ZONING COMMITTEE
AGENDA
WEDNESDAY, MARCH 16, 2005

A. ADOPTION OF AGENDA

B. APPROVAL OF MINUTES

C. ORDINANCE FOR SECOND READING

05-O-0519 (1)
Z-04-54

An Ordinance by Councilmember Ivory Lee Young, Jr. correcting Ordinance 04-O-1138, adopted by City Council September 7, 2004, approved by the Mayor September 15, 2004 rezoning property located at **972-980-990-1000-1002 Marietta Street, NW** from the I-1-C (Light Industrial Conditional) District and I-2 (Heavy Industrial) District to the LW (Live Work) District so that the Zoning Ordinance of the City of Atlanta be amended, and the Maps established in connection therewith be changed so that the property located at 980-990-1000-1002 Marietta Street, NW remain I-1-C (Light Industrial Conditional).

D. PAPERS HELD IN COMMITTEE

03-O-0763 (1)

An Ordinance by Councilmember Clair Muller to amend Part 15 of the Land Development Code of the Code of Ordinances of the City of Atlanta to allow for the creation of Conservation Subdivisions in the City of Atlanta and to provide standards for their implementation; and for other purposes. **(Held 5/14/03) (Work Session held 9/17/03)**

04-O-0073 (2)
Z-03-88

A **Substitute** Ordinance by Zoning Committee to rezone from the C-1-C (Community Business-Conditional) District, to the C-3-C (Commercial Residential-Conditional) District, property located at the **NE corner of Pryor Road, SW and Thirkeld Avenue, SW**, fronting approximately 687.31 feet on the east side of Pryor Road beginning at the northeast corner of Thirkeld Avenue. **(Held 2/25/04 for CDP Amendment)**

Depth: Varies
Area: 5.4787 Acres
Land Lots: 72 & 73, 14th District, Fulton County, Georgia
Owner: The Housing Authority of the City of Atlanta
Applicant: Carver Redevelopment, LLC
NPU-Y **Council District 1**

D. PAPERS HELD IN COMMITTEE (CONT'D)

04-O-1365 (3)
Z-04-105

An Ordinance by Councilmember Anne Fauver **as substituted and amended by Zoning Committee** to amend certain sections of Chapter 16 of the City of Atlanta Code of Ordinances ("The Zoning Code") for the purpose of modifying the parking requirements associated with eating and drinking establishments in order to increase the parking requirements for those establishments licensed for the on the premises consumption of malt beverages, wine and/or distilled spirits when such establishments derive more than 60% of their income from such sales; and for other purposes. **(Held 12/01/04)**

04-R-1925 (4)

An Ordinance by Councilmember Ceasar Mitchell requiring and directing the Zoning Administrator to include and review the requirement for Taxicab Stands in the Plan Review Process for Building Permits as set forth in City of Atlanta code Section 16-28.014(7) of the Zoning Code; and for other purposes. **(Held 10/27/04)**

04-O-1838 (5)
Z-04-104

An Ordinance by Zoning Committee to rezone from the I-1-C (Light Industrial-Conditional) District to the MR-4A (Multi-Family Residential-Eight story multi-family dwellings) District, property located at **140 Milton Avenue, SE**, fronting 517.04 feet on the northeasterly side of Milton Avenue beginning at the southwest corner of Martin Street. **(Held 12/01/04)**

Depth: Varies
Area: 2.7556 Acres
Land Lots: 55 & 56, 14th District, Fulton County, Georgia
Owner: Mohamed M. Malak
Applicant: Mitchel C. Jaffe
NPU-Y **Council District 1**

04-O-1553 (6)
Z-04-106

A **Substitute** Ordinance by Zoning Committee to amend Section 16-28.006(10) of the Zoning Code of the City of Atlanta's Code of Ordinances, for the purpose of clarifying the requirements related to independent driveways; and for other purposes. **(Held 12/01/04)**

D. PAPERS HELD IN COMMITTEE (CONT'D)

04-O-2074 (7)
Z-04-125

An Ordinance by Zoning Committee to rezone property from the I-1 (Light Industrial) District to the R-4 (Single Family Residential) District, property located at **1498 Murphy Avenue, SW**, fronting 40.00 feet on the southeasterly side of Murphy Avenue beginning approximately 80 feet from the southeast corner of Langston Street (formerly Jonesboro Road). **(Held 1/12/05)**

Depth: Varies
Area: .113 Acre
Land Lot: 121, 14th District, Fulton County, Georgia
Owner: Vickery Miles
Applicant: Vickery Miles
NPU-X **Council District 12**

04-O-2078 (8)

An Ordinance by Zoning Committee to rezone property from the I-2 (Heavy Industrial) District to the MRC-3 (Mixed Residential Commercial) District, property located at **349-359 Decatur Street**, fronting approximately 618.45 on the south side of Decatur Street and fronting approximately 163 feet on the east side of Hill Street and fronting approximately 103 feet on the west side of Grant Street, beginning at the intersection of Decatur Street and Grant Street. **(Held 1/12/05)**

Depth: Varies
Area: 3.9 Acres
Land Lots: 45 and 52, 14th District, Fulton County, Georgia
Owner: Janelle Corey and William Corey
Applicant: David Green
NPU-M **Council District 2**

04-O-1847 (9)
Z-04-118

An Ordinance by Zoning Committee to rezone from the R-5/HD (Two-Family Residential/West End Historic District) District to the RG-3 (Residential General-Sector 3/West End Historic District) District, property located at **1261 Lucile Avenue, SW (a.k.a. 1263-1279 Lucile Avenue)** fronting 281.91 feet on the north side of Lucile Avenue beginning at the northwest corner of Atwood Street. **(Held 2/2/05)**

Depth: 140 Feet
Area: 0.91 Acre
Land Lot: 140, 14th District, Fulton County, Georgia
Owner: University Community Development Corporation
Applicant: James R. Hayley
NPU-T **Council District 4**

D. PAPERS HELD IN COMMITTEE (CONT'D)

05-O-0097 (10)
Z-04-152

An Ordinance by Councilmember Ivory Lee Young, Jr. to rezone property from the R-4A (Single Family Residential) District to the RG-3 (Residential General-Sector 3) District, property located at **1800-1816 Memorial Drive**, fronting approximately 361 feet along the northerly side of Memorial Drive and approximately 284 feet along the southerly side of Dixie Street (an unopened right-of-way). Property is also located approximately 210 feet west of the Dearborn Street right-of-way. **(Held 3/2/05)**

Depth: Varies
Area: Approximately .50301 Acre
Land Lot: 206, 15th District, Dekalb County, Georgia
Owner: John Redmon
Applicant: Asa Johnson
NPU-O **Council District 5**

05-O-0099 (11)
Z-04-156

An Ordinance by Councilmember Ivory Lee Young, Jr. to rezone property from the R4-A (Single Family Residential) District to the RG-2 (Residential General Sector 2) District, property located at **1768 Marietta Road, NW**, fronting approximately 230.54 feet on the southwesterly side of Marietta Road, fronting approximately 160 feet on the north side of Alma Street and fronting approximately 172 feet on the northeasterly side of Ellen Street. Property is located at the intersections of Marietta Road, Ellen Street and Alma Street. **(Held 3/2/05)**

Depth: Varies
Area: .356 Acre
Land Lot: 233, 17th District, Fulton County, Georgia
Owner: 1768 Marietta Land Trust
Applicant: Keith Sharp
NPU-D **Council District 9**

05-O-0111 (12)
Z-04-151

An Ordinance by Councilmember Howard Shook to rezone property from the I-1 (Light Industrial) District to the R-4 (Single Family Residential) District, property located at **170 and 250 Armour Drive, NE, and also referenceced in terms of address, as 385 Kinsey Court, NE**, fronting approximately 3,100 feet on the northerly side of Armour Drive and bordered on the north by Clear Creek. **(Held 3/2/05)**

D. PAPERS HELD IN COMMITTEE (CONT'D)

Depth: Varies
Area: 38.279 Acres
Land Lots: 102 and 103, 17th District, Fulton County, Georgia
Owner: Brookwood Hills Country Club, Inc.
Applicant: Brookwood Hills Country Club, Inc.
NPU-F **Council District 7**

05-O-0124 (13)
Z-04-150

An Ordinance by Councilmember Carla Smith to rezone property from the R-G2 (Residential General-Sector 2) District to the R-G3 (Residential General-Sector 3) District, property located at **201 Moury (a.k.a. 178) Avenue,**

Tract 1 – fronting approximately 350 feet along the southwesterly right-of-way of Moury Avenue, fronting approximately 420 feet on the southwesterly side of relocated Middleton Street, fronting approximately 460 feet on the northerly side of Meldon Avenue, and fronting approximately 380 feet on the southeasterly side of newly constructed right-of-way Shaw Street.
Depth: Varies
Area: 6.13 Acres

Tract 2 – fronting approximately 180 feet on the southeasterly side of relocate Troup Street, fronting approximately 165 feet on the southwesterly side of Benjamin Weldon Bickers Drive (a.k.a. Capitol Avenue) and fronting approximately 500 feet on the northerly side of Meldon Avenue. **(Held 3/2/05)**
NPU-D **Council District 1**

E. ITEMS NOT ON THE AGENDA

F. ADJOURNMENT

PENDING LEGISLATION IN ZRB

03-O-2231 (1) An Ordinance by Councilmember Debi Starnes rezoning certain portions of the grounds of the Edward C. Peters House, located at **179 Ponce de Leon Avenue** so as to remove the Overlay Designation of Landmark Building or site; and for other purposes.

04-O-0255 (2)
Z-04-12
An Ordinance by Councilmember Cleta Winslow to amend the 1982 Zoning Ordinance of the city of Atlanta by creating a new Chapter entitled Chapter 18U. SPI-21 Historic West End District Regulations and to amend the Official Zoning Map by supplanting existing zoning districts R5, RG3, C1, C1-C, C3, RLC, I1, I2, and O-I with said SPI-21 District; and to amend Chapter 28A.010 by adding a new Subsection (46) SPI-21 Historic West End District; and for other purposes.

04-O-0627 (3) An Ordinance by Zoning Committee to amend the 1982 City of Atlanta Zoning Ordinance, as amended, so as to permit churches, synagogues, temples and other religious worship facilities as permitted principal uses and structures in the PD-MU (Planned Development-Mixed Use) and PD-OC (Planned Development-Office Commercial) Districts.

04-O-1135 (4)
Z-04-51
An Ordinance by Zoning Committee to rezone from the I-1 (Light Industrial) District to the PD-MU (Planned Development-Mixed Use) District, property located at **166 16th Street, NW**, fronting 136.90 feet on the south side of 16th Street beginning at the southeast corner of Fowler Street.

Depth: 361 Feet
Area: 1.307 Acres
Land Lot: 108, 17th District, Fulton County , Georgia
Owner: Madison Midtown, LLC
Applicant: J. Charles Hendon
By: Carl E. Westmoreland, Jr., Attorney
NPU-E **Council District 2**

04-O-1352 (5)
Z-04-133
An Ordinance by Councilmember Ivory Lee Young, Jr. to amend the Atlanta Zoning Ordinance by Amending the wording of all permits for religious worship facilities to include the word Mosques; and for other purposes.

PENDING LEGISLATION IN ZRB (CONT'D)

04-O-1360 (6)
Z-04-108

An Ordinance by Councilmember Felicia A. Moore amending the Zoning Ordinance of the City of Atlanta and the Maps established in connection therewith be changed so that the following property bounded by Ruth Street and North Street to the north, Newman Place to the south, Gun Club Road and Hollywood Road to the west, and Proctor Creek to the east, be changed from R-5 (Two-Family Residential) Zoning Classification to R-4A (Single-Family Residential) Classification (Council District 9, NPU-J); and for other purposes. **(ZRB Public Hearing held on 11/4/04)**

04-O-1412 (7)
Z-04-78

An Ordinance by Councilmember Ivory Lee Young, Jr. to rezone from the R-4 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **3080-3099 Jones Road, NW and 840 Venetta Place (rear), NW**.

Tract 1: Fronting approximately 539.91 feet on the northwesterly side of Jones Road beginning approximately 448.24 feet from the northwest corner of Jones Road and Skipper Drive;

Tracts 2 and 3: Fronting approximately 409 feet on the southeasterly side of Jones Road beginning approximately 448.5 feet from the southeast corner of Jones Road and Skipper Drive;

Tract 4: Fronting 202.32 feet on the southeasterly side of Jones Road beginning approximately 448.24 feet from the southeast corner of Skipper Drive and Jones Road, and

Tract 5: Fronting approximately 50 feet at the western terminus of McLendon Circle beginning approximately 150 feet from the southwest corner of McLendon Circle and Venatta Place. **(ZRB Public Hearing scheduled for 11/16/04)**

Depth:	Varies
Area:	Approximately 18.68 Acres (All Tracts)
Land Lots:	240 & 260 14th & 17th Districts, Fulton County, Georgia
Owner:	Ornstein-Schuler Capital Partners, LLC
Applicant:	Matthew F. Brunn

NPU-I **Council District 9**

PENDING LEGISLATION IN ZRB (CONT'D)

04-O-1638 (8)
Z-04-91

An Ordinance by Zoning Committee to rezone from the R-1 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **4090 Paces Ferry Road, NW (a.k.a. 2035 Garraux Road)**, fronting 275.6 feet on the south side of Paces Ferry Road beginning 210 feet west from the southwest corner of River Forest Parkway. Property also fronts 199.25 feet on the north side of Garraux Road.

Depth: Varies
Area: Approximately 17.09 Acres
Land Lots: 235 & 239, 17th District, Fulton County, Georgia
Owner: Estate of Rebecca Wight/Cherry Sims
Applicant: Paces Knoll, LLC
By: Carl E. Westmoreland, Jr., Esq.
NPU-A **Council District 8**

04-O-1639 (9)
Z-04-92

An Ordinance by Zoning Committee to rezone from the R-4 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **2475 Old Hapeville Road, SW, (a.k.a. 120 Pegg Road and 2475 Pryor Road, SW)**, fronting 139.63 feet on the west side of Old Hapeville Road beginning 419.50 feet south from the southwest corner of Meadow Park Drive. Property also fronts 50 feet on the south terminus of Bagwell Road.

Depth: Varies
Area: 26.53 Acres
Land Lot: 69, 14th District, Fulton County, Georgia
Owner: Louis P. Gagarosa and Brothers Ventures
By: Sarran Marshall
NPU-Z **Council District 12**

04-O-1640 (10)
Z-04-93

An Ordinance by Zoning Committee to rezone from the R-4 (Single-Family Residential) District to the RG-3 (Residential General-Sector 3) District, property located at **183 Mt. Zion Road, SE**, fronting 824 feet on the south side of Mt. Zion Road beginning approximately 1,021 feet east from the southeast corner of Highbury Trail.

Depth: Varies
Area: 14.4 Acres
Land Lots: 62 & 67, 14th District, Fulton County, Georgia
Owner: Dorothy B. Parham
Applicant: William J. Talley for Capitol Development
NPU-Z **Council District 12**

PENDING LEGISLATION IN ZRB (CONT'D)

04-O-1841 (11)
Z-04-109/
Z-84-71

An Ordinance by Zoning Committee to amend Ordinance Z-84-71, as amended, adopted by City Council October 1, 1984 and approved by the Mayor October 3, 1984 rezoning from the RG-2 (Residential General-Sector 2) District to the RG-3-C (Residential General-Sector 3-Conditional) District, property located at **2289 Virginia Place, NE** for the purpose of approving a revised site plan; and for other purposes.

Owner: Peachtree Hills Apartment Corp.
Applicant: Isakson/Barnhart Development Co., LLC.
By: Larry M. Dingle, Esq.
NPU-B **Council District 7**

04-O-1843 (12)
Z-04-110

An Ordinance by Zoning Committee to rezone from the RG-2 (Residential General-Sector 2) District to the RG-3 (Residential General-Sector 3) District, property located at **228 Peachtree Hills Avenue, NE** fronting 791.82 feet on the north side of Peachtree Hill Avenue beginning the northeast corner of Virginia Place.

Depth: Varies
Area: 4.1906 Acres
Land Lot: 102, 17th District, Fulton County, Georgia
Owner: Peachtree Hills Apartment Corp.
Applicant: Isakson/Barnhart Development Co., LLC
By: Larry M. Dingle, Esq.
NPU-B **Council District 7**

04-O-1844 (13)
Z-04-111

An Ordinance by Zoning Committee to rezone from the OI-C (Office Institution-Conditional) District to the C-1 (Community Business) District, property located at **0 Fairburn Road, SW** fronting 420.66 feet on the east side of Fairburn Road 570.69 feet south from the southeast corner of Benjamin E. Mays Road.

Depth: Varies
Area: 2.76 Acres
Land Lot: 12, 14th FF District, Fulton County, Georgia
Owner: Sterling Trust Company
Applicant: Marvin Isenberg for Piedmont Properties, Inc.
NPU-H **Council District 10**

PENDING LEGISLATION IN ZRB (CONT'D)

04-O-1842 (14)
U-04-23

An Ordinance by Zoning Committee granting a Special Use Permit for a Personal Care Home (Assisted Living with Nursing Home Component) (Section 16-08.005 (1)(f), property located at **Tract 1**, **228 Peachtree Hills Avenue, NE** fronting 791.82 feet on the north side of Peachtree Hills Avenue beginning at the northeast corner of Virginia Place; **Tract 2**, **2289 Virginia Place, NE** fronting 602.18 feet on the east side of Virginia Place beginning at the southeast corner of Peachtree Hills Avenue. Tract 2 also fronts on Kinsey Court; **Tract 3**, **2254 Virginia Place, NE** fronting 498.24 feet on the west side of Virginia Place beginning at the southwest corner of Peachtree Hills Avenue.

Depth: Varies
Area: 23.32 Acres (all Tracts combined)
Land Lot: 102, 17th District, Fulton County, Georgia
Owner: Peachtree Hills Apartment Corp.
Applicant: Isakson/Barnhart Development Co., LLC
By: Larry M. Dingle, Esq.
NPU-B **Council District 7**

04-O-1939 (15)
Z-04-131

An Ordinance by Councilmember Ivory Lee Young, Jr. authorizing the Mayor or her designee to amend the Zoning Ordinance and the Maps established in connection therewith be changed so that the following property located at 762 West Marietta Boulevard be changed from the I-2 (Heavy Industrial) District to PD-MU (Planned Development-Mixed Use) District; and for other purposes.

04-O-2037 (16)
Z-04-135

An Ordinance by Councilmember Ivory Lee Young, Jr. amending the City of Atlanta Zoning Ordinance and the Maps established in connection therewith be changed so as to rezone properties located with SPI-11, Subarea Number 8 (Vine City Multi-Family Residential) bounded by Carter Street to the north, Griffin Street to the east, James P. Brawley to the west and Martin Luther King, Jr. Drive to the south, to SPI-11, Subarea #7 (Vine City Single-Family Residential); and for other purposes.

04-O-2079 (17)
Z-04-130

An Ordinance by Zoning Committee to rezone property from the R-3 (Single Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **1690 Adams Drive**, fronting approximately 1,207 feet along the southeasterly side of Adams Drive and fronting approximately 517 feet on the southeasterly side of Childress Street, beginning at the northerly right-of-way of Childress Drive and the easterly right-of-way of Adams Drive.

PENDING LEGISLATION IN ZRB (CONT'D)

Depth: Varies
Area: 4.16 Acres
Land Lot: 232, 14th District, Fulton County, Georgia
Owner: Community Renewal and Redemption, LLC
Applicant: Samuel Dickson
By: Village Habitat Design
NPU-R **Council District 11**

04-O-2080 (18)
U-04-25

An Ordinance by Zoning Committee granting a Special Use Permit for a Recreational Facility (Section 16-08.005(1)(j)), property located at **89 William H. Borders Drive**, fronting approximately 325 feet on the westerly side of William H. Borders Drive, beginning approximately 262 feet north of the intersection of William H. Borders Drive and Decatur Street.

Depth: Varies
Area: 1.352 Acres
Land Lot: 45, 14th District, Fulton County, Georgia
Owner: The Salvation Army, a Georgia Corporation
Applicant: Brent Pope
NPU-M **Council District 5**

04-O-2081 (19)
U-04-26

An Ordinance by Zoning Committee granting a Special Use Permit for a Mortuary Facility (Section 16-011.005(1)(b)), property located at **2125 County Line Road, SW**, fronting approximately 45 feet on the westerly side of County Line Road, beginning approximately 40 feet south of the intersection of Wilson James Road and County Line Road.

Depth: Varies
Area: 1.440 Acres
Land Lot: 65, 14th FF District, Fulton County, Georgia
Owner: Kerang Jason Ding
Applicant: Bianca Smith
NPU-P **Council District 11**

04-O-2277 (20)
Z-04-144

An Ordinance by Councilmember Joyce Sheperd authorizing the Mayor or her designee to amend the Zoning Ordinance of the City of Atlanta to rezone property located in Land Lot 4 of the 14th District, Fulton County, Georgia from R-4 (Single-Family Residential) District to PD-H (Planned Development-Housing) District; and for other purposes.

PENDING LEGISLATION IN ZRB (CONT'D)

04-O-2303 (21)
Z-04-138

An Ordinance by Zoning Committee to rezone from the RG-4 (Residential General – Sector 4) District to the MRC-3 (Mixed Residential Commercial) District, property located at **180 Jackson Street and 382 John Wesley Dobbs, N.E. (a.k.a. 390 Irwin Street)**, fronting approximately 193 feet on the north side of Irwin Street beginning at the northwest corner of Jackson Street and Irwin Street. Property also has frontage on Jackson Street and John Wesley Dobbs.

Depth: Varies
Area: Approximately 9.5 Acres
Land Lot: 46, 14th District, Fulton County, Georgia
Owner: Sandra K. Hartman
Applicant: Alycen E. Whiddon
NPU-M **Council District 2**

05-O-0093 (22)
U-04-33

An Ordinance by Councilmember Ivory Lee Young, Jr. granting a Special Use Permit for a Private School and Recreation Facilities Section 16-08.005 (1) (j) and (k), property located at **2120 Forrest Park, SE**, fronting approximately 861 feet on the northeasterly side of Forrest Park Road and fronting approximately 1,282 feet long the northeasterly side of Constitution Road. Property surrounds South Bend Cemetery on the east, north and south.

Depth: Varies
Area: 12.98 Acres
Land Lot: 6, 14th District, Fulton County, Georgia
Owner: Youth Incorporated, Inc. and Atlanta Youth Academies
Applicant: Youth Incorporated, Inc. and Atlanta Youth Academies
NPU-Z **Council District 1**

05-O-0095 (23)
Z-04-155

An Ordinance by Councilmember Ivory Lee Young, Jr. to rezone property from the I-1 (Light Industrial) District to the RG-5 (Residential General-Sector 5) District, property located at **695 North Avenue, NE**, fronting approximately 160 feet on the south side of North Avenue and fronting approximately 591 feet on the southeasterly side of North Angier Street.

Depth: Varies
Area: 1.6 Acres
Land Lot: 18, 14th District, Fulton County, Georgia
Owner: Dean Ripelle
Applicant: Sierra Contracting
By: Lawton Jordan, Agent
NPU-M **Council District 2**

PENDING LEGISLATION IN ZRB (CONT'D)

05-O-0096 (24)
Z-04-154

An Ordinance by Councilmember Ivory Lee Young, Jr. to rezone property from the O-I (Office-Institutional) District and RG-3C (Residential General-Sector 3-Conditional) District to the O-I (Office Institutional) District, and the PD-H (Planned Development-Housing) District property located at **1070 Fayetteville Road, SE**, fronting approximately 138 feet on the northweasterly side of Fayetteville Road and fronting approximately 256.14 feet on the south side of Flat Shoals Road. Property is also bounded by the I-20 Interstate on the east.

Depth: Varies
Area: Approximately 2.88 Acres
Land Lot: 147, 15th District, Dekalb County, Georgia
Owner: Mike Searles
Applicant: Mike Searles and Tony Tripoli
NPU-W **Council District 1**

05-O-0098 (25)
Z-04-143

An Ordinance by Councilmember Ivory Lee Young, Jr. to rezone property from the RG-2-C (Residential General-Sector 2-Conditional) District and the R-4 (Single Family Residential) to the MR-2 (Multi-Family two to three story Multi-Family Dwellings) District, property located at **2269 and 2257 Marietta Road, NW (Formerly Known as 2301, 2305 and 2307 Hooper Street))**, fronting approximately 380 feet on the northeasterly side of Marietta Road and approximately 706 feet on the easterly side of Hooper Street. Property is located at the northeasterly intersection of Hooper Street and Marietta Road.

Depth: Varies
Area: Approximately .4 Acre
Land Lot: 244, 17th District, Fulton County, Georgia
Owner: Steve Bridges
Applicant: Steve Bridges
NPU-D **Council District 9**

05-O-0099 (26)
Z-04-156

An Ordinance by Councilmember Ivory Lee Young, Jr. to rezone property from the R4-A (Single Family Residential) District to the RG-2 (Residential General Sector 2) District, property located at **1768 Marietta Road, NW**, fronting approximately 230.54 feet on the southwesterly side of Marietta Road, fronting approximately 160 feet on the north side of Alma Street and fronting approximately 172 feet on the northeasterly side of Ellen Street. Property is located at the intersections of Marietta Road, Ellen Street and Alma Street.

PENDING LEGISLATION IN ZRB (CONT'D)

Depth: Varies
Area: .356 Acre
Land Lot: 233, 17th District, Fulton County, Georgia
Owner: 1768 Marietta Land Trust
Applicant: Keith Sharp
NPU-D **Council District 9**

05-O-0101 (27)
Z-04-153

An Ordinance by Councilmember Ivory Lee Young, Jr. to rezone property from the C-1-C (Commercial Business-Conditional) District to the C-1-C (Commercial Business-Conditional) District, for purposes of a Site Plan Amendment, property located at **3678 Roswell Road (a.k.a. 3680 Roswell Road)**, fronting approximately 451 feet on the northweasterly side of Roswell Road, fronting approximately 323 feet on the northwesterly side of Blackland Road and approximately 22 feet on the southwesterly side of Paces Ferry Road.

Depth: Varies
Area: 1.328 Acres
Land Lot: 97, 17th District, Fulton County, Georgia
Applicant: Defoor Buckhead Parnters, LLC
Owner: Southtrust Bank as Trustee Under Will of H.L. Defoor

05-O-0102 (28)
Z-04-157

An Ordinance by Councilmember Ivory Lee Young, Jr. to rezone property from the R-3 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **3683 and 3665 Ivy Road**, fronting approximately 335 feet on the northeasterly side of Ivy Road and approximately 516 feet north of the Stratford Road right-of-way.

Depth: Varies
Area: 3.6 Acres
Land Lot: 63, 17th District, Fulton County, Georgia
Owner: Mukhama Moustafa
Applicant: Monica F. Woods
NPU-B **Council District 7**

Depth Varies
Area: 1.85 Acres
Land Lot: 72 and 73, 14th District, Fulton County, Georgia
Owner: Housing Authority of the City of Atlanta;
Applicant: Carver Redevelopment, LLC
NPU-Y **Council District 1**

PENDING LEGISLATION IN ZRB (CONT'D)

02-O-0181 (29)
Z-02-07

An **Amended** Ordinance by Zoning Committee designating the Medical Arts Building, located at **384 Peachtree Street, NW**, Land Lot 50 of the 14th District of Fulton County, Georgia and certain real property on which it is located, to the Overlay Zoning Designation of Landmark Building or Site pursuant to Chapter 20 of the Zoning Ordinance of the City of Atlanta and rezoning from SPI-1 (Central Core) to SPI-1/LBS (Central Core/Landmark Building or Site); to repeal conflicting laws; and for other purposes. **(Favorable by Zoning Committee 4/30/03) (Referred back by Council 5/5/03) (Held 5/14/03) (Referred to Urban Design Commission, ZRB and Zoning Committee 2/2/05)**

05-O-0310 (30)
Z-05-01

An Ordinance by Zoning Committee to rezone property from the I-2 (Heavy Industrial) District to the R-4-A (Single-Family Residential) District, property located at **1467 Carroll Drive, NW**, fronting 50 feet on the northeasterly side of Carroll Drive, approximately 121.42 feet east of the Marietta Boulevard right-of-way.

Depth: Varies
Area: Approximately .25 Acre
Land Lot: 192, 17th District, Fulton County, Georgia
Owner: Jonathan Haynie
Applicant: Marina Shlomon
NPU-D **Council District 9**

05-O-0311 (31)
Z-05-02

An Ordinance by Zoning Committee to rezone property from the C-3 (Commercial Residential) District to the PD-MU (Planned Development-Mixed Use) District, property located at **3376 Peachtree Road, NE**, fronting approximately 139.5 feet on the northerly right-of-way of Peachtree Road and approximately 524 feet along the eastern right-of-way of Stratford Road.

Depth: Varies
Area: Approximately 1.63 Acres
Land Lot: 45, 17th District, Fulton County, Georgia
Owner: Stratford Grove, LLC
Applicant: Stratford Grove, LLC
By: Carl E. Westmoreland, Esq.
NPU-B **Council District 7**

PENDING LEGISLATION IN ZRB (CONT'D)

05-O-0312 (32)
Z-05-03

An Ordinance by Zoning Committee to rezone property from the R-4 (Single-Family Residential) District to the C-1 (Commercial Business) District, property located at **190 Fairburn Road, SW**, fronting approximately 104.60 feet on the northwesterly right-of-way of Fairburn Road and approximately 305 feet north of the right-of-way of Martin Luther King, Jr. Drive.

Depth: Varies
Area: Approximately .37 Acre
Land Lot: 243, 14th District, Fulton County, Georgia
Owner: Henderson Parker
Applicant: Henderson Parker
By: Sarran Marshall, Agent
NPU-H **Council District 10**

05-O-0313 (33)
U-05-01

An Ordinance by Zoning Committee granting a Special Use Permit for a Columbarium (Section 16—05.005(1)(a)) property located at **4400 Peachtree-Dunwoody Road, NE**, fronting approximately 432 feet on the northwesterly side of Peachtree Dunwoody Road and approximately 714 feet on the northerly side of Loridans Drive. Property is located at the northwest corner of the intersection of Peachtree Dunwoody Road and Loridans Drive.

Depth: Varies
Area: 7.98 Acres
Land Lot: 42, 17th District, Fulton County, Georiga
Owner: Bruce W. MacEwen
Applicant: St. James UMC Columbarium
NPU-B **Council District 7**

05-O-0317 (34)
Z-05-09

An Ordinance by Zoning Committee to amend various sections of the Zoning Code of the City of Atlanta, for the purpose of clarifying and/or redefining certain terms related to Continuing Care Retirement Centers; and for other purposes.

05-O-0390 (35)
Z-05-13

An Ordinance by Councilmember Howard Shook to amend Section 16-28A.004 of the Sign Ordinance of the City of Atlanta, for the purpose of changing the definition of building signature sign so as to not allow parking decks to be counted in the height of the building; and for other purpose.

PENDING LEGISLATION IN ZRB (CONT'D)

05-O-0391 (36)
Z-05-11

An Ordinance by Councilmember Ivory Lee Young, Jr. to rezone 293, 295, 297, 299, 301 and 303 Sunset Avenue within the Vine City and Ashby Station SPI-11 District from Subarea #7 (Single-Family Residential) to Subarea #9 (Simpson Mixed-Use); and for other purposes.

05-O-0401 (37)
Z-05-12

An Ordinance by Councilmember Felicia A. Moore amending the Zoning Ordinance of the City of Atlanta and the Maps established in connection therewith be changed so that the following properties #1515, 1516, 1519, 1520, 1529, 1539, 1553, 1555 Bolton Road, NW be changed from I-1 (Light Industrial) Zoning Classification to R-4 (Single-Family Residential) Classification (Council District 9, NPU-G); and for other purposes.

05-O-0518 (38)

An Ordinance by Councilmember Ivory Lee Young, Jr. to rezone property located at **689 Simpson Street, 693 Simpson Street and 338 Sunset Avenue** from the R-5 (Two-Family Residential) District to the C-2 (Commercial Service) District; and for other purposes.

Municipal Clerk
Atlanta, Georgia

05-O-0519

AN ORDINANCE
BY: IVORY LEE YOUNG, JR.

Z-04-54
Date Filed: 5-11-04

AN ORDINANCE CORRECTING ORDINANCE 04-O-1138, ADOPTED BY CITY COUNCIL SEPTEMBER 7, 2004, APPROVED BY THE MAYOR SEPTEMBER 15, 2004 REZONING PROPERTY LOCATED AT 972-980-990-1000-1002 MARIETTA STREET, N.W. FROM THE I-1-C (LIGHT INDUSTRIAL CONDITIONAL) DISTRICT AND I-2 (HEAVY INDUSTRIAL) DISTRICT) TO THE LW (LIVE WORK) DISTRICT SO THAT THE ZONING ORDINANCE OF THE CITY OF ATLANTA BE AMENDED, AND THE MAPS ESTABLISHED IN CONNECTION THEREWITH BE CHANGED SO THAT THE PROPERTY LOCATED AT 980-990-1000-1002 MARIETTA STREET, N.W. REMAIN I-1-C (LIGHT INDUSTRIAL CONDITIONAL).

WHEREAS, Z-04-54 was amended by the applicant to only re zone property located at 972 Marietta Street, N.W. from the I-2 (Heavy Industrial) District to the I-1 (Light Industrial) District and Ordinance 04-O-1138 included properties that were not a part of the amended application; and

WHEREAS, a corrective ordinance, 04-O-1944, was adopted by City Council November 15, 2004, approved by the Mayor November 19, 2004 to address the amended application, but only referenced property located at 972 Marietta Street, N.W. and did not reference properties located at 980, 990, 1000 and 1002 Marietta Street, N.W.; and

WHEREAS, the zoning ordinance and maps still need to be corrected to reflect the amended application so that properties located at 980, 990, 1000 and 1002 Marietta Street, N.W. retain the original zoning classification of I-1-C (Light Industrial Conditional).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That Ordinance 04-O-1138 adopted by City Council September 7, 2004, approved by the Mayor September 15, 2004 rezoning property from **the I-1-C (Light Industrial-Conditional) District and I-2 (Heavy Industrial) District to the LW (Live Work) District** be corrected to exclude from the rezoning properties located at 980, 990, 1000 and 1002 Marietta Street, N.W.

C-1

SECTION 2. That the properties located at 980, 990, 1000 and 1002 Marietta Street, N.W. retain the original zoning classification of I-1-C (Light Industrial Conditional).

ALL THAT TRACT or parcel of land lying and being in Land Lot 121, 14th District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 3. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 4. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 5. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

May 10, 2004

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 112 OF THE 14th DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERLY LINE OF LAND LOT 112 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF MARIETTA STREET (60 FEET RIGHT-OF-WAY); THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE OF MARIETTA STREET SOUTH 66 DEGREES 48 MINUTES 42 SECONDS EAST A DISTANCE OF 235.50 FEET TO A ½" REBAR SET, SAID POINT BEING THE **POINT OF BEGINNING**;
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE OF MARIETTA STREET THE FOLLOWING COURSES AND DISTANCES: SOUTH 66 DEGREES 48 MINUTES 42 SECONDS EAST A DISTANCE OF 349.92 FEET TO A ½" REBAR SET, ALONG A CURVE OF AN ARC TO THE RIGHT A DISTANCE OF 98.88 FEET (SAID ARC HAVING A RADIUS OF 507.75 FEET AND A CHORD BEARING SOUTH 61 DEGREES 44 MINUTES 35 SECONDS EAST AND A DISTANCE OF 98.72 FEET) TO A P.K. NAIL FOUND, ALONG A CURVE OF AN ARC TO THE RIGHT A DISTANCE OF 71.23 FEET (SAID ARC HAVING A RADIUS OF 519.02 FEET AND A CHORD BEARING SOUTH 52 DEGREES 59 MINUTES 07 SECONDS EAST AND A DISTANCE OF 71.18 FEET) TO A ½" REBAR SET (SAID ½" REBAR SET 2.14 FEET NORTHWESTERLY FROM A ¾" OPEN TOP FOUND) AND ALONG A CURVE OF AN ARC TO THE RIGHT A DISTANCE OF 80.81 FEET (SAID ARC HAVING A RADIUS OF 519.02 FEET AND A CHORD BEARING SOUTH 44 DEGREES 35 MINUTES 35 SECONDS EAST AND A DISTANCE OF 80.73 FEET) TO A POINT (SAID POINT LOCATED 0.24 FEET SOUTHEASTERLY FROM A ¾" OPEN TOP FOUND; THENCE LEAVING SAID RIGHT-OF-WAY LINE OF MARIETTA STREET AND RUNNING ALONG THE SOUTHEASTERLY FACE OF A BRICK WALL SOUTH 32 DEGREES 20 MINUTES 43 SECONDS WEST A DISTANCE OF 397.23 FEET TO A ½" REBAR SET ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF WESTERN & ATLANTIC RAILROAD; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE OF WESTERN & ATLANTIC RAILROAD THE FOLLOWING COURSES AND DISTANCES: NORTH 45 DEGREES 13 MINUTES 16 SECONDS WEST A DISTANCE OF 76.81 FEET TO A ½" REBAR SET, NORTH 45 DEGREES 13 MINUTES 16 SECONDS WEST A DISTANCE OF 74.16 FEET TO A POINT (SAID POINT LOCATED 0.25 FEET NORTHEASTERLY FROM A ½" REBAR FOUND), NORTH 45 DEGREES 13 MINUTES 16 SECONDS WEST A DISTANCE OF 477.60 FEET TO A POINT (SAID POINT LOCATED 1.31 FEET SOUTHEASTERLY FROM A ½" REBAR FOUND); THENCE LEAVING SAID RIGHT-OF-WAY LINE OF WESTERN & ATLANTIC RAILROAD AND RUNNING NORTH 37 DEGREES 32 MINUTES 48 SECONDS EAST A DISTANCE OF 224.13 FEET TO THE **POINT OF BEGINNING**.

SAID TRACT OR PARCEL OF LAND CONTAINS 4.5921 ACRES OR 200,031 SQUARE FEET.

03-O -0763

AN ORDINANCE
BY COUNCILMEMBER CLAIR MULLER

AN ORDINANCE TO AMEND PART 15 OF THE LAND DEVELOPMENT CODE OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA TO ALLOW FOR THE CREATION OF CONSERVATION SUBDIVISIONS IN THE CITY OF ATLANTA AND TO PROVIDE STANDARDS FOR THEIR IMPLEMENTATION; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta continues to be one of the fastest growing cities in both the State of Georgia and the United States; and

WHEREAS, the continuing population growth in Atlanta will result in increasing demands for dwindling Green Space, Open Space and natural resources and might result in the continuing decline of the city's environment; and

WHEREAS, the preservation of Green Space and Open Space is an important step in sustaining the environmental integrity of the City of Atlanta; and

WHEREAS, there is a need for broad-based planning to provide for effective protection and conservation of the city's Green Space and Open Space while continuing to allow appropriate development and growth; and

WHEREAS, Conservation Subdivisions provide an effective tool in protecting Atlanta's natural diversity and resources while reducing conflicts between the protection the city's Green Space and Open Space and the reasonable use of our land resources for economic development; and

WHEREAS, Conservation Subdivisions can provide for the efficient use and protection of our natural and economic resources while promoting greater sensitivity to the importance of preserving our land resource elements; and

WHEREAS, Conservation Subdivisions provide a voluntary and effective planning process that can facilitate early coordination to protect the interests of the city and our residents; and

WHEREAS, this process should encourage the active participation and support of landowners and others in the conservation and stewardship of our land resources within the City of Atlanta.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, as follows:

D-1

SECTION 1: That all of Part 15 of the Land Development Code of the Code of Ordinances of the City of Atlanta shall be deleted in its entirety and replaced with the following:

Part 15

LAND SUBDIVISION ORDINANCE*

Section 15-01.001. Title.

This part shall be known and may be cited as the "Land Subdivision Ordinance of the City of Atlanta."

Section 15-02.001. Authority.

This part is enacted pursuant to the City of Atlanta's exclusive planning authority granted by the Constitution of the State of Georgia, including but not limited to article 9, section 2, paragraph 4, and article 9, section 2, paragraph 3, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. section 36-70-3, the City of Atlanta Charter, sections 3-601 through 3-603, 8-115, and Appendix I, subsection 43, the general police powers, and other authority provided by state and local laws applicable hereto.

Section 15-03.001. Purpose and intent.

The purpose and intent of the governing authority of the City of Atlanta in enacting this part are as follows:

(a) To regulate the development of new housing throughout the neighborhoods in the city for persons of all income groups.
(b) To regulate cost effective housing developments while assuring that minimum standards of public health, safety, and welfare are met.
(c) To protect and enhance the quality and character of existing neighborhoods while encouraging the development of new subdivisions.
(d) To promote subdivision layout and housing design so as to promote privacy for residents.
(e) To provide for the creation and subsequent development of individual building lots in residential zoning districts within the City of Atlanta which are consistent with the requirements of this part; in conformance with the requirements of the Zoning Ordinance, part 16 of this code; in conformance with chapter 38 of this code governing the department of public works; and any other applicable part of this code. To provide residential lot design standards that permits flexibility in order to promote environmentally sensitive and efficient uses of the land
(f) To provide for the development of one- and two-family housing in which each dwelling unit is arranged in an orderly pattern of development, consistent with the design standards contained in this part, with direct and exclusive access to a public

street so as to assure ease of safe access for the occupants and to assure accessibility in the provision of all public services, including emergency services.

(g) To provide standards for the development of public streets and sidewalks and of other utility systems to adequately serve all dwelling units.

(h) To provide through the administration of specific standards and criteria that new development or redevelopment within existing neighborhoods is compatible with the character of the existing neighborhood.

(i) To assure that individual building lots have adequate width and area and an adequate building site, and, where necessary, because of the existence of wetlands or land within a flood hazard area, or, the creation of a corner lot, to require additional lot width and/or area to assure an adequate building site and an orderly arrangement of housing.

(j) To assure through the administration of specific standards and criteria that any new development which is otherwise permitted within designated landmark, historic, and conservation districts is consistent with the character of such districts pursuant to this part and to the requirements of chapter 20 of part 16 of this code.

(k) To assure the provision of open space, landscaped areas and natural areas on residential building lots and to encourage the provision of both public and private common open space.

(l) To minimize disturbance of natural topography, tree cover, and natural drainage ways.

(m) To assure the design of new streets, sidewalks and driveways in a manner which will assure safe streets, sidewalks and bikeways.

(n) To promote the public health and safety by restricting development of new building lots within the floodplain as hereinafter defined.

(o) To promote safe pedestrian and bikeway systems.

(p) To support and implement applicable planning and developmental elements of the comprehensive development plan.

(q) To provide residential lot design standards that permits flexibility in order to promote environmentally sensitive and efficient uses of the land

(r) To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.

(s) To preserve important historic and archaeological sites.

(t) To permit clustering of houses and structures on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.

(u) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.

(v) To promote interconnected greenways and corridors throughout the community.

(w) To promote contiguous greenspace with adjacent jurisdictions.

(x) To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.

(y) To encourage street designs that reduces traffic speeds and reliance on main arteries.

(z) To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.

(aa) To conserve scenic views by maximizing the number of houses with direct access to open space.

Section 15-04.001. Scope of regulations.

(a) This part shall govern the subdivision of land establishing one-family and two-family building lots within the City of Atlanta.

(b) No permit shall be issued for the development of any one- or two-family building lot until such lot shall have been approved pursuant to the procedures set forth in this part.

Section 15-05.001. Conformance with applicable parts.

No application for subdivision shall be approved unless each application, including each proposed lot therein, complies with all of the terms of chapters 130, 134, 138 and 154 and part 16 of this Code and with the provisions of Sections 15-06.001 through 15-09.008 *Part A and Part B* of this Part.

Section 15-06.001. Definitions.

As used in this part, unless specifically stated otherwise, the following terms mean and include:

(a) *ADT (Average Daily Traffic)* means the average number of vehicles per day that pass over a given point.

(b) *Alley* means a private street designed to serve only as a secondary means of access to the side or rear of properties whose principal frontage is on a public street.

(c) *Amenity area* means an area of land that: (1) is held in common ownership by owners of the applicable subdivision; (2) consists of permanent open space; and (3) is permanently maintained by the collective owners.

(d) *Applicant* means a person submitting an application for land subdivision pursuant to this part.

(e) *Application* means a formal request for land subdivision made pursuant to this part.

(f) *Arterial street* means a multilane street that functions to move traffic from one district of the city to another and which is not designed to serve individual residences.

(g) *Bicycle lane* means a lane within a street that is reserved and marked for the exclusive use of bicycles.

(h) *Bicycle path* means a pathway, usually separated from the street, designed specifically for bicycling, and upon which motorized traffic is prohibited.

(i) *Bikeway* means a bicycle lane or a bicycle path.

(j) *Buildable area* means that area of the lot available for the construction of a dwelling and permissible accessory uses after having provided the required front, side, rear and any other special yards required by this part or by part 16 of this code.

(k) *Character* means a distinctive quality or set of qualities, not including architectural style, of the natural or built environment that can be identified by prevalent objective features such as street design and pattern, lot pattern, tree cover, topographical conditions, setbacks and similar features by which a street, block, or neighborhood may be distinguished from other streets, blocks or neighborhoods.

(l) *Collective detention area* means an area of land that is intended to serve as a stormwater collection facility and that meets the definition of amenity area.

(m) *Common open space* means an undeveloped land with a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be a part of individual residential lots. It shall be substantially free of structures, but may contain historic structures and archeological sites including Indian mounds, and/or such recreational facilities for residents as indicated on the approved development plan.

(n) *Conservation easement* means the grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development.

(o) *Conservation subdivision* means residential developments in which a significant portion of the lot is set aside as undivided, permanently protected open space, while houses are clustered on the remainder of the property or which the lot has features which are determined to be contributable to public interest.

(p) *Cul-de-sac* means a local street with one outlet and having a circular area at its other end for the reversal of traffic movement.

(q) *Developable Area* means that portion of the buildable area of a lot that does not lie within a floodplain, wetland, area of severe slope, or the required 15-foot setback adjacent to a floodplain set forth in chapter 21 of part 16 of this code.

(r) *Development envelops* means areas within which grading, lawns, pavement and buildings will be located.

(s) *Director* means the director, bureau of planning.

(t) *Final Plat* means the final map of an entire subdivision or the final map of a portion of an entire subdivision that is presented for final approval.

(u) *Floodplain* means an area or areas of land presently having natural or manmade contours of elevation at or below the base flood elevation shown on the flood hazard district maps adopted as a part of part 16 of this code and those areas of land which are not so shown in the flood hazard district maps where inundation is likely to occur during a base flood as determined from by engineering studies to determine the probable depth of such floodwaters. See section 16-21.003.

(v) *Historic neighborhood* means any neighborhood which is listed on or is eligible for listing on the National Register of Historic Places established by the National Historic Preservation Act of 1966, as amended.

(w) *Homeowners association* means a community association incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.

(x) *Landscaped areas* means those portions of building lots on which trees, shrubs and other plant material are located and maintained, primarily as a result of human intervention.

(y) *Lot* means a parcel of land, designed to be used for the development of a one- or two-family dwelling, that meets the requirements of this part and part 16 of this code and has been given final approval by the director and has been recorded in the records of the Clerk of the Superior Court of Fulton or DeKalb County, as is appropriate.

(z) *Major collector street* means a multilane street that functions to move traffic from residential streets to arterial streets.

(aa) *Natural areas* means those portions of building lots which are maintained with their natural topographic features and on which plant material and water exist through natural growth and maturation.

(bb) *Nonaccess Reservation* means a parcel of land through which no form of vehicular access is permitted.

(cc) *Open space* means land on which no structural elements are present.

(dd) *Orderly pattern of development* means a systematic, consistent arrangement of lots and residential structures.

(ee) *Parent lot* means the existing lot of record, as identified by individual tax parcel numbers, as of the effective date of this ordinance.

Section 15-07.001. Applications.

(a) All applications for the subdivision of land within the City of Atlanta shall be filed with the bureau of planning on forms promulgated by said bureau.

(1) The bureau of planning shall take no action regarding any application unless and until said application contains all data and information required by this part.

(2) No application shall be deemed to be "filed" unless and until it contains all data and information required by this part, fees have been paid, and is properly signed and authorized.

(3) If any application is incomplete, the applicant shall be notified in writing within 10 days of receipt of said incomplete application.

(b) Before submitting an application for a subdivision, the applicant shall schedule an appointment with the Bureau of Planning staff to discuss the procedure and requirements for approval of a subdivision.

(1) The applicant should have available at this appointment a preliminary subdivision concept plan.
(2) The Bureau of Planning staff will review the preliminary subdivision concept plan for purposes of recommending subdivision classification- traditional or conservation.

(c) Proposals classified as a traditional subdivision will require the submission of materials in accordance with Part A of the Subdivision Ordinance. If any application is deemed incomplete, the applicant shall be notified in writing within ten (10) days of receipt of said incomplete application.

(d) Classification as a conservation subdivision shall be made in accordance with the Conservation Subdivision Trigger Area Guidelines.

(1) Proposals for conservation subdivision will require that the applicant participate in a technical conference.
(2) The purpose of the preliminary technical conference is to review the proposed development to determine the application of flexible design standards that would promote preservation of natural resources and efficient uses of land.
(3) The applicant will be required to submit a series of maps and descriptive information as a part of the technical conference and as described in Section 15-05.001 Part B Application Requirements.
(4) The applicant shall be informed during the initial meeting of the materials that must be that must be presented for the preliminary technical conference and the date, time and place for the conference.

(e) If the applicant does not desire to participate in the technical conference, the Subdivision Review Committee will develop its recommendations based on materials received in the application.

(1) The recommendations will be forwarded to the Commissioner of Public Works and the Director of the Bureau of Planning for review and action.
(2) If the applicant joins in the technical conference, opportunities for establishing flexible design standards may be further maximized, changes may be readily made in the original proposal, further conferences may be held and additional material may be requested to guide in determinations.
(3) In the course of such technical conferences, any recommendations for changes shall be recorded in writing, with reasons therefore, and shall be transmitted to the applicant and the Subdivision Review Committee.

Section 15-07.002. Application forms and data required.

Applications for the subdivision of land shall conform to the following requirements:

(a) Each application shall be typewritten and shall contain the signature of the owner or, if more than one, all owners of the property which is the subject of the application, which signature(s) shall authorize the filing of said application.

(b) Each application shall be accompanied by a proposed subdivision plat which shall conform to all applicable requirements of this part. Said proposed subdivision plat shall conform to the minimum requirements of applicable state law, and be prepared, signed and sealed by a professional land surveyor registered and licensed to practice in the State of Georgia.

(c) The applicant shall provide a reasonable representation of the proposed subdivision drawn on the most recent City of Atlanta topographic map with existing building footprints at a scale of one (1) inch equals 200 feet. Said drawing shall include street and curb lines and proposed lot lines.

(d) Applicants requesting approval of a preliminary subdivision plat shall provide all of the data required in sections 15-07.003. and 15-07.008. below.

(e) Applicants requesting approval of a final subdivision plat shall provide all of the data required in sections 15-07.004 and 15-07.009. below.

Section 15-07.003. Traditional Subdivision : Preliminary plat data.

Each application for approval of a preliminary subdivision plat and the accompanying construction drawings shall be supported by the following documentation:

(a) Twelve (12) copies of each preliminary plat shall be submitted and shall be at a scale not smaller than fifty (50) feet to one (1) inch, and sheet size shall not exceed 24 X 36 inches.

(b) For any proposed new street installations, the following is required:

(1) suggested street names;

(2) right-of-way and street widths;
(3) central angles of proposed street intersections with existing street intersections;

(4) dimensions of radii of any street curvatures based on centerline stationing;
(5) dimensions of radii to face of curb and right-of-way for any proposed cul-de-sac; and
(6) profiles based on proposed centerline stationing, including all vertical curve data and grades; similar data for alleys, if any.

(c) All proposed lots, with dimensioned lot lines and areas in square feet and acreage (minimum three-place accuracy), lot numbers, and block numbers.

(d) Sites, if any, to be dedicated or reserved for parks, playgrounds, schools or other public uses, together with the purpose and the conditions or limitations of such dedication, if any.

(e) Boundary lines from actual field-run survey records and minimum building setback lines (front, side, rear) for all lots.

(f) Easements, including their location, width, and purpose.

(g) Existing streets on and abutting the tract, including names, right-of-way width, pavement width and location.

(h) Provisions for the installation of an overhead street lighting system approved by the bureau of traffic and transportation to be paid for by the developer addressing pole type, pole locations, size, type, and number of lamps.

(i) Other conditions on the tract that are visually identifiable, or are a matter of public record, or are known to the applicant, including but not limited to the following:

(1) landfills;
(2) watercourses;
(3) utility lines and utility structures including but not limited to the following:

a. sanitary and storm sewer;
b. water;
c. gas;
d. power;
e. telephone; and
f. overhead streetlighting and similar utility structures.

(4) foundations or buried structures;
(5) borrow pits;
(6) abandoned wells;
(7) burial pits;
(8) leach fields;
(9) septic tanks;
(10) drain fields;
(11) soil contaminated areas and similar features.

(j) Title under which proposed subdivision is to be recorded, if known, with name, address, and telephone number of owner and designer.

(k) A vicinity map at a scale of one (1) inch equals 2,000 feet identifying the proposed site and showing the relationship of the proposed subdivision to the platting pattern of the surrounding area.

(l) Scale, data, north arrow, date of survey, date of plat, date of any revisions to plat, land lot number, district number, and county.

(m) Present zoning district classification(s).

(n) The plat shall contain sufficient horizontal control data to determine readily and reproduce on the ground the proposal being defined with distances, bearings, curve data of the overall parcel boundary and the centerline of any proposed street.

(1) All work shall be referenced to the Georgia Plane Coordinate System.

a. If a control monument point is located within 500 feet of the site, the site shall be tied to that monument with traditional ground survey procedures.
b. If greater than 500 feet, Global Positioning Systems (GPS) methodology shall be employed to establish the coordinate relationship.

(2) The information furnished shall be dimensionally accurate to the nearest one-hundredth of a foot with bearing accuracy to the nearest 10 seconds.

(3) Curve data shall include, but is not limited to:

a. the radius;
b. arc length;
c. chord length;
d. chord bearing;
e. and delta angle.

(4) All horizontal control data shown on the plat shall be capable of producing a closure in which the coordinated error does not exceed one (1) foot in 10,000 feet.

(o) Actual field-run topographic survey which produces an existing topographical representation of the area within twenty-five (25) feet of the right-of-way of any proposed street or any proposed earth-disturbing activity in two-vertical-foot contour elevations, with any proposed grading activities also shown with two-foot contour intervals superimposed. Topographic representations shall also include all watercourses, wetlands, and all 100-year floodplains as shown on the applicable maps adopted by the mayor and city council. In addition, plans shall show two-foot contour elevations from city maps for the entire site.

(p) A general summary of supporting plans, surveys, documents, and engineering calculations with appropriate professional signatures and seals, as follows:

(1) Field-run topographic survey of that portion of the site specified in (o) above.
(2) A survey of the site depicting horizontal and vertical control data from actual field-run survey signed and sealed by a registered land surveyor licensed to practice in the State of Georgia as referenced in subsection N.
(3) Construction plans, signed and sealed by a registered professional engineer licensed to practice in the State of Georgia, consisting of the following:

a. Plans, profiles, and cross sections of proposed streets, cul-de-sacs, sidewalks and similar paved surfaces with all appropriate details.
b. Plans, profiles, and details of all proposed sanitary and storm sewers.
c. Plans and details of any proposed storm water management facilities.
d. Hydraulics of storm sewers, including capacities of intakes, pipe capacities, gutter spreads and velocities of flows, and capabilities of downstream creeks, conduits, and structures receiving storm runoff from proposed subdivision activities.
e. Hydrology and hydraulics of stormwater management systems and/or detention facilities including time-stage - storage relationships, backwater surface profiles and related calculations.
f. Determination of all 100-year floodplain elevations for watercourses.
g. Certification of compliance with all appropriate federal, state, and local wetland identification, protection and regulatory requirements.
h. Records of easements, covenants and restrictions on the land, whether existing or proposed, and evidence of current ownership based on the results of current deed research.
i. Compliance and construction plan preparation to address required soil and erosion control provisions as required by chapter 138 of this code.
j. Bicycle paths and on-street bicycle lanes that hace been designated on the Bicyle Trail Map approved by the governing authority.

Section 15-07.004. Traditional subdivision; Final plat data.

The final plat shall conform to the preliminary plat as approved. The final plat shall be an ink drawing on mylar stock which shall not exceed 17" by 22" in size. The plat shall be reproducible and shall produce totally legible copies. The plat shall contain all of the following information:

(a) Sufficient horizontal control data to determine readily and reproduce on the ground the actual constructed subdivision, including the overall total parcel and each subdivided lot, and all public rights-of-way limits, being defined with distances, bearings, and curve data.

(1) All work shall be referenced to the Georgia Plan Coordinate System.

(2) The information furnished shall be dimensionally accurate to the nearest one-hundredth of a foot with bearing accuracy to the nearest 10 seconds.

(3) Curve data shall include, but not be limited to, the radius, arc length, chord length, chord bearing and delta angle.

(4) All horizontal control data shown on the plat shall be capable of producing a closure in which the coordinated error does not exceed one (1) foot in 10,000 feet.

(5) The areas of all subdivided lots shall be shown in square footage and in acreage to three-place minimum accuracy.

(6) The documentation of survey accuracy, areas of parcels, and acceptable errors of closure shall be verified with coordinated calculations.

(7) In addition, tract boundary corners shall be dimensioned to the nearest developed public street right-of-way and/or land lot line or corner.

(b) The graphic representation of all boundary lines, right-of-way limits of all streets, face of curblines of all streets, minimum building setback lines with dimensions for front, side, and rear lines, property lines of all residential lots and other sites, lot identifying numbers, all sanitary and storm sewers, existing or proposed, along with associated structures, and any other existing structures.

(c) The name, right-of-way width, and street width from face of curb to face of curb of each street or other right-of-way.

(d) The location, dimensions, and purposes of all easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purposes and limitations.

(e) The location of all existing creeks, watercourses, stormwater management facilities, wetland definition and/or protection limits, and any required protective buffer zones or limits with appropriate notations.

(f) The location of 100-year storm floodplain contour and its respective elevation.

(g) Notation of any covenant which will be part of the final plat.

(h) The title, name, location of the subdivision, north arrow, date, scale, land lot number, district number, and county.

(i) Lots or sites numbered in numerical order and blocks lettered alphabetically.

(j) Accurate location, material, and description of monuments and markers.

(k) *Acknowledgments*. The following acknowledgments and approvals shall appear on the original mylar tracing of the final plat:

(1) Surveyor's acknowledgment statement and seal: "It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made under my supervision.

By_____ Registered Georgia Land

Surveyor's Number _____

Date _____"

(2) Certification by signature and date attesting that the applicant is the land owner of record, and dedicates streets, right-of-way, easements, and any sites for the public use by the following acknowledgement:

State of Georgia

City of Atlanta

The owner of the land shown on this plat and whose name is subscribed thereto, and in person or through a duly authorized agent having legal power of attorney, acknowledges that this plat was made from an actual survey and dedicates to the use of the public forever, all streets, parks, drains, easements and public places thereon shown for the purposes and considerations therein expressed.

By_____ Date:_____
Owner

By_____ Date:_____
Agent

(3) *Drainage statement.* Storm drainage facilities shown on this plat are necessary for the proper drainage of the subdivision. The City of Atlanta will not be held responsible for erosion or overflow caused by the storm drainage facilities or natural drainage conditions nor responsible for extensions of storm drains.

(4) Approval of the commissioner of public works and, if required, Fulton County or DeKalb County Health Officer, as appropriate.

(5) Approval of bureau of planning.

(6) *Protective covenants.* Protective covenants, if any, shall be referenced on the final plat, even though same may be recorded elsewhere.

(7) The following supporting documentation is required for those subdivision final plats in which public infrastructure is installed:

a. A final as-built engineering plan and profile drawing(s) of all public sanitary and storm sewers installed with appropriate professional seals and attestments.
b. Results of internal television inspection of all public sanitary sewers installed.
c. A final as-built engineering plan and profile drawing(s) of all public streets and rights-of-way installed with appropriate professional seals and attestments.
d. Compaction test results of public streets and rights-of-way installed.
e. Maintenance bonds or irrevocable letters of credit from a federally insured lending institution acceptable to the chief financial officer for public sewers, streets, sidewalks, and curbs installed.
f. Separate maintenance bonds or irrevocable letters of credit for public sewers and public streets, sidewalks, and curbs shall be provided for the term of three

(3) years from the date of filing and recording the final plat and shall represent monetary value equal to the value of the public infrastructure installations. These bonds or letters of credit shall serve as three-year warranties for public infrastructure installations made by private developers prior to perpetual city maintenance.

(8) *Filing and recording of the final plat by the bureau of planning.* The filing and recording of the final plat by the bureau of planning shall, upon completion of the improvements by the applicant, be deemed an acceptance of the dedication of the streets and other public land as shown upon said plat on behalf of the public, but shall not impose any duty upon the city covering improvements or maintenance, excepting developed public streets and sewers as described above.

Section 15-07.005. Traditional Subdivisions: Procedures for processing applications for traditional subdivision.

The procedures for review and action on all applications for the subdivision of land shall be as follows:

(a) The director, bureau of planning shall develop and publish a schedule for the review of all subdivision applications. Said schedule shall specify semimonthly filing deadlines for the receipt of applications.
(b) Within three (3) days after each semimonthly filing deadline, the director, bureau of planning shall distribute a copy of each application received, with accompanying plats and other drawings, to the following:

(1) Commissioner of public works.
(2) Directors of the bureaus of highways and streets, parks, traffic and transportation, buildings, water, *housing services,* and the executive director of the urban design commission.
(3) District and at-large members of the council in which the subject property is located;
(4) Chairperson of the neighborhood planning unit in which the subject property is located;
(5) Assistant superintendent for facilities services of the Atlanta public schools;
(6) Executive director, Fulton County or DeKalb County Health Department, as is appropriate;
(7) Fire chief; and
(8) City arborist.

(c) *Subdivision Review Committee.* The director, bureau of planning shall establish a schedule for regular semimonthly meetings of the subdivision review committee and shall serve as chairperson of said committee. The purpose of the subdivision review committee is to provide for a consolidated technical review of each application. Each application for land subdivision that is received by the semimonthly filing deadline shall be reviewed for compliance with the provisions of this part by said committee no later than the second semimonthly meeting following the filing deadlines. The

applicant or his or her designee is required to be present at said meeting to discuss the application and to provide any additional data that is required by this part. Within three (3) working days after each such meeting, each applicant shall be notified in writing by first class mail of a list of identified problems or deficiencies in the application.

(d) *Neighborhood Planning Units (NPU's).* Within three (3) working days after the semimonthly deadline for the receipt of applications for land subdivision, each appropriate neighborhood planning unit shall be provided a copy of any such application and supporting documentation which is located within the jurisdiction of said neighborhood planning unit. It is the responsibility of the neighborhood planning unit to schedule said application for consideration at a meeting within six (6) weeks after the semimonthly deadline and to provide the bureau of planning with a letter presenting its comments on the application. The applicant is encouraged to attend the neighborhood planning unit meeting. The chairperson and the NPU shall review the proposed subdivision plat utilizing only the standards and criteria set forth in this part and provide a copy of said comments to the applicant and to district and at-large members of council representing the district within which the subject property is located. The bureau of planning shall post a sign so as to inform the adjacent neighborhood of a proposed subdivision application. Said sign shall include the date of the scheduled NPU meeting at which said application will be discussed.

(e) *Action by Commissioner of Public Works.* No preliminary subdivision plat shall be approved prior to the receipt of a letter from the commissioner of the department of public works approving the subject preliminary subdivision plat as being in compliance with the provisions of this part and any other applicable code provisions, rules and regulations. No final subdivision plat shall be approved until all required improvements have been made, inspected and accepted by the commissioner of the department of public works. Further, no final subdivision plat shall be approved prior to the commissioner of the department of public works having approved the subject final subdivision plat by affixing his or her signature to the original copy of the final plat as being in compliance with this part and any other applicable code provisions, rules and regulations.

(f) *Action by Director of Bureau of Planning.*

(1) After all changes and corrections identified in the meeting of the subdivision review committee are made, and after approval by the commissioner of the department of public works as is provided in (e) above, the application shall be presented to the director of the bureau of planning for approval or disapproval of the preliminary subdivision plat or the final subdivision plat, as the case may be. The director shall review and make a part of the record any written comments that were received from the appropriate neighborhood planning unit regarding the subject application.

(2) If a preliminary subdivision plat has been approved by the commissioner of the department of public works and meets all other applicable requirements of parts 15 and 16 of this code, the director, bureau of planning shall approve the subject preliminary subdivision plat. If a preliminary subdivision plat has not been

approved by the commissioner of the department of public works, or fails to meet the applicable requirements of parts 15 and 16 of this code, the director, bureau of planning shall disapprove the subject preliminary subdivision. The director shall notify the applicant in writing of the final decision regarding a preliminary subdivision plat.

(3) If a final subdivision plat has been approved by the commissioner of the department of public works and meets all other applicable requirements of parts 15 and 16 of this code, the director, bureau of planning shall approve the subject final subdivision plat and cause the final plat to be recorded in the records of Fulton or DeKalb County as is appropriate. If a final subdivision plat has not been approved by the commissioner of the department of public works, or, fails to meet the applicable requirements of parts 15 and 16 of this code, the director, bureau of planning shall disapprove the subject final subdivision and notify the applicant in writing of said disapproval.

The director, bureau of planning shall make a decision regarding each final plat submitted no later than 15 days after the date of submission of said final plat. Approval by the director, bureau of planning shall appear on the original drawing. Final plat approval by the director, bureau of planning shall constitute that approval, if any, required by the governing authority of the City of Atlanta pursuant to O.C.G.A. section 15-6-67(d). If requested by the applicant, and if otherwise in accord with the requirements of this part, the director shall have the authority to re-record final plats for the purpose of revising lot lines where no new lot is created. If requested by the applicant, the final plat may constitute only that portion of the approved preliminary plat which the applicant proposes to record and develop in a single phase.

(4) The director shall provide a copy of any written decision on any preliminary or final subdivision plat to the applicant, to all review agencies listed in (b) above, to the appropriate at-large and district member of council, and to the appropriate neighborhood planning committee chairperson.

(5) The final plat shall be submitted to the bureau of planning not later than one (1) year after approval of the preliminary plat; otherwise the approval of the preliminary plat shall become null and void unless an extension of time is granted by the bureau of planning. An applicant may request a single extension of no more than 12 months only in the case of a sewer moratorium, unavailable financing, industry work stoppage, severe detrimental weather conditions, death or disability of managing partner and similar clearly established hardship conditions.

(g) *Limitation on Application for Variances.* It is the intent of this part to prohibit the creation of lots that require a variance in order to be developed. Therefore, once a final plat has been approved by the director, bureau of planning, no application for a variance on any lot in said subdivision may be submitted for a period of one (1) year from the date of final approval of said plat unless an unknown site condition is discovered which creates a hardship within the meaning of chapter 26 of part 16 of this code.

(h) *No Grading or Site Preparation Prior to Necessary Permits.* No permits for grading or other site preparation work shall be granted prior to final approval of the preliminary plat or final plat. No grading, tree cutting or other site preparation work shall commence until all required permits under this part and any other applicable ordinance, including any applicable tree ordinance, have been obtained.

(i) *Sale or Exchange of Land Between Adjoining Owners.* The director shall approve the replatting of land that is proposed to be sold or exchanged between adjoining property owners provided each of the following conditions are met:

(1) A written request, accompanied by one (1) original mylar plat showing existing and proposed property boundaries and all other applicable information specified in section 15-07.003, is submitted to the director.
(2) No additional lot is created.
(3) Each newly platted lot conforms to all requirements of part 16 of the code of ordinances; and
(4) Each newly platted lot conforms to all requirements of this part 15 of the code of ordinances, provided that if either lot, as platted prior to the proposed replatting, does not conform to said part 15, this condition shall nevertheless be deemed to have been met, if said lot(s) are replatted in a manner that equals or reduces the degree of nonconformity.

Sec. 15-07.006. Conservation Subdivision: General regulations.

(a) *Applicability of Regulations.* Applicant shall comply with all the provisions of the City of Atlanta Subdivision Ordinance Part 15 that are compatible with the provisions contained in this ordinance. Applicant shall comply with all other provisions of the zoning code and all other applicable laws, except those that are incompatible with the provisions contained herein. Therefore, the number of new lots that can be created shall be consistent with the applicable zoning ordinance for the parent lot. The Conservation Subdivision Ordinance represents an alternative standard for residential development of major subdivisions within the Single Family Residential Districts.

(b) *Ownership of Development Site.* The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. Regardless of the type of ownership, the site shall be developed according to a single plan with common authority and common responsibility.

(c) *Housing Density Determination.* The maximum number of lots in the Conservation Subdivision shall be determined by either of the following two methods, at the discretion of the applicant:

(1) *Calculation.* The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:

a. slopes over 25% of at least 5000 square feet contiguous area;

b. the 100-year floodplain;
c. bodies of open water over 5000 square feet contiguous area; and
d. wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act.

(2) *Yield Plan.* The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

Section 15-07.007. Conservation Subdivision: Application and Technical Conference requirements.

Technical Conference Information Requirements. Applications for conservation subdivision shall conform to the Technical Conference requirements which are outlined below. Mapping for the technical conference can be accomplished in a combination of features as long as individual map components can be distinguished and the relationship between map components can be determined.

(1) *Site Analysis Map.* The applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this ordinance. Minimum requirements for the preliminary site analysis map shall include the following:

a. Property boundaries;
b. All streams, rivers, lakes, wetlands and other hydrologic features;
c. Topographic contours of no less than 10-foot intervals;
d. General vegetation characteristics;
e. General soil types;
f. The planned location of protected Open Space;
g. Existing roads and structures;
h. Potential connections with existing greenspace and trails;
i. Land cover on the site, according to general cover type (pasture, woodland, etc.) and stand-alone trees with a caliper of more than twenty-four (24) inches measured four feet off the ground.
j. Current and past land use, all buildings and structures on the land, cultivated areas, brownfields, and waste sites.
k. Known critical habitat areas for rare, threatened or endangered species.
l. Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken.
m. Unique geological resources, such as rock outcrops.
n. Cultural resources, historically important landscapes and archeological features.

(2) *Development Yield Analysis.* The applicant shall submit a table showing the maximum number of dwelling units that would be permitted under the City of Atlanta zoning ordinance, consistent with the minimum lot size, lot width, setbacks, and other provisions of the zoning ordinance and compare it to the number of dwelling units proposed. Land that is undevelopable because of other laws and ordinances that prohibit development in certain areas (e.g. floodplains, wetlands, steep slopes and drainage ways) shall be excluded from the development yield analysis.

(3) *Site Analysis and Concept Plan.* Using the inventory outlined on the Site Analysis Map, the Development Yield Analysis Table and applying the design standards specified in section _____, the applicant shall submit a concept plan including at least the following information at a scale of no less than one inch=50 feet:

a. Open space areas indicating which areas are to remain undeveloped and trail location.
b. Boundaries of areas to be developed and proposed street and lot layout.
c. Number of housing units proposed.
d. Proposed methods for and location of water supply, stormwater management (e.g. best management practices) and sewage treatment.
e. Preliminary development envelops showing areas for lawns, pavement, buildings and grading.
f. Proposed methods for ownership and management of open space.

(4) *General Location Map.* The applicant shall submit a map showing the general outlines of existing buildings, land use and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the tract. This information may also be presented on an aerial photograph at a scale of no less than 1 inch:400 feet.

Section 15-07.008. Conservation Subdivision: Preliminary plat data.

Application Forms and Data Required. After the completion of the technical conference and receipt of the recommendations, an applicant may submit an application for a conservation subdivision. The application shall conform to the following requirements:

(1) Submission of application form which shall be typewritten and contain the signature of the owner or, if more than one, all owners of the property which is the subject of the application. The application form must contain the signatures of the owner(s) shall authorize the filing of said application.

(2) Each application shall be accompanied by a proposed subdivision plat that shall conform to all applicable requirements of this ordinance. The subdivision plat shall conform to the minimum requirements of applicable state law, and be prepared, signed and sealed by a professional land surveyor registered and licensed to practice in the State of Georgia.

(3) The applicant shall provide a reasonable representation of the proposed conservation subdivision drawn on the most recent City of Atlanta topographic map with existing building footprints at a scale of one (1) inch equals 200 feet.

(4) Twelve 12) copies of each preliminary plat shall be submitted and shall be at a scale not smaller than 50 feet to one (1) inch. The sheet size shall not exceed 24 x 36 inches. More than one (1) sheet may be used to present the information required. Other information required on the plat shall be as outlined below:

(5) The title under which the proposed subdivision is to be recorded, with name, address and telephone number of owner(s) and designer. The proposed name of the subdivision shall not duplicate or be alike in pronunciation of the name of any plat previously recorded in Fulton County. References to scale, data, north arrow, date of plat, date of any revisions to the plat, land lot number, district number and county shall also be included on the plat.

(6) A vicinity map at a scale of one (1) inch equals 2,000 feet identifying the proposed site and showing the relationship of the proposed subdivision to the surrounding area.

(7) Present zoning district classification.

(8) Actual field-run topographic survey which produces an existing topographical representation of the area within twenty-five (25) feet of the right-of-way of any proposed street or any proposed earth-disturbing activity in two-vertical-foot contour elevations, with any proposed grading activities also shown with two-foot contour intervals superimposed.

(9) All proposed lots, with dimensioned lot lines and areas in square feet and acreage (minimum three-place accuracy), lot numbers and block numbers.

(10) Boundary lines from actual field-run survey records.

(11) Proposed building setback lines – front, side and rear- for all lots.

(12) Records of easements, covenants and restrictions on the land, whether existing or proposed, and evidence of current ownership based on the results of current deed research. Indicate the location, width and purpose of any easements.

(13) Existing streets on and abutting the subject parcel, including names, right-of-way width, pavement width and location.

(14) Proposed new street installations should include the suggested street names, right-of-way and street widths, central angles of proposed street intersections with existing street intersections, dimensions of radii of any street curvatures based on centerline stationing, dimensions of radii to face of curb and right-of way for any proposed cul-de-sac; and profiles based on proposed centerline stationing, including all vertical curve data and grades.

(15) All areas designated for protected open space and connections with existing greenspace and trails. Include bicycle paths and on-street bicycle lanes that have been designated on the Bicycle Trail Map approved by the governing authority.

(16) Conditions on the parcel that are visually identifiable or are a matter of public record or are known to the applicant, including but not limited to landfills, watercourses, utility lines and structures, foundations or buried structures, borrow pits, abandoned wells, burial pits, leach fields, septic tanks, drain fields, soil contaminated areas and similar features.

(17) The plat shall contain sufficient horizontal control data to determine readily and reproduce on the ground the proposal being defined with distances, bearings, curve data of the overall parcel boundary and the centerline of any proposed street. All work shall be referenced to the Georgia Plane Coordinate System; if a control monument point is located within 500 feet of the site, the site shall be tied to that monument with traditional ground survey procedures; if greater than 500

feet, Global Positioning Systems (GPS) methodology shall be employed to establish the coordinate relationship. The information furnished shall be dimensionally accurate to the nearest one-hundredth of a foot with bearing accuracy to the nearest 10 seconds. Curve data shall include, but is not limited to, the radius, arc length, chord length, chord bearing, and delta angle. All horizontal control data shown on the plat shall be capable of producing a closure in which the coordinated error does not exceed one (1) foot in 10,000 feet.

(18) Topographic representations shall also include all watercourses, wetlands, and all 100-year floodplains as shown on the applicable maps adopted by the mayor and city council. In addition, plans shall show two-foot contour elevations from city maps for the entire site.

(19) Construction plans, signed and sealed by a registered professional engineer licensed to practice in the State of Georgia, consisting of the following:

a. Plans, profiles, and cross sections of proposed streets, cul-de-sacs, sidewalks and similar paved surfaces with all appropriate details;
b. Plans, profiles, and details of all proposed sanitary and storm sewers;
c. Plans and details of any proposed storm water management facilities;
d. Hydraulics of storm sewers, including capacities of intakes, pipe capacities, gutter spreads and velocities of flows, and capabilities of downstream creeks, conduits, and structures receiving storm runoff from proposed subdivision activitiesHydrology and hydraulics of stormwater management systems and/or detention facilities including time-stage - storage relationships, backwater surface profiles and related calculations;
f. Determination of all 100-year floodplain elevations for watercourses; and
g. Certification of compliance with all appropriate federal, state, and local wetland identification, protection and regulatory requirements.

(20) Compliance and construction plan preparation to address required soil and erosion control provisions as required by applicable codes.

(21) Plan showing compliance with the approved Tree Ordinance.

Sec. 15-07.009. Conservation Subdivision: Final plat data.

The final plat shall conform to the preliminary plat as approved. The final plat shall be an ink drawing on mylar stock which shall not exceed 17" by 22" in size. The plat shall be reproducible and shall produce totally legible copies. The plat shall contain all of the following information:

(a) Sufficient horizontal control data to determine readily and reproduce on the ground the actual constructed subdivision, including the overall total parcel and each subdivided lot, and all public rights-of-way limits, being defined with distances, bearings, and curve data. All work shall be referenced to the Georgia Plan Coordinate System. The information furnished shall be dimensionally accurate to the nearest one-hundredth of a foot with bearing accuracy to the nearest ten (10) seconds. Curve data shall include, but not be limited to, the radius, arc length, chord length, chord bearing and delta angle. All horizontal control data shown on the plat shall be capable of producing a closure in which the coordinated error does not exceed one (1) foot in 10,000 feet. The areas of all subdivided lots shall be shown in square footage and in

acreage to three-place minimum accuracy. The documentation of survey accuracy, areas of parcels, and acceptable errors of closure shall be verified with coordinated calculations. In addition, tract boundary corners shall be dimensioned to the nearest developed public street right-of-way and/or land lot line or corner.

(b) The graphic representation of all boundary lines, right-of-way limits of all streets, face of curblines of all streets, minimum building setback lines with dimensions for front, side, and rear lines, property lines of all residential lots and other sites, lot identifying numbers, all sanitary and storm sewers, existing or proposed, along with associated structures, and any other existing structures.

(c) The name, right-of-way width, and street width from face of curb to face of curb of each street or other right-of-way.

(d) The location, dimensions, and purposes of all easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purposes and limitations. The location of all existing creeks, watercourses, stormwater management facilities, wetland definition and/or protection limits, and any required protective buffer zones or limits with appropriate notations. The location of 100-year storm floodplain contour and its respective elevation. Notation of any covenant which will be part of the final plat.

(e) The title, name, location of the subdivision, north arrow, date, scale, land lot number, district number, and county.

(f) Lots or sites numbered in numerical order and blocks lettered alphabetically.

(g) Accurate location, material, and description of monuments and markers.

(h) Acknowledgments. The following acknowledgments and approvals shall appear on the original mylar tracing of the final plat:

(1) Surveyor's acknowledgment statement and seal: "It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made under my supervision.

By _____ Registered Georgia Land

Surveyor's Number _____

Date _____"

(2) Certification by signature and date attesting that the applicant is the land owner of record, and dedicates streets, right-of-way, easements, and any sites for the public use by the following acknowledgement:

State of Georgia

City of Atlanta

The owner of the land shown on this plat and whose name is subscribed thereto, and in person or through a duly authorized agent having legal power of attorney, acknowledges that this plat was made from an actual survey and dedicates to the use of the public forever, all streets, parks, drains, easements and public places thereon shown for the purposes and considerations therein expressed.

By _____ Date:_____

Owner

By _____ Date:_____

Agent

(3) Drainage statement: Storm drainage facilities shown on this plat are necessary for the proper drainage of the subdivision. The City of Atlanta will not be held responsible for erosion or overflow caused by the storm drainage facilities or natural drainage conditions nor responsible for extensions of storm drains.

(4) Approval of the commissioner of public works and, if required, Fulton County or DeKalb County Health Officer, as appropriate.

(5) Approval of bureau of planning.

(i) Protective covenants. Protective covenants, if any, shall be referenced on the final plat, even though same may be recorded elsewhere.

(j) The following supporting documentation is required for those subdivision final plats in which public infrastructure is installed:

(1) A final as-built engineering plan and profile drawing(s) of all public sanitary and storm sewers installed with appropriate professional seals and attestments.

(2) Results of internal television inspection of all public sanitary sewers installed.

(3) A final as-built engineering plan and profile drawing(s) of all public streets and rights-of-way installed with appropriate professional seals and attestments.

(4) Compaction test results of public streets and rights-of-way installed.

(5) Maintenance bonds or irrevocable letters of credit from a federally insured lending institution acceptable to the chief financial officer for public sewers, streets, sidewalks, and curbs installed. Separate maintenance bonds or irrevocable letters of credit for public sewers and public streets, sidewalks, and curbs shall be provided for the term of three (3) years from the date of filing and recording the

final plat and shall represent monetary value equal to the value of the public infrastructure installations. These bonds or letters of credit shall serve as three-year warranties for public infrastructure installations made by private developers prior to perpetual city maintenance.

(k) Filing and recording of the final plat by the bureau of planning. The filing and recording of the final plat by the bureau of planning shall, upon completion of the improvements by the applicant, be deemed an acceptance of the dedication of the streets and other public land as shown upon said plat on behalf of the public, but shall not impose any duty upon the city covering improvements or maintenance, excepting developed public streets and sewers as described above.

Section 15-08.001.1. Traditional Subdivision: Design standards for the subdivision of land.

All proposed applications for ***traditional*** subdivisions shall comply with the standards for design contained within this section, ***specifically sections 15-08.002 through sections 15-09.008.***

Sec. 15-08.001.2. Conservation Subdivision: Performance Standards.

(a) *General Considerations.* Conservation subdivisions shall identify a conservation theme or themes. This theme shall be identified at the time of the technical conference. Conservation themes may include but not be limited to, forest stewardship, water quality preservation, or archaeological and historic preservation

(b) *Site Planning.* The applicant shall incorporate site planning principals to provide protection for environmentally sensitive soils, other natural resources, and surrounding areas from potentially averse influences from within the development. These principals shall include, but not be limited to:

(1) Residential Lot Requirements

a. Minimum Lot Size
b. Building Setbacks
c. Accessory Building Setbacks
d. Lots shall be configured to minimize the amount of impervious surfaces.
e. Most lots shall take access from interior local streets.
f. Lots shall be configured to minimize the amount of road length required for the subdivision
g. Development envelopes shall be configured to minimize lots of woodlands.

(2) Residential Cluster Siting Standards

a. Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.

b. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
c. Residential clusters should be sited to achieve the following goals, to the extent practicable:

    1. Minimize disturbance to woodlands, wetlands, grasslands and mature trees.
    2. Prevent downstream impacts due to runoff through adequate on-site storm water management practices.
    3. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
    4. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
    5. Landscaping around the cluster may be necessary to reduce off site views of residences.

(3) Open Space Design

a. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The open space shall be restricted in perpetuity from future development.
b. Open space shall be designated as part of the development.
c. The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.
d. Road rights of way shall not be counted towards the required minimum open space.

(4) Street Standards

a. Streets shall be developed to promote road safety, assure adequate access for fire and rescue vehicles and promote adequate vehicular circulation. The standards for street access is as follows:

    1. 1-20 lots = one (1) street access minimum
    2. 21-149 lots= two (2) street access minimum
    3. 150 or more lots = three (3) street access minimum

b. The applicant must demonstrate that access to the development has the capacity to handle traffic generated by the proposed project and will not endanger the safety of the general public.
c. The lay out of streets shall minimize disturbance of wetlands, floodplain and stream crossings, and traversing of slopes over 25 %, and shall limit the impact of streets on open space as defined in section 1.6.
d. The design should provide streets that connect the subdivision to neighboring streets without requiring entrance onto the main arteries; all such streets are required to be public.

e. Single-loaded streets are permissible when necessary to preserve open space.
f. The right-of-way width for each road shall be wide enough to provide for all public services, including roadway drainage, sidewalks, trails, walkways and utilities.
g. Streets that serve as collectors, interconnecting subdivisions and other major traffic generators, shall be designed according to the City's standards for collector roads.
h. Where streets will connect with streets having differing standards, the street dimensions shall be the same as those of the connecting street. All street widenings shall occur at the nearest intersection.
i. The developed area should have sidewalks on at least one side of the street.

(5) Sidewalks and Bicycle Lanes

a. All developments shall contain sidewalks and bicycle lanes.
b. Sidewalks, trails and other walkways shall be a minimum 5 feet in width
c. Sidewalks shall be parallel to the street and shall be set back from at least four feet.
d. Bicycle lanes shall be clearly demarcated on both sides of the street and shall be four feet in width
e. On a case-by-case basis, in lieu of sidewalks or bicycle lanes that parallel the street, multi-use trails may be paved, mulched or otherwise suitable surfaced walking paths may be constructed without regard to street location, provided they fulfill the safety and connectivity purposes of this provision.

(6) *Protection of visibility for automotive traffic, cyclists and pedestrians.* Where there is pedestrian or bicycle access from within the development to a street at its edges by paths or across yards or other open space without a barrier to access to the street, no material impediment to visibility, as defined therein, shall be created or maintained within areas appropriate to the circumstances of the case.

(7) *Yards, fences, walls or vegetative screening.* Yards, fences, walls or vegetative screening at edges of Environmental Conservation Subdivision shall be provided where needed to protect residents from undesirable views, lighting, noise or other off-site influences, or to protect occupants of adjoining residential districts from similar adverse influences within the I Subdivision. In particular, extensive off-street parking areas and service areas for loading and unloading vehicles other than passenger, and areas for storage and collection of refuse and garbage shall be screened.

(8) *Height limitations at edges of Environmental Subdivision districts.* Except along boundaries where adjoining districts permit greater heights within similar areas, maximum height of buildings twenty (20) feet from property lines at the edge of the district shall be thirty-five (35) feet. Height may be increased one (1) foot for each foot of additional distance from such property lines up to a maximum setback of one-hundred (100) feet at which point any structure of any height shall be permitted.

(9) *Site Preparation.*

a. *Tree protection.*

1. Clearing, grading and disturbing of the areas around the construction sites shall be strictly minimized.
2. Trees that are to be preserved shall be fenced or ribboned off past the drip line during construction.

b. *Soil protection.*

1. Open space and buffer areas shall be designated and not disturbed during construction. An erosion and sediment control plan to be implemented during construction activities needs to be prepared to assure protection of these areas.
2. Applicants should reference the "Manual for Erosion and Sediment Control in Georgia," from the State Soil and Water Conservation Commission.

(c) *Open Space Standards.*

(1) The minimum restricted Open Space shall comprise at least 40% of the gross tract area.

(2) The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this ordiance and section:

a. The 100-year floodplain;
b. Riparian zones of at least 75 ft width along all perennial and intermittent streams;
c. Slopes above 25% of at least 5000 square feet contiguous area;
d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
e. Populations of endangered or threatened species, or habitat for such species;
f. Archaeological sites, cemeteries and burial grounds;

(3) The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible.

a. Important historic sites
b. Existing healthy, native forests of at least one acre contiguous area
c. Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line
d. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads
e. Prime agricultural lands of at least five acres contiguous area

f. Existing trails that connect the tract to neighboring areas

(d) *Opens space management.*

(1) *Generally.* Open Space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument.

(2) *Open Space Standards.*

a. The minimum restricted Open Space shall comprise at least 40% of the gross tract area.

b. The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:

1. The 100-year floodplain;
2. Riparian zones of at least 75 ft width along all perennial and intermittent streams;
3. Slopes above 25% of at least 5000 square feet contiguous area;
4. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
5. Populations of endangered or threatened species, or habitat for such species; and
6. Archaeological sites, cemeteries and burial grounds.

c. The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible.

1. Important historic sites;
2. Existing healthy, native forests of at least one (1) acre contiguous area;
3. Individual existing healthy trees greater than eight (8) inches caliper, as measured from their outermost drip line;
4. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads
5. Prime agricultural lands of at least five (5) acres contiguous area
6. Existing trails that connect the tract to neighboring areas

d. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected Open Space but cannot be counted towards the 40% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space.

e. At least 25% of the Open Space shall consist of land that is suitable for building.

f. At least 75% of the Open Space shall be in a contiguous tract. The Open Space shall adjoin any neighboring areas of Open Space, other protected

areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.

g. The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.

(3) Uses of Open Space may include the following:

a. Conservation of natural, archeological or historical resources;
b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
c. Walking or bicycle trails, provided they are constructed of porous paving materials;
d. Passive recreation areas, such as open fields;
e. Active recreation areas, provided that they are limited to no more than 10% of the total Open Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space.
f. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
g. Landscaped stormwater management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;
h. Easements for drainage, access, and underground utility lines;
i. Other conservation-oriented uses compatible with the purposes of this ordinance.

(4) Prohibited uses of Open Space.

a. Golf courses;
b. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
c. Agricultural and forestry activities not conducted according to accepted Best Management Practices;
d. Impoundments;
e. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

(5) *Ownership and Management of Open Space.*

a. *Ownership of Open Space.* A homeowners association representing residents of the conservation subdivision shall own the Open Space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The Homeowners' Association shall have

lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the Homeowner's Association.

b. *Management Plan.* Applicant shall submit a Plan for Management of Open Space and Common Facilities ("Plan") that:

1. allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
2. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided; and
3. provides that any changes to the Plan be approved by the Commissioner of Planning and Neighborhood Conservation; and provides for enforcement of the Plan.

c. In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the City of Atlanta may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

(6) *Legal Instrument for Permanent Protection of Open Space.* The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:

a. A permanent conservation easement in favor of either:

1. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

2. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.

i. If the entity accepting the easement is not the City of Atlanta, then a third right of enforcement favoring the City of Atlanta shall be included in the easement.

ii. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.

iii. An equivalent legal tool that provides permanent protection, if approved by the City of Atlanta.

b. The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.

Need to review legal requirements and intergovernmental coordination of this section.

(e) *Tax Assessment of Open Space.*

(1) Once a legal instrument for permanent protection has been placed upon the Open Space, the Fulton or Dekalb County's tax assessment office shall be directed to reassess the Open Space at a lower value to reflect its more limited use. If the Open Space is used purely for passive recreational purposes and the terms of the instrument for permanent protection effectively prohibit any type of significant economic activity, then the assessment shall be at a value of zero.
(2) The Open Space Management Plan shall be prepared, submitted and approved prior to the issuance of a land disturbance permit.
(3) Instrument of Permanent Protection Required. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in Section 1.4, shall be placed on the Open Space concurrent with the issuance of a land disturbance permit.
(4) The Applicant shall adhere to all other applicable requirements of the underlying zoning and City of Atlanta's Land Subdivision Code.

Sec. 15-08.002. Streets.

(a) Streets shall be designed as follows:

(1) The arrangement, design, extent, width, grade and location of all streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. This subsection is not intended to prohibit cul-de-sacs which otherwise would meet the requirements of this part.
(2) In all historic neighborhoods in which street layout and design are a part of and are directly related to identified elements of that neighborhood's historic character, all new streets shall conform to existing street design patterns.
(3) All streets shall tie into existing streets or shall terminate in a cul-de-sac; except that when a street is part of a phased subdivision plan, that street may end without a cul-de-sac provided that a temporary turnaround is provided and a completion bond in the amount necessary to complete the construction of the cul-de-sac is posted.
(4) Completed cul-de-sac streets shall not be permitted to be extended.
(5) All new streets shall be located and designed so as to preserve mature trees when feasible, consistent with all other street design standards set forth in this part.

(b) Residential collector and residential access streets shall be laid out so that their use by through traffic is discouraged.

(c) Where a subdivision abuts or contains existing or proposed arterial or major collector streets, the bureau of planning may require a non-access reservation along said arterial or major collector streets and may further require that proposed building lots be served by newly developed local residential streets.

(d) Reserved strips at the terminus of a new street are permitted only to the extent provided in subsection (a)(3) above and in section 15-08.005(a) below.

(e) Centerlines of proposed intersections shall align with the centerline of existing streets or shall be offset at least 200 feet from the closest intersecting street.

(f) Street intersections shall be as nearly at right angles as is possible.

(g) Minimum street right-of-way and pavement widths shall be as follows:

Street Type	Right-of-Way	
Tarterial street	114'	86'
Major collector street	80'	60'
Residential collector	50'	32'
Residential collector with bicycle lane	55'	37'
Residential access street and residential subcollector	32'	28'

(h) Five (5) feet shall be added to right-of-way and pavement width required above when establishing new streets that will have bicycle lanes or when extending streets that have bicycle lanes.

(i) Streets classified as "residential access street" and "residential subcollector" shall require a 10-foot utility easement on each side of the right-of-way.

(j) The street classifications "residential access street" and "residential subcollector" shall be approved only for cul-de-sac streets or streets on a looped circular or semicircular alignment of 2,000 feet or less in length and 4,000 feet on looped streets.

(k) All cul-de-sac streets shall have a turnaround, at the closed end, with a minimum right-of-way radius for residential property of 47 feet for residential access streets and residential subcollectors, 60 feet for residential collectors and 75 feet for any other street.

(l) Public alleys shall not be permitted. Private alleys shall be permitted, and the applicant shall provide a program for the maintenance for any such private alley.

(m)Maximum street grades shall not exceed the following maximum grades:

Street	*Maximum Grade*
Arterial Street	6%
Major Collector	8%
Residential Collector	12%
Residential Access Street and Residential Subcollector	14%

(n) No street grade shall be less than one percent (1%).

(o) Sight distance shall be as follows:

(1) *Horizontal alignment:* 200 linear feet minimum sight distance.
(2) *Vertical alignment:* Four percent (4%) for residential collector and six percent (6%) for residential access street and residential subcollector maximum rate of change in grade per 100-foot station and all vertical curves shall be symmetrical.

(p) No street right-of-way shall be constructed closer to an exterior wall of a primary structure than the required front yard set back for that zoning district.

Sec. 15-08.003. Easements.

Permanent easements shall not be less than twenty (20) feet in width, except for utility easements which abut and are parallel to a public right-of-way.

Sec. 15-08.004. Blocks.

The lengths, widths and shapes of blocks shall be designed so as to meet each of the following requirements:

(a) Provide for building sites with sufficient buildable area to build a house.
(b) Meet zoning requirements as to lot sizes and dimensions
(c) Assure access, circulation, and safety of pedestrian and vehicular traffic.

Sec. 15-08.005. Lots.

(a) All proposed subdivisions shall be laid out and designed in an orderly pattern of development so as to provide for developable lots on both sides of all new streets and uniform building setbacks for all lots which radiate from the end of cul-de-sac street. No subdivision shall be approved in which lots are created on only one (1) side of a new street. No subdivision shall be approved in which there is a reserved strip of land along any portion of any street proposed to be created, regardless of the form of ownership which may be proposed for the reserved strip of land, except in the case of a parcel acquired by the applicant to provide access to an interior subdivision. In that event the access parcel shall be wide enough to contain the required street right-of-way and in addition shall have a width equal to the width required to provide the

minimum corner lot side setback from the proposed street to each existing house on the contiguous lots. The applicant may offer that portion of the side buffer strips to the contiguous homeowners as necessary to create a conforming corner lot, or, in the alternative may provide that a homeowners association maintain and operate the side buffer strips on either side of the entrance parcel. Side buffer strips shall not be included in calculations for required lot area. The director may waive the requirement set forth in this section that new streets shall have lots on both sides of said new street in cases where the subject site abuts a lake, or a public park or other permanent open space having a depth which is no less than 50 percent of the average depth of the lots in the proposed subdivision.

(b) Each proposed subdivision plat shall indicate the buildable area of each proposed lot. In any case where yard requirements specified in parts 15 and 16 of this code differ, the more restrictive requirement shall apply.

(c) Each lot to be created shall have a developable area for a residence and for accessory uses that meets the requirements of this part and of part 16 of this code. Lots which contain floodplains, wetlands, areas of severe slope, or other restrictive easements shall be reviewed by the director of the bureau of planning to ensure that the developable area is of the size and shape required by this part to permit the intended residential use. The minimum developable area for a dwelling shall be one (1) continuous area containing a minimum square footage for a dwelling as follows, and minimum square footage to allow space for accessory uses, and a total developable area as follows:

Zoning District	Minimum Dimensions of Continuous Area for Dwelling	Minimum Square Footage for Dwelling	Minimum Area for Accessory Uses	Total Developable Area Required
R-1	70' X 40'	2,800	2,800	5,600
R-2	60' X 30'	1,800	1,800	3,600
R-2A	50' X 30'	1,500	1,500	3,000
R-3	50' X 25'	1,250	1,250	2,500
R-3A	40' X 25'	1,000	1,000	2,000
R-4	40' X 25'	1,000	1,000	2,000
R-5	25' X 14'	350	350	700

(d) *Layout of Building Lots.* Building lots shall be laid out and designed as follows, and no lot shall be approved unless the following standards have been met:

(1) Lots on cul-de-sac streets shall have side lot lines which are within 10 degrees of radial to the center of the ball of the cul-de-sac, shall have no less than 35 feet of frontage on the ball of the cul-de-sac, and shall have the required amount of frontage as is specified within the applicable zoning district regulation at the required front yard building setback line for that lot.

(2) Corner lots are required to provide a half-depth front yard setback along the side street side. Corner lots shall have a street frontage which is 10 percent greater than the amount otherwise required by the applicable zoning district regulation.
(3) Side lot lines on curved streets shall be within 10 degrees of radial to the curved street line, shall have no less than 35 feet of frontage at the street, and shall have the required amount of frontage as is specified within the applicable zoning district regulation at the required front yard setback line for that lot.
(4) All lots, other than lots on the ball of cul-de-sac, corner lots, and lots on curved streets, which are described in subsections (1), (2) and (3) above, shall have the amount of lot frontage required by the applicable zoning district regulation. All such lots shall have side lot lines ranging between 80 and 100 degrees except where the existing side lot lines are approximately parallel to each other and intersect the adjacent street at an angle of not less than 60 degrees, and the proposed side lot lines replicate the existing side lot line pattern.
(5) Double-frontage lots shall be prohibited except where essential to provide separation of residential development from traffic arteries. Where such double-frontage lots are permitted, there shall be provided an undisturbed buffer zone of at least 20 feet along the major traffic artery over which there shall be no right of vehicular access.
(6) In all historic neighborhoods, in which lot layout, patterns, and design are a part of and are directly related to identified elements of that neighborhood's character, all new lots shall conform to existing lot layout, patterns, and design, including, without limitation, orientation of lots to public streets.

(e) Land subject to flooding and land that is topographically unsuitable shall not be platted for residential occupancy nor for other uses when to do so will create or increase danger to health, life, or property or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

(f) *Dedication of Land in Floodplains, Wetland Areas, Stream and Creek Beds and Areas of Severe Slope.* Any land which is located within the limits of the 100-year floodplain, within a wetland area, adjacent to a stream or creek bed, or has a slope in excess of 60 degrees may, at the option of the applicant, either be designated on the subdivision plat as an area which will remain in perpetuity as an undisturbed area or may be deeded in fee or easement to the City of Atlanta or other government or to a private not-for-profit corporation authorized to receive land grants and approved by the governing authority, or may alternatively choose neither of the options described above.

(g) *Land Previously Used for Landfill.* In any application for subdivision where the site has previously been used, in whole or in part, as a landfill, no such application shall be given final approval until all of the data described in (2) below has been submitted and the commissioner of the department of public works has made a finding, based on all said data provided pursuant to two (2) below, that the subject site is safe for development.

(1) The applicant shall submit geotechnical data, including a description of subsurface conditions, describing the character of any materials under the proposed subdivision site that may adversely affect the stability or settlement of proposed buildings or structures, and the presence of any soil contaminant which may adversely affect the use of proposed buildings or structures and the health and safety of future occupants of the subject site. Said geotechnical data shall be certified by a registered professional engineer and shall contain the following information:

a. Boring logs at a frequency determined by the commissioner of the department of public works, including soils laboratory data from a recognized testing laboratory; and
b. Analysis of the soil composition with specific analysis to determine the presence of methane or similar hazardous gases; and
c. Conclusions by the engineer of record as to the suitability of the subject site for the purposes intended.

Sec. 15-08.006. Water detention areas.

Where water detention facilities are required pursuant to this part, or by chapter 138 of this code, or by any other applicable local, state or federal regulation, in the approval of any subdivision, the area or areas of any lot or lots on which that portion of the facility serving the area of the five-year storm storage elevation is located shall be increased by an amount equal to the total area of land which is required for the development of the water detention area.

Open water detention structures shall not be located within any yard adjacent to a public street, provided that the commissioner of the department of public works may approve an underground detention facility that is so located, and further provided that where an applicant proposes to construct a collective detention area that serves as an amenity area for the entire subdivision, the director, bureau of planning shall have the discretion to approve said collective detention area. In both instances, the applicant shall provide an agreement holding the City of Atlanta harmless from liability for the construction and maintenance of said water management facilities, and the subdivision plat shall contain a notation that assigns all legal responsibility to the owners for the construction and maintenance of said water management facilities.

Sec. 15-09.001. Required improvements.

Sec. 15-09.002. Street improvements.

Street improvements shall be provided in each subdivision in accordance with the standards and specifications applicable thereto promulgated by the commissioner of the department of public works.

Sec. 15-09.003. Sidewalk and curb improvements.

Except as provided herein, sidewalks shall be provided in each subdivision on both sides of existing and proposed streets. The city council may, through an appropriate resolution for each subdivision, waive the foregoing requirement in order to permit the developer of said subdivision to construct sidewalks of equal or greater length along adjoining streets; provided, however, that the city council may grant such a waiver only if the subdivision developer or the pertinent neighborhood planning unit has formally petitioned the city for said waiver, and only if the city council has received formal comments on said petition from the commissioner of public works and the commissioner of planning, development and neighborhood conservation.

Sec. 15-09.004. Sanitary facilities.

(a) *Sanitary Sewer Available.* Except as provided in subsection (b) below, the applicant shall provide a separate sanitary sewer service connection from a public sanitary sewer to each lot being developed. A City of Atlanta standard sanitary sewer cleanout shall be provided on each sewer connection at the right-of-way/property line location. All sanitary sewer connection and cleanouts shall be installed in accordance with standards and specifications promulgated by the commissioner of the department of public works.

(b) *Sanitary Sewer Not Available.* When in the written opinion of the health officer of Fulton or DeKalb County and the commissioner of the department of public works a public sanitary sewer is not accessible, proper provisions shall be made for the disposal of sanitary wastes in accordance with standards and requirements, including percolation tests, of the health officer of Fulton or DeKalb County. Septic tanks and drain fields shall not be permitted on any lot of less than 30,000 square feet in lot area and less than 100 feet minimum frontage.

(c) *Future Sanitary Outfall Sewers.* Easements granted to the city for future sanitary outfall sewers shall be executed by the owner, and the location of such easement shall be shown on the final plat in accordance with the location approved by the commissioner of public works.

Sec. 15-09.005. Drainage.

(a) *Facilities Required.* As determined by the commissioner of public works and/or the health officer of Fulton County or DeKalb County, the developer shall provide for all necessary facilities, including underground pipe, inlets, catch basins or open drainage ditches, for the adequate disposal of surface water, to maintain any natural drainage course and to establish easements for future sewers and outfalls, if needed. Other improvements, such as widening, deepening, relocating, clearing, protecting or otherwise improving stream beds and other watercourses for the control of mosquitoes and public health nuisances shall be provided by the developer in accordance with the standards and requirements of the appropriate local permitting authority and applicable regulations promulgated pursuant to the Clean Water Act, 33 U.S.C. section 1251, et seq., as amended.

(b) *Installation.* All installations required by this section shall be installed or performance bond posted to ensure installation by the owner before the final plat is approved.

Sec. 15-09.006. Street paving.

After final approval of the preliminary plat and prior to carrying out initial improvements based on the preliminary plat, the applicant may seek a building permit from the bureau of buildings of the City of Atlanta. After a building permit has been obtained, the applicant may proceed with grading and infrastructure installation in accordance with the requirements of the building permit, the standards set forth in this part, and the standards and specifications applicable thereto promulgated by the commissioner of the department of public works.

Sec. 15-09.007. Reference monuments.

Permanent reference monuments shall be of one-inch pipe at least thirty-six (36) inches long and shall be set to approved grades. The monuments shall be set at block corners and such other points as may be required by the city. Permanent reference monuments for lot corners shall be half-inch iron rods thirty (30) inches long with top set flush with the ground.

Sec. 15-09.008. Water impoundment structures.

Any water impoundment structure shall be constructed so as to minimize mosquito breeding and other nuisances and hazards. The outside toe of any dam shall be at least fifty (50) feet away from the toe of the street right-of-way slope. Any dam to be constructed within the city shall require the approval of the commissioner of public works and the health officer, and shall be constructed in accordance with standards and specifications promulgated by the commissioner of the department of public works.

Sec. 15-10.001. Appeals.

Final administrative decisions made pursuant to this part by the director, bureau of planning, director, bureau of buildings and the commissioner of the department of public works may be appealed by an aggrieved party to the board of zoning adjustment in accordance with the procedures set forth in section 16-30.010 of this code. Appeals from the board of zoning adjustment of Fulton County Superior Court shall be the same as those authorized and provided by section 16-26.007 of this code. No provision contained within this part shall be subject to variance by the board of zoning adjustment.

Section 15-11.001. Violation and penalty.

The provisions of this part shall be enforced by the director, bureau of buildings. Any person, firm or corporation violating any of the provisions of this part shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in section 1-8 of this code. Each day's continuance of a violation shall be considered a separate offense. The owner of any property, or part thereof, where anything in violation of this

part exists, and any engineer, architect, landscape architect, land surveyor, builder, contractor or agent of the owner, who commits or assists in the commission of any violation, shall be guilty of a separate offense..

Section 15-12.001. Separability of provisions.

Should any section or provision of this part be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this part as a whole or any section thereof other than the section or provision specifically declared to be invalid.

Attachment A

Conservation Subdivision Trigger Area Guidelines

- ☐ **Within 200 feet of streams**
- ☐ **Within 200 feet of existing greenways**
- ☐ **Containing wetlands/water bodies**
- ☐ **Within 100 year floodplain**
- ☐ **Containing soils that flood**
- ☐ **Within 2000 feet of Chattahoochee River**
- ☐ **Containing Forested lands**
- ☐ **Containing significant cultural or archaeological resources**
- ☐ **Within public interest area**

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

City Council
Atlanta, Georgia

04-O-0073

A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-03-88
12/9/03

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

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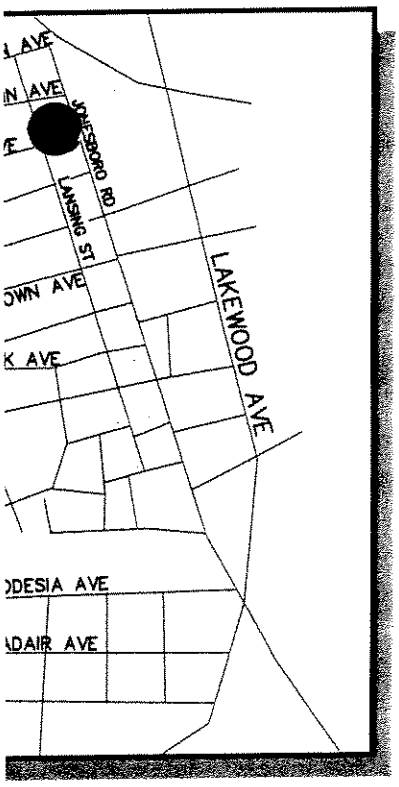
D-2

PARCEL 13 LEGAL DESCRIPTION



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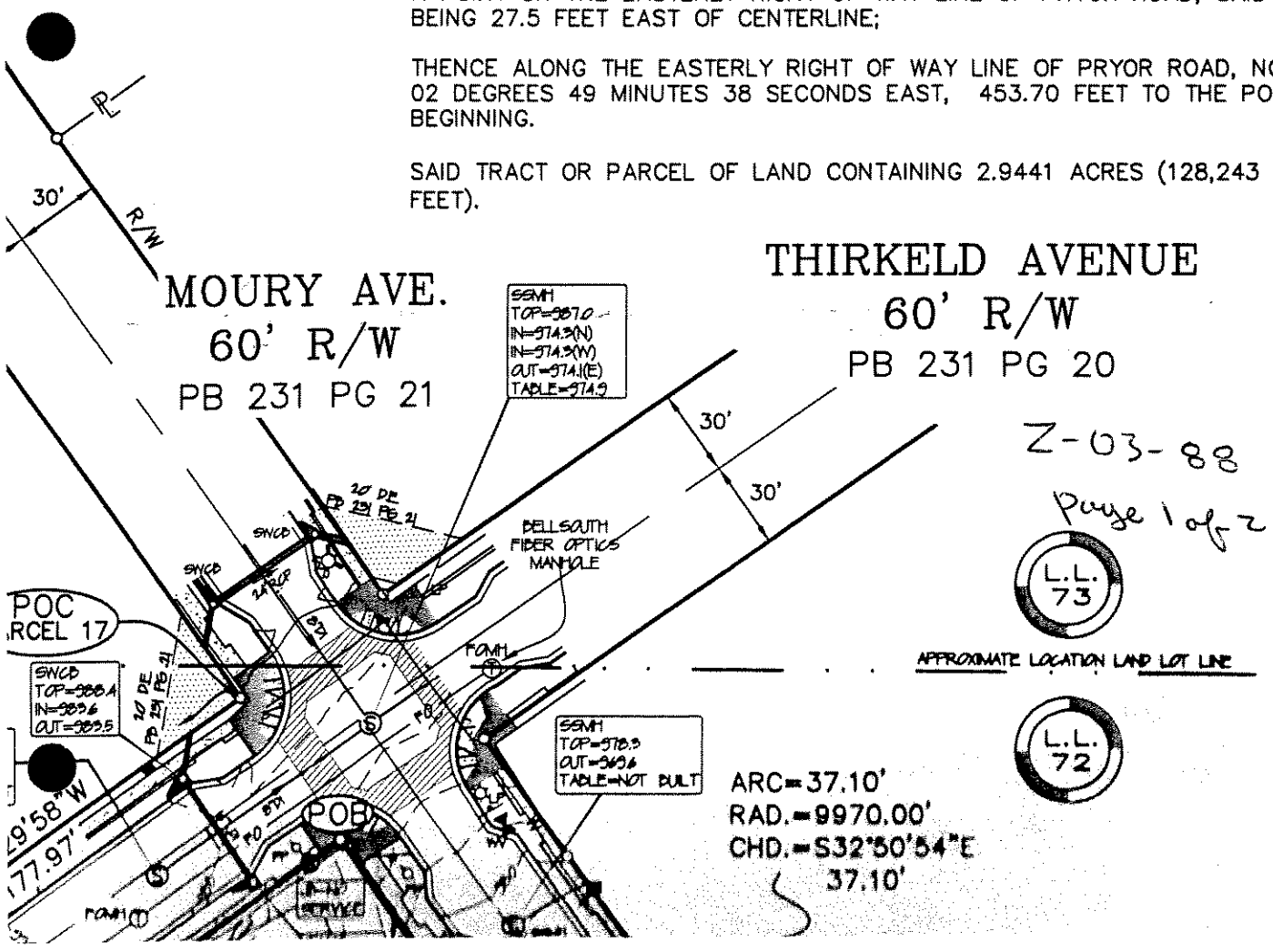

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SURVEYOR'S NOTES 2-03-88

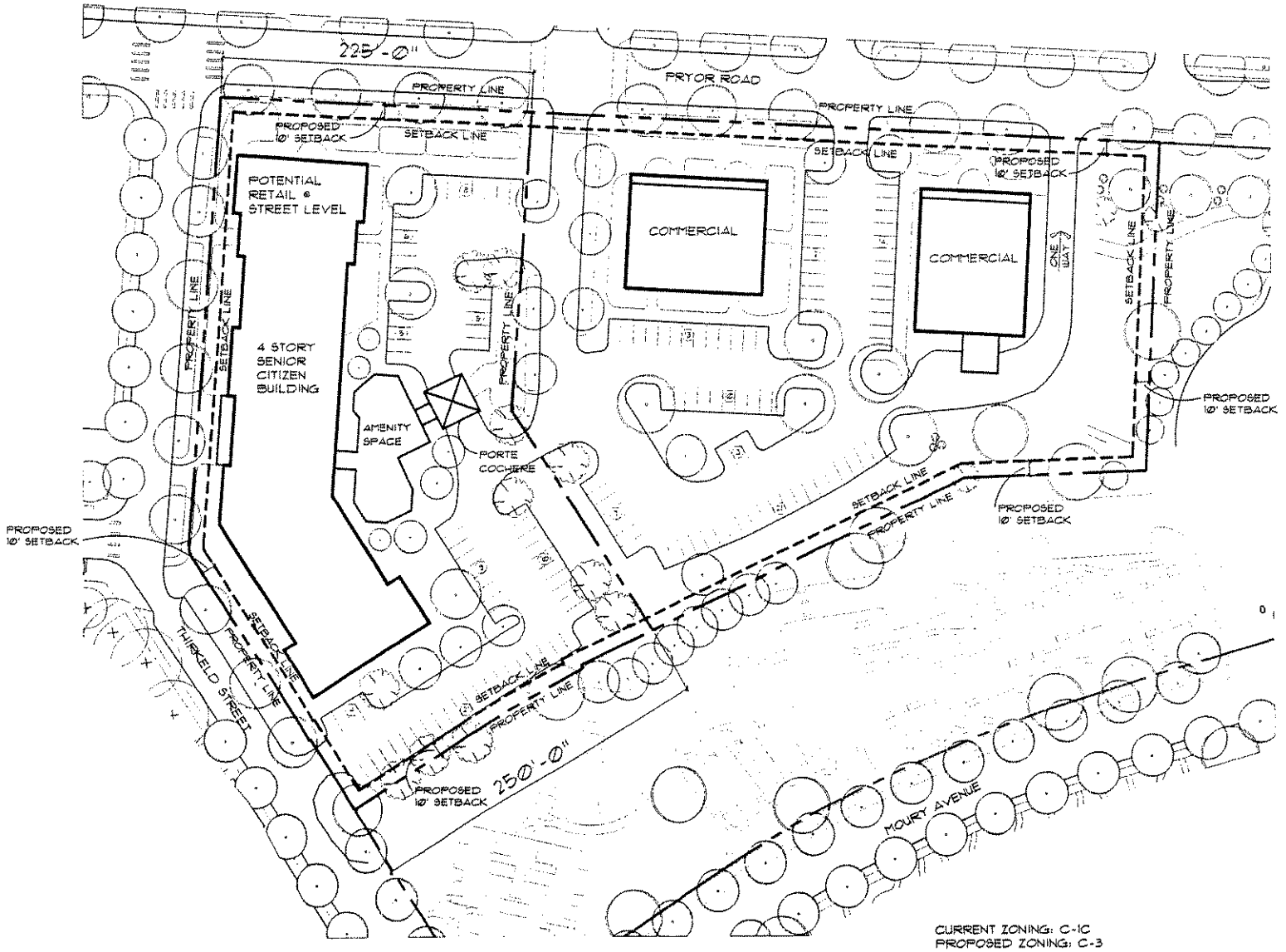
Page 2 of 2

SEILER & ASSOCIATES INC

OGRAPHIC

Conditions for Z-03-88

Site plan titled Pryor Road Mixed Use, by Rees/Design Associates, P.C., dated December 1, 2003, and stamped as received by the City of Atlanta Bureau of Planning on December 9, 2003



CURRENT ZONING: C-1C
PROPOSED ZONING: C-3

PROPOSED USE:
100 UNIT (±) SENIOR CITIZEN APARTMENT BUILDING
16,000 SF (±) COMMERCIAL SPACE

AREA: 5.4 ACRES TOTAL
2.5 ACRES @ RESIDENTIAL SPACE
2.9 ACRES @ COMMERICAL SPACE

PARKING:
68 SPACES @ RESIDENTIAL SPACE
80 SPACES @ COMMERCIAL SPACE

2-03-00

RECEIVED DEC 09 2003 BUREAU OF PLANNING

REES/DESIGN ASSOCIATES, P.C.
DECEMBER 1, 2003

NORTH ARROW

40 20 0 40 80
GRAPHIC SCALE

REVISIONS

REES/DESIGN ASSOCIATES, P.C.
ARCHITECTURE • PLANNING • INTERIORS
2955 PHARR COURT SOUTH SUITE 200
ATLANTA, GEORGIA 30305 (404)240-9299

PRYOR ROAD MIXED USE

JOB NO.
DRAWN BY:
DATE: 12/01/03

SHEET NUMBER

ISSUED FOR CONSTRUCTION

City Council
Atlanta, Georgia

04-O -0073

AN ORDINANCE
BY: ZONING COMMITTEE

Z-03-88
12-9-03

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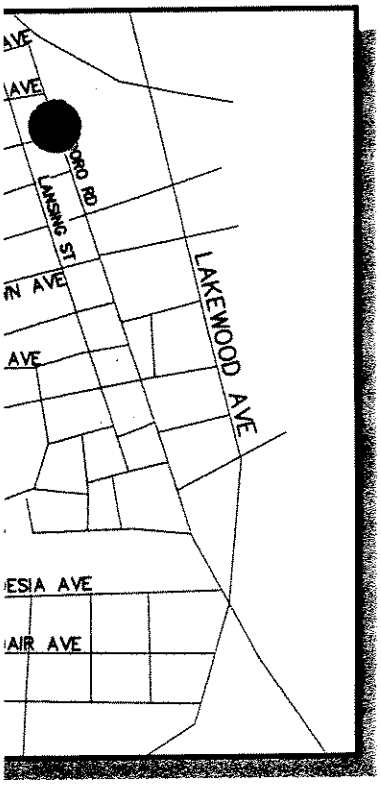

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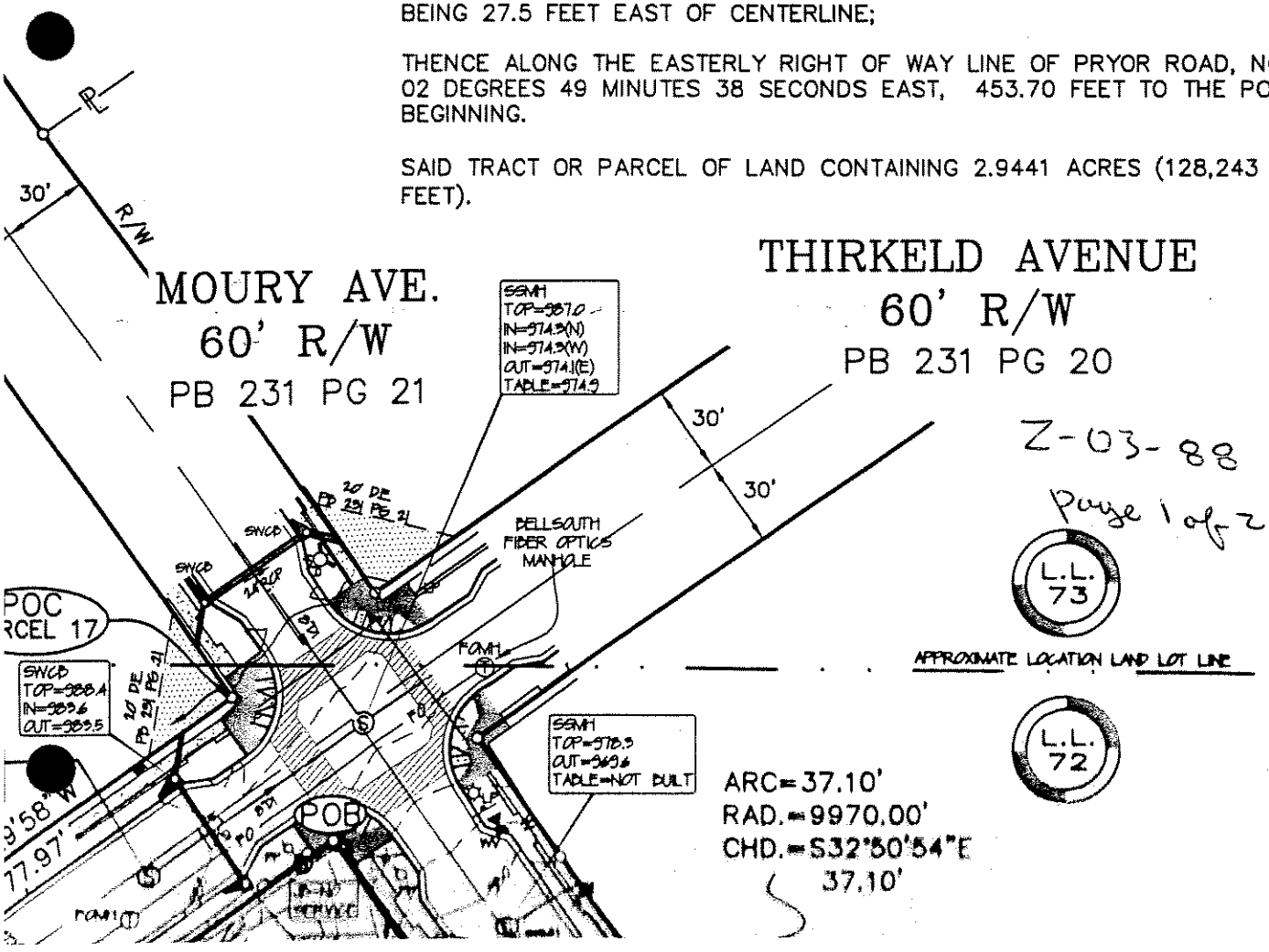

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SURVEYOR'S NOTES

2-03-88

page 2 of 2

SEILER & ASSOCIATES INC

OGRAPHIC

RCS# 5358
1/20/04
3:01 PM

Atlanta City Council

Regular Session

MULTIPLE 1ST READS;04-O-0069,04-O-0070,04-O-0071,
04-O-0072, 04-O-0073, 04-O-0074
REFER

YEAS:	11
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	3

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	B Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	NV Muller	B Boazman	NV Woolard

MULTIPLE

City Council
Atlanta, Georgia

04-O -0073

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BY: ZONING COMMITTEE

Z-03-88
12-9-03

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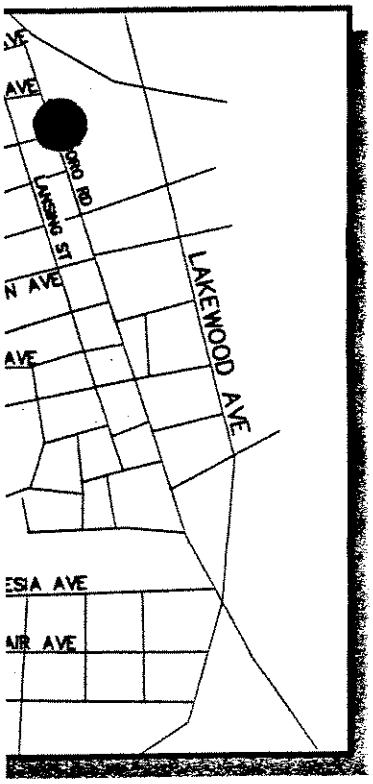

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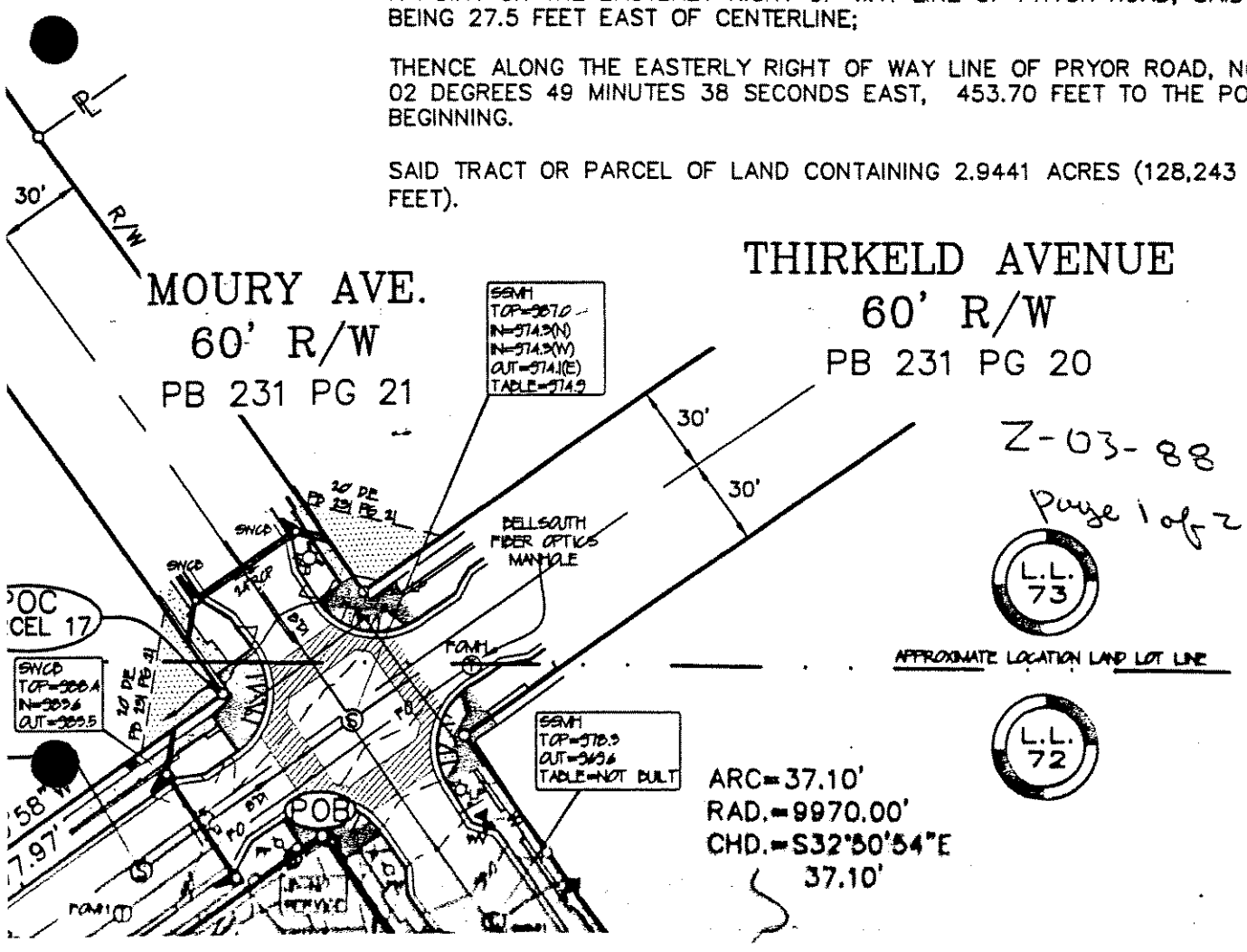

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REFER

YEAS:	11
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	3

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	B Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	NV Muller	B Boazman	NV Woolard

MULTIPLE

COMMITTEE AMENDMENT FORM

Committee ZONING **Page Number(s)** 2

Ordinance I.D.# 04-O-1365 **Section(s)** 1

Resolution I.D.# _____ **Paragraph** (B)

Date 12/1/04

Amendment: ADD WORD "VALID" BEFORE LICENSE ON LINE 5 SUCH THAT THIS LINE SHALL READ "OPERATED AT THAT LOCATION UNLESS THERE HAS BEEN A VALID LICENSE FOR ON PREMISES"

D-3

A SUBSTITUTE ORDINANCE BY:
COUNCILMEMBER ANNE FAUVER

04-O-1365

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF CHAPTER 16 OF THE CITY OF ATLANTA CODE OF ORDINANCES ("THE ZONING CODE") FOR THE PURPOSE OF MODIFYING THE PARKING REQUIREMENTS ASSOCIATED WITH EATING AND DRINKING ESTABLISHMENTS IN ORDER TO INCREASE THE PARKING REQUIREMENTS FOR THOSE ESTABLISHMENTS LICENSED FOR THE ON THE PREMISES CONSUMPTION OF MALT BEVERAGES, WINE AND/OR DISTILLED SPIRITS WHEN SUCH ESTABLISHMENTS DERIVE MORE THAN 60% OF THEIR INCOME FROM SUCH SALES; AND FOR OTHER PURPOSES.

WHEREAS, the Alcohol Technical Advisory Group was asked to review certain provisions of Chapter 10 of the City of Atlanta Code of Ordinances which regulates the sale of alcoholic beverages and to produce recommendations; and

WHEREAS, the Alcohol Technical Advisory Group has reviewed the ordinances related to parking in establishments which are licensed for the sale of distilled spirits for on premises consumption; and

WHEREAS, the Alcohol Technical Advisory Group has also reviewed the parking requirements which apply to eating and drinking establishments as set forth in the Zoning Code; and

WHEREAS, the Alcohol Technical Advisory Group believes that the two sets of parking requirements can be consolidated without any deleterious effects on the public health, safety and welfare; and

WHEREAS, the Alcohol Technical Advisory Group has found that the regulatory purposes related to these parking requirements can be best served by having most of the parking regulations appear only in the Zoning Code; and

WHEREAS, the Alcohol Technical Advisory Group has presented ordinances which to both the Public Safety and Legal Administration Committee and the Zoning Committee to accomplish this consolidation;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1. That Section 16-24.006 of the City of Atlanta Zoning Code concerning non-conforming characteristic of use is amended by denoting the present text to be identified as subsection (a) and by adding the following text to become subsection (b) which shall read as follows:

(b) The parking requirements for a business that is to be operated with a license for the consumption of malt beverages, wine and/or distilled spirits, shall not be based on the continuation of non-conforming off street parking arrangements for any eating and drinking establishment that has previously operated at that location unless there has been a license for on-premises consumption of the same type as that under consideration, in operation at that location within the previous twelve months.

Section 2. That Section 16-09.003(7) of the City of Atlanta Zoning Code concerning principal permitted uses in RLC zoning districts which reads as follows:

(7) Restaurants, in existing structures with no more than 2,000 square feet of floor space devoted to such use and having no drive-in service.

is amended to read as follows:

(7) Restaurants, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, which are operated in existing structures with no more than 2,000 square feet of floor space devoted to such use and having no drive-in service.

Section 3. That Section 16-09.005(1)(f) of the City of Atlanta Zoning Code concerning uses allowed by special permits in RLC zoning districts which reads as follows:

(f) Outdoor dining at restaurants when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, or R-5 district, or that is used as a residential property.

is amended to read as follows:

(f) Outdoor dining at restaurants, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, or R-5 district, or that is used as a residential property.

Section 4. *Text deleted* – No change required to Section 16-09.011(10);

Section 5. *Text deleted* – No change required to Section 16-09.011(11);

Section 6. That Section 16-10.004 of the City of Atlanta Zoning Code concerning accessory uses and structures in O-I zoning districts which reads as follows:

Uses and structures which are customarily incidental and subordinated to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, wind generator and similar devices. And in addition the following retail uses subject to the limitations set forth herein:

(1) Apothecary shops, optical shops, shops for sale of prosthetic appliances, hearing aids and the like.
(2) Barbershops, beauty shops and similar personal service establishments.
(3) Eating and drinking establishments.
(4) Establishments for sale of convenience goods. Package stores are expressly prohibited as an accessory use in this district.

Such establishments shall be located, designed and scaled to meet the needs of employees, patients, patrons, or visitors wholly within buildings containing the principal uses to which they are accessory. Total floor area in such accessory

(text continues on page 4)

establishments shall not exceed 10 percent of the total floor area of a building of up to 50,000 square feet, or five percent of additional floor area.

is amended to read as follows:

Uses and structures which are customarily incidental and subordinated to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, wind generator and similar devices. And in addition the following retail uses subject to the limitations set forth herein:

(1) Apothecary shops, optical shops, shops for sale of prosthetic appliances, hearing aids and the like.
(2) Barbershops, beauty shops and similar personal service establishments.
(3) Eating and drinking establishments including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.
(4) Establishments for sale of convenience goods. Package stores are expressly prohibited as an accessory use in this district.

Such establishments shall be located, designed and scaled to meet the needs of employees, patients, patrons, or visitors wholly within buildings containing the principal uses to which they are accessory. Total floor area in such accessory establishments shall not exceed 10 percent of the total floor area of a building of up to 50,000 square feet, or five percent of additional floor area.

Section 7. That Section 16-11.003(10) of the City of Atlanta Zoning Code concerning principal permitted uses in C-1 zoning districts which reads as follows:

(10) Eating and drinking establishments.

is amended to read as follows:

(10) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 8. That Section 16-11.010(11) of the City of Atlanta Zoning Code concerning minimum off street parking in C-1 zoning districts which reads as follows:

(11) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(11) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60%

of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 9. That Section 16-011.010(21) of the City of Atlanta Zoning Code concerning minimum off street parking in C-1 zoning districts which reads as follows:

> (21) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

> (21) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 10. That Section 16-12.003(9) of the City of Atlanta Zoning Code concerning principal permitted uses in C-2 zoning districts which reads as follows:

> (9) Eating and drinking establishments.

Is amended to read as follows:

> (9) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 11. That Section 16-12.009(16) of the City of Atlanta Zoning Code concerning minimum off street parking in C-2 zoning districts which reads as follows:

> (16) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(16) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 12. That Section 16-12.009(19) of the City of Atlanta Zoning Code concerning minimum off street parking in C-2 zoning districts which reads as follows:

(19) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements,: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(19) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 13. That Section 16-13.003(9) of the City of Atlanta Zoning Code concerning principal permitted uses in C-3 zoning districts which reads as follows:

(9) Eating and drinking establishments.

is amended to read as follows:

(9) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 14. That Section 16-13.009(15) of the City of Atlanta Zoning Code concerning minimum off street parking in C-3 zoning districts which reads as follows:

(16) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(16) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 15. That Section 16-13.009(18) of the City of Atlanta Zoning Code concerning minimum off street parking in C-3 zoning districts which reads as follows:

(18) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(18) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements,: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 16. That Section 16-14.003(9) of the City of Atlanta Zoning Code concerning principal permitted uses in C-4 zoning districts which reads as follows:

(9) Eating and drinking establishments.

is amended to read as follows:

(9) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 17. That Section 16-14.009(d) of the City of Atlanta Zoning Code concerning minimum off street parking in C-4 zoning districts which reads as follows:

(d) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 1200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(d) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 1200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 900 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 18. That Section 16-15.003(9) of the City of Atlanta Zoning Code concerning principal permitted uses in C-5 zoning districts which reads as follows:

(10) Eating and drinking establishments.

is amended to read as follows:

(10) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 19. That Section 16-16.003(7) of the City of Atlanta Zoning Code concerning principal permitted uses in I-1 zoning districts which reads as follows:

(7) Eating and drinking establishments including drive-in's; catering establishments, delicatessens, bakeries.

is amended to read as follows:

(7) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries.

Section 20. That Section 16-16.009(4) of the City of Atlanta Zoning Code concerning minimum off street parking in I-1 zoning districts which reads as follows:

(4) *Eating and drinking establishments, delicatessens, retail sales:* One space for each 100 square feet. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(4) *Eating and drinking establishments, delicatessens, retail sales:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 21. That Section 16-16.009(19) of the City of Atlanta Zoning Code concerning minimum off street parking in I-1 zoning districts which reads as follows:

> (19) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

> (19) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 22. That Section 16-17.003(7) of the City of Atlanta Zoning Code concerning principal permitted uses in I-2 zoning districts which reads as follows:

> (7) Eating and drinking establishments including drive-in's; catering establishments, delicatessens, bakeries.

is amended to read as follows:

> (7) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries.

Section 23. That Section 16-17.009(4) of the City of Atlanta Zoning Code concerning minimum off street parking in I-1 zoning districts which reads as follows:

> (4) *Eating and drinking establishments, delicatessens, retail sales*: One space for each 100 square feet. Floor area for eating and drinking establishments and delicatessens shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

> (4) *Eating and drinking establishments, delicatessens, retail sales:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area for eating and drinking

establishments and delicatessens shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 24. That Section 16-17.009(16) of the City of Atlanta Zoning Code concerning off street parking in I-2 zoning districts which reads as follows:

(16) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(16) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 25. That Section 16-18A.003(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-1 zoning district (Central Core District) which reads as follows:

(8) Eating and drinking establishments, other than those with drive-in facilities.

is amended to read as follows:

(8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, but not including those with drive-in facilities.

Section 26. That Section 16-18B.003(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-2 zoning district (North Avenue District) which reads as follows:

(8) Eating and drinking establishments.

is amended to read as follows:

(8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 27. That Section 16-18C.003(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-3 zoning district (Midtown District) which reads as follows:

(8) Eating and drinking establishments.

is amended to read as follows:

(8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 28. That Section 16-18D.003(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-4 zoning district (Arts Center District) which reads as follows:

(8) Eating and drinking establishments.

is amended to read as follows:

(8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 29. *Text deleted* – No change required to Section 16-18I.003

Section 30. That Section 16-18K.004(1)(b)(4) of the City of Atlanta Zoning Code concerning permitted uses in the SPI-11 Ashby Station District Shopping Subarea which reads as follows:

(4) Eating and drinking establishments.

is amended to read as follows:

(4) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 31. That Sections 16-18K.004(1)(b)(2) 16-18K.004(1)(b)(6) and 16-18K.004(1)(b)(7) of the City of Atlanta Zoning Code concerning off street parking in the SPI-11 Ashby Station District Shopping Subarea which read as follows:

2. Commercial recreations establishments, eating and drinking establishments: One space for each 250 square feet of floor area.

6. Accessory outdoor dining: Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent

must provide one space per 400 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

7. Accessory outdoor dining: Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent must provide one space per 300 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

are amended to read as follows:

(text continues on page 13)

2. Commercial recreation establishments: One space for each 250 square feet of floor area.

6. Eating and drinking establishments: One space for each 250 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 185 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

7. Accessory outdoor dining: Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent must provide one space per 300 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 32. That Section 16-18K.004(2)(b)(7) of the City of Atlanta Zoning Code concerning permitted uses in the SPI-11 Martin Luther King, Jr. Drive - Ashby Street Commercial Subarea which reads as follows:

(7) Eating and drinking establishments.

is amended to read as follows:

(7) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 33. That Sections 16-18K.004(2)(k)(2) of the City of Atlanta Zoning Code concerning off street parking in the SPI-11 Martin Luther King, Jr. Drive - Ashby Street Commercial Subarea which reads as follows:

2. Commercial recreations establishments, eating and drinking establishments: One space for each 250 square feet of floor area.

is amended to read as follows:

2. Commercial recreations establishments, eating and drinking establishments: One space for each 250 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 185 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the

existing building footprint where walls have been removed and a permanent roof remains.

Section 34. That Section 16-18M.005(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-13 zoning district (Centennial Olympic Park) which reads as follows:

(8) Eating and drinking establishments.

is amended to read as follows:

(8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 35. That Section 16-18O.005(7) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-15 zoning district (Lindbergh Transit Station Area) which reads as follows:

(7) Eating and drinking establishments, subject to further restrictions contained in section 16-18O.029.

is amended to read as follows:

(7) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, subject to further restrictions contained in section 16-18O.029.

Section 36. That Section 16-18O.022 of the City of Atlanta Zoning Code concerning off street parking in SPI-15 zoning district (Lindbergh Transit Station Area) which reads as follows:

In addition to the provisions of section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all uses approved by special permits as well as permitted uses and uses allowed in subareas. (See also sections 16-28.013 and 16-28.014):

1. *Off-street surface parking.*
   a. Shall not be located between the principal structure and the street.
   b. Shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use mayuse such facility for shared parking during non-normal business hours by compliance with subsection 7. below.

2. *Electric vehicle charging stations.* All automobile parking facilities shall include electric vehicle charging stations in a ratio of at least onestation for every 100

automobile parking spaces. No development shall be required to exceed a maximum of 12 spaces.

3. *For residential uses maximum permitted.*

   a. For residents one parking space per bedroom for up to two bedrooms and one-half parking space for each bedroom unit of three and above may be provided per dwelling unit.
   b. For visitor parking one-third parking space per dwelling unit may be provided.

4. *Single room occupancy residence.* One parking space per each four dwelling units, plus one space per each employee, shall be provided on the site.

5. *Prohibited nonresidential parking.* Parking reserved exclusively for nonresidential uses is prohibited in the residential subareas specified in section 16-180.029. For nonresidential uses maximum requirements unless otherwise stated:

   a. Banks, savings and loan institutions, and the like: One space per each 200 square feet of floor area.
   b. Business colleges, trade schools, conservatories, dancing schools, and the like: One space per each 200 square feet of floor area.
   c. Child care centers, day care centers, prekindergartens, play and other special schools or day care centers for young children: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director, bureau of traffic and transportation.
   d. Clubs, lodges: One space for each 200 square feet of floor area.
   e. Dormitories, fraternities, sororities: One space for two beds plus one space for each 200 square feet of floor area designated or occupied other than for sleeping purposes.
   f. Hotels and motels: One space per rental unit plus one-half space per employee; one space per 100 square feet of restaurant/lounge gross leasable area; one space per 300 square feet of other convention facilities.
   g. Eating and drinking establishments accessory outdoor dining which is 25 percent or less than the total gross floor area of the building or business: No parking requirement.
   h. Eating and drinking establishments accessory outdoor dining which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements: One space for each 200 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.
   i. Nursing homes, convalescent homes, and similar care facilities: One space for four beds.

j. Office uses: No minimum. A maximum of two and one-half spaces for each 1,000 square feet of floor area. Parking during off-peak hours (after 6:00 p.m.) may be shared for other uses.

k. Schools, colleges, churches, recreation or community centers and other places of assembly. One space per each four fixed seats (with 18 inches if bench length counted as one seat or one space per each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:

i. *Public or private elementary or middle school:* Two spaces per each classroom.

ii. *High school:* Four spaces per each classroom.

iii. *Colleges and universities:* Eight spaces per each classroom.

l. For all other nonresidential uses:

i. For subarea 1 in section 16-180.028: One space per each 600 square feet of floor area.

ii. For subareas 2 through 8 in section 16-180.028 and section 16-180.029: Three and seven-tenths parking spaces per each 1,000 square feet of floor area.

7. Variations in parking requirements. The director of the bureau of planning may reduce parking requirements, provided there is a shared parking arrangement which avoids conflicting parking demands and provides for safe pedestrian circulation and access. Additionally, all shared parking spaces shall be clearly marked and signed as reserved during specified hours. An applicant shall submit the following information establishing conformance to the above criteria in order to reduce parking requirements and avoid conflicting parking demands:

a. A to-scale map indicating location of all proposed parking spaces;

b. Indicate hours of business operation(s);

c. Written consent of all property owners agreeing to the shared parking arrangement;

d. Copies of parking leases. Renewed leases shall be provided to the director of the bureau of planning. Lack of a current lease shall automatically terminate the variation authorization.

8. Park-for-hire surface parking lots are prohibited. Park-for-hire parking decks are permitted only if specifically authorized in a particular subarea.

is amended to read as follows:

1. *Off-street surface parking.*

a. Shall not be located between the principal structure and the street.

b. Shall be accessory to a permitted principal use only, provided that parking spaces serving one principal permitted use may serve another principal permited use by compliance with subsection 7

2. *Electric vehicle charging stations.* All automobile parking facilities shall include electric vehicle charging stations in a ratio of at least one station for every 100 automobile parking spaces. No development shall be required to exceed a maximum of 12 spaces.

3. *Residential Uses.*

No parking is required but may be provided up to the maximums specified in this subsection, excluding any increases allowed by shared parking arrangements.

a. For residents one parking space per bedroom for up to two bedrooms and one-half parking space for each additional bedroom in any unit

b. One visitor parking space may be provided for each three units.

c. Residential parking in excess of the required parking is not allowed unless provided by a shared parking arrangement.

d. Where the total number of spaces required is not a whole number, the next largest whole number shall be the parking requirment,

4. *Single room occupancy residence. Notwithstanding other permissions to the contrary* One parking space per each four dwelling units, plus one space per each employee, shall be provided on the site.

5. *Nonresidential uses.* Parking is required at the levels specified in this subsection. No use may exceed the required parking set forth in this section without a variation approved by the director of the bureau of planning.

a. Banks, savings and loan institutions, and the like: One space per each 200 square feet of floor area.

b. Business colleges, trade schools, conservatories, dancing schools, and the like: One space per each 200 square feet of floor area.

c. Child care centers, day care centers, prekindergartens, play and other special schools or day care centers for young children: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director, bureau of traffic and transportation.

d. Clubs, lodges: One space for each 200 square feet of floor area.

e. Dormitories, fraternities, sororities: One space for two beds plus one space for each 200 square feet of floor area designated or occupied other than for sleeping purposes.

f. Hotels and motels: One space per rental unit plus one-half space per employee; one space per 100 square feet of restaurant/lounge gross leasable area; one space per 300 square feet of other convention facilities.

g. *Eating and drinking establishments:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

h. *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the establishment with no parking requirements: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

i. Nursing homes, convalescent homes, and similar care facilities: One space for four beds.

j. Office uses: No minimum. A maximum of two and one-half spaces for each 1,000 square feet of floor area. Parking during off-peak hours (after 6:00 p.m.) may be shared for other uses.

k. Schools, colleges, churches, recreation or community centers and other places of assembly. One space per each four fixed seats (with 18 inches if bench length counted as one seat or one space per each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:

i. *Public or private elementary or middle school:* Two spaces per each classroom.
ii. *High school:* Four spaces per each classroom.
iii. *Colleges and universities:* Eight spaces per each classroom.

l. For all other nonresidential uses:

i. For subarea 1 in section 16-180.028: One space per each 600 square feet of floor area.

ii. For subareas 2 through 8 in section 16-18O.028 and section 16-18O.029: Three and seven-tenths parking spaces per each 1,000 square feet of floor area.

6. Parking reserved exclusively for nonresidential uses is prohibited in the residential subareas specified in section 16-18O.029. All non-residential uses in the residential subareas shall post signs indicating the hours when such spaces may be utilized for residential uses.

7. Variations in parking requirements. The director of the bureau of planning is authorized to reduce the off street surface parking requirements, provided there is a shared parking arrangement which avoids conflicting parking demands and provides for safe pedestrian circulation and access. All shared parking spaces shall be clearly marked and signed as reserved during specified hours. An applicant shall submit the following information establishing conformance to the above criteria in order to reduce parking requirements and avoid conflicting parking demands:

a. A to-scale map indicating location of all proposed parking spaces;

b. Indicate hours of business operation(s);

c. Written consent of all property owners agreeing to the shared parking arrangement;

d. Copies of parking leases. Renewed leases shall be provided to the director of the bureau of planning. Lack of a current lease shall automatically terminate the variation authorization.

9. Park-for-hire surface parking lots are prohibited.

10. Park-for-hire parking decks are permitted only if specifically authorized in a particular subarea.

Section 37. That Section 16-18P.003(5) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-16 zoning district (Midtown District) which reads as follows:

(5) Eating and drinking establishments, subject to further restrictions contained in section 16-18P.007(1)(b).

is amended to read as follows:

(5) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, subject to further restrictions contained in section 16-18P.007(1)(b).

Section 38. That Sections 16-18P.022(5)(f), 16-18P.022(5)(g), and 16-18P.022(5)(h) of the City of Atlanta Zoning Code concerning off street parking requirements in the SPI-16 zoning district (Midtown District) which reads as follows:

f. Eating and drinking establishments indoor requirements:

i. South of 14th Street and east of Juniper Street: A minimum of one space for each 300 square feet of floor area and a maximum of two and one-half spaces for each 300 square feet of floor area;
ii. All other areas: A minimum of one space for each 600 square feet of floor area and a maximum of two and one-half spaces for each 600 square feet of floor area.

g. Eating and drinking establishments accessory outdoor dining which is 25 percent or less than the total gross floor area of the building or business, and is not covered with a permanent structure: A maximum of two and one-half spaces for each 600 square feet of floor area.

h. Eating and drinking establishments accessory outdoor dining which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements:

i. North of 10th Street and east of Juniper Street: A minimum of one space for each 300 square feet area and a maximum of two and one-half spaces for each 300 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.
ii. South of 10th Street and east of Juniper Street: A minimum of one space for each 200 square feet and a maximum of two and one-half spaces for each 200 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.
iii. All other areas: A minimum of one space for each 600 square feet and a maximum of two and one-half spaces for each 600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.

are amended to read as follows:

f. Eating and drinking establishments indoor requirements:

i. South of 14th Street and east of Juniper Street: A minimum of one space for each 300 square feet of floor area and a maximum of two and one-half spaces for each 300 square feet of floor area; where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area and a maximum of two and one-

half spaces for each 300 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains;

ii. All other areas: A minimum of one space for each 600 square feet of floor area and a maximum of two and one-half spaces for each 600 square feet of floor area; where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of floor area and a maximum of two and one-half spaces for each two and one-half spaces for each 600 square feet of floor area . Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

g. Eating and drinking establishments accessory outdoor dining which is 25 percent or less than the total gross floor area of the building or business, and is not covered with a permanent structure: A maximum of two and one-half spaces for each 600 square feet of floor area.

h. Eating and drinking establishments accessory outdoor dining which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements:

i. North of 10th Street and east of Juniper Street: A minimum of one space for each 300 square feet area and a maximum of two and one-half spaces for each 300 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area and a maximum. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains;

ii. South of 10th Street and east of Juniper Street: A minimum of one space for each 200 square feet and a maximum of two and one-half spaces for each 200 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.

iii. All other areas: A minimum of one space for each 600 square feet and a maximum of two and one-half spaces for each

600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.

Section 39. That Section 16-18Q.0021(5)(d) of the City of Atlanta Zoning Code concerning off street parking in the SPI-18 zoning district (Piedmont Avenue District) which reads as follows:

> (d) Eating and drinking establishments indoor minimum requirements. One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

> (d) Eating and drinking establishments indoor minimum requirements. One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 40. That Section 16-18Q.0027(1)(a)(ii) of the City of Atlanta Zoning Code concerning permitted uses in the SPI-18 zoning district (Piedmont Avenue District) Subarea 3 (10th and Piedmont) which reads as follows:

> (ii) Eating and drinking establishments.

is amended to read as follows:

> (ii) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 41. That Section 16-18Q.0027(2)(a)(iii) of the City of Atlanta Zoning Code concerning permitted uses in the SPI-18 zoning district (Piedmont Avenue District) Subarea 3 (10th and Piedmont) which reads as follows:

> (iii) Eating and drinking establishments greater than 2000 square feet of floor area

is amended to read as follows:

(iii) Eating and drinking establishments greater than 2000 square feet of floor area, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 41. That the table following Section 16-18T.005 of the City of Atlanta Zoning Code concerning permitted uses in the SPI-20 zoning district (Greenbriar District) which denotes an entry for "restaurants, bars[11]" be amended to state "eating and drinking establishments[11]" and that the corresponding footnote 11 which states "including coffee shops, delicatessens and taverns" be amended to state "[11]including restaurants, bars, coffee shops, delicatessens and taverns."

Section 42. That Sections 16-18T.022(5)(f) and 16-18T.022(5)(g) of the City of Atlanta Zoning Code concerning off street parking in the SPI-20 Greenbriar District which read as follows:

f. *Eating and drinking establishments with accessory outdoor dining covered with a permanent structure:*

i. Within Subarea 1: One parking space for each three hundred (300) square feet of floor area.
ii. Within Subareas 2-6: One parking space for each three hundred (100) square feet of floor area.

g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds twenty five (25%) percent of total gross floor area of the building or business shall have the following requirements: One space for each six hundred (600) square feet of the total accessory outdoor dining floor area including the twenty five (25%) percent non-exempt floor space.

are amended to read as follows:

f. Eating and drinking establishments

i. Within Subarea 1: One parking space for each three hundred (300) square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

ii. Within Subareas 2-6: One parking space for each three hundred (100) square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the

sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds twenty five (25%) percent of total gross floor area of the building or business shall have the following requirements: One space for each six hundred (600) square feet of the total accessory outdoor dining floor area including the twenty five (25%) percent non-exempt floor space. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of floor area.

Section 43. That Section 16-19B.003(5) of the City of Atlanta Zoning Code concerning principal permitted uses in PD-MU (Planned Development – Mixed Use) zoning districts which reads as follows:

(5) Eating and drinking establishments including drive-in's; catering establishments, delicatessens, bakeries.

is amended to read as follows:

(5) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries.

Section 44. That Section 16-19B.006(3) of the City of Atlanta Zoning Code concerning minimum off street parking in PD-MU (Planned Development – Mixed Use) zoning districts which reads as follows:

(3) *Restaurants:* One space for each 400 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(3) *Eating and drinking establishments:* One space for each 400 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 300 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b),

areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 45. That Section 16-19B.006(5) of the City of Atlanta Zoning Code concerning minimum off street parking in PD-MU (Planned Development – Mixed Use) zoning districts which reads as follows:

> (5) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements,: over 25 percent must provide one space per 800 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

> (5) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 800 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 600 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 46. That Section 16-19C.003(5) of the City of Atlanta Zoning Code concerning principal permitted uses in the PD-OC (Planned Development – Office Commercial) zoning districts which reads as follows:

> (5) Eating and drinking establishments including drive-in's; catering establishments, delicatessens, bakeries with products sold at retail on the premises.

is amended to read as follows:

> (5) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries with products sold at retail on the premises.

Section 47. That Section 16-19C.006(3) of the City of Atlanta Zoning Code concerning minimum off street parking in the PD-OC (Planned Development – Office Commercial) zoning districts which reads as follows:

> (3) *Restaurants:* One space for each 400 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

> (3) *Eating and drinking establishments:* One space for each 400 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 300 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 48. That Section 16-19C.006(5) of the City of Atlanta Zoning Code concerning minimum off street parking in the PD-OC (Planned Development – Office Commercial) zoning districts which reads as follows:

> (5) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements,: over 25 percent must provide one space per 800 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

> (5) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 800 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 600 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 49. That Section 16-32.005(7)(k) of the City of Atlanta Zoning Code concerning principal permitted uses in NC zoning districts (Neighborhood-Commercial) which reads as follows:

> (k) Restaurants, bars, coffee shops, delicatessens, and taverns.

is amended to read as follows:

> (k) Restaurants, bars, coffee shops, delicatessens, taverns and other eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 50. That Section 16-32.023(1)(h) of the City of Atlanta Zoning Code concerning minimum off street parking in NC zoning districts (Neighborhood-Commercial) which reads as follows:

which reads as follows:

> (h) Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement

is amended to read as follows:

> (h) Eating and drinking establishments: One space for each 100 square feet of floor are and one space for each 200 square feet of outdoor dining area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area and one space for each 150 square feet of outdoor dining area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement.

Section 51. That Section 16-33.004(2)(h) of the City of Atlanta Zoning Code concerning principal permitted uses in LW zoning districts (Live-Work) which reads as follows:

> (h) Eating and drinking establishments, including restaurants, bars, coffee shops, delicatessens, and taverns.

is amended to read as follows:

> (h) Restaurants, bars, coffee shops, delicatessens, taverns and other eating and drinking establishments including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 52. That Section 16-33.020(4)(e) of the City of Atlanta Zoning Code concerning minimum off street parking in LW zoning districts (Live-Work) which reads as follows:

> (e) Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement

is amended to read as follows:

(e) Eating and drinking establishments: One space for each 100 square feet of floor are and one space for each 200 square feet of outdoor dining area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area and one space for each 150 square feet of outdoor dining area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement.

Section 53. That Section 16-34.005(10) of the City of Atlanta Zoning Code concerning principal permitted uses in MRC zoning districts (Mixed Residential Commercial) which reads as follows:

(10) Eating and drinking establishments, including restaurants, bars, coffee shops, delicatessens, and taverns.

is amended to read as follows:

(10) Restaurants, bars, coffee shops, delicatessens, taverns and other eating and drinking establishments including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 54. That Section 16-34.021(7)(f), 16-34.021(7)(g) and 16-34.021(7)(h)of the City of Atlanta Zoning Code concerning minimum off street parking in MRC zoning districts (Mixed Residential Commercial) which read as follows:

f. Eating and drinking establishments, including accessory outdoor dining covered with a permanent structure:

i. Within MRC-1: One parking space for each 100 square feet of floor area.
ii. Within MRC-2: One parking space for each 300 square feet of floor area.
iii. Within MRC-3: One parking space for each 600 square feet of floor area.

g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements: One space for each 600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area:

h. Specific regulations for retail and eating and drinking establishments within 500 feet of a MARTA rail station entrance, as measured along public streets and pedestrian walkways: Establishments with a floor area of 500 square feet or less shall have no parking requirements.

are amended to read as follows:

f. Eating and drinking establishments, including accessory outdoor dining covered with a permanent structure:

i. Within MRC-1: One parking space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area.
ii. Within MRC-2: One parking space for each 300 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area
iii. Within MRC-3: One parking space for each 600 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of floor area.

g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements: One space for each 600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of outdoor dining area.

h. Specific regulations for retail and eating and drinking establishments within 500 feet of a MARTA rail station entrance, as measured along public streets and pedestrian walkways: Establishments with a floor area of 500 square feet or less shall have no parking requirements.

Section 55. That Chapter 28 of the Zoning Code (the "General and Supplementary Regulations") be amended by including the following language to be codified as Section 16-28. 026:

Sec. 16-28.026 Enforcement of parking requirements for eating and drinking establishments that derive more than 60% of their gross income from the sale of malt beverages, wine and/or distilled spirits.

(a) Any eating and drinking establishment having a license for the on-premises consumption of malt beverages, wine and/or distilled spirits at the time of the passage of this ordinance, and which has otherwise satisfied the parking requirements in effect prior to its passage of this ordinance, shall not be required to provide additional parking if it derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits. Where such use is abandoned, any new use at the location shall be required to meet all current parking requirements.

(b) Any eating and drinking establishment beginning operation after the passage of this ordinance providing required parking only for eating and drinking establishments and which derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits and which does not provide the increased parking where required by the district zoning regulations shall be given twelve months after the issuance of a correction notice to provide the required parking at the increased level or being granted a special exception to reduce parking before further enforcement action may be taken. Such notice of correction shall be effective as to any persons who may take control or ownership of the establishment after the date that such notice is issued.

(c) The director of the bureau of buildings is authorized to request from the business license applicant of an eating and drinking establishment subject to the increased parking requirement for those establishments which derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, permission to access such documentation in the custody and control of the city as is necessary to establish whether the establishment provides the required amount of parking. The refusal to provide such permission shall not be a violation of this ordinance but the director shall find that the establishment is to provide the number of parking spaces for those establishments, which derive more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits.

Section 56. That Chapter 16-29.001(5) of the Zoning Code ("Definitions") be amended by codifying as Section 16-29.001(5) the following language in place of a prior repealed definition:

Restaurant means any public place, without sleeping accommodations, used, maintained, advertised and held out to the public as a place where meals are actually prepared and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and employing therein a sufficient number and kind of employees to prepare, cook and serve meals for its guests. The serving of those meals shall be the principal business conducted, with the serving of malt beverages, wine and distilled spirits allowed on the premises but such service shall only be incidental to meal service and shall not exceed 50% of the gross sales of the restaurant.

Section 57: That this ordinance shall become effective upon approval by the Mayor or by operation of law without such approval.

A RESOLUTION

04-R-1925

BY COUNCILMEMBER CEASAR MITCHELL

A RESOLUTION REQUIRING AND DIRECTING THE ZONING ADMINISTRATOR TO INCLUDE AND REVIEW THE REQUIREMENT FOR TAXICAB STANDS IN THE PLAN REVIEW PROCESS FOR BUILDING PERMITS AS SET FORTH IN CITY OF ATLANTA CODE SECTION 16-28.014(7) OF THE ZONING CODE AND FOR OTHER PURPOSES.

Whereas, Atlanta City Code Section 16-28.014(7) provides that "All hotels and motels shall provide off-street , on-site taxicab stands with a minimum of one (1) space for each 100 guest rooms or portion thereof in the hotel or motel, up to a maximum of six (6) taxicab stand spaces." ; and

Whereas, it is in the best interest of the City that said zoning provision be strictly enforced.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: The Zoning Administrator is hereby required and directed to include in the plan review process for hotel and motel building permits, the requirement of City Code Section 16-28.014(7) that "All hotels and motels shall provide off-street, on-site taxicab stands with a minimum of one (1) space for each 100 guest rooms or portion thereof in the hotel or motel, up to a maximum of six (6) taxicab stand spaces.

Section 2: All resolutions or parts of resolutions in conflict herewith are hereby rescinded.

D-4

Municipal Clerk
Atlanta, Georgia

04-O-1838

AN ORDINANCE
BY: ZONING COMMITTEE

Z-04-104
Date Filed: 9-10-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **140 Milton Avenue, S.E.** be changed from the I-1-C (Light Industrial-Conditional) District to the MR-4A (Multi-Family Residential-Eight story multi-family dwellings) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots 55 & 56, 14th District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

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Z-04-104

DEED

LEGAL DESCRIPTION

ALL that tract or parcel of land lying and being in Land Lots 55 and 56 of the 14th Land District, City of Atlanta, Fulton County. Georgia. and being more particularly described as follows:

BEGINNING at 'PK" nail located by the intersection of the northern Right-of-Way of Milton Avenue, a 50' R/W and the western Right-of-Way of Martin Street, 30' at this point;

THENCE running along the northern Right-of-Way of Milton Avenue, N 62° 49' 33" W for 28.14' to a point in the sidewalk;

THENCE continuing along the Right-of-Way, N 61° 46' 27" W for 75.55' to a point;

THENCE continuing along the Right-of-Way following the curvature to the right an arc distance of 253.45', said arc having a radius of 478.04', and subtending a chord bearing N 46° 35' 41" W for 250.49'

THENCE continuing along the Right-of-Way, N 31° 45' 25" W for 162.86' to an iron pin set;

THENCE departing the Right-of-Way and running, N 55° 45' 44" E for 427.48' to a point;

THENCE S 00° 30' 00" W for 432.48' to a f******or corner;

THENCE S 03° 18' 46" E for 167.52' to a 'PK' nail on the northern Right-of-Way of Milton Avenue and the POINT OF BEGINNING.

SAID tract containing and containing 120,035 square feet or 2.7556 acres.

Z-04-106

AN ORDINANCE

04-O-1553

BY ZONING COMMITTEE

TO AMEND SECTION 16-28.006(10) OF THE ZONING CODE OF THE CITY OF ATLANTA'S CODE OF ORDINANCES, FOR THE PURPOSE OF CLARIFYING THE REQUIREMENTS RELATED TO INDEPENDENT DRIVEWAYS; AND FOR OTHER PURPOSES.

WHEREAS, Section 16-28.006(10) of the Zoning Code currently requires that each conforming lot have an independent driveway; and

WHEREAS, the Bureau of Buildings believes that the purpose of this code section was to require that residential lots have driveways and off-street parking where possible; and

WHEREAS, the present text of this ordinance allows an automatic exemption for non-conforming residential lots; and

WHEREAS, it is in the best interest of the health safety and welfare of the citizens of the City of Atlanta that all reasonable efforts be made to encourage and support the orderly flow of traffic and where possible relieve the parking congestion caused by on-street parking in neighborhoods; and

WHEREAS, when applied to commercial lots, this section also requires that all such lots have independent driveways in addition; and

WHEREAS, the parking requirements for commercial properties do not require an independent driveway to support the orderly flow of traffic and relieve the parking congestion caused by on-street parking in neighborhoods.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1 That Section 16-28.006(10) of the Zoning Code of the City of Atlanta which reads:

Independent Driveway Required on Conforming Lot: Each conforming lot shall have its own independent driveway entirely within its boundaries and directly connected to a public street. No lot shall be considered conforming if it does not have, or cannot be provided with, a driveway meeting this requirement.

be amended such that Section 16-28.006(10) shall read

D-6

Independent Driveway Required for Residential Lots: Each residential lot shall have its own independent driveway entirely within its boundaries and directly connected to a public street, provided however that an alley may provide such access if the alley is directly connected to a public street. Notwithstanding the foregoing requirement, a residential lot without frontage on a public street or access to an alley shall not be required to have an independent driveway but shall be required to have dedicated access at a minimum width of ten (10) feet. Where an easement is granted for such access, the area of the easement shall be considered in the calculation of the maximum lot coverage of the grantor's lot.

Municipal Clerk
Atlanta, Georgia

04-O-2074
Z-04-125
Date Filed: 10/4/04

AN ORDINANCE
BY: ZONING COMMITTEE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1498 Murphy Avenue, S.W.,** be changed from the I-1 (Light Industrial) District to the R-4 (Single Family Residential) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 121, 14th District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

D-7

[redacted]

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Z-04-125

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FULTON

THIS INDENTURE, made this 17th day of June in the year of our Lord Two Thousand Four between

CHARLES EDWARD WILLIAMS

of the State of Georgia and County of FULTON, hereinafter referred to as GRANTOR, and

MILES VICKERY

of the State of Georgia and County of FULTON, hereinafter referred to as GRANTEE.

WITNESSETH: That the said GRANTOR, for and in consideration of the sum of Ten and No/100ths ($10.00) DOLLARS and other good and valuable consideration in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said GRANTEE (the terms "GRANTOR" and "GRANTEE" include the respective heirs, successors and assigns of each where the context requires or permits), the following described real property, to wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 121 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST SIDE OF MURPHY AVENUE, 80 FEET SOUTH OF THE SOUTHEAST CORNER OF MURPHY AVENUE AND LANGSTON STRET (FORMERLY JONESBORO ROAD); RUNNING THENCE SOUTH ALONG THE EAST SIDE OF MURPHY AVENUE 40 FEET; THENCE IN AN EASTERLY DIRECTION 125 FEET; THENCE WEST 125 FEET TO THE POINT OF BEGINNING; BEING IMPROVED PROPERTY KNOWN AS 1498 MURPHY AVENUE, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN THE CITY OF ATLANTA.

Subject to easements and restrictions of record.

Municipal Clerk
Atlanta, Georgia

04-O-2078

A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-04-129
Date Filed: 10/12/04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **349-359 Decatur Street** be changed from the **I-2 (Heavy Industrial) District** to the **MRC-3 C (Mixed Residential Commercial) Conditional District**, to wit:

ALL THAT TRACT or parcel of land lying and being Land Lots 45 and 52, 14th District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

D-8

CONDITIONS FOR Z-04-129
349-359 DECATUR STREET

1. APPROVAL, conditioned upon that not variances or special exceptions shall be allowed. The proposed building shall comply with all requirements of the MRC-3 District.

Exhibit "A"

All that tract or parcel of land lying and being in the City of Atlanta, in Land Lot 45 & 52 of the 14th District, of Fulton County, Georgia and being more particularly described as follows:

Beginning at a point at the North East corner, at the intersection of Decatur Street (R/W varies) and Grant Street (R/W varies); running thence South forty nine degrees eleven minutes zero seconds East, a distance of forty and sixty five tenths (40.65) feet; thence South three degrees twenty five minutes ten seconds East, a distance of one hundred three and fifty tenths (103.50) feet; thence South sixty three degrees thirty minutes seven seconds West, a distance of two hundred twenty five and sixty six tenths (225.66) feet, with a radius of one thousand nine hundred seventy five (1975.00) feet and a chord length of two hundred twenty five and fifty four tenths (225.54) feet; thence South sixty nine degrees forty nine minutes eight seconds West, a distance of two hundred nine and eighty three tenths (209.83) feet, with a radius of one thousand nine hundred seventy five (1975.00) feet and a chord length of two hundred nine and seventy three tenths (209.73) feet; thence South five degrees four minutes seven seconds West, a distance of five and seventy seven tenths (5.77) feet; thence South seventy five degrees forty eight minutes thirty nine seconds West, a distance of one hundred fifty five and thirty two tenths (155.32) feet, with a radius of three thousand two hundred ninety (3290.00) feet and a chord length of one hundred fifty five and thirty tenths (155.30) feet; thence South seventy nine degrees twenty eight minutes forty seconds West, a distance of two hundred sixty five and seventy nine tenths (265.79) feet, with a radius of three thousand two hundred ninety (3290.00) feet, and a chord length of two hundred sixty five and seventy two tenths (265.72) feet; thence North zero degrees forty eight minutes twenty seven seconds West, a distance of one hundred sixty three and eighty eight tenths (163.88) feet; thence South eighty six degrees fifty minutes eight seconds East, a distance of fifty (50.00) feet; thence North one degree twenty two minutes twenty six seconds West, a distance of eighty eight (88.00) feet; thence North seventy nine degrees nineteen minutes fifty one seconds East, a distance of two hundred twenty (220.00) feet; thence North seventy nine degrees nineteen minutes fifty one seconds East, a distance of two hundred one and nine hundredths (201.09) feet; thence North seventy eight degrees twenty seven minutes twenty two seconds East, a distance of one hundred twenty four and seventy five tenths (124.75) feet, with a radius of three thousand six hundred fifteen and ninety five tenths (3615.95) feet and a chord length of one hundred twenty four and seventy five tenths (124.75) feet; thence North seventy seven degrees twenty one minutes fifteen seconds East, a distance of one hundred ninety seven and thirty six tenths (197.36) tenths and the point of beginning.

Z-04-129

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Atlanta City Council

Regular Session

MULTIPLE 04-O-2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2089
REFER

YEAS:	11
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	4
EXCUSED:	0
ABSENT	1

Y Smith	NV Archibong	NV Moore	B Mitchell
NV Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

Municipal Clerk
Atlanta, Georgia

04- O -2078

AN ORDINANCE
BY: ZONING COMMITTEE

Z-04-129
Date Filed: 10/12/04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **349-359 Decatur Street** be changed from the I-2 (Heavy Industrial) District to the MRC-3 (Mixed Residential Commercial) District, to wit:

ALL THAT TRACT or parcel of land lying and being Land Lots 45 and 52, 14th District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Municipal Clerk
Atlanta, Georgia

04-O-1847

AN ORDINANCE
BY: ZONING COMMITTEE

Z-04-118
Date Filed: 9-13-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1261 Lucile Avenue, S.W. (ak.a. 1263-1269 Lucile Avenue)** be changed from the R-5/HD (Two Family Residential/West End Historic District) to the RG-3 (Residential General-Sector 3/West End Historic District) District to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 140, 14th District, Fulton County, Georgia., being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

D-9

Z-04-118 1261 Lucille Avenue

Beginning at the northwest corner of Atwood Street and Lucille Avenue; and running thence N '31'W, along the west side of Atwood Street, 140 feet to an "X" marked in the driveway and a 10 foot alley; running thence S86^0 58' W, along the south side of said alley, 281.91 feet to a point; running thence S01^0 29'20"E 140 feet to a point located on the north side of Lucille Avenue; running thence N 86^0 58'E, along the north side of Lucille Avenue, 281.91 feet to a point of beginning; being known as Parcel 9, West End Urban Redevelopment Area, according to plat of survey by Charles C. Jones, Surveyor, dated January 15, 1981.

05-O-0097

Municipal Clerk
Atlanta, Georgia

AN ORDINANCE
BY:

Z-04-152
Date Filed: 12-14-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1800-1816 Memorial Drive, S.E.** be changed from the R4A (Single Family Residential) District to the RG-3 (Residential General-Sector 3) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 206, 15th District, Dekalb County, Georgia., being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

D-10

EXHIBIT "A"

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Z-04-152

Harbour Vines I

All that tract or parcel of land lying and being in the City of Atlanta, in Land Lot 206 of the 15th District of DeKalb County, Georgia, and more particularly described as follows:

Beginning at a point on the northerly right-of-way of Memorial Drive (60 foot right-of-way) which point is located 330 feet west of the intersection of the said northerly right-of-way of Memorial Drive with the right-of-way of Dearborn Street (40 foot right-of-way) and running thence north 90°00' west a distance of 241.35 feet to a point, which point is 365 feet to the eastern right-of-way of Clay Street (40 foot right-of-way); thence north 00°18' east a distance of 150.00 feet to a point; thence north 90°00' west a distance of 200.00 feet to a point; thence north 00°26' east a distance of 423.70 feet to a point; thence south 89°05' east a distance of 283.90 feet to a point; thence south 00°04' east a distance of 158.20 feet to a point; thence south 88°36' east a distance of 150 feet to a point; thence south 00°04' east a distance of 106 feet to a point; thence south 00°37' east a distance of 301.30 feet to a point on the north side of Memorial Drive and the point of beginning.

Together with

Harbour Vines II

All that tract or parcel of land lying and being in Land Lot 206 of the 15th District, DeKalb County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin found located on the northerly right-of-way line of Memorial Drive (said Memorial Drive having a 60 ft. right-of-way) 210.0 feet westerly, as measured along the northerly right-of-way line of Memorial Drive, from the point formed by the intersection of the northerly right-of-way line of Memorial Drive with the westerly right-of-way line of Dearborn Street (said Dearborn Street having a 40 ft. right-of-way); thence North 89 degrees 56 minutes West, as measured along the northerly right-of-way line of Memorial Drive, 120.0 feet to an iron pin found; thence North 00 degrees 37 minutes West, 300.0 feet to an iron pin set; thence South 88 degrees 16 minutes East, 120.0 feet to an iron pin set; thence South 00 degrees 38 minutes East, 296.50 feet to an iron pin found BEING THE TRUE POINT AND PLACE OF BEGINNING.

The above courses and distances are taken from that certain Plat of Survey prepared by Perry E. McClung, Georgia Registered Land Surveyor, dated June 14, 1984, revised March 12, 1986, and which Survey by reference thereto is incorporated herein; said tract or parcel of land being improved property known as 1816 Memorial Drive, Atlanta, DeKalb County, Georgia, according to the most recent system of numbering in said County and said tract or parcel of land being reflected on said Survey as a 0.821 acre tract.

Municipal Clerk
Atlanta, Georgia

05-O-0099

A SUBSTITUTE ORDINANCE
BY:

Z-04-156
Date Filed: 12-14-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1768 Marietta Road N.W.,** be rezoned from R4-A (Single Family Residential) District to the RG-2 –C (Residential General Sector 2 Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 223, 17th District, Fulton County, Georgia. being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Conditions for
Z-04-156 for 1768 Marietta Road, N.W.

1. The developer shall provide landscaping in the open common spaces that would include a minimum of shade trees at a maximum of 35 feet apart.

Municipal Clerk
Atlanta, Georgia

05-O-0099

AN ORDINANCE
BY:

Z-04-156
Date Filed: 12-14-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1768 Marietta Road N.W.,** be rezoned from R4-A (Single Family Residential) District to the RG-2 (Residential General Sector 2) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 223, 17th District, Fulton County, Georgia. being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

D-11

1768 Marietta Road

Legal Description

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PLANNING

Z-04-156

ALL THAT TRACT OR PARCEL OF LAND, lying and being in Land Lot 223, of the 17th District, Fulton County Georgia and being more particularly described as follows:

BEGINNING at a point at the corner formed by the intersection of the southwesterly right-of-way of Marietta Road with the southeasterly right-of-way of Ellen Street; running thence southeasterly along the southwest right-of way of Marietta Road a distance of 231.99 feet to a point; thence running south 88 degrees 20 minutes 33 seconds west a distance of 160.28 feet along the northern right of way of Alma Street, to a point formed by the intersection of the northern right of way of Alma Street with the eastern right of way of Ellen Street; thence running north 0 degrees 39 minutes 30 seconds east a distance of

172.32 feet to the origin and point of Beginning, being improved property known as 1768 Marietta Road according to the present system of numbering in the City of Atlanta.

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BUREAU OF PLANNING

Z-04-156

05-O-0111

Municipal Clerk
Atlanta, Georgia

AN ORDINANCE
BY: Hand Shook

Z-04-151
Date Filed: 12-14-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **170 and 250 Armour Drive, N.E. and also referenced, in terms of address, as 385 Kinsey Court, N.E** be changed I-1 (Light Industrial0 District to the R-4 (Single Family Residential) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots 102 and 103, 17th District, Fulton County, Georgia.
, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

D-12

Legal Description For ± 38.279
Clear Creek and Armour Drive/ Brookwood Community Club
Rezoning Application: Parcels 1, 3, and 4

All that tract of land lying and being within Land Lots 102 and 103 of the 17th District of Fulton County, Georgia within the City limits of Atlanta, more particularly described as:

COMMENCE at the iron pin set at the Land Lot Line between Land Lots 103 and 57 along the west side of the right-of-way of Armour Drive, said point being the TRUE POINT OF BEGINNING;

THENCE proceed North 87 degrees 15 minutes 31 seconds West, a distance of 217.65 feet to a point;

THENCE along the area of a curve to the left having an arc distance of 209.28 feet, said curve having a radius of 244.30 feet and being subtended by a cord bearing South 72 degrees 22minutes 08 seconds West and a cord distance of 204.09 feet to a point;

THENCE proceed South 51 degrees 59 minutes 48 seconds West, a distance of 2,708.95 feet to a point;

THENCE proceed South 37 degrees 51 minutes 06 seconds East, a distance of 629.10 feet to a point;

THENCE proceed South 37 degrees 59 minutes 12 seconds East, a distance of 359.87 feet to a point;

THENCE proceed South 51 degrees 58 minutes 00 seconds West, a distance of 277.56 feet to a point;

THENCE proceed North 38 degrees 01 minutes 50 seconds West, a distance of 62.01 feet to a point;

THENCE proceed South 51 degrees 58 minutes 00 seconds West, a distance of 262.87 feet to a point;

THENCE proceed North 30 degrees 38 minutes 23 seconds West, a distance of 178.99 feet to a point;

THENCE proceed North 21 degrees 49 minutes 15 seconds West, a distance of 520.55 feet to a point;

THENCE proceed North 29 degrees 18 minutes 16 seconds East, a distance of 181.63 feet to a point;

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Z-04-151

THENCE proceed North 05 degrees 29 minutes 52 seconds West, a distance of 221.70 feet to a point;

THENCE proceed North 10 degrees 27 minutes 50 seconds East, a distance of 224.60 feet to a point;

THENCE proceed North 59 degrees 18 minutes 05 seconds East, a distance of 200.09 feet to a point;

THENCE proceed North 42 degrees 40 minutes 21 seconds East, a distance of 790.33 feet to a point;

THENCE proceed North 52 degrees 00 minutes 58 seconds East, a distance of 413.67 feet to a point;

THENCE proceed North 28 degrees 53 minutes 60 seconds West, a distance of 375.32 feet to a point;

THENCE proceed North 48 degrees 14 minutes 21 seconds East, a distance of 208.87 feet to a point;

THENCE proceed North 78 degrees 56 minutes 31 seconds East, a distance of 107.04 feet to a point;

THENCE proceed North 37 degrees 07 minutes 56 seconds East, a distance of 218.35 feet to a point;

THENCE proceed North 00 degrees 54 minutes 50 seconds East, a distance of 201.87 feet to a point;

THENCE proceed South 74 degrees 50 minutes 00 seconds West a distance of 290.46 feet to a point;

THENCE proceed North 67 degrees 54 minutes 02 seconds East a distance of 1,415.17 feet to a point where an iron pin is set;

THENCE proceed South 02 degrees 12 minutes 04 seconds West a distance of 728.74 feet to a point, said point being the TRUE POINT OF BEGINNING.

Z-04-151

Municipal Clerk
Atlanta, Georgia

05-O-0124

AN ORDINANCE
BY:

Z-04-150
Date Filed: 12-13-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **201 Moury (a.k.a 178) Avenue, S.E.** be changed from the R-G2 (Residential General-Sector 2) District to the R-G-3 C (Residential General-Sector 3 Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots 72 and 73, 14th District, Fulton County, Georgia., being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

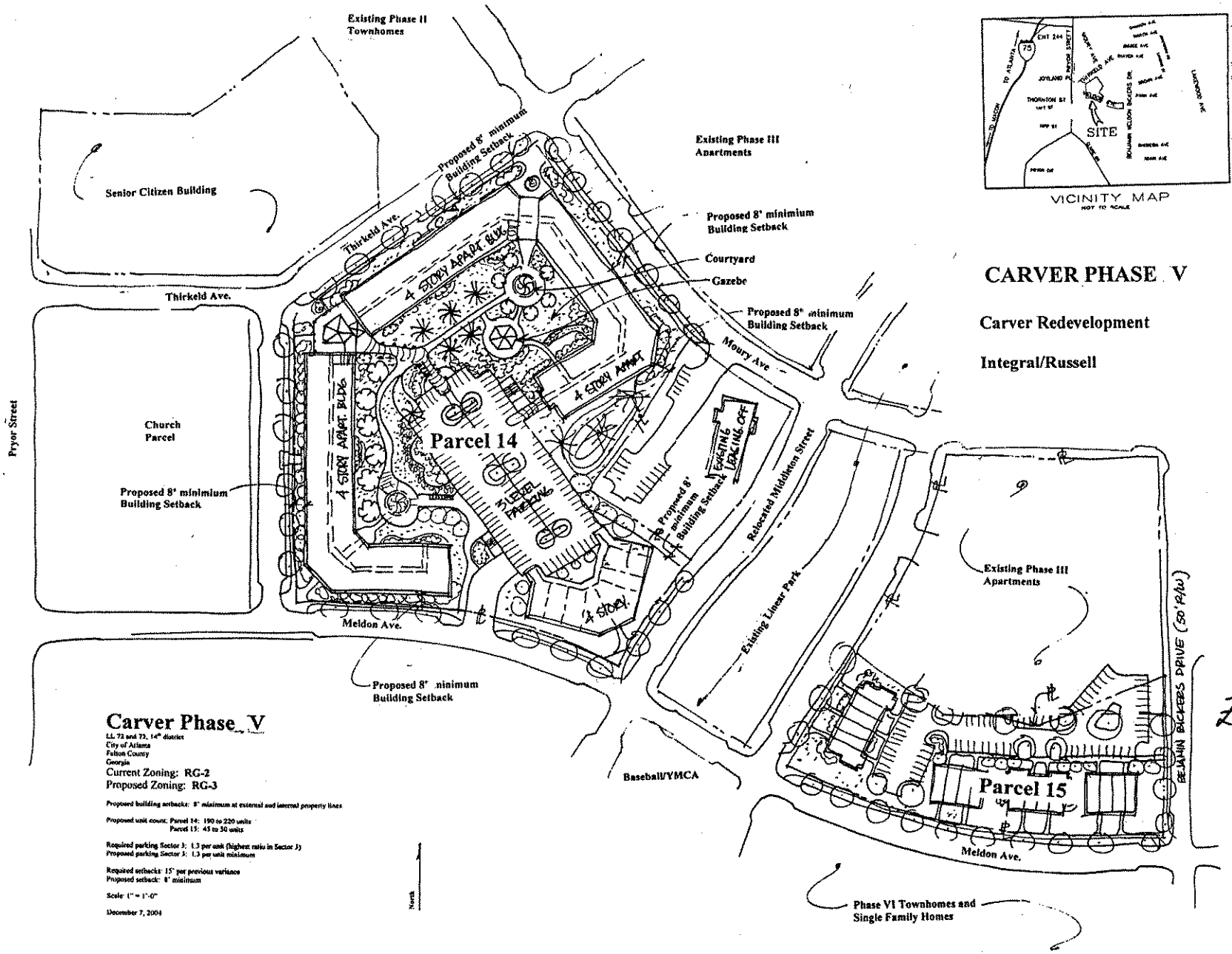
SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

D-13

Conditions for
Z-04-150 for 178 Moury Avenue

1. The site plan submitted by the applicant for Phase V – Carver Redevelopment; 201 (a.k.a. 178) Moury Avenue) received by the Bureau of Planning on 12/13/04.

2. Proposed development shall not exceed maximum F.A.R. of .696 for both parcels.



CARVER PHASE V

Carver Redevelopment

Integral/Russell

Z-04-150

REES/DESIGN ASSOCIATES, P.C.
ARCHITECTURE • PLANNING • INTERIORS
2955 PHARR COURT SOUTH SUITE 200
ATLANTA, GEORGIA 30305 (404)240-0299

CARVER PHASE V

Sheet S-1

05-O-0124

Municipal Clerk
Atlanta, Georgia

AN ORDINANCE
BY: Carla Smith

Z-04-150
Date Filed: 12-13-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **201 Moury (a.k.a 178) Avenue, S.E.** be changed from the R-G2 (Residential General-Sector 2) District to the R-G3 (Residential General-Sector 3) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots 72 and 73, 14th District, Fulton County, Georgia., being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

PARCEL 14 LEGAL DESCRIPTION

LL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 72 OF HE 14TH DISTRICT OF FULTON COUNTY, (CITY OF ATLANTA) GEORGIA, AND EING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EGINNING AT A POINT AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT F WAY LINE OF THIRKELD AVENUE (60 FOOT TOTAL RIGHT OF WAY WIDTH) ND THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE (60 FOOT OTAL RIGHT OF WAY WIDTH);

IENCE ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE, OUTH 32 DEGREES 57 MINUTES 18 SECONDS EAST, 49.61 FEET TO A 1/2" EBAR AND SURVEYOR'S CAP SET;

IENCE CONTINUING ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF OURY AVENUE ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 7.10 FEET, SAID CURVE HAVING A RADIUS OF 9,970.00 FEET AND BEING UBTENDED BY A CHORD OF SOUTH 32 DEGREES 50 MINUTES 54 SECONDS AST, 37.10 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET;

IENCE CONTINUING ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF OURY AVENUE, SOUTH 32 DEGREES 44 MINUTES 30 SECONDS EAST, 140.80 EET TO A 1/2" REBAR AND SURVEYOR'S CAP SET;

IENCE CONTINUING ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF OURY AVENUE, ALONG THE ARC OF A CURVE TO THE LEFT A DISTANCE OF 1.46 FEET, SAID CURVE HAVING A RADIUS OF 603.00 FEET AND BEING IBTENDED BY A CHORD OF SOUTH 38 DEGREES 30 MINUTES 44 SECONDS AST, 121.26 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET;

IENCE LEAVING THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE, OUTH 38 DEGREES 38 MINUTES 26 SECONDS WEST, 92.70 FEET TO A 1/2" EBAR AND SURVEYOR'S CAP SET;

ENCE SOUTH 32 DEGREES 55 MINUTES 45 SECONDS WEST, 40.19 FEET TO A 2" REBAR AND SURVEYOR'S CAP SET;

ENCE SOUTH 38 DEGREES 38 MINUTES 26 SECONDS WEST, 120.00 FEET TO 1/2" REBAR AND SURVEYOR'S CAP SET;

ENCE SOUTH 51 DEGREES 28 MINUTES 56 SECONDS EAST, 170.83 FEET TO 1/2" REBAR AND SURVEYOR'S CAP SET ON THE NORTHWESTERLY RIGHT OF Y LINE OF RELOCATED MIDDLETON STREET (60 FOOT TOTAL RIGHT OF WAY OTH);

ENCE ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF RELOCATED DLETON STREET, SOUTH 44 DEGREES 57 MINUTES 49 SECONDS WEST, 36.45 ET TO A 1/2" REBAR AND SURVEYOR'S CAP SET;

ENCE CONTINUING ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF TURE MIDDLETON STREET ALONG THE ARC OF A CURVE TO THE LEFT A TANCE OF 65.49 FEET, SAID CURVE HAVING A RADIUS OF 330.00 FEET AND NG SUBTENDED BY A CHORD OF SOUTH 39 DEGREES 16 MINUTES 41 CONDS WEST, 65.39 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET;

ENCE CONTINUING ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF OCATED MIDDLETON STREET, SOUTH 33 DEGREES 35 MINUTES 33 SECONDS ST, 74.18 FEET TO A POINT AT THE INTERSECTION OF THE NORTHWESTERLY HT OF WAY LINE OF FUTURE MIDDLETON STREET AND THE NORTHERLY HT OF WAY LINE OF MELDON AVENUE (60 FOOT TOTAL RIGHT OF WAY TH);

ENCE LEAVING THE NORTHWESTERLY RIGHT OF WAY LINE OF RELOCATED DLETON STREET AND ALONG THE NORTHERLY RIGHT OF WAY LINE OF DON AVENUE ALONG THE THE ARC OF A CURVE TO THE LEFT A DISTANCE A DISTANCE OF 357.21 SAID CURVE HAVING A RADIUS OF 738.50 FEET BEING SUBTENDED BY A CHORD OF NORTH 72 DEGREES 39 MINUTES 16 CONDS WEST, 353.74 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET;

NCE CONTINUING ALONG THE NORTHERLY RIGHT OF WAY LINE OF MELDON NUE, NORTH 86 DEGREES 30 MINUTES 40 SECONDS WEST, 101.90 FEET TO OINT AT THE INTERSECTION OF THE NOTHERLY RIGHT OF WAY LINE OF DON AVENUE AND THE EASTERLY RIGHT OF WAY LINE OF SHAW STREET TOTAL RIGHT OF WAY WIDTH);

PARCEL 14 LEGAL DESCRIPTION (CONT.)

THENCE LEAVING THE NORTHERLY RIGHT OF WAY LINE OF MELDON AVENUE AND ALONG THE EASTERLY RIGHT OF WAY LINE OF SHAW STREET, NORTH 03 DEGREES 28 MINUTES 58 SECONDS EAST, 395.42 FEET TO A POINT AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF SHAW STREET AND THE SOUTHERLY RIGHT OF WAY LINE OF THIRKELD AVENUE, SAID POINT BEING AT THE SOUTHERLY END OF A ROUNDED RIGHT OF WAY CORNER;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 7.54 FEET, SAID CURVE HAVING A RADIUS OF 8.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 30 DEGREES 29 MINUTES 28 SECONDS EAST, 7.27 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THIRKELD AVENUE, SAID POINT BEING AT THE NORTHERLY END OF A ROUNDED RIGHT OF WAY CORNER;

THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF THIRKELD AVENUE, NORTH 57 DEGREES 29 MINUTES 58 SECONDS EAST, 405.62 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 6.1380 ACRES (267,370 SQUARE FEET).

PARCEL 15 LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 72 OF THE 14TH DISTRICT OF FULTON COUNTY, (CITY OF ATLANTA) GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE WESTERLY REQUIRED RIGHT OF WAY LINE OF BENJAMIN WELDON BICKERS AVENUE (APPARENT 55 FOOT TOTAL RIGHT OF WAY WIDTH, SAID POINT BEING 30 FEET WEST OF CENTERLINE) AND THE NORTHERLY RIGHT OF WAY LINE OF MELDON AVENUE (60 FOOT TOTAL RIGHT OF WAY WIDTH);

THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF MELDON AVENUE, NORTH 87 DEGREES 35 MINUTES 30 SECONDS WEST, 83.24 FEET TO A POINT;

THENCE CONTINUING ALONG THE NORTHERLY RIGHT OF WAY LINE OF MELDON AVENUE, ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 442.22 FEET, SAID CURVE HAVING A RADIUS OF 923.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 73 DEGREES 51 MINUTES 58 SECONDS WEST, 438.00 FEET TO A POINT AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF MELDON AVENUE AND THE EASTERLY RIGHT OF WAY LINE OF RELOCATED TROUP STREET (60 FOOT TOTAL RIGHT OF WAY WIDTH);

THENCE LEAVING THE NORTHERLY RIGHT OF WAY LINE OF MELDON AVENUE AND ALONG THE EASTERLY RIGHT OF WAY LINE OF RELOCATED TROUP STREET, NORTH 32 DEGREES 21 MINUTES 55 SECONDS EAST, 64.97 FEET TO A POINT;

THENCE CONTINUING ALONG THE EASTERLY RIGHT OF WAY LINE OF RELOCATED TROUP STREET ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 34.26 FEET, SAID CURVE HAVING A RADIUS OF 470.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 34 DEGREES 27 MINUTES 14 SECONDS EAST, 34.26 FEET TO A POINT;

THENCE CONTINUING ALONG THE EASTERLY RIGHT OF WAY LINE OF RELOCATED TROUP STREET, NORTH 36 DEGREES 32 MINUTES 32 SECONDS EAST, 83.90 FEET TO A POINT;

THENCE LEAVING THE EASTERLY RIGHT OF WAY LINE OF RELOCATED TROUP STREET, SOUTH 53 DEGREES 13 MINUTES 42 SECONDS EAST, 145.69 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET;

THENCE SOUTH 86 DEGREES 44 MINUTES 47 SECONDS EAST, 292.84 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET ON THE WESTERLY REQUIRED RIGHT OF WAY LINE OF BENJAMIN WELDON BICKERS AVENUE;

THENCE ALONG THE WESTERLY REQUIRED RIGHT OF WAY LINE OF BENJAMIN WELDON BICKERS AVENUE, SOUTH 03 DEGREES 05 MINUTES 04 SECONDS WEST 172.15 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 1.8514 ACRES (80,649 SQUARE FEET).

I

RELOCATED

Municipal Clerk
Atlanta, Georgia

05-O-0097

A SUBSTITUTE ORDINANCE
BY:

Z-04-152
Date Filed: 12-14-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1800-1816 Memorial Drive, S.E.** be changed from the R4A (Single Family Residential) District to the RG-3 C (Residential General-Sector 3 Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 206, 15th District, Dekalb County, Georgia., being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Conditions for
Z-04-152 for 1800-1816 Memorial Drive, S.W.

1. Site plan titled Harbour Vines Atlanta, GA, by Martin Riley Associates – Architects, P.C. dated August 11, 2004 and revised December 14, 2004, and stamped as received by the City of Atlanta Bureau of Planning on December 14, 2004.
2. The community will not be gated.
3. Intact fencing will be maintained throughout the site's periphery.
4. Building height will not exceed 35 feet.
5. Total number of units will be maintained at less than or equal to 110 total.
6. Dumpsters for trash disposal will be fully screened from view on three sides and will be positioned on elevated concrete pads.

Harbour Vines

- SITE/EXTERIOR SCOPE OF WORK

1. REWORK DRIVE/PAVING TO PROVIDE MORE PARKING WHILE REDUCING OVERALL AMOUNT OF PAVING.
2. REPAIR/REPLACE ASPHALT.
3. PROVIDE STORM DRAINAGE STRUCTURES.
4. PROVIDE POSITIVE DRAINAGE.
5. REPAIR/REPLACE RETAINING WALLS.
6. SEAL PAVING & RESTRIPE.
7. EMERGENCY EXIT ONLY.
8. PROVIDE HANDICAP PARKING AND SIGNAGE.
9. NEW POOL IN EXISTING LOCATION.
10. PROVIDE NEW COMMUNITY BUILDING.
11. REMODEL MAINTENANCE SPACE BELOW BUILDING.
12. REWORK DRAINAGE AWAY FROM BASEMENT/CRAWL SPACE.
13. PIPE DOWNSPOUTS/ADD SPLASHBLOCKS.
14. REPAIR/REPLACE EXISTING PERIMETER FENCE.
15. NEW MAIL CENTER IN-NEW COMMUNITY BUILDING.
16. NEW DUMPSTER COMPACTOR.
17. PICNIC GAZEBO WITH BENCHES, TABLES, & GRILL.
18. EQUIPPED PLAY AREA.
19. NEW LANDSCAPING THROUGHOUT.
20. NEW ENTRY SIGN.
21. NEW SITE LIGHTING (WALL PACS ON BUILDING & POLES IN PARKING).
22. REMODEL/EXPAND LAUNDRY ROOM UNDER BUILDING.
23. PRIVATE WATER METER SYSTEM.

ZONING ANALYSIS / SITE PLAN REQUIREMENTS

HARBOUR VINES

LOCATION:
1800 -1816 MEMORIAL DRIVE
15th DISTRICT OF DEKALB COUNTY
DECATUR, GA

ZONING:
EXISTING ZONING: R-4-A
PROPOSED ZONING: RG-3

LOT AREAS:
NET LOT AREA: 5.301 ACRES (230,912 S.F.)
GROSS LOT AREA: 5.479ACRES (238,652 S.F.)

FLOOR AREA:
MAXIMUM ALLOWABLE F.A.R.: 0.696
MAXIMUM ALLOWABLE S.F.: 0.696 x G.L.A.(238,652) = 83,050 S.F.
PROPOSED RESIDENTIAL S.F.: 96,586 S.F.
PROPOSED F.A.R.: 96,586 / 238,652 = 0.405 USE .400

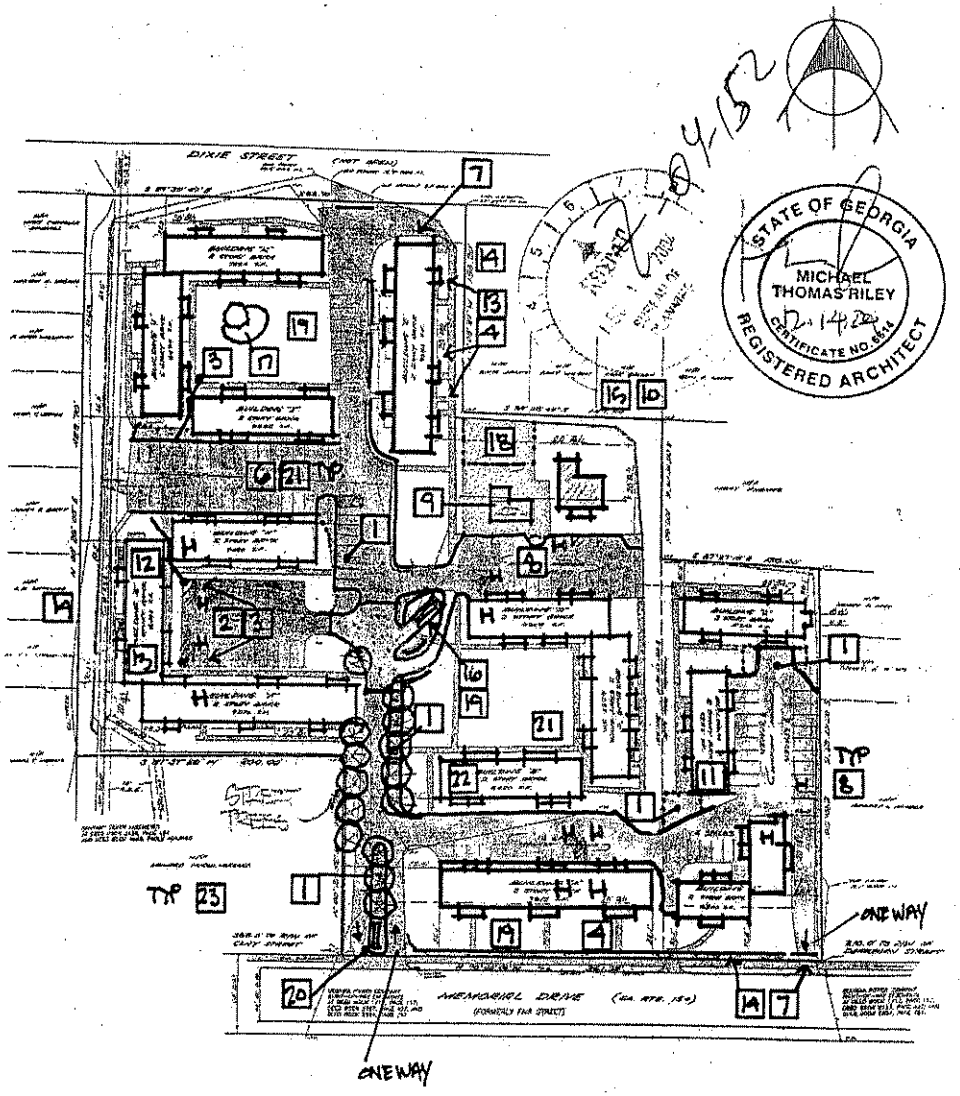
NUMBER OF UNITS: 110 PROPOSED RESIDENTIAL UNITS

OPEN SPACE REQUIREMENTS:
REQUIRED TOTAL OPEN SPACE: 0.72 x G.L.A(238,652) = 171,829 S.F.
REQUIRED USABLE OPEN SPACE: 0.45 X G.L.A(238,652) = 105,007 S.F.
PROPOSED TOTAL OPEN SPACE: WILL EXCEED 171,829 S.F.
PROPOSED USABLE OPEN SPACE: WILL EXCEED 105,007 S.F.

SETBACKS, RG-3:
- FRONT YARD (MEMORIAL DRIVE): 40' EXISTING
- WEST SIDE YARD: EXISTING
- EAST SIDE YARD: EXISTING
- REAR YARD: EXISTING

BUILDING HEIGHT:
MAXIMUM ALLOWABLE BUILDING HEIGHT: NO RESTRICTION
PROPOSED BUILDING HEIGHT: 35' MAXIMUM

PARKING REQUIREMENTS:
REQUIRED RESIDENTIAL: 1.2 SPACES PER UNIT: 1.2 x 110 UNITS = 132 SPACES
PROVIDED RESIDENTIAL: 134 SPACES



2-04-152

MARA
MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
215 CHURCH STREET SUITE 200 DECATUR GEORGIA 30030-3329 404-373-2800
HARBOUR VINES ATLANTA GA