

14-0-1031
(Do Not Write Above This Line)

An Ordinance
By Zoning Committee Z-13-50

An Ordinance to rezone certain properties within Subarea 5 of the Atlanta Beltline Planning area from various districts to various districts to implement the Atlanta Beltline Master Plan: Subarea 5 (Freedom Parkway) study.

NPU N and M
COUNCIL DISTRICT 6

ADOPTED BY

FEB 0 3 2014

COUNCIL

Substitute

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred

1/21/14

Referred To:

ZB3 + zoning

Date Referred

Referred To:

Date Referred

Referred To:

Committee zoning First Reading
Date 1/21/14
Chair John
Referred To _____

Committee

Date

Chair

Fav, Adv, Hold (See rev side)
Other

Members

Refer To

Committee

Date

Chair

Fav, Adv, Hold (See rev side)
Other

Members

Committee

Date

Chair

Fav, Adv, Hold (See rev side)
Other

Members

Refer To

Committee

Date

Chair

Fav, Adv, Hold (See rev side)
Other

Members

Refer To

Refer To

- FINAL COUNCIL ACTION
- 2ND 1ST & 2ND 3RD
 - Readings
 - Consent V Vote RC Vote

CERTIFIED
FEB 0 3 2014
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
FEB 0 3 2014
Rachel D. [Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

FEB 1 2 2014

WITHOUT SIGNATURE
BY OPERATOR OF LAW

3434

A SUBSTITUTE ORDINANCE

**BY:
ZONING COMMITTEE**

Z-13-50

A SUBSTITUTE ORDINANCE TO REZONE CERTAIN PROPERTIES WITHIN SUBAREA 5 OF THE ATLANTA BELTLINE PLANNING AREA FROM VARIOUS DISTRICTS TO VARIOUS DISTRICTS TO IMPLEMENT THE ATLANTA BELTLINE MASTER PLAN: SUBAREA 5 (FREEDOM PARKWAY) STUDY.

WHEREAS, the Atlanta BeltLine project is one of the most comprehensive urban revitalization and economic development efforts ever undertaken within the City of Atlanta, which will combine greenspace, trails, transit and new development along 22 miles of historic railroad corridor that encircle the City of Atlanta; and

WHEREAS, the residents and property owners of NPU M and NPU N worked with the Office of Planning and Atlanta BeltLine Staff and a consultant team to develop the Atlanta BeltLine Master Plan: 5 (Freedom Parkway) Study; and

WHEREAS, pursuant to 06-O-1157, Atlanta City Council approved the Atlanta BeltLine Redevelopment Plan on August 21, 2006 as part of the Comprehensive Development Plan; and

WHEREAS, the Federal Transit Administration issued a Record of Decision approving the Tier 1 Environmental Impact Statement for the Atlanta BeltLine on August 28, 2012; and

WHEREAS, pursuant to 09-O-0129, Atlanta City Council voted unanimously to approve the Atlanta BeltLine Master Plan: Subarea 5 (Freedom Parkway) Study on March 16, 2009 as a part of the Comprehensive Development Plan (fka Atlanta Strategic Action Plan); and

WHEREAS, the recommendations from the Atlanta BeltLine Master Plan: Subarea 5 (Freedom Parkway) Study should be implemented through the rezoning of the properties within the study area; and

WHEREAS, the official zoning maps should be amended to include the properties within the Atlanta BeltLine Subarea 5 study area as shown on Attachments "A, B, C and D."

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

SECTION 1: That the 1982 City of Atlanta Zoning Ordinance be amended and the official zoning maps established in connection therewith be changed to include the properties located within the Atlanta BeltLine Subarea 5 study area with the designations as shown on Attachments "A, B, C and D."

SECTION 2: This amendment is approved under the provisions of Section 16-02.003 of the City of Atlanta Zoning Ordinance, entitled "Conditional Zoning," as identified with the use of the suffix "C" after the district designation. The Director of the Office of Buildings shall issue building permits for the

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Atlanta, Georgia

development of the properties with said "Conditional Zoning" designation only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations.

Scope of provisions: Any property wherein sixty percent or greater of the principal building is removed or destroyed by any means shall be redeveloped in accordance with the requirements shown below, notwithstanding (1) drive-through service windows and drive-in facilities and (2) any other provisions in Part 16, Chapter 24 to the contrary.

FOR PROPERTIES IN THE MRC-2-C and MRC-3-C DISTRICT DESIGNATION:

Storefront Streets and Façade Requirements:

1. The following street segments shall be defined as a Storefront Street:
 - a. Tract 1- Ponce de Leon Avenue frontage from Parkway Drive to Boulevard including parcel 64; and Ponce de Leon Avenue frontage from Boulevard to Kennesaw Avenue; northwest corner of Ponce de Leon and Glen Iris Drive;
 - b. Tract 2a & b- Ponce de Leon Avenue frontage from the BeltLine corridor to Somerset Terrace and parcels 16, 17, and 18;
 - c. Tract 3- Ponce de Leon frontage from Freedom Parkway to Linwood Avenue; and Ponce de Leon frontage from Linwood Avenue to and including parcel 72;
 - d. Tract 7- Irwin Street frontage;
 - e. Tract 8- Edgewood Avenue frontage;
 - f. Tract 9- Edgewood Avenue frontage;
 - g. Tract 16- Edgewood Avenue frontage;
 - h. Tract 10- southwest corner of North Avenue and Glen Iris Drive including parcels 49 and 50;
 - i. Tract 11- Glen Iris Avenue frontage;
 - j. Tract 12- Glen Iris Avenue and Dallas Street frontage.

Such Storefront Streets shall meet the following requirements:

- a. Site Restrictions: Drive-through service windows and drive-in facilities are prohibited.
- b. The Storefront Treatment and resulting Storefront Space shall be occupied by a retail, eating or drinking, office, medical/health, education, child care, or institutional use. Residential uses are prohibited within Storefront Space, however, the following active uses, when accessory to a multi-family residential use, are permitted: lobby, leasing office, meeting or assembly space, or indoor recreation space. Relief from this provision (1.b.) may be granted through administrative variation in cases (1) of hardship, (2) where complying would exceed the non-residential FAR limit, or (3) where full compliance is impractical due to the shape or size of the parcel relative to the intended use.
- c. Supplemental zones, as defined in Sec. 16-36.007(9), shall be hardscaped for pedestrian to access for a minimum of 75 percent of its area excluding cutouts for tree wells with any such trees to be limbed up to a minimum height of seven feet.

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- d. Fenestration and entrances shall be provided for a minimum of 65 percent of the horizontal length of each façade as further described in Sec. 16-36.014(7) and shall allow visibility into the building for a minimum depth of 10 feet as measured from the interior windowpane and shall be internally illuminated and serviced by electricity.
 - e. Floor-to-ceiling height shall be a minimum of 12 feet as measured vertically from the ground floor to the structural ceiling, not including drop ceilings or other interior ceiling treatments within the sidewalk-level floor space for a minimum depth of 20 feet.
2. The following materials are prohibited: Exposed pressure-treated wood, vinyl siding, vinyl railing, solid vinyl windows, and exterior insulation finished systems (EIFS).
 3. Building facades visible from a public right-of-way or a park larger than two acres shall be either brick, stone, cast stone, metal, poured-in-place concrete, hard-coat stucco, or smooth cementitious siding; however, such smooth cementitious siding shall not exceed 35 percent of any façade. All windows on such facades shall include window frames that are recessed a minimum of two (2) inches, except at recessed balcony conditions.

Building Intensity and Heights:

1. Structures or portions of structures that are within 60 feet of any R-1 through R-5, RG-1, RG-2, MR-1, MR-2, or PD-H district, or a park larger than two acres without an intervening street shall have a maximum height of 52 feet.
2. All other building heights shall meet the following regulations:
 - a. Structures or portions of structures that are located within “Tract 1” on Attachment “A” shall have a maximum building height of 100 feet.
 - b. Structures or portions of structures that are located within “Tract 2b” on Attachment “A” shall have a maximum building height of 185 feet.
 - c. Structures or portions of structures that are located within “Tract 10” Attachment “B” shall have a maximum building height of 100 feet.
 - d. All other tracts shall be limited in height pursuant to the applicable zoning regulations.

Restricted Uses:

1. The following uses are Prohibited as a principal use:
 - a. New and used car sales. This is not to be construed to include other motorized vehicles such as mopeds and motorcycles.
 - b. Park-for-hire parking decks.
 - c. Park-for-hire surface parking lots.
 - d. Mixed-use storage facility
 - e. Truck stops.
2. The following uses shall be permitted subject to the following conditions:
 - a. Personal service establishments (hair salons, barber shops, beauty supply, beauty school, nail salons, and similar uses) shall be separated by a minimum distance of 200 feet as measured from property line to property line from any similar establishment, with an exception that two or more such establishments within the same parcel shall be allowed.

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- b. Where a lot in this district abuts a lot in any R-1 through R-G, MR, RLC or PD-H district without an intervening street, such lot within this district shall not be used for any drive-through service window or drive-in facility as either a principal or accessory use.
3. The following uses shall require a Special Use Permit (SUP):
 - a. Clubs and lodges.
 - b. Mortuaries and funeral homes.
 - c. Eating and drinking establishments that receive an alcohol license as a nightclub.
 - d. Automobile service stations, car washes.
 - e. Repair garages, paint and body shops.

FOR PROPERTIES IN THE I-1-C and I-2-C DISTRICT DESIGNATION:

Building Heights:

1. Maximum Building Height shall be 110 feet
 - i. Structures or portions of structures that are within 60 feet of any R-1 through R-5, RG-1, RG-2, MR-1, MR-2, or PD-H district, or a park larger than two acres without an intervening street shall have a maximum height of 52 feet.

Restricted Uses:

1. The following uses are prohibited:
 - a. Municipal solid waste disposal facility.
 - b. Park-for-hire surface parking lots.
 - c. Solid waste handling facility.
 - d. Sales and leasing agencies for new and used passenger automobiles.
 - e. Terminals, freight, rail bus or truck, when erected or operated other than by a governmental agency.
 - f. Self storage facilities.
 - g. Truck stops.
 - h. Junkyards, salvage yards (including automobile), scrap metal processors and similar operations.
2. The following uses shall require a Special Use Permit:
 - a. Individual retail establishments, including those with sales or display lots or storage lots, greater than 20,000 square feet of floor area.
 - b. Repair garages, paint and body shops. (Welding shops and blacksmith shops are permitted).
 - c. Service stations; car washes.

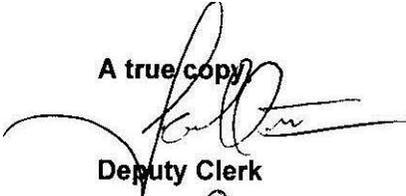
SECTION 3: The regulations contained within Section 2 of this Ordinance shall supplement the regulations contained within the Atlanta Zoning Ordinance. Whenever the regulations contained within

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Section 2 of this Ordinance are different than those contained within the Atlanta Zoning Ordinance, the regulations contained within Section 2 of this Ordinance shall control.

SECTION 4: All ordinances or parts of ordinances in conflict with this ordinance shall be repealed to the extent of the conflict.

A true copy



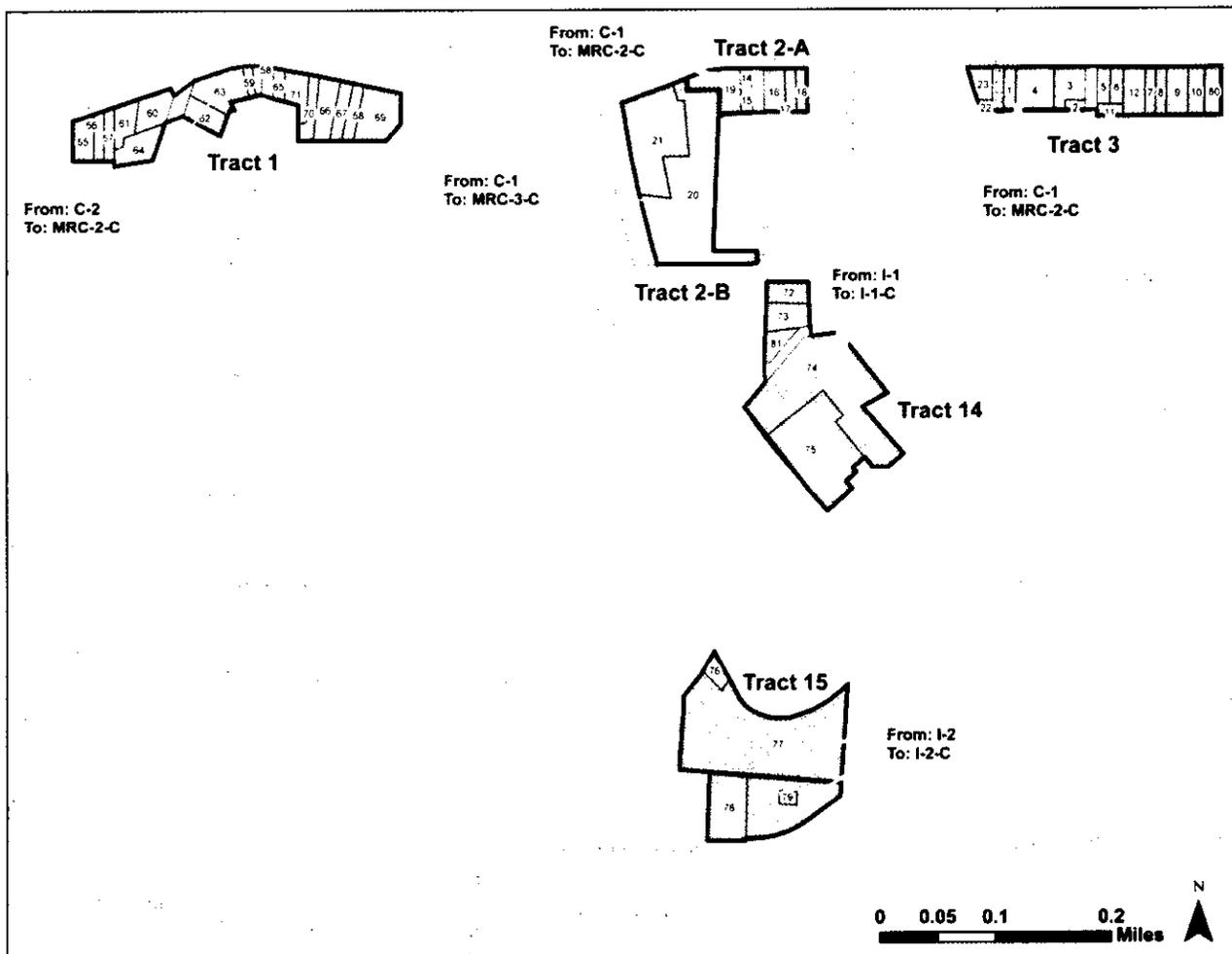
Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

FEB 03, 2014
FEB 12, 2014

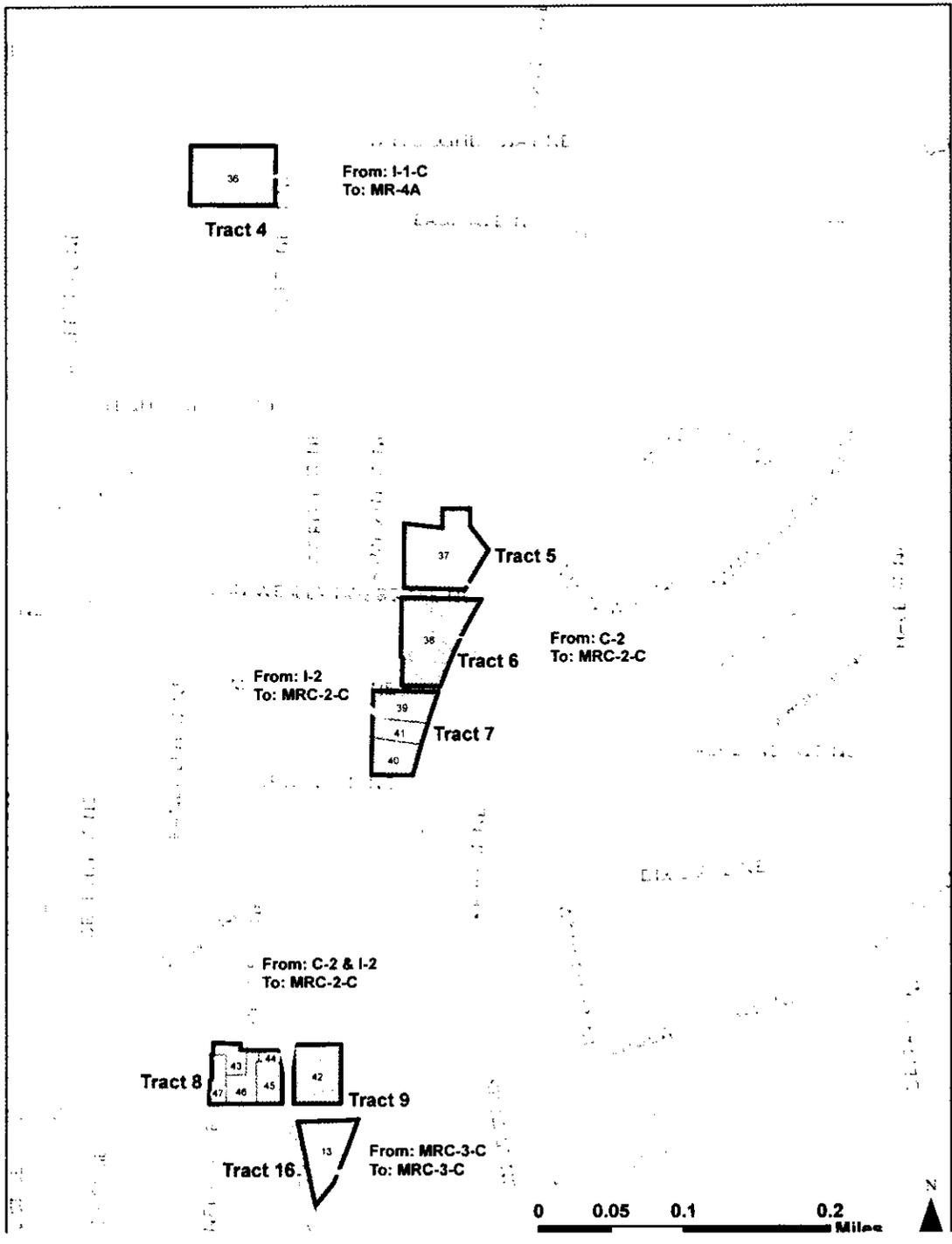
A SUBSTITUTE ORDINANCE TO REZONE CERTAIN PROPERTIES WITHIN SUBAREA 5 OF THE ATLANTA BELTLINE PLANNING AREA FROM VARIOUS DISTRICTS TO VARIOUS DISTRICTS TO IMPLEMENT THE ATLANTA BELTLINE MASTER PLAN: SUBAREA 5 (FREEDOM PARKWAY) STUDY.

ATTACHMENT "A"



A SUBSTITUTE ORDINANCE TO REZONE CERTAIN PROPERTIES WITHIN SUBAREA 5 OF THE ATLANTA BELTLINE PLANNING AREA FROM VARIOUS DISTRICTS TO VARIOUS DISTRICTS TO IMPLEMENT THE ATLANTA BELTLINE MASTER PLAN: SUBAREA 5 (FREEDOM PARKWAY) STUDY.

ATTACHMENT "C"



A SUBSTITUTE ORDINANCE TO REZONE CERTAIN PROPERTIES WITHIN SUBAREA 5 OF THE ATLANTA BELTLINE PLANNING AREA FROM VARIOUS DISTRICTS TO VARIOUS DISTRICTS TO IMPLEMENT THE ATLANTA BELTLINE MASTER PLAN: SUBAREA 5 (FREEDOM PARKWAY) STUDY.

ATTACHMENT "D"

ID NO	TAX PIN	ADDRESS	ZONE FROM	ZONE TO
1	14 00160010001	3300 HOLCOMB BRIDGE RD # 250	C-1/BL	MRC-2- C/BL
2	14 00160010009	931 PONCE DE LEON AVE NE	C-1/BL	MRC-2- C/BL
3	14 00160010041	1610 DEKALB AVE	C-1/BL	MRC-2- C/BL
4	14 00160010049	3300 HOLCOMB BRIDGE RD # S 250	C-1/BL	MRC-2- C/BL
5	14 00160011001	1610 DEKALB AVE	C-1/BL	MRC-2- C/BL
6	14 00160011002	931 PONCE DE LEON AVE NE	C-1/BL	MRC-2- C/BL
7	14 00160011005	931 PONCE DE LEON AVE NE	C-1/BL	MRC-2- C/BL
8	14 00160011006	931 PONCE DE LEON AVE NE	C-1/BL	MRC-2- C/BL
9	14 00160011007	931 PONCE DE LEON AVE NE	C-1/BL	MRC-2- C/BL
10	14 00160011008	600 W PEACHTREE ST NW	C-1/BL	MRC-2- C/BL
11	14 00160011079	951 PONCE DE LEON AVE	C-1/BL	MRC-2- C/BL
12	14 00160011091	435 ENCLAVE CIR	C-1/BL	MRC-2- C/BL
13	14 0017 LL001	75 AIRLINE ST SE	MRC-3- C/BL	MRC-3- C/BL
14	14 00170011010	566 CRESTHILL AVE	C-1/BL	MRC-2- C/BL
15	14 00170011011	930 GREENWOOD AVE NE # 12	C-1/BL	MRC-2- C/BL
16	14 00170011026	777 PONCE DE LEON AVE	C-1/BL	MRC-2- C/BL
17	14 00170011027	777 PONCE DE LEON	C-1/BL	MRC-2- C/BL
18	14 00170011028	777 PONCE DE LEON AVE	C-1/BL	MRC-2- C/BL
19	14 00170011066	2614 BUFORD HWY NE	C-1/BL	MRC-2- C/BL
20	14	2175 PARKLAKE DR NE	C-1/BL	MRC-3-

A SUBSTITUTE ORDINANCE TO REZONE CERTAIN PROPERTIES WITHIN SUBAREA 5 OF THE ATLANTA BELTLINE PLANNING AREA FROM VARIOUS DISTRICTS TO VARIOUS DISTRICTS TO IMPLEMENT THE ATLANTA BELTLINE MASTER PLAN: SUBAREA 5 (FREEDOM PARKWAY) STUDY.

ID NO	TAX PIN	ADDRESS	ZONE FROM	ZONE TO
	00170011067			C/BL
21	14 00170011068	P.O. BOX 941490	C-1/BL	MRC-3- C/BL
22	14 00170012060	2470 OLDFIELD RD NW	C-1/BL	MRC-3- C/BL
23	14 00170012062	2470 OLDFIELD RD NW	C-1/BL	MRC-3- C/BL
24	14 00180005042	619 RANKIN ST NE	I-1/BL	MRC-3- C/BL
25	14 00180005046	640 ANGIER AVE	I-1/BL	MRC-3- C/BL
26	14 00180005047	108 RED GATE LAKES DR	I-1/BL	MRC-3- C/BL
27	14 00180005048	200 W SECOND ST FLOOR 3RD	I-1/BL	MRC-3- C/BL
28	14 00180005049	406 ARNOLD ST NE	I-1/BL	MRC-3- C/BL
29	14 00180005050	86 PRYOR ST SW SUITE 200	I-1/BL	MRC-3- C/BL
30	14 00180005068	P.O. BOX 897	I-1/BL	MRC-3- C/BL
31	14 00180005073	640 ANGIER AVE NE	I-1/BL	MRC-3- C/BL
32	14 00180005076	405 SINCLAIR AVE	I-1/BL	MRC-3- C/BL
33	14 00180005077	108 RED GATE LAKES DR	I-1/BL	MRC-3- C/BL
34	14 00180005082	86 PRYOR ST SW SUITE 200	I-1/BL	MRC-3- C/BL
36	14 00180007004	345 GLEN IRIS DR NE	I-1-C/BL	MR-4A/BL
37	14 00190006020	1632 PONCE DE LEON AVE NE	I-2/BL	MRC-3- C/BL
38	14 00190007046	1632 PONCE DE LEON AVE	I-2/BL	MRC-3- C/BL
39	14 00190007100	1632 PONCE DE LEON AVE	I-2/BL	MRC-3- C/BL
40	14 00190007102	1632 PONCE DE LEON AVE NE	I-2/BL	MRC-3- C/BL
41	14 00190007104	1632 PONCE DE LEON AVE	I-2/BL	MRC-3- C/BL

A SUBSTITUTE ORDINANCE TO REZONE CERTAIN PROPERTIES WITHIN SUBAREA 5 OF THE ATLANTA BELTLINE PLANNING AREA FROM VARIOUS DISTRICTS TO VARIOUS DISTRICTS TO IMPLEMENT THE ATLANTA BELTLINE MASTER PLAN: SUBAREA 5 (FREEDOM PARKWAY) STUDY.

ID NO	TAX PIN	ADDRESS	ZONE FROM	ZONE TO
42	14 00190010056	3520 PIEDMONT RD NE STE 410	I-2/BL	MRC-3- C/BL
43	14 00190010064	P.O. BOX 89187	C-2/BL	MRC-3- C/BL
44	14 00190010065	P.O.BOX 89187	C-2/BL	MRC-3- C/BL
45	14 00190010066	3520 PIEDMONT RD NE STE 410	C-2/BL	MRC-3- C/BL
46	14 00190010067	3520 PIEDMONT RD NE STE 410	C-2/BL	MRC-3- C/BL
47	14 00190010084	573 EDGEWOOD AVE SE	C-2/BL	MRC-3- C/BL
48	14 00470003035	604 GLEN IRIS DR NE	C-1/BL	MRC-3- C/BL
49	14 00470003036	600 GLEN IRIS DR NE	C-1/BL	MRC-3- C/BL
50	14 00470003037	596 GLEN IRIS DR NE	C-1/BL	MRC-3- C/BL
51	14 00470003139	P.O. BOX 16829	C-1/BL	MRC-3- C/BL
52	14 00470006019	510 GLEN IRIS DR	C-2/BL	MRC-2- C/BL
53	14 00470006020	510 GLEN IRIS DR	C-2/BL	MRC-2- C/BL
54	14 00470006021	496 GLEN IRIS DR	C-2/BL	MRC-2- C/BL
55	14 00480011001	P O BOX 98309	C-2/BL	MRC-2- C/BL
56	14 00480011002	74 SPRING ST SW	C-2/BL	MRC-2- C/BL
57	14 00480011003	74 SPRING ST SW	C-2/BL	MRC-2- C/BL
58	14 00480011031	4116 DANIEL GREEN TRL	C-2/BL	MRC-2- C/BL
59	14 00480011070	P.O. BOX 130	C-2/BL	MRC-2- C/BL
60	14 00480011077	1860 SUNSET HARBOR PT	C-2/BL	MRC-2- C/BL
61	14 00480011083	74 SPRING ST SW	C-2/BL	MRC-2- C/BL
62	14	625 DEKALB INDUSTRIAL	C-2/BL	MRC-2-

A SUBSTITUTE ORDINANCE TO REZONE CERTAIN PROPERTIES WITHIN SUBAREA 5 OF THE ATLANTA BELTLINE PLANNING AREA FROM VARIOUS DISTRICTS TO VARIOUS DISTRICTS TO IMPLEMENT THE ATLANTA BELTLINE MASTER PLAN: SUBAREA 5 (FREEDOM PARKWAY) STUDY.

ID NO	TAX PIN	ADDRESS	ZONE FROM	ZONE TO
	00480011084	WAY # 100		C/BL
63	14 00480011085	P.O. BOX 130	C-2/BL	MRC-2- C/BL
64	14 00480011086	1155 PERIMETER CTR W	C-2/BL	MRC-2- C/BL
65	14 00480012001	P O BOX 1338	C-2/BL	MRC-2- C/BL
66	14 00480012005	80 SENOIA CT	C-2/BL	MRC-2- C/BL
67	14 00480012006	4503 N HILL PKWY	C-2/BL	MRC-2- C/BL
68	14 00480012049	4503 N HILL PKWY	C-2/BL	MRC-2- C/BL
69	14 00480012051	P.O. BOX 2027	C-2/BL	MRC-2- C/BL
70	14 00480012055	547 PONCE DE LEON AVE # 100	C-2/BL	MRC-2- C/BL
71	14 00480012056	1910 DURWOOD LN	C-2/BL	MRC-2- C/BL
72	14 001600110091	977 PONCE DE LEON AVE NE	C-1/BL	MRC-2- C/BL

RCS# 81
2/03/14
6:00 PM

Atlanta City Council

MULTIPLE

14-O-1061/14-O-1036/14-O-1030/14-O-1031
14-O-1028/14-O-1034

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y Norwood
Y Young	Y Shook	Y Bottoms	Y Dickens
Y Winslow	Y Adrean	B Sheperd	NV Mitchell

MULTIPLE