



**CITY COUNCIL  
ATLANTA, GEORGIA**

**20-O-1026**

**Z-20-10 AN ORDINANCE BY COUNCILMEMBER ANTONIO BROWN AS AMENDED BY ZONING COMMITTEE TO AMEND THE 1982 CITY OF ATLANTA ZONING ORDINANCE, AS AMENDED, (PART 16 OF THE LAND DEVELOPMENT CODE), SO AS TO CREATE CHAPTER 40 MARIETTA STREET ARTERY OVERLAY; AND FOR OTHER PURPOSES.**

WHEREAS, according to the City of Atlanta 2016 Comprehensive Development Plan (CDP), the NPU M policies encourage infill development that is compatible with surrounding areas; and

WHEREAS, the Marietta Street Artery is a part of Subarea 4 of the D3 Westside Revive Plan and residents recognize that new development is coming, and they hope to preserve the character of the neighborhood; and

WHEREAS, the Marietta Street Artery neighborhood rapid evolution from an industrial transportation artery to a diverse mixture of residential, retail, commercial, industrial, and recreational uses requires special consideration; and

WHEREAS, the purpose and intent of the overlay intends to anticipate, and restrict or encourage as may be appropriate, certain uses as well as the size and scale of those uses; and

WHEREAS, the City Council finds that it is to the benefit of the residents the Marietta Street Artery neighborhood to promote a balance of commercial and residential uses which serve NPU M; and

WHEREAS, the City Charter, at Section 1-102(b), provides that the City shall have all powers necessary and proper to promote the safety, health, peace, and general welfare of the City and its inhabitants; and

WHEREAS, this ordinance is adopted pursuant to Georgia Constitution Article IX, Section II, Paragraph IV which empowers the governing authority of each county and of each municipality to adopt plans and exercise the power of zoning; and

WHEREAS, the City Council of the City of Atlanta finds that this rezoning in the best interest of the public health, safety, and welfare.

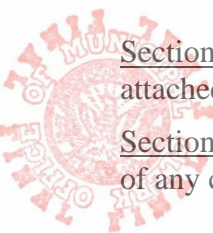
THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

Section 1. The Atlanta Zoning Ordinance, City Code of Ordinances, Part 16 (Zoning), is hereby amended by adding a new Chapter 40 entitled “Marietta Street Artery Overlay”, which shall read as shown on Exhibit “A” attached hereto and incorporated herein by reference.

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Section 2. The Official Zoning Map, as amended, is hereby further amended as shown on Exhibit “B”, attached hereto and incorporated herein by this reference.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of any conflict.

Section 4. It is declared the intention of the City of Atlanta that the provisions of any part of this ordinance are severable. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in the judgment. If a court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, development, building or structure, such judgment shall not affect the application of said provision to any other property, development, building or structure not specifically included in said judgment.



A true copy,

Foris Webb III  
Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED per City Charter Section 2-403

OCT 05, 2020  
OCT 14, 2020



## **Exhibit A**

### **CHAPTER 40. MARIETTA STREET ARTERY OVERLAY DISTRICT**

#### **Sec. 16-40.001. Scope of regulations.**

These regulations constitute the Marietta Street Artery Overlay District. The scope of these regulations are as follows:

1. The existing zoning map and underlying zoning regulations governing all properties within the Marietta Street Artery Overlay District shall remain in full force and effect. The regulations contained within this chapter shall be overlaid upon, and shall be imposed in addition to, these existing zoning regulations. Whenever the following overlay regulations vary from the existing underlying zoning regulations, the regulations of this Chapter 40 shall apply.
2. Whenever the following regulations vary from regulations applicable to historic or landmark buildings, sites or districts designated under the provisions of Part 16, Chapter 20, the more stringent regulations shall apply.

#### **Sec. 16-40.002. Findings and statement of intent.**

The City finds that that the Marietta Street Artery neighborhood is a unique, mixed use area of Atlanta. Its rapid evolution from an industrial transportation artery to a diverse mixture of residential, retail, commercial, industrial, and recreational uses requires special consideration to ensure that future development and redevelopment within this area reflect a mixture of uses that promote the public health, safety and welfare. Rapid rail and beltline transit opportunities within this overlay are currently limited, making use, size, and parking limitations appropriate in order to reflect these transportation realities. In establishing this Overlay District, the City intends to anticipate, and restrict or encourage as may be appropriate, certain uses as well as the size and scale of those uses, in a manner that: (i) Is consistent with the comprehensive development plan; (ii) Properly balances increasing residential and retail uses with the district's ongoing commercial and industrial development; and (iii) Provides greater regulation of businesses within the district that attract large numbers of people in combination with alcohol sales by the drink during late evening and early morning hours.

#### **Sec. 16-40.003. Use Regulations.**

The following use restrictions and regulations shall apply to all property within this district:

1. Prohibited Uses: Service stations, gasoline service stations, battery exchange stations, car washes, tire and repair shops, paint and body shops, cement manufacturers, concrete plants, junkyards, salvage yards, and scrap metal processors are prohibited.
2. Self-storage facilities:
  - a. Are prohibited as a principal permitted use.



- b. Are authorized as an accessory use to another principal permitted use provided:
  - i. Such accessory storage use is limited to 10% of the square footage of the principal permitted use; and
  - ii. Such accessory storage use shall not be provided for a minimum depth of 60 feet from any building façade along the public sidewalk.
- 3. Drive-through uses.
  - a. Within 200 feet of Northside Drive. Drive-through uses, including service windows, drive-through structures and associated queuing, are authorized when located within a distance of 200 feet of Northside Drive, measured in a straight line from the closest edge of the Northside Drive public right-of-way to the closest property line of the establishment using the drive-through.
  - b. All other locations: If such uses are not located within 200 feet of Northside Drive, they are authorized only when embedded within enclosed buildings or enclosed parking structures, provided they are located a minimum depth of 60 feet from all sidewalk-level building façades.
- 4. Limitations on non-residential uses exceeding 7,500 square feet.
  - a. All non-residential uses or establishments exceeding 7,500 square feet in area in which alcoholic beverages are sold or consumed on the premises require a special use permit. This special use permit requirement also applies to such uses or establishments previously under 7,500 square feet if subsequent renovations, additions, or other expansions result in the total square footage exceeding 7,500 square feet. This requirement does not apply to establishments that are licensed to sell alcoholic beverages only by the package, hotels, city food markets, city park organizations, continuing education centers, government centers, parks, park facilities, outdoor markets, retail grocery supermarkets, schools, or suite hotels, as those terms are defined in section 10.1 of the Code of Ordinances (article 1, Chapter 10 “Alcoholic Beverages”). For purposes of this section 16-40.003(4), “area” shall mean and include the total gross square footage of all buildings, structures, and premises that make up the establishment, including all kitchen, restroom and storage areas, as well as all patios, rooftop spaces, exterior spaces, and outdoor spaces of any kind, whether or not containing a roof or walls, in which activities associated with or accessory to the sale or consumption of alcoholic beverages are conducted. “Area” shall not be restricted to individual parcels or lots but shall include multiple parcels or lots or portions thereof if they are in any way a part of or accessory to the operation of the use or establishment.
  - b. Non-residential uses or establishments requiring a special use permit under this section shall demonstrate compliance with each of the criteria and requirements provided in subsections (c) through (e) of this section (16-40.003(4)(c-e)), in addition to those criteria



relating to special use permits set forth in Chapter 25 of Part 16 of the Code of Ordinances (“Special Permits”).

- c. A scaled and sealed site plan shall be provided showing the entire area as defined in section 16-40.003(a) above as well as all other buildings, structures, and parking structures or locations.
- d. Applicants shall submit a Transportation Management Plan (TMP) containing strategies to reduce single occupancy vehicle trips generated by the proposed use. The TMP shall include, but not be limited to, the following traffic reduction strategies:
  - i. Incentives for public transit ridership such as transit cards;
  - ii. Carpooling and vanpooling;
  - iii. Ridesharing;
  - iv. Commuter bicycling and walking programs;
  - v. Alternative, staggered, compressed or flexible work hours for commercial uses;
  - vi. Improvements to alternative modes such as vanpooling;
  - vii. Financial incentives given to those who use commute alternatives;
  - viii. Parking management programs;
  - ix. Commute alternatives information and marketing;
  - x. Shared parking arrangements;
  - xi. Provisions addressing a mixture of uses if present on-site;
  - xii. Pedestrian links to adjacent uses; and
  - xiii. Programs to promote and maintain participation in the use of mass transit, including a method of monitoring the number of ride sharers and their travel patterns.
- e. Applicants shall submit a Public Safety Management Plan (PSMP) containing strategies to ensure public safety for customers or visitors to the proposed use and to the broader community. The PSMP shall include, but not be limited to, public and private security strategies that are sufficient for the size of the establishment or premises, including parking areas.

**Sec. 16-40.004. Sidewalks and relationship of building to street.**

- 1. Public sidewalks shall be located along all public streets and shall meet the sidewalk requirements for MRC zoning districts provided in sec. 16-34.012.
- 2. Utilities shall be located below ground, provided that such location is not in violation of the policies of utility regulated by the Public Service Commission or otherwise regulated by state law and/or franchise agreement.



