

AN ORDINANCE



BY COUNCIL MEMBER KWANZA HALL

**AN ORDINANCE TO AMEND CHAPTER 32A (NC-1 LITTLE FIVE POINTS NEIGHBORHOOD COMMERCIAL DISTRICT) OF THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, FOR THE PURPOSE OF INCLUDING CERTAIN LANGUAGE AT THE REQUEST OF LITTLE FIVE POINTS BUSINESS ASSOCIATION TO REITERATE, CLARIFY, AND STRENGTHEN THE REGULATIONS FOR THE DISTRICT; AND FOR OTHER PURPOSES.**

**WHEREAS**, the NC-1 Little Five Points Neighborhood Commercial District was created in May, 2001, by Ordinance 01-O-0372; and

**WHEREAS**, the purposes and intent of Neighborhood Commercial (NC) zoning districts are set forth in Chapter 32 of the Atlanta Zoning Ordinance to protect the public health, safety and welfare; and

**WHEREAS**, the Little Five Points Business Association has submitted a list of proposed changes to reiterate, clarify, and strengthen the NC-1 Little Five Points Neighborhood Commercial District Regulations; and

**WHEREAS**, the proposed changes are in keeping with the purposes and intents of the existing regulations.

**NOW, THEREFORE, BE IT 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 certain language in Section 16-32A.002 to regulate uses in the NC-1 Little Five Points Neighborhood Commercial District as follows:

**Sec. 16-32A.002(1) is amended to read:**

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

The following regulations are specific to NC-1 Little Five Points Neighborhood Commercial District.

1. ~~The number of gasoline service stations within the district shall not exceed two.~~ Gasoline service stations shall be prohibited within the district, with the exception that the two existing gasoline service stations shall be permitted to continue operating at their existing locations.

**Sec. 16-32A.002(6) and Sec. 16-32A.002(7) are added to read:**

6. Drive-thru facilities are prohibited. A drive-thru facility is defined as any or all of the following elements: a customer service window that can be accessed from a car, an exterior intercom system for ordering, a vehicle stacking space provided for customers to wait in vehicles while orders are prepared for delivery to the vehicles. The presence of any or all of these elements shall be considered a drive-thru facility and prohibited in NC-1.
7. NPU notification. In addition to the required SAP submittal, the applicant shall also provide to the director of the bureau of planning a United States Postal Service 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 business days from the date of the said certificate of mailing to provide one set of written comments to the bureau of planning prior to any SAP approval.

**SECTION 2:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed for purposes of this ordinance only, and only to the extent of the conflict.