01-O-0372

SUBSTITUTE ORDINANCE BY:
ZONING COMMITTEE

Z-01-14

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY REZONING EXISTING ZONING DISTRICTS C1, C2C AND RLC WITHIN THE LITTLE FIVE POINTS COMMERCIAL DISTRICT TO NC-1 LITTLE FIVE POINTS NEIGHBORHOOD COMMERCIAL DISTRICT.

WHEREAS, the Little Five Points Business Association has submitted a nomination application to the Bureau of Planning to rezone the Little Five Points 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 32A. NC-1 Little Five Points Neighborhood Commercial District, which shall read as follows:

Chapter 32A. NC-1 Little Five Points Neighborhood Commercial District

Sec. 16-32A.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-1 Little Five Points Neighborhood Commercial District.

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 (2).
2. The number of eating and drinking establishments shall not exceed twenty-five (25%) percent of the total number of business establishments within the district.
   a. For the purposes of this district, a business establishment or a business shall be defined as any permitted use required to obtain a

business license under Chapter 30 of this Code and that is operated in a building within the boundaries of the district in addition to the following regulations:

i. Each counted business establishment shall occupy a minimum of four hundred (400) square feet.

ii. Where more than one (1) business occupies a building in this district, the total number of businesses shall include each business which is required to obtain a business license required by Chapter 30 of this Code except that:

a). Licenses issued to individuals engaged in those professions listed in Section 30-63 shall be counted as one (1) business establishment for those individuals that are associated in a group practice or partnership; and

b). Shared office suites, shared retail spaces and businesses within a shared or common space shall be counted as one (1) business establishment.

b. As of the effective date of this ordinance, the director of the bureau of planning (the "director") shall create and maintain a census of the total number of businesses and the total number of eating and drinking establishments. The census shall be verified to confirm the actual number of businesses and eating and drinking establishments in operation in the district within fifteen (15) days of the date that an application for an eating and drinking establishment is received by the director.

c. When the total number of eating and drinking establishments reaches twenty-five (25%) percent of the total number of businesses, the director shall continue to accept applications for special administrative permits for such establishments but shall not be required to decide on said applications within the time set forth by Sec. 16-25.004. The director shall note on each application for a permit for an eating and drinking establishment, which is not to be decided on within the time set forth be Sec. 16-25.004, the date that such application was evaluated for eligibility to be processed and the date of the census which was used in making such decision. The director shall then suspend the processing of said application considered ineligible for immediate consideration by marking the application as pending due to the limitation contained in this code section and retaining the application for later processing in accord with this subsection. Within three (3) days of the decision that the application was deemed ineligible for immediate consideration, the director shall notify the applicant in writing of said decision.

d. Each application considered ineligible for immediate consideration shall be reviewed not less than every thirty (30) days to a maximum of ninety (90) days unless it is withdrawn at the request of the applicant. When the census of businesses in the district indicates

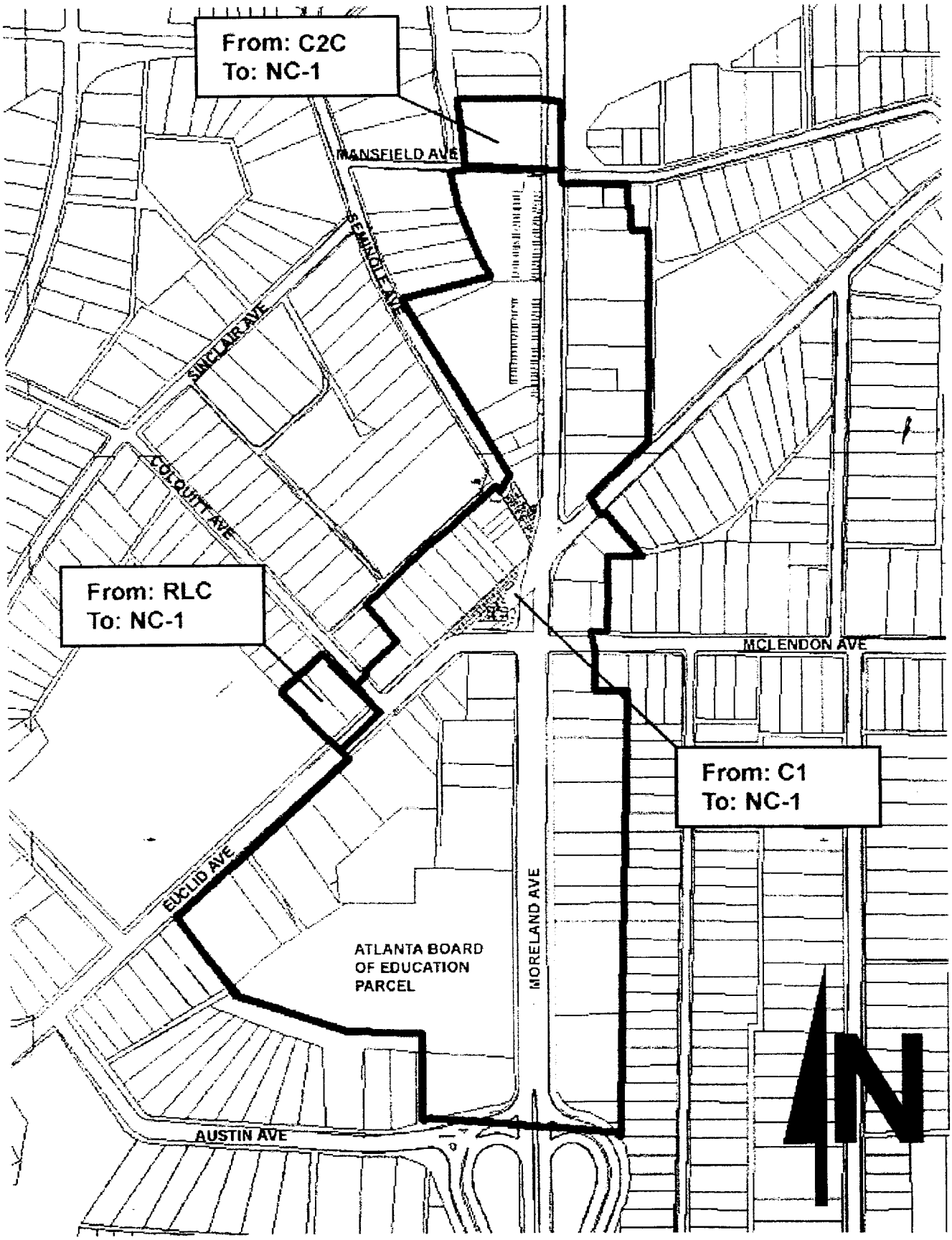
that the addition of one (1) or more eating and drinking establishments will not exceed the limit set forth in this section, the director shall process the earliest pending application for a permit for such establishments. The date that the application was stamped as received by the Bureau of Planning shall be used to determine priority for processing and the director shall decide on the issuance of the earliest application within (30) days from the date that the application is deemed eligible for processing.

i. In the event that the first or any succeeding application processed after any update is denied or withdrawn, the director shall proceed to process the next application as of the date of denial or withdrawal of the prior application. Provided however, that in no case shall the director have less than thirty (30) days to make a decision on the application being processed.

e. In the event that any decision of the director concerning a special administrative permit is overturned by the board of zoning adjustment or by court order, the action on the application shall proceed as ordered and as of the date of the order, the census of businesses in the district shall be updated to reflect its terms.

3. Parcels owned by the Atlanta Board of Education and located west of Moreland Avenue and at a distance of greater than five hundred (500) feet south of Euclid Avenue and less than eight hundred and eighty (880) feet south of Euclid Avenue shall continue to be used for public open space as currently designated in the CDP provided however that the portion within sixty (60) feet of commercial parking facilities adjacent to Euclid Avenue properties may be used for commercial parking facilities.
4. Findley Plaza shall have a clear zone minimum width of ten (10) feet adjacent to buildings fronting the plaza. The area between said clear zone and Moreland Avenue and Euclid Avenue shall be the street furniture zone.
5. Davis Plaza shall have a supplemental zone that is fifteen (15) feet in width adjacent to the buildings fronting the western side of the plaza (even numbered Seminole Avenue addresses). Davis Plaza shall have a furniture zone that is ten (10) feet in width adjacent to the buildings fronting the eastern side of the plaza (odd numbered Seminole Avenue addresses). The area between the supplemental and furniture zones, down the center of Davis Plaza, shall be a clear zone.

Section 2: That the 1982 Zoning Ordinance Map of the City of Atlanta is hereby amended as shown on "Attachment A".

Section 3: That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

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Attachment A