

**CITY COUNCIL
ATLANTA, GEORGIA**

Municipal Clerk
Atlanta, Georgia

06-O-0567

AN AMENDED ORDINANCE BY:
ZONING COMMITTEE

Z-06-24

AN ORDINANCE TO REZONE CERTAIN PROPERTIES WITHIN THE SUMMERHILL NEIGHBORHOOD FROM THE R-4B (SINGLE-FAMILY RESIDENTIAL), C-1 (COMMUNITY BUSINESS), C-1-C (COMMUNITY BUSINESS-CONDITIONAL), C-3 (COMMERCIAL RESIDENTIAL), AND C-3-C (COMMERCIAL RESIDENTIAL – CONDITIONAL) TO THE R-4B-C (SINGLE-FAMILY RESIDENTIAL-CONDITIONAL), MR-3-C (MULTI-FAMILY RESIDENTIAL-CONDITIONAL), MRC-1-C (MIXED RESIDENTIAL COMMERCIAL-CONDITIONAL), AND MRC-3-C (MIXED RESIDENTIAL COMMERCIAL-CONDITIONAL) AND FOR OTHER PURPOSES.

NPU-V

COUNCIL DISTRICT 1

WHEREAS, the recommendations from the Summerhill Urban Redevelopment Plan land use and zoning update should be implemented; and

WHEREAS, the Summerhill Neighborhood has been working with the Bureau of Planning on the update and supports the City to rezone Summerhill neighborhood to implement the recommendations from the Summerhill Redevelopment Plan land use and zoning update; and

WHEREAS, a diversified urban environment where people can live, work, meet and recreate should be created; and

WHEREAS, a compatible mixture of residential, commercial, and cultural and recreational uses should be provided; and

WHEREAS, the visual aesthetics of the neighborhood and City streets should be improved; and

WHEREAS, the official zoning maps should be amended to include the properties in the Summerhill Neighborhood as shown on "Attachment 'A'" and "Attachment 'B'".

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 in the Summerhill Neighborhood with the designations as shown on "Attachment 'A'" and "Attachment 'B'" attached.

SECTION 2: This amendment is approved under the provisions of Section 16-02.003 of the City of Atlanta Zoning Ordinance entitled "Conditional Development" as identified with the use of the suffix "C" after the district designation. The Director of the Bureau of Buildings shall issue building permits for the development of the properties with said "Conditional Development" zoning district designation only in compliance with the following conditions:

1) The following conditions apply to all the MRC-3-C districts in the Summerhill Neighborhood:

- a. The following uses shall require a Special Use Permit:
 - i. Commercial greenhouses.
 - ii. Childcare and kindergardens
 - iii. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment when located on subterranean levels or the second floor above sidewalk level and higher, or on ground floors provided that retail, office, institutional or residential uses are provided for a minimum depth of 20 feet from any building façade along the public sidewalk.
 - iv. Mortuary and funeral homes
 - v. Nursing homes, assisted living facilities, personal care homes and rehabilitation centers.
 - vi. Security storage centers less than 7,500 square feet in floor area
- b. The following uses are prohibited:
 - i. Automobile service stations, car washes.
 - ii. Dormitories
 - iii. Dry-cleaning plants
 - iv. Group homes
 - v. New and used car sales, including motorized vehicles such as mopeds and motorcycles
 - vi. Park-for-hire surface parking lots
 - vii. Repair garages, paint and body shops
 - viii. Rooming houses
 - ix. Security storage centers greater than 7,500 square feet in floor area
 - x. Single room occupancy residences
 - xi. Truck stops.
- c. Size of individual retail, restaurant, repair or commercial recreation establishments, and clubs and lodges, shall not exceed 15,000 square feet along Georgia Ave. and Hank Aaron Dr., and 10,000 square feet elsewhere.
- d. Building façade materials shall consist of the following::
 - i. Single and Two-family: all exterior facades shall be brick, stone, horizontal wood clapboard siding, or horizontal hardiplank (cementitious siding).
 - ii. Multi-family and non-residential:
All exterior facades adjacent to or visible from a public street shall be brick, stone, cast stone, true stucco, split-faced concrete, or split-faced brick. Exterior facades not adjacent to a public street may also use concrete masonry units.

2) For the properties between Fraser Street and Martin Street in the MRC-3-C designation:

- a. Except as provided in Part 1) b, park-for-hire parking decks are prohibited
- b. For non-residential uses: Floor Area Ratio (FAR) shall not exceed one (1) times the net lot area.
- c. For residential uses: Floor Area Ratio (FAR) shall not exceed two (2) times the net lot area or gross land area.
- d. FAR bonuses are not permitted.
- e. Maximum Building Height
 - i. Where the MRC-3-C district adjoins the MRC-1-C district to the north, any structures located less than 30 feet from the buildable area adjacent to the MRC-1-C district shall be less than 40 feet in height.
 - ii. Transitional height plane applies for structures located at 93, 97, 105 Georgia Ave., and 670 Terry Street, which are adjacent to the R-4B district to the south.
 - iii. Any structure adjacent to Bass Street and Terry Street (Only applies to the portion of Terry street delineating MRC-3-C district and R-4B district) which is less than 30 feet from the buildable area adjacent to the required sidewalk along either Bass Street or Terry Street shall be less than 40 feet in height. The height of any building or portion of a building beyond 30 feet may extend up to maximum building height of 76 feet.
 - iv. Except as provided in part (i), (ii), and (ii) above, the maximum building height shall be 76 feet

3) For properties south of Georgia Avenue between Hank Aaron Boulevard and Fraser Street in the MRC-3-C designation:

- a. Except as provided in Part 1) b, park-for-hire parking decks are prohibited
- b. Maximum permitted floor areas without bonuses:
 - i. For non-residential uses: Floor Area Ratio (FAR) shall not exceed one and one-half (1.5) times the net lot area.
 - ii. For residential uses: Floor Area Ratio (FAR) shall not exceed one (3) times the net lot area or gross land area.
 - iii. Maximum floor area with bonuses: Under no circumstances shall the floor area of any development with bonuses exceed an amount equal to five (5) times gross lot area.
 - 1. Affordable Housing Bonus: Developments containing residential uses shall be permitted only a floor area bonus of one-half (0.5) times net lot area or gross land area, with the provision that the minimum percentage of affordable units provided shall meet the MRC district requirements. In addition to the minimum percentage requirements for the number of units, the size of each affordable unit shall not be smaller than the smallest unit for each unit type in the overall development.
 - 2. The Open Space Streets bonus, the Ground-floor Commercial bonus, and the Civic bonus shall not be permitted.
- c. Maximum Building Height
 - i. Any structure adjacent to Georgia Avenue which is less than 30 feet from the buildable area adjacent to the required sidewalk along Georgia Avenue shall be less than 76 feet in height.
 - ii. Any structure adjacent to Fraser Street which is less than 30 feet from the buildable area adjacent to the required sidewalk along Fraser Street shall be less than 40 feet in height. The height of any building or portion of a building beyond 30 feet and less than 60 feet shall be less than 76 feet. The height of any building or portion of a building beyond 60 feet may extend up to maximum building height of 104 feet.

- iii. Except as provided in part (i), and (ii) above, the maximum building height shall be 104 feet.

4) For properties in the MRC-1-C designation:

- a. The following uses shall require a Special Use Permit:
 - i. Commercial greenhouses.
 - ii. Childcare and kindergartens
 - iii. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment when located on subterranean levels or the second floor above sidewalk level and higher, or on ground floors provided that retail, office, institutional or residential uses are provided for a minimum depth of 20 feet from any building façade along the public sidewalk.
 - iv. Mortuary and funeral homes
 - v. Nursing homes, assisted living facilities, personal care homes and rehabilitation centers.
 - vi. Security storage centers less than 7,500 square feet in floor area
- b. The following uses are prohibited:
 - i. Automobile service stations, car washes.
 - ii. Dormitories
 - iii. Dry-cleaning plants
 - iv. Group homes
 - v. New and used car sales, including motorized vehicles such as mopeds and motorcycles
 - vi. Park-for-hire surface parking lots
 - vii. Park-for-hire parking decks
 - viii. Repair garages, paint and body shops
 - ix. Rooming houses
 - x. Security storage centers greater than 7,500 square feet in floor area
 - xi. Single room occupancy residences
 - xii. Truck stops.
- c. Size of individual retail, restaurant, repair or commercial recreation establishments, and clubs and lodges, shall not exceed 15,000 square feet along Hank Aaron Dr., and 10,000 square feet elsewhere.
- d. Building façade materials shall consist of the following:
 - i. Single and Two-family: all exterior facades shall be brick, stone, horizontal wood clapboard siding, or horizontal hardiplank (cementitious siding).
 - ii. Multi-family and non-residential:
All exterior facades adjacent to or visible from a public street shall be brick, stone, cast stone, true stucco, split-faced concrete, or split-faced brick. Exterior facades not adjacent to a public street may also use concrete masonry units
- e. The maximum building height shall be 52 feet except for where height is limited based on distance from certain zoning districts.

5) For properties in the MR-3-C designation:

Maximum Building Height: Any structure adjacent to either Fraser or Ormond Street which is less than 30 feet from the buildable area adjacent to the required sidewalk along either Fraser or Ormond Street shall be less than 40 feet in height. The height of any building or portion of a building beyond 30 feet may extend up to maximum building height of 52 feet.

6) For properties in the R-4B-C designation in Summerhill Neighborhood:

- a. The minimum width of a house shall be 20 feet as measured from the exterior of the side walls. The side walls shall be the walls that are perpendicular to and attached to the wall in which the primary entrance is located.
- b. The primary pedestrian entrance of the principal structure shall face and be visible from a public or private street.
- c. Garages attached to the principal structure shall be recessed a minimum of 5 feet from the street-facing facade. Such garages shall not comprise more than 50% of the width of the ground floor of the building's street-facing frontage.
- d. Detached accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall be set back of a minimum of 15 feet from the street-facing facade of the principal structure. Mechanical equipment shall be screened with plant or fence materials from view of any public street.
- e. No parking pad is allowed between the front of the principal structure and the public street.
- f. When no attached or detached garages are built, solid paved driveway shall extend at least 20 feet beyond the street-facing front facade and have a maximum width of 10 feet in the front yard; if a driveway is built less than 20 feet beyond the front facade, it shall be ribbon driveway that consists of two paved strips with a grass strip between them. The paved strips shall be no more than 30 inches wide, and the grass strip shall be at least 4 feet wide. No portion of the ribbon driveway pavement shall be farther than 10 feet from one of the side property lines.
- g. Any facades that face a public or private street shall consist of fenestration that is no less than 20 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
- h. Roof of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
- i. Any portion of a chimney that is located on any facade that faces a public or private street shall originate at grade
- j. Foundations:
 - i. The first floor of the principal structure shall be on foundations and elevated above the grade between one and one half (1.5) and four (4) feet, unless existing topography is greater, as measured at the front facade of the structure. Slab-on-grade construction is not permitted. All front steps shall have closed risers and closed ends, and shall not use wood material. Access ramps shall be permitted.
 - ii. Foundations shall constitute a distinct building design element and shall contrast with the front facade material when hardiplank or horizontal wood sidings are used. Brick, stone, or true stucco shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.

Section 3: That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

Summerhill Neighborhood Rezoning

City of Atlanta, Department of Planning and Community Development
4/17/2006

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A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED as amended by Council
APPROVED by the Mayor

May 1, 2006
May 8, 2006

Zoning change

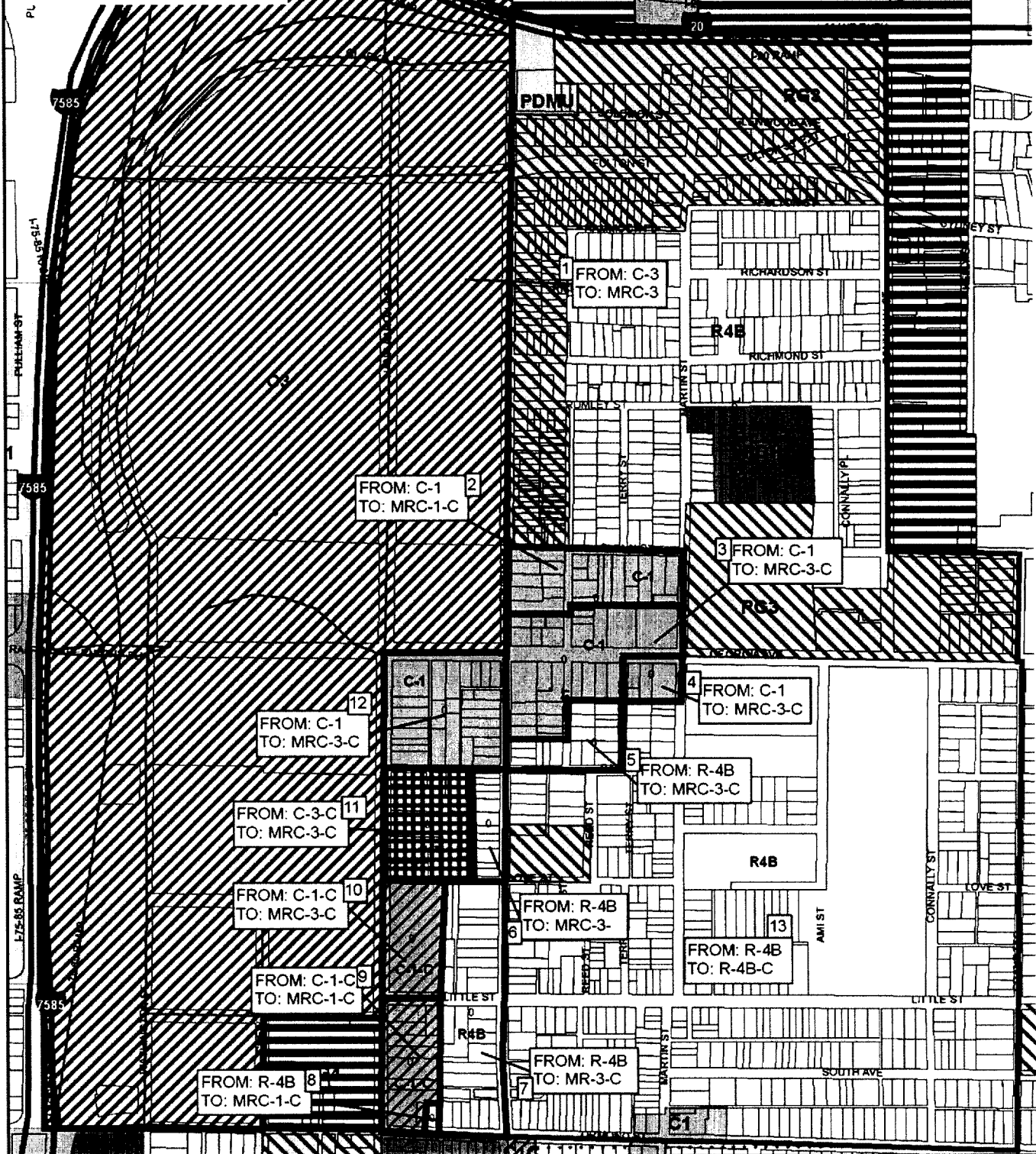
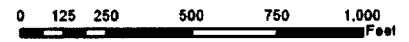
Highway

Summerhill Boundaries

Parcels

North arrow pointing North (N), South (S), East (E), and West (W).

**ATTACHMENT 'A' Z-06-24
SUMMERHILL REZONING
NPU-V, COUNCIL DISTRICT 1**



Attachment 'B'

Area	Addresses	Zoning From	Zoning To
1	24, 445,450, 504, 727,755,777 Hank Aaron Blvd., 28 and 617 Ralph D. Abernathy Blvd., 711, 760, 818, 827 Washington Street.	C-3	MRC-3-C ¹
2	Odd addresses from 77 Glenn St. to 107 Glenn St. Even addresses from 616 Fraser St. to 634 Fraser Street Odd addresses from 619 Reed St. to 629 Reed St. Even addresses from 618 Reed St. to 632 Reed St. 631 Martin St.	C-1	MRC-1-C
3	Odd addresses from 639 Reed St. to 685 Reed St. Even addresses from 636 Reed St. to 640 Reed St. Odd addresses from 59 Georgia Ave. to 85 Georgia Ave. Even addresses from 56 Georgia Ave. to 104 Georgia Ave. Even addresses from 640 Fraser St. to 686 Fraser St.	C-1	MRC-3-C ²
4	Odd addresses from 93 Georgia Ave. to 105 Georgia Ave. 670 Terry St.	C-1	MRC-3-C ²
5	Even Addresses from 674 Reed St. to 696 Reed St. Even addresses from 58 Bass St. to 82 Bass St. Even addresses from 690 Fraser St. to 696 Fraser St. Odd addresses from 675 Terry St. to 689 Terry St.	R-4B	MRC-3-C ²
6	Odd addresses from 699 Fraser St. to 709 Fraser St. 735, 737 Fraser St. Odd addresses from 711 Fraser St. to 731 Fraser St. (Front)	R-4B	MRC-3-C ³
7	Odd addressed from 753 Fraser St. to 823 Fraser St. Odd addressed from 25 Bill Lucas Dr. to 31 Bill Lucas Dr. Even addresses from 26 Ormond St. to 44 Ormond St. Odd addresses from 25 Little St. to 29 Little St. Even addresses from 26 Little St. to 30 Little St.	R-4B	MR-3-C
8	20 Ormond St.	R-4B	MRC-1-C
9	Even addresses from 794 Hank Aaron Blvd. to 834 Hank Aaron Blvd. 16 Ormond St, 19 Little St.	C-1-C	MRC-1-C
10	768 Hank Aaron Blvd.	C-1-C	MRC-3-C ³
11	Even addresses from 702 Hank Aaron Blvd. to 738 Hank Aaron Blvd. Odd addresses from 19 Bass St. to 31 Bass St. Even addressed from 16 Bill Lucas Dr. to 32 Bill Lucas Dr. Odd addresses from 711 Fraser St. to 731 Fraser St. (Rear)	C-3-C	MRC-3-C ³
12	Even addresses from 670 Hank Aaron Blvd. to 696 Hank Aaron Blvd. Odd addresses from 671 Fraser St. to 695 Fraser St. Even addresses from 20 Bass St. to 30 Bass St. Odd addresses from 19 Georgia Ave. to 39 Georgia Ave.	C-1	MRC-3-C ³
13	All the R-4B zoned properties in Summerhill Neighborhood	R-4B	R-4B-C

¹ MRC-3-C area west of Fraser Street from I-20 to Georgia Avenue and MRC-3-C area west of Hank Aaron Boulevard from Georgia Ave. to Ormond Street

² MRC-3-C area between Fraser Street and Martin Street

³ MRC-3-C area south of Georgia Avenue between Hank Aaron Boulevard and Fraser Street

RCS# 227
5/01/06
2:56 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE 06-O-0282 06-O-0277 06-O-0498 06-O-0568
06-O-0567
ADOPT AS AMEND

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
B Hall	Y Fauver	NV Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
NV Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

(Do Not Stamp) 0567

AN ORDINANCE Z-06-24
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE CERTAIN PROPERTIES WITHIN THE SUMMERHILL NEIGHBORHOOD FROM THE R-4B (SINGLE-FAMILY RESIDENTIAL), C-1 (COMMUNITY BUSINESS), C-1-C (COMMUNITY BUSINESS-CONDITIONAL), C-3 (COMMERCIAL RESIDENTIAL), AND C-3-C (COMMERCIAL RESIDENTIAL-CONDITIONAL) TO THE R-4B-C (SINGLE-FAMILY RESIDENTIAL-CONDITIONAL), MR-3-C (MULTI-FAMILY RESIDENTIAL-CONDITIONAL), MRC-1-C (MIXED RESIDENTIAL COMMERCIAL-CONDITIONAL), AND MRC-3-C (MIXED RESIDENTIAL COMMERCIAL-CONDITIONAL) AND FOR OTHER PURPOSES.

NPU 'V' COUNCIL DISTRICT 1

- ☐ CONSENT REFER
☒ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred 3-6-2006
Referred To: ZRB & zoning
Date Referred
Referred To:
Date Referred
Referred To:

First Reading
Committee Date
Chair
Referred To

Committee
Date
Chair
Referred To

April 26, 2006
Chair
Action
Fav, Adv, Hold (see rev. side)
Other

Members

DA

1425th

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

ADOPTED BY

MAY 01 2006

COUNCIL

Refer To

FINAL COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

MAY 01 2006

RECEIVED
MAY 01 2006
COUNCIL CLERK

MAYOR'S ACTION

MAYOR

MAY 08 2006

APPROVED
MAY 08 2006
MAYOR