

AN ORDINANCE BY:
COUNCILMEMBER CARLA SMITH

Z-12-31

AN ORDINANCE TO REZONE CERTAIN PROPERTIES WITHIN THE SOUTH MORELAND AVENUE LIVABLE CENTERS INITIATIVE STUDY FROM VARIOUS DISTRICTS TO VARIOUS DISTRICTS TO IMPLEMENT THE MORELAND AVENUE LCI STUDY.

WHEREAS, the South Moreland Avenue Livable Centers Initiative Study dated March 31, 2008 was performed under a Livable Centers Initiatives grant from the Atlanta Regional Commission; and

WHEREAS, the residents and property owners of NPU W and NPU Z worked with the Office of Planning Staff and a consultant team to develop the South Moreland Avenue LCI Study; and

WHEREAS, pursuant to 08-O-1032, Atlanta City Council voted unanimously to approve the South Moreland Avenue LCI Study on July 7, 2008 as a part of the Comprehensive Development Plan; and

WHEREAS, the recommendations from the South Moreland Avenue LCI Study should be implemented through the rezoning of the properties within the corridor; and

WHEREAS, the official zoning maps should be amended to include the properties along the South Moreland Avenue corridor in as shown on Attachment 'A'.

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

SECTION 1: That the 1982 City of Atlanta Zoning Ordinance be amended and the official zoning maps established in connection therewith be changed to include the properties located along the South Moreland Avenue LCI with the designations as shown on Attachments 'A, B, C, D, E and F'.

SECTION 2: This amendment is approved under the provisions of Section 16-02.003 of the City of Atlanta Zoning Ordinance, entitled "Conditional Zoning", as identified with the use of the suffix "C" after the district designation. The Director of the Office of Buildings shall issue building permits for the development of the properties with said "Conditional Zoning" designation only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations.

- 1) For all properties in a MRC (Mixed Residential Commercial) designation, the following shall apply:
 - a) The following uses shall require a Special Use Permit:
 - i. Clubs and lodges.
 - ii. Mortuaries and funeral homes.
 - iii. Pool halls, billiard parlors, bingo parlors, amusement arcades and game rooms.
 - b) The following uses shall be permitted with the following conditions:
 - i. Sales/repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar articles shall be conducted within completely enclosed buildings. Personal service establishments (hair salons, barber shops, beauty supply, beauty school, nail salons, and similar uses) shall be permitted if the parcel on which they are located is separated by a minimum distance of 500 feet measured from property line to property line from any uses

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aforementioned on a separate parcel. This shall not be construed to mean that two of the above said uses within the same parcel shall be prohibited.

- ii. Dry cleaning establishments provided that the establishment is separated from another parcel with the same permitted use by a minimum distance of 500 feet, measured from property line to property line.
- iii. Automobile service stations and or car washes provided that they are separated from another parcel with the same permitted use by a minimum distance of 1,000 feet, measured from property line to property line.

c) The following uses are prohibited:

- i. Repair garages, paint and body shops
- ii. New and used car sales and rental, including mopeds and motorcycles
- iii. Pawn shops
- iv. Truck Stops
- v. Eating and drinking establishments that receive an alcohol license as a nightclub establishment.

d) Transitional Uses: *Adjoining lot with same frontage.* Where a lot in this district abuts a lot in any R-1 through R-G, MR, RLC or PD-H district at the side along the same street frontage, and without an intervening street, such lot within this district, or the first 100 feet on such lot if it is wider than 100 feet, shall not be used for any drive-through service window or drive-in facility, car washes, service station, mortuary or funeral home even where otherwise specifically authorized.

2) For all properties in a MRC (Mixed Residential Commercial) and MR (Multi-Family Residential) designation, the following shall apply:

a) Building facade materials shall consist of the following:

- i. Single and two-family residential structures: All exterior facades shall be brick, horizontal wood clapboard siding, or horizontal cementitious siding.
- ii. Townhouse residential structures: shall be defined as a row of two or more attached multi-family dwelling units with no unit located above or below another residential unit whereas:
 - 1. All exterior facades adjacent to a public street shall be brick, stone, cast stone, three-part hard coat stucco, horizontal wood clapboard siding or cementitious siding.
 - 2. All exterior facades not adjacent to a public street shall be brick, stone, cast stone, three-part hard coat stucco, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious siding. Exposed concrete masonry units are not permitted.
- iii. All other multi-family residential and non-residential structures:
 - 1. All exterior facades adjacent to and/or visible from a public street shall be predominately at least 51% brick. Stone, cast stone or three-part hard coat stucco may comprise the remaining 49% of each building façade.
 - 2. All exterior facades not adjacent to and/or visible from a public street shall be brick, stone, cast stone, three-part hard coat stucco, architecturally treated concrete masonry units, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious siding.
- iv. Retaining walls: shall be faced with or constructed of stone, brick, or decorative concrete modular block only.

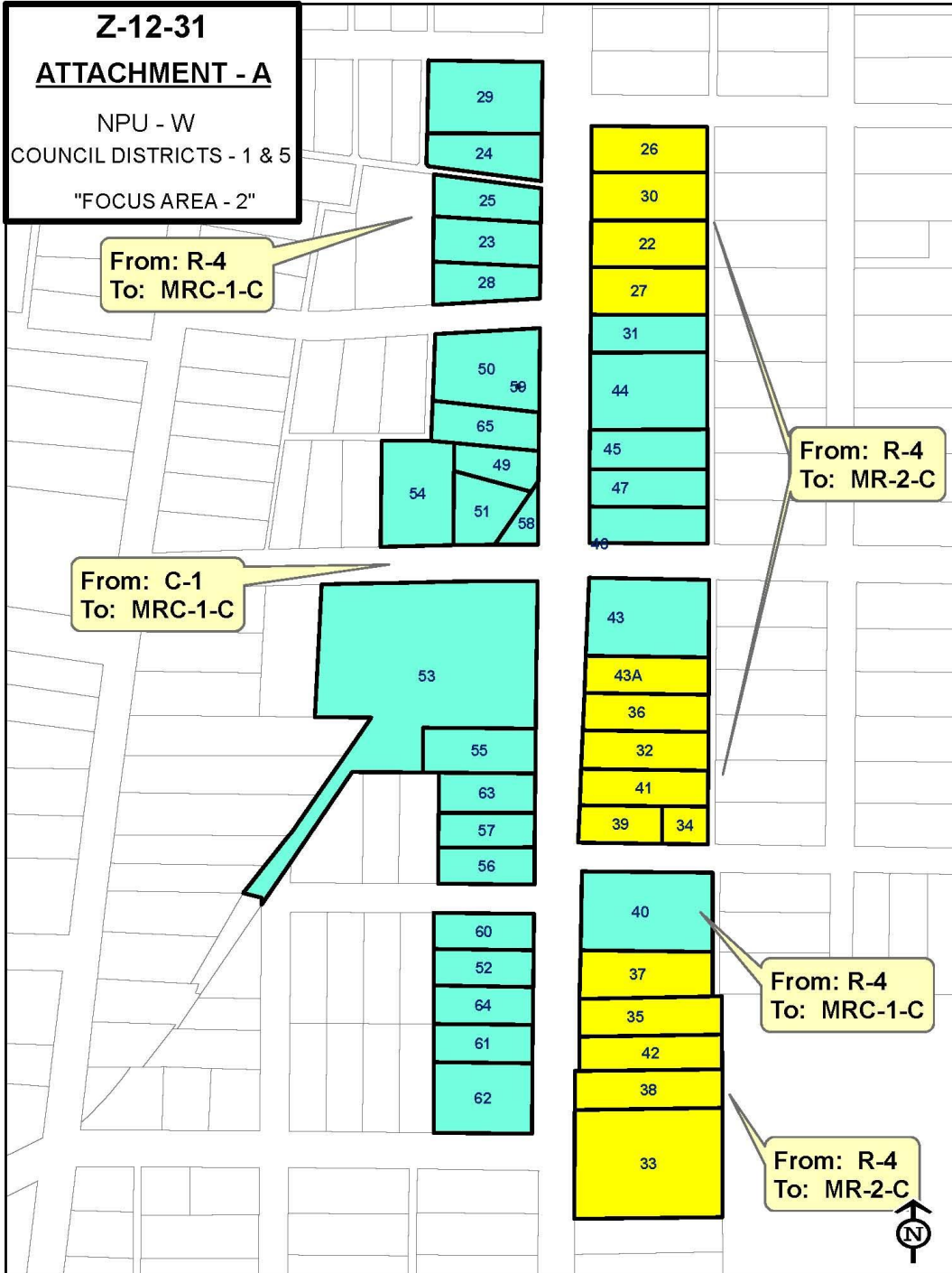
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- 3) Fencing: In addition to the fencing requirements of the MRC and MR districts, any chain link fencing where permitted in these districts, shall be black or dark green vinyl coated.
- 4) Dumpsters and Loading areas: In addition to the dumpster and loading requirements of the MRC and MR districts, the following additional restrictions shall apply:
 - a) Dumpsters and loading areas shall be enclosed with a self-closing opaque gate and opaque walls or fencing. Said gate, walls and fencing shall be a minimum of twelve (12) inches higher than the dumpster receptacle. The maximum combined height of a dumpster and screening walls or fencing shall be seven (7) feet.
 - b) Landscape screening where required, shall consist of a continuous hedge of evergreen shrubs, which shall be a minimum height of six (6) feet at time of planting and shall be maintained by the property owner.
- 5) Security materials: Burglar bars, metal gates, and metal-roll down doors or shutters are prohibited on the exterior of a structure when visible from any public street.
- 6) Lighting: Lights outlining and/or detailing a building and/or windows are prohibited.
- 7) Vending machines, paper stands, and other similar devices shall be located interior to the building structure.
- 8) Signage: In addition to the signage requirements of the MRC and MR districts, the following additional restrictions shall apply:
 - a) Free-standing signs: shall be constructed of the same materials as the principal structure and shall be directly and continuously upon the ground or a grade-level support structure with no separation between the sign and the ground or grade-level support structure. Said signs shall not be supported by visible columns, uprights, poles or braces and shall be of continuous solid construction without holes, gaps or spacing.
 - b) Wall signs: Signs attached to the building facade shall be internally illuminated or lit from behind (i.e. halo lighting).

SECTION 3: The regulations contained within Section 2 of this Ordinance shall supplement the regulations contained within Section 16-34.001 et seq. or Section 16-35.001 et seq. of the Atlanta Zoning Ordinance, Whenever the regulations contained within Section 2 of this Ordinance are different than those contained within Section 16-34.001 et seq. or Section 16-35.001 et seq. of the Atlanta Zoning Ordinance, the regulations contained within Section 2 of this Ordinance shall control.

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

ATTACHMENT "A"



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ATTACHMENT “B”

MAP ATTACHMENT “A” PARCELS					
ID NO.	TAXPIN	ADDRESS	ZONE_FROM	ZONE_TO	Focus_Area
22	15 176 03 049	692 MORELAND AVE SE	R-4	MR-2-C	2nd
23	14 00110003047	693 MORELAND AVE SE	R-4	MRC-1-C	2nd
24	14 00110003045	681 MORELAND AVE SE	R-4	MRC-1-C	2nd
25	14 00110003046	689 MORELAND AVE SE	R-4	MRC-1-C	2nd
26	15 176 03 047	682 MORELAND AVE SE	R-4	MR-2-C	2nd
27	15 176 03 050	698 MORELAND AVE SE	R-4	MR-2-C	2nd
28	14 00110003048	699 MORELAND AVE SE	R-4	MRC-1-C	2nd
29	14 00110003057	679 MORELAND AVE SE	R-4	MRC-1-C	2nd
30	15 176 03 048	688 MORELAND AVE SE	R-4	MR-2-C	2nd
31	15 176 03 051	706 MORELAND AVE SE	C-1	MRC-1-C	2nd
32	15 176 03 068	768 MORELAND AVE SE	R-4	MR-2-C	2nd
33	15 145 18 004	830 MORELAND AVE	R-4	MR-2-C	2nd
34	15 176 03 077	1190 GRACEWOOD AVE SE	R-4	MR-2-C	2nd
35	15 145 18 001	810 MORELAND AVE SE	R-4	MR-2-C	2nd
36	15 176 03 067	762 MORELAND AVE SE	R-4	MR-2-C	2nd
37	15 176 03 079	804 MORELAND AVE SE	R-4	MR-2-C	2nd
38	15 145 18 003	820 MORELAND AVE SE	R-4	MR-2-C	2nd
39	15 176 03 070	778 MORELAND AVE SE	R-4	MR-2-C	2nd
40	15 176 03 078	792 MORELAND AVE SE	R-4	MRC-1-C	2nd
41	15 176 03 069	774 MORELAND AVE SE	R-4	MR-2-C	2nd
42	15 145 18 002	814 MORELAND AVE SE	R-4	MR-2-C	2nd
43A	15 176 03 066	756 MORELAND AVE SE	R-4	MR-2-C	2nd
44	15 176 03 052	714 MORELAND AVE SE	C-1	MRC-1-C	2nd
45	15 176 03 053	720 MORELAND AVE SE	C-1	MRC-1-C	2nd
46	15 176 03 055	740 MORELAND AVE SE	C-1	MRC-1-C	2nd
47	15 176 03 054	726 MORELAND AVE SE	C-1	MRC-1-C	2nd
43	15 176 03 066	752 MORELAND AVE SE	C-1	MRC-1-C	2nd
49	14 00110007008	MORELAND AVE SE	C-1	MRC-1-C	2nd
50	14 00110007005	713 MORELAND AVE SE	C-1	MRC-1-C	2nd
51	14 00110007010	1160 ORMEWOOD AVE SE	C-1	MRC-1-C	2nd
52	14 00110007063	799 MORELAND AVE SE	C-1	MRC-1-C	2nd
53	14 00110007077	765 MORELAND AVE SE	C-1	MRC-1-C	2nd
54	14 00110007011	ORMEWOOD AVE SE	C-1	MRC-1-C	2nd
55	14 00110007030	775 MORELAND AVE SE	C-1	MRC-1-C	2nd
56	14 00110007033	793 MORELAND AVE SE	C-1	MRC-1-C	2nd
57	14 00110007032	785 MORELAND AVE SE	C-1	MRC-1-C	2nd
58	14 00110007071	731 MORELAND AVE SE	C-1	MRC-1-C	2nd
59	14 00110007006	713 MORELAND AVE SE	C-1	MRC-1-C	2nd
60	14 00110007062	797 MORELAND AVE SE	C-1	MRC-1-C	2nd
61	14 00110007065	809 MORELAND AVE SE	C-1	MRC-1-C	2nd
62	14 00110007066	825 MORELAND AVE SE	C-1	MRC-1-C	2nd
63	14 00110007031	781 MORELAND AVE SE	C-1	MRC-1-C	2nd
64	14 00110007064	801 MORELAND AVE SE	C-1	MRC-1-C	2nd
65	14 00110007007	MORELAND AVE SE	C-1	MRC-1-C	2nd



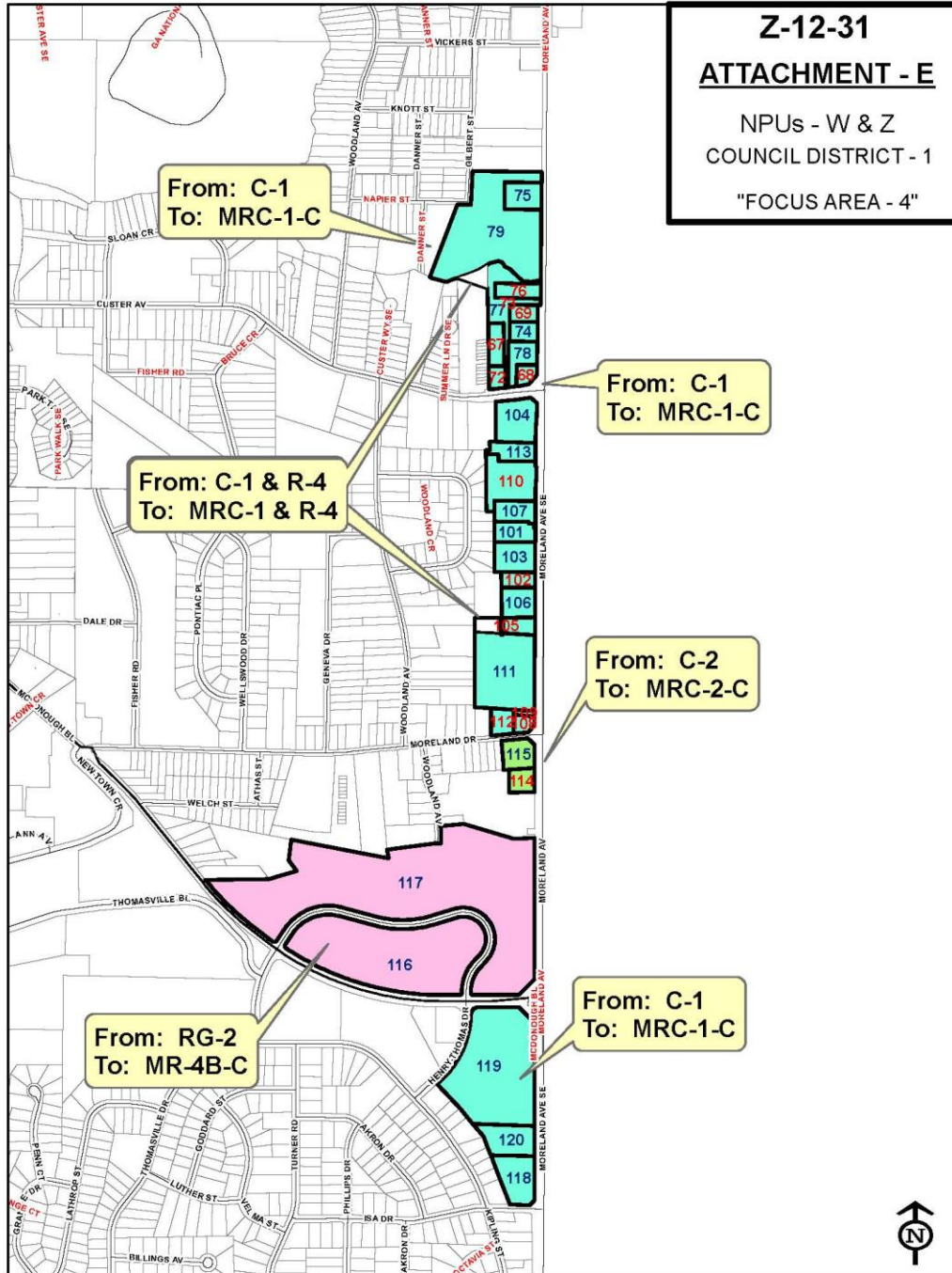
ATTACHMENT "C"



ATTACHMENT "D"

MAP ATTACHMENT "C" PARCELS					
ID NO.	ADDRESS	TAXPIN	ZONE_FROM	ZONE_TO	Focus_Area
70	1263 MORELAND AVE SE	14 00090008030	C-1	MRC-1-C	3rd
71	1257 MORELAND AVE SE	14 00090008029	C-1	MRC-1-C	3rd
80	1211 MORELAND AVE SE	14 00090008028	C-1	MRC-1-C	3rd
81	1241 MORELAND AVE SE	14 00090008026	C-1	MRC-1-C	3rd
83	1098 MORELAND AVE SE	15 145 18 043	C-1	MRC-1-C	3rd
84	1142 MORELAND AVE SE	15 144 07 005	C-1	MRC-1-C	3rd
85	1094 MORELAND AVE SE	15 145 18 042	C-1	MRC-1-C	3rd
86	1058 MORELAND AVE SE	15 145 18 046	C-1	MRC-1-C	3rd
87	1149 MORELAND AVE SE	14 00100010071	C-1	MRC-1-C	3rd
88	MORELAND AVE SE	15 145 18 041	C-1	MRC-1-C	3rd
89	1142 MORELAND AVE SE	15 144 07 003	C-1	MRC-1-C	3rd
90	1111 MORELAND AVE SE	14 00100007053	C-1	MRC-1-C	3rd
91	1159 MORELAND AVE SE	14 00100010078	C-1	MRC-1-C	3rd
92	1108 MORELAND AVE SE	15 145 18 044	C-1	MRC-1-C	3rd
93	1121 EAST CONFEDERATE AVE	14 00100010064	C-1	MRC-1-C	3rd
94	1175 MORELAND AVE SE	14 00100010076	C-1	MRC-1-C	3rd
95	1139 MORELAND AVE SE	14 00100010028	C-1	MRC-1-C	3rd
96	1182 MORELAND AVE SE	15 144 07 004	C-1	MRC-1-C	3rd
97	1127 MORELAND AVE SE	14 00100010059	C-1	MRC-1-C	3rd
98	1138 MORELAND AVE SE	15 144 07 002	C-1	MRC-1-C	3rd
99	1130 MORELAND AVE SE	15 144 07 001	C-1	MRC-1-C	3rd
100	1120 MORELAND AVE SE	15 145 18 045	C-1	MRC-1-C	3rd

ATTACHMENT "E"



ATTACHMENT “F”

MAP ATTACHMENT “E” PARCELS					
ID NO.	SITUS	TAXPIN	ZONE_FROM	ZONE_TO	Focus_Area
67	CUSTER AVE SE #REAR	14 0009 LL076	C-1	MRC-1-C	4th
68	1405 MORELAND AVE SE	14 0009 LL066	C-1	MRC-1-C	4th
69	1391 MORELAND AVE SE	14 0009 LL078	C-1	MRC-1-C	4th
72	1170 CUSTER AVE SE	14 0009 LL075	C-1	MRC-1-C	4th
73	1385 MORELAND AVE SE	14 0009 LL080	C-1	MRC-1-C	4th
74	1395 MORELAND AVE SE	14 0009 LL077	C-1	MRC-1-C	4th
75	MORELAND AVE SE	14 0009 LL073	C-1	MRC-1-C	4th
76	1383 MORELAND AVE SE	14 0009 LL081	C-1	MRC-1-C	4th
77	1385 MORELAND AVE SE	14 0009 LL082	C-1 & R-4	MRC-1-C	4th
78	1401 MORELAND AVE SE	14 0009 LL064	C-1	MRC-1-C	4th
79	1341 MORELAND AVE SE	14 0009 LL074	C-1	MRC-1-C	4th
101	1475 MORELAND AVE SE	14 00080009053	C-1	MRC-1-C	4th
102	MORELAND AVE SE	14 00080009023	C-1	MRC-1-C	4th
103	MORELAND AVE SE	14 00080009047	C-1	MRC-1-C	4th
104	1455 MORELAND AVE SE	14 0009 LL127	C-1	MRC-1-C	4th
105	1585 MORELAND AVE SE	14 00080009042	C-1 & R-4	MRC-1-C	4th
106	1575 MORELAND AVE SE	14 00080009044	C-1	MRC-1-C	4th
107	1465 MORELAND AVE SE	14 00080009046	C-1	MRC-1-C	4th
108	1635 MORELAND AVE SE	14 00080009048	C-1	MRC-1-C	4th
109	MORELAND AVE SE	14 00080009049	C-1	MRC-1-C	4th
110	1461 MORELAND AVE SE	14 0009 LL129	C-1	MRC-1-C	4th
111	1595 MORELAND AVE SE	14 00080009019	C-1	MRC-1-C	4th
112	MORELAND DR SE	14 00080009041	C-1	MRC-1-C	4th
114	1459 MORELAND AVE SE	14 0009 LL128	C-1	MRC-1-C	4th
115	1675 MORELAND AVE SE	14 00080005070	C2	MRC-2-C	4th
116	1645 MORELAND DR SE	14 00080005074	C2	MRC-2-C	4th
117	MC DONOUGH BLVD SE	14 0008 LL016	RG-2	MR-4B-C	4th
118	1773 MORELAND AVE SE	14 0008 LL015	RG-2	MR-4B-C	4th
119	1945 MORELAND AVE SE	14 00070013007	C-1	MRC-1-C	4th
120	1025 MC DONOUGH RD	14 00070013021	C-1	MRC-1-C	4th
121	1933 MORELAND AVE SE	14 00070013020	C-1	MRC-1-C	4th