AN ORDINANCE TO AMEND THE 1982 CITY OF ATLANTA ZONING ORDINANCE, AS AMENDED, (PART 16 OF THE LAND DEVELOPMENT CODE), SO AS TO CREATE CHAPTER 42 INTOWN SOUTH COMMERCIAL CORRIDOR OVERLAY; AND FOR OTHER PURPOSES.

WHEREAS, the Intown South area includes NPUs S, T and V and is located primarily within City Council District 4 as designated by the City of Atlanta 2016 Comprehensive Development Plan (CDP); and

WHEREAS, according to the CDP, the NPU S policies promote economic development in order to attract more commerce and encourage the creation of standards governing size and appearance of flea markets along the commercial areas; and

WHEREAS, according to the City of Atlanta CDP, the NPU T policies include supporting future legislation for prohibited business uses to encourage commercial economic development; and

WHEREAS, according to the City of Atlanta CDP, the NPU V policies include the promotion of mixed-use (commercial, residential, and office) development patterns that are compatible with the surrounding residential areas and are located along major transportation routes; and

WHEREAS, the various commercial corridors within the Intown South area, including Cascade Avenue, Martin Luther King Jr. Drive, Northside Drive, W. Whitehall Street, Lee Street, Campbellton Road and Ralph David Abernathy Boulevard contain a number of flea markets and convenience stores; and

WHEREAS, a proliferation of these flea markets and convenience stores are concentrated in economically depressed and blighted areas; and

WHEREAS, the continued accumulation of these uses will discourage the development of mixed use development along commercial corridors and deter economic development goals within the target area; and

WHEREAS, the City Council finds that it is to the benefit of the residents of the various NPUs and neighborhoods adjacent to the affected commercial corridors to promote a balance of commercial uses which serve the Intown South Area; 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 is 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 42 entitled “Intown South Commercial Corridor Overlay”, which shall read as shown on Exhibit “A” attached hereto and incorporated herein by 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 waived 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.