



**CITY COUNCIL
ATLANTA, GEORGIA**

20-O-1575

Z-20-70 AN ORDINANCE BY COUNCILMEMBER MARCI COLLIER OVERSTREET TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, TO ADD SMALL DISCOUNT VARIETY STORE, AS DEFINED HEREIN, TO THE LIST OF PROHIBITED PRINCIPAL USES WITHIN THE NC-6 (CASCADE HEIGHTS NEIGHBORHOOD COMMERCIAL DISTRICT); AND FOR OTHER PURPOSES.

WHEREAS, the purpose and intent of the NC-6 District Regulations is to maintain a balance of uses to create a vibrant and sustainable commercial district in keeping with the general regulations for Neighborhood Commercial Districts; and

WHEREAS, the Neighborhood Commercial District ordinance allows the longstanding business and property owners within the district to accommodate the needs of the adjacent neighborhoods; and

WHEREAS, small discount variety store is defined as a retail establishment with a floor area less than 12,000 sq. ft. that offers a variety of consumer products including household goods, personal care products, entertainment products, electronics, and other consumer products, including food or beverages for off-premise consumption, and that sells these consumer products at a discounted rate; and

WHEREAS the City Council finds that Small Discount Variety Stores are incompatible with the scale, character and needs of the adjacent neighborhoods that serve the NC-6 Cascade Heights Neighborhood Commercial District and should be prohibited therein; 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:

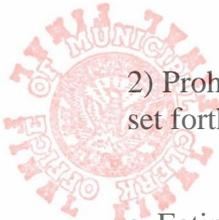
Section 1: Section 16-32F.002(2) of the 1982 Atlanta Zoning Ordinance, as amended, which sets forth those uses that are expressly prohibited in the NC-6 (Cascade Heights Neighborhood Commercial) District and which currently reads as follows:

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Last Updated: 01/5/21





2) Prohibited uses: In further limitation of those permitted principal uses and structures not permitted, as set forth in section 16-32.005:

- a. Eating and drinking establishments meeting the definition of "nightclub" set forth in chapter 10 of the Code of Ordinances (alcoholic beverages).
- b. Speakers and amplified music located outside enclosed permanent structures.
- c. Park-for-hire facilities on surface lots.
- d. Pawn shops.
- e. Carwashes, auto parts stores, tire and repair stores, auto repair shops.
- f. Any establishment offering check cashing services pursuant to a license issued pursuant to Article 4A of Chapter 7 of the Official Code of Georgia or loan money to the public except for any state or federally chartered bank, trust company, credit union, savings and loan association, or savings bank with deposits that are federally insured.

Is hereby amended to add a subsection (g) to such that Sec. 16-32F.002(2) shall hereafter read as follows:

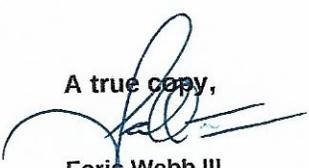
2) Prohibited uses: In further limitation of those permitted principal uses and structures not permitted, as set forth in section 16-32.005:

- a. Eating and drinking establishments meeting the definition of "nightclub" set forth in chapter 10 of the Code of Ordinances (alcoholic beverages).
- b. Speakers and amplified music located outside enclosed permanent structures.
- c. Park-for-hire facilities on surface lots.
- d. Pawn shops.
- e. Carwashes, auto parts stores, tire and repair stores, auto repair shops.
- f. Any establishment offering check cashing services pursuant to a license issued pursuant to Article 4A of Chapter 7 of the Official Code of Georgia or loan money to the public except for any state or federally chartered bank, trust company, credit union, savings and loan association, or savings bank with deposits that are federally insured
- g. Small Discount Variety Store pursuant to Atlanta City Code [Section 16-29.001 \(87\)](#)

SECTION 2: That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

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A true copy,

 Foris Webb III
 Municipal Clerk

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

JAN 04, 2021
JAN 13, 2021