

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 RG-2 WITHIN THE ATKINS PARK COMMERCIAL DISTRICT TO NC-8 ATKINS PARK NEIGHBORHOOD COMMERCIAL DISTRICT.

WHEREAS, the City of Atlanta has submitted a nomination application to the Bureau of Planning to rezone the Atkins Park 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 32H. NC-8 Atkins Park Neighborhood Commercial District, which shall read as follows:

Chapter 32H. NC-8 Atkins Park Neighborhood Commercial District

Sec. 16-32H.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-8 Atkins Park Neighborhood Commercial District.

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

The following regulations are specific to NC-8 Atkins Park 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. Establishment of Subareas. The NC-8 Atkins Park Neighborhood Commercial District is divided into two (2) subareas as shown on "Attachment A". The subareas are described as follows:
 - Subarea 1: Atkins Park Mixed Use
 - Subarea 2: Atkins Park Multi-family
3. Uses.
 - a. Gasoline service stations within the district shall be prohibited.
 - b. Subarea 2. Uses shall be limited to residential and parking only.
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 twenty (20) 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.
 - c. Above-ground parking decks and structures which are located in Subarea 2 shall have a maximum height of fourteen (14) feet as measured from the lowest point of grade located in Subarea 2 at the time of adoption of the NC-8 zoning district.

- d. Off-street required parking lots shall be permitted to be located off-site of the primary use anywhere within the NC-8 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-8 ATTACHMENT "A"

- Subarea 1 – Atkins Park Mixed Use**
- Subarea 2 – Atkins Park Multi-family**

