportation for such use.

- (b) The application form for the permit shall contain the following information:
- (1) The address and location of the lot involved;
 - (2) The capacity of the lot;
 - (3) The square footage of the lot;
- (4) Occupation tax certificate issued pursuant to Chapter 30, (business license), unless otherwise exempted by city ordinance;

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(5) Written verification from the bureau of buildings that the lot IS III compliance with applicable zoning regulations.

(6) Two site plans will be attached to the application form. The site plans will be drawn to an engineer's scale such that the following are easily

identified:

- (i) The proposed location of entrances and exits to the facility;
- (ii) The widths of access streets.

(7) A copy of either the warranty deed (if the applicant is the title holder) or lease agreement or management contract for the property upon which the proposed park-for-hire facility is to be located, which should contain the current names, addresses and phone numbers of the owner, leaseholder and/or property manager (as appropriate) of said property.

(c) The applicant for a permit required by this division shall pay to the city a nonrefundable application fee upon submission of the application. Such application fee shall consist of a fixed charge of \$100.00.

(d) The annual/renewal permit fee for a permit issued under this section shall be \$366.00.

(e) A permit issued pursuant to this section shall be valid for 30 days from the date of issuance. No earlier than days prior to and no later than _ days from the expiration date, the operator must contact the Office of Transportation to request renewal certification of their permit. The Office of Transportation shall then verify that the operations of the park-for-hire facility have not changed since the issuance of the permit (or since the last renewal). Once this has been determined, the renewal certification is approved.

(0) Any lot permitted under this Section shall provide and maintain the following:

- (1) An onsite operator who shall remain on lot property during the time the lot is in operation;
- (2) A permitted parking notice sign to be place at the main entrance of the lot in such a manner so that it is easily viewable from the driver's seat of an entering vehicle and which shall be 30 inches x 30 inches, made of a waterproof material and shall include the follm\ing information:
 - (i) The name and cellular telephone number of the onsite operator of the facility;
 - (ii) The name of the permit holder;

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- (iii) Parking lot permit number;
 - (iv) Business license number;
 - (v) The name of the operator;
 - (vi) The physical street address of the lot;
 - (vii) The permit expiration date; and
 - (viii) The number of parking spaces permitted.
- (3) Portable restrooms the number of which shall be based on the number of parking spaces permitted as follows, and which shall remain in place during the time the lot is in operation:
- 1-50 spaces - 2 portable restrooms
 - 51-100 spaces 4 portable restrooms
 - 101-150 spaces 6 portable rest rooms
 - 15¹-²⁰⁰ spaces - 8 portable restrooms
 - 200 spaces and above - 10 portable restrooms
- (4) Roping or fencing to surround the boundaries of the permitted lot and which shall remain in place during the time the lot is in operation.
- (5) A fire extinguisher to be maintained on the premises of the lot by the onsite operator.
- (6) Trash receptacle(s) adequate to ensure the receptacles do not become filled in any manner that causes or allows trash to overflow from the receptacle. It shall further be the responsibility of the onsite operator of the lot to see that the lot is free of litter and debris at the end of the time the lot is in operation.
- (g) Lots permitted under this section shall not provide monthly parking.
- (h) Certain areas of the city are excluded from the issuance of Temporary Use Parking Lot Permits issued under this Section as follows:
- (1) The Vine City neighborhood, described as the area bounded by Simpson Street, Northside Drive, Martin Luther King, Jr., Drive and Ashby Street, with the exception of the properties known as 90-124 Northside Drive and 30-¹⁵⁸ Northside Drive, as well as properties within the following

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boundaries (as included in Exhibit "A" and narratively described herein): at a point which begins at the Southwest corner of Thurmond Street and Northside Drive traveling westward along the southern right-of-way of Thurmond Street to the Southeast corner of Maple Place and Thurmond Street; Thence traveling south along the eastern right-of-way to Maple Place to the Northeast corner of the intersection of Maple Place and Spencer Street; Thence traveling eastward along the Northern right-of-way of Spencer Street to a point parallel to the Southeast corner of the intersection of Spencer Street and Electric Avenue; Thence traveling south along the eastern right-of-way of Electric Avenue to a point at the Northeast corner of Electric Avenue and Carter Street; to also include the properties described by parcel numbers 1400830008115, 1400830008116, 1400830008044, 1400830007113 and 1400830007114, all of said properties being bounded by Carter Street on the north; Thence traveling northward to the Southwest corner of the intersection of Northside Drive and Thurmond Street to the point of beginning.

The area bounded on the north by Interstate 20; on the east by Connally
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Street, Ormond Street and Primrose Street; on the south by the CSX Railroad; and on the west by the Norfolk-Southern Railroad, Humphries Street, Gleen Street and McDaniel Street, and generally described as the neighborhoods of Mechanicsville, Peoplestown and Summerhill, with the exception of that parcel known as 496 Martin Street, S.E. for the remainder of the 1993 Atlanta Braves baseball season.

The English Avenue Neighborhood, described as the area bounded by Simpson Street, Northside Drive, North Avenue and Ashby Street with the exception of the property known as 505 Jones Avenue, N.W., Atlanta, Georgia 30318 (Parcel Identification Number 14-0082-0009-077-1).

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197 Walnut Street, NW, Atlanta, GA 30314 (Parcel Identification Number 1400830⁰⁰⁴²⁴⁵).

(i) Any violation of this Section shall be punished as provided in section 1-8 of the Code of Ordinances of the City of Atlanta.

Section 2: This Ordinance shall become effective immediately upon its approval.

Section :3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

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AN ORDINANCE BY COUNCILMEMBER M

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WHEREAS, the City of Atlanta Charter provides that the City of Atlanta may regulate parking in the City of Atlanta. Atlanta City Charter, 1-102(C)(36); and

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WHEREAS, Section 150-26 does not currently contain qualifications for the issuance of permits issued thereunder; and

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WHEREAS, the purpose of the permit and application fees included in the amended ordinance is not to raise revenue, but to cover the cost of processing the permit applications, and such fees are authorized as long as the fees charged approximate the costs of the necessary regulatory activity; *Hadley v. City of Atlanta*, 232 Ga. App. 871, 874, 502 S.E. 2d 784 (1998); and

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(b) The application form for the permit shall contain the following information:

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- (5) Written verification from the bureau of buildings that the lot is in compliance with applicable zoning regulations.
- (6) Two site plans will be attached to the application form. The site plans will be drawn to an engineer's scale such that the following are easily identified:
 - (i) The proposed location of entrances and exits to the facility;
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- (7) A copy of either the warranty deed (if the applicant is the title holder) or lease agreement or management contract for the property upon which the proposed park-for-hire facility is to be located, which should contain the current names, addresses and phone numbers of the owner, leaseholder and/or property manager (as appropriate) of said property.

(c) The applicant for a permit required by this division shall pay to the city a nonrefundable application fee upon submission of the application. Such application fee shall consist of a fixed charge of \$100.00.

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 - (i) The name and cellular telephone number of the onsite operator of the facility;
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- (iii) Parking lot permit number;
 - (iv) Business license number;
 - (v) The name of the operator;
 - (vi) The physical street address of the lot;
 - (vii) The permit expiration date; and
 - (viii) The number of parking spaces permitted.
- (3) Portable restrooms the number of which shall be based on the number of parking spaces permitted as follows, and which shall remain in place during the time the lot is in operation:
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 - 101-150 spaces 6 portable rest rooms
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- (4) Roping or fencing to surround the boundaries of the permitted lot and which shall remain in place during the time the lot is in operation.
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