

AN ORDINANCE

BY COUNCILMEMBER NATALYN M. ARCHIBONG

2-18-123

AN ORDINANCE TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, BY AMENDING THE NC-3 KIRKWOOD NEIGHBORHOOD COMMERCIAL DISTRICT REGULATIONS BY ALLOWING NO MORE THAN TWO TATTOO AND BODY PIERCING SHOPS, REQUIRING ALL MULTIFAMILY DWELLINGS TO DEDICATE AT LEAST 25% OF THE TOTAL GROUND FLOOR AREA TO ACTIVE COMMERCIAL USES AND AMEND OFF-STREET PARKING REQUIREMENTS; AND FOR OTHER PURPOSES.

WHEREAS, the purpose and intent of the NC zoning districts is to encourage pedestrian flow through the design of mixed-use buildings with sidewalk level retail uses; and

WHEREAS, the purpose and intent of the NC zoning districts is to promote a nodal form of neighborhood commercial areas to include proportionately significant residential uses; and

WHEREAS, the City Council finds that it is to the benefit of the residents in the NC-3 zoning district to promote a balance of commercial and residential uses which serve Kirkwood neighborhood and its adjacent neighborhoods; and

WHEREAS, the Atlanta City Council finds that amending the permitted uses and the off-street parking requirements will not negatively impact the intent of the district; and

WHEREAS, the proposed boundary and specific regulations for the NC-3 Kirkwood Neighborhood Commercial District.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Section 1. That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended by amending Chapter 32C entitled NC-3 Kirkwood Neighborhood Commercial District as set forth in "Exhibit A" attached hereto and incorporated herein by reference.

Section 2. That all ordinances or parts of ordinances in conflict with this ordinance shall be hereby repealed.

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A true copy,

Municipal Clerk

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

**JAN 22, 2019
JAN 31, 2019**



Exhibit A

CHAPTER 32C. - NC-3 KIRKWOOD NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 16-32C.001. - Scope of provisions.

The regulations set forth in this chapter, or set forth elsewhere in this part, when referred to in this chapter, are the regulations for the NC-3 Kirkwood Neighborhood Commercial District. The general NC district regulations shall apply to this NC-3 district except where said NC-3 district regulations conflict with the general NC regulations, said NC-3 regulations shall apply.

Sec. 16-32C.002. - Specific regulations.

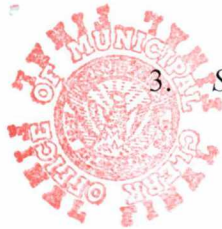
The following regulations are specific to the NC-3 Kirkwood Neighborhood Commercial District.

1. *Permitted principal uses:*

- a. The number of automobile service stations within the district shall not exceed one.
- b. Bakeries and catering establishments shall provide a retail component to serve the neighborhood comprising a minimum total floor area of 200 square feet.
- c. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities shall not exceed 2,000 square feet.
- d. Parking structures and lots to serve primary uses within the district.
- e. Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar household goods shall be conducted within fully enclosed buildings.
- f. Tattoo and body piercing establishments provided that the number of tattoo and body piercing establishments shall not exceed two; and where any such establishment shall not exceed 600 square feet.
- g. All multifamily dwellings shall have at least twenty-five percent (25%) of the total ground floor area, excluding accessory uses, as ground level active commercial uses in the same principal structure, and shall be located along the street facing building façade.

2. *Prohibited uses:*

- a. Amusement arcades and game rooms.
- b. Rooming houses.
- c. Single room occupancy.
- d. Telecommunication switchboards, power generators and other telecommunications relay equipment and rooms or floors housing them are not permitted.
- e. Grocery stores greater than 15,000 square feet.



3. *Special use permits:*

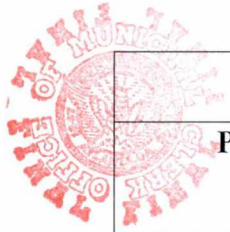
- a. Clubs and lodges.
- b. Hotels containing no more than eight rooms. Further, said hotels shall contain no more than 500 square feet of meeting facilities and no hotels shall be located nearer than 500 feet from the boundaries of any public elementary or secondary school.
- c. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities between 2,000 square feet and 8,000 square feet.

4. *Special administrative permits:* Variations in street tree requirements. Variations are subject to constraints such as overhead or underground utilities.

5. *Outdoor dining within required sidewalk:* Outdoor dining may encroach into the sidewalk clear zone provided the following criteria are met:

- a. Shall have a minimum of six feet wide of unobstructed sidewalk clear zone area when located adjacent to the street furniture and tree planting zone contiguous to on-street parking;
- b. Shall have a minimum of eight feet wide of unobstructed sidewalk clear zone area when located adjacent to the street furniture and tree planting zone and not contiguous to on-street parking;
- c. No permanent structure or ornamentation shall be located within the area where encroachment is permitted, and no element shall be attached to the sidewalk in any way;
- d. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter; and
- e. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of 36 inches including any plant material.

6. Off-Street Parking Requirements. There are no minimum parking requirements in this district except for indicated below in NC-3 Kirkwood Neighborhood Commercial District: Parking Table. The below parking requirements shall apply to all uses approved by special permits, as well as, permitted uses (See also sections 16-28.013 and 16-28.014). In addition to the general NC district requirements of Section 16-32.023, the following parking requirements shall supplant the requirements for the uses specified below in the Table. The Director of the Office of Zoning & Development may approve through a Special Administrative Permit reduction of parking through an off-site shared parking arrangement between any parcels located within the NC-3 district in accordance with the requirements of Section 16-32.023(3). The maximum number of parking spaces allowed is shown below in the NC-3 Table.



NC-3 Kirkwood Neighborhood Commercial District: Parking Table

Permitted Use	Minimum Parking Requirements	Maximum Parking Requirements
Banks and similar institutions	1 parking space per 5,000SF for commercial development having total commercial floor area of 10,000 square feet or more	1.0 space per 300 square feet of floor area
Clothing and tailor shops		
Laundry and dry-cleaning pick-up stations and coin operated laundromats		
Retail establishments, including catering, delicatessen and bakeries, but not other uses as provided below:		
Sales and repair establishment for home appliances, bicycles, lawn mowers, shoes, clocks and watches, and the like		
Dwellings and Lodgings	None	1.25 spaces per unit
• All other uses	None	1.0 space per 300 square feet of floor area

- a. Parking is not allowed within a supplemental zone which is located between the building façade and street.
- b. Off-street surface parking shall be located in the rear or side yards and shall not be located between the principal structure and the street.

7. Special Exceptions. The Board of Zoning Adjustment shall have the power to hear and decide applications for special exceptions to allow the increase or decrease off-street parking spaces within the district.

- a. The Board of Zoning Adjustment may grant special exceptions in this district only upon finding that the increase would not impose an unreasonable hardship upon the use of the lot.

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