

AN ORDINANCE

BY COUNCILMEMBERS HOWARD SHOOK AND YOLANDA ADREAN

**AN ORDINANCE TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, CITY OF ATLANTA CODE OF ORDINANCES PART 16, SO AS TO ADD A NEW CHAPTER 38 ENTITLED "BUCKHEAD PARKING OVERLAY DISTRICT"; TO AMEND THE OFFICIAL ZONING MAP TO SET FORTH THE BOUNDARIES OF THE BUCKHEAD PARKING OVERLAY DISTRICT; TO SET FORTH THE DEVELOPMENT REQUIREMENTS WITHIN SAID DISTRICT; AND FOR OTHER PURPOSES.**

**WHEREAS**, there is increased traffic and congestion in the City of Atlanta, especially in the Buckhead neighborhoods and business districts; and

**WHEREAS**, the large amount of vehicular traffic drawn to Buckhead and the excessive amount of accessory parking in office and commercial uses has greatly contributed to the traffic and congestion in the area; and

**WHEREAS**, the Comprehensive Development Plan identifies solving traffic congestion as the highest community-ranked needs among all needs (Pg. 203); and

**WHEREAS**, inordinate new vehicular parking is incongruent with the preservation of existing neighborhoods; and

**WHEREAS**, it is found in the public health, safety and general welfare to impose by zoning ordinance certain parking requirements, including a cap on the amount of parking allowed for certain uses in order to manage traffic and congestion; 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**, the City Charter, at Section 1-102(c) (42), authorizes the City to regulate land use by the adoption of zoning ordinances, planning ordinances, and other regulatory ordinances; 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**, such zoning powers include, among other things, the power of local governments to provide within their respective territorial boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such districts and for the regulation of development and the improvement of real estate within such districts in accordance with the uses of property for which such districts were established.

**NOW THEREFORE, 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 38 entitled “Buckhead Parking Overlay District”, which shall read as shown on **Exhibit “A”** attached hereto and incorporated herein by this reference.

**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.

## Exhibit A

### Chapter 38. – BUCKHEAD PARKING OVERLAY DISTRICT

#### Sec. 16-38.001. - Scope of regulations.

The scope of the regulations set forth in this chapter are the regulations in the Buckhead Parking Overlay District. The scope of these regulations are as follows:

1. The existing zoning map and underlying zoning regulations governing all properties within the Buckhead Parking 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, said existing zoning regulations. Except where it is otherwise explicitly provided, whenever the following overlay regulations are at variance with said existing underlying zoning regulations, the regulations of this chapter shall apply.
2. Whenever the following regulations are at variance with historic district regulations of Part 16, Chapter 20, the more stringent regulations shall apply so not to impact designated historic structures or buildings.
3. Whenever the following regulations are at variance with the Beltline Overlay District regulations of Part 16, Chapter 36, the more stringent regulations shall apply.

#### Sec. 16-38.002. Findings and statement of intent.

The intent of this chapter and of the regulations herein is to set forth the minimum parking, if any, that may be provided onsite and the maximum parking that may be provided onsite within the Buckhead Parking Overlay District.

#### Sec. 16-38.003. Off-street parking requirement.

The minimum number of parking spaces required and maximum number allowed shall be in accordance with the following Buckhead Parking Overlay District Table:

**Buckhead Parking Overlay District Table**

|   | Parking Spaces |         |
|---|----------------|---------|
|   | Minimum        | Maximum |
| <b>Residential Dwellings/Lodgings</b>       |                |         |
| Hotels and motels (spaces per lodging unit) | None           | 1.0     |
| Residential Dwellings:                      |                | 1.25    |
| •Per each one-bedroom unit                  | None           | 2.25    |
| •Per each two or more bedroom unit          |                |         |

|  | Parking Spaces             |                            |
|--|----------------------------|----------------------------|
|  | Minimum                    | Maximum                    |
| <b>Non-Residential Uses (Spaces per 1,000 sq. ft. of floor area)</b> |                            |                            |
| Eating and Drinking Establishments                                   | Underlying zoning controls | Underlying zoning controls |
| Commercial/Retail (not Eating and Drinking Establishments)           | None                       | 2.5                        |
| Institutional  | None                       | 2.5                        |
| Office   | None                       | 2.5                        |
| Recreation/Entertainment   | None                       | 1.5                        |
| All Other Uses   | None                       | 2.0                        |

If the underlying zoning of the property is within a special public interest district, any variation to increase the maximum allowable parking requirement of this chapter, if any, shall be based upon the following criteria:

- a. Tenant demand based for on-site uses; and
- b. Parking efficiency and utilization for on-site uses; and
- c. Parking available off-site within one-quarter-mile radius.



# BUCKHEAD PARKING OVERLAY

- Proposed Zoning
- Community Facilities
- Single Family Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Very High Density Residential
- Low Density Commercial
- High Density Commercial
- Office/Institutional
- Office/Institutional/Residential
- Open Space
- Private Open Space
- Industrial
- High-Density Mixed-Use
- Medium-Density Mixed-Use
- Low-Density Mixed-Use
- Mixed Use
- Transportation/Communications/Utilities

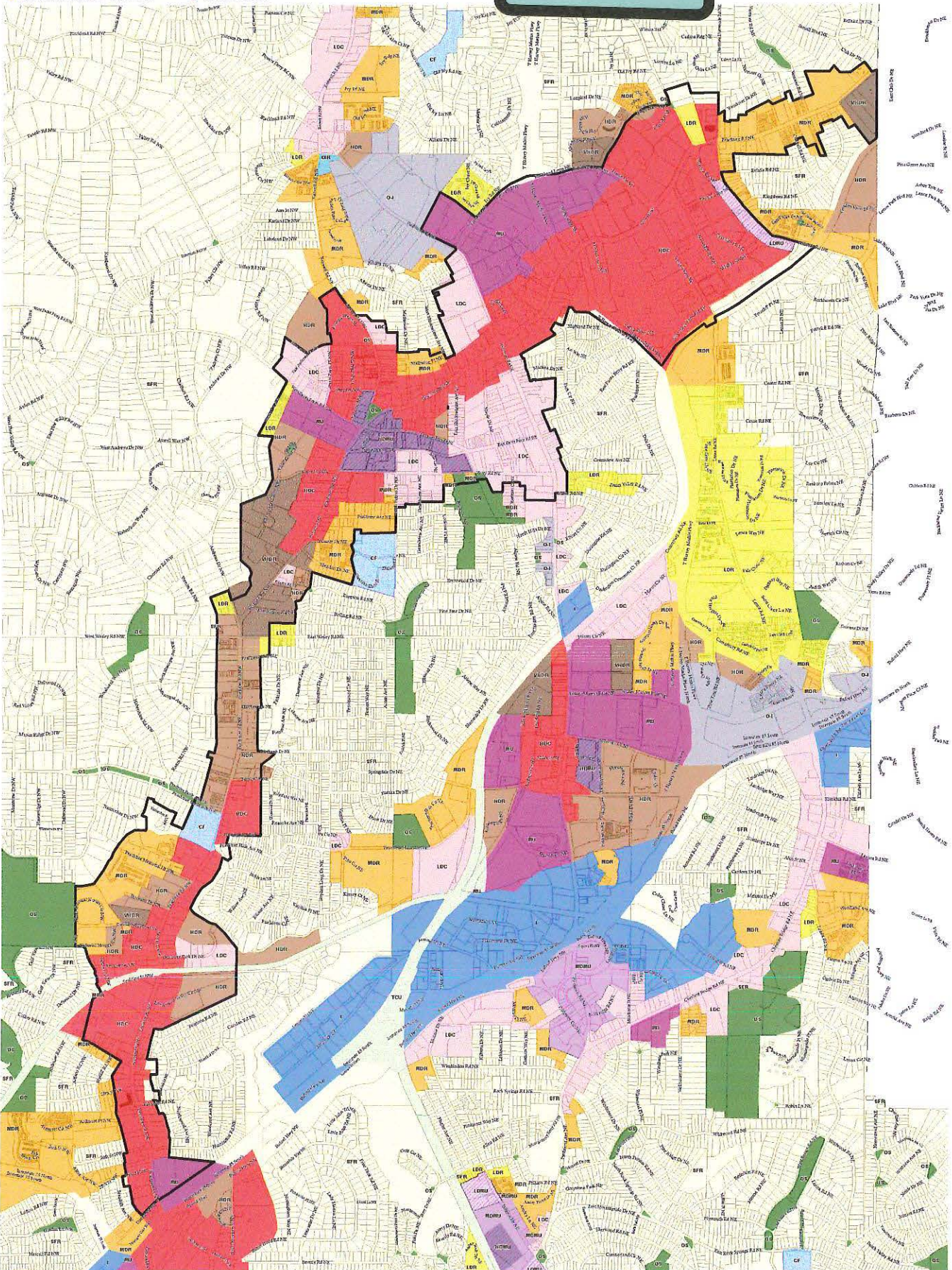
EXHIBIT

B



Department of  
**CITY PLANNING**

0 0.15 0.3 0.45 0.6 MI



**Notes:**

Date: 9/18/2017

Requested By:

User Name: lladefian

Path: J:\egis\_work\dpdp\projects\lladefian\Walk-inRequests\Charletta\ARCH\_D\_Portrait.mxd

THIS MAP IS PROVIDED AS A PUBLIC SERVICE. The City of Atlanta has made known that this Data contains known errors and inconsistencies. The City of Atlanta in no way endorses, represents or warrants the accuracy and/or reliability of the Data and/or map products being developed. The user of the Data and/or map products assumes all risks and liabilities which may arise from the information produced by Maps or Data furnished to User by the City of Atlanta.



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AN ORDINANCE  
BY COUNCILMEMBERS HOWARD SHOOK  
AND YOLANDA ADREAN

*Howard Shook*  
*Yolanda Adrean*

### First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

### FINAL COUNCIL ACTION

☐ 2<sup>nd</sup> ☐ 1<sup>st</sup> & 2<sup>nd</sup> ☐ 3<sup>rd</sup>

### Readings

☐ Consent ☐ V Vote ☐ RC Vote

AN ORDINANCE TO AMEND  
THE 1982 ATLANTA ZONING  
ORDINANCE, AS AMENDED,  
CITY OF ATLANTA CODE OF  
ORDINANCES PART 16, SO AS  
TO ADD A NEW CHAPTER 38  
ENTITLED "BUCKHEAD  
PARKING OVERLAY  
DISTRICT"; TO DEFINE  
CERTAIN TERMS; AND FOR  
OTHER PURPOSES.

#### 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

Refer To

### CERTIFIED

#### 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

Refer To

### MAYOR'S ACTION

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER  
☒ PERSONAL PAPER REFER

Date Referred: 9/18/17

Referred To: Zoning + ZRB

Date Referred:

Referred To:

Date Referred:

Referred To: