

AN ORDINANCE BY:

Z-08-xx

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY REZONING EXISTING ZONING DISTRICTS C1 AND R4 WITHIN THE VIRGINIA HIGHLAND COMMERCIAL DISTRICT TO NC-7 VIRGINIA HIGHLAND NEIGHBORHOOD COMMERCIAL DISTRICT.

WHEREAS, the City of Atlanta has submitted a nomination application to the Bureau of Planning to rezone the Virginia Highland commercial district to the Neighborhood Commercial designation as shown on "Attachment A"; and

WHEREAS, the proposed application is in keeping with the purposes and intent of the regulations of the Neighborhood Commercial District ordinance; and

WHEREAS, the 1982 Zoning Ordinance and official zoning maps should be amended to include the proposed new designation;

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

Section 1: That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended adding a new Chapter 32G. NC-7 Virginia Highland Neighborhood Commercial District, which shall read as follows:

Chapter 32G. NC-7 Virginia Highland Neighborhood Commercial District

Sec. 16-32G.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 in the NC-7 Virginia Highland Neighborhood Commercial District.

Sec. 16-32G.002. Specific Regulations.

The following regulations are specific to NC-7 Virginia Highland Neighborhood Commercial District.

1. 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 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.

2. Uses. The number of gasoline service stations within the district shall not exceed one (1).
3. Transitional Yards. For parcels located east of North Highland Avenue and south of Virginia Avenue, the following regulations shall apply:
 - a. Side and rear yards. Accessory parking lots or parking structures shall be permitted to be located within the side and rear transitional yard.
 - b. Landscaping. Evergreen trees a minimum of six (6) feet in height shall be provided within the transitional rear yard at a minimum ratio of one (1) tree per four hundred (400) square feet of transitional rear yard.
 - c. Additional screening. In addition to the screening requirements of Sec. 16-32.009.3(b), the following additional regulations shall apply within the transitional yard:
 - i. The finished height of any parking structure shall be a minimum of seven (7) feet below the finished height of the required opaque wall or the adjacent grade, whichever is greater.
 - ii. The required opaque wall shall be planted with evergreen plantings on both sides of the wall for the purposes of covering the wall with landscaping.
4. Maximum building heights. Structures within the district shall have a maximum height of forty-two (42) feet and three (3) floors.
5. Supplemental zone. Supplemental zones are optional and shall not be required on any street in this district.
6. Outdoor dining. Outdoor dining may locate either within supplemental zones or by encroaching into the sidewalk clear zone. When outdoor dining encroaches into the sidewalk clear zone, the following criteria shall be met:
 - a. Shall have a minimum of six (6) feet wide of unobstructed sidewalk clear zone area;
 - b. No permanent structure or ornamentation shall be located within the area where encroachment is permitted and no element shall be attached to the sidewalk in any way;
 - c. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter; and
 - d. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of thirty-six (36) inches including any plant material.
7. Parking.
 - a. When the total number of eating and drinking establishments within the district are greater than fifteen (15) such establishments (as determined by Sec. 16-32A.002.2), those excess establishments shall:

- i. Be prohibited from any variation to reduce parking requirements.
 - ii. Be prohibited from any offsite parking permission.
- b. Above-ground parking decks and structures shall have planted within adjacent transitional yards a staggered double-row of Japanese Cryptomeria (*Cryptomeria japonica*) trees, or equivalent evergreen species, located a maximum of eight (8) feet on-center and with a minimum planted height of eight (8) feet and a minimum mature height of twenty-five (25) feet. Parcels located east of North Highland Avenue and south of Virginia Avenue shall be exempt from this provision (See subsection 3 above).
- c. Off-street required parking lots shall be permitted to be located off-site of the primary use anywhere within the NC-7 zoning district, except as prohibited in subsection 7(a) of this section. An applicant shall submit written consent from property owner of the proposed off-site parking area. All parking spaces shall be clearly marked and signed as reserved during specified hours.

NC-7 ATTACHMENT "A"

