

AN ORDINANCE BY COUNCILMEMBERS, MARY NORWOOD, ANDRE DICKENS AND MICHAEL JULIAN BOND TO PLACE INTERIM CONTROLS ON DEMOLITION AND NEW CONSTRUCTION ON SINGLE-FAMILY RESIDENTIAL STRUCTURES IN THE TUXEDO PARK NEIGHBORHOOD FOR A PERIOD OF TIME NOT TO EXCEED 180 DAYS; AND FOR OTHER PURPOSES.

WHEREAS, according to the 2016 Comprehensive Development Plan (CDP), there are nine physical elements, that more than any others characterize the urban form of the City of Atlanta. Two of these elements are the City's tree canopy and neighborhoods (page 207); and

WHEREAS, according to the CDP, the City of Atlanta is known as the "City of trees" because it is covered with an extensive canopy of mature forests, covering an estimated 40, 524 acres or approximately 50% of the total acreage within the City limits. Trees provide numerous environmental and aesthetic benefits such as reduction of energy demand, cleaner air and water, stormwater management, and habitat for pollinators and wildlife. Trees also make neighborhoods and urban areas more livable by providing aesthetic, social and psychological benefits for residents. For this and other reasons, the CDP recognizes the City's tree canopy as a significant environmental feature (page 207); and

WHEREAS, according to the CDP, single-family residential is the largest land use designation consisting of 44,249 acres or just over 50% of the total acreage within the City limits (page 222); and

WHEREAS, a major goal, if not the preeminent goal of the CDP is neighborhood preservation. The CDP recognizes that "Atlanta's greatest pride and charter defining feature is found in its neighborhoods. They are not simply places to live, but communities for building friendship and mutual support." Policies to promote this goal include preserving the "boundaries and architectural character of Atlanta's existing neighborhoods"; "create stable neighborhoods by protecting and enhancing their historic character"; "discourage land speculation and disinvestment that lead to neighborhood buy-outs, demolition of significant buildings (historic or otherwise) or land vacancy" (page 216);

WHEREAS, the CDP recognizes that there are approximately 250 distinct neighborhoods, with some located within blocks of high-rise towers, yet protected from incompatible development by land use policies, zoning codes, and topography and/or landscaping (page 208);

WHEREAS, the CDP finds that "policies and incentives to encourage the preservation of buildings in designated historic districts and those eligible sites and districts but not locally designated should be promoted" (page 214); and

WHEREAS, the CDP has as specific policies to "preserve the single-family character of NPU A, including Tuxedo Park" (A-1); and to "preserve the existing residential and historic character of Tuxedo Park" and to "preserve the woodland and park-like character of Tuxedo Park" (A-14); and

WHEREAS, the CDP has as specific policies to "preserve the historic integrity of the...Tuxedo Park neighborhoods"; and

WHEREAS, the CDP recognizes that "older homes are being replaced with newer homes that are incompatible in scale, height, massing, size and design" (page 227), with such recognition constituting the highest ranked land use need to address; and

WHEREAS, the CDP further recognizes that "not all neighborhoods have design guidelines to ensure appropriate new and infill development that complements the character of the community" (page 227); and

WHEREAS, the CDP recognizes that with growth comes the responsibility to promote policies that protect, among other things, forest ecosystems, continued strengthening and maturing of the tree conservation program (page 211); and

WHEREAS, the Atlanta Zoning Ordinance is adopted and amended from time to time to carry out the policies and objectives of the CDP and to address those needs and opportunities identified in the CDP; and

WHEREAS, since 1980 Tuxedo Park neighborhood has been listed on the National Register of Historic Places (#80004665); and

WHEREAS, there is a pressing need, substantially related to the public health safety and welfare to enact interim development controls governing building size and preservation of trees while permanent zoning controls can be enacted that further the aforementioned policies and goals of the CDP within the Tuxedo Park neighborhood boundary.

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

Section 1. The Department of City Planning, including any of its offices, shall accept no permit application necessary for the demolition of an existing single-family residential structure or for the new construction of a single-family residential structure within the Tuxedo Park neighborhood, as more fully described on Exhibit "A", except as provided herein.

Section 2. In the event a property owner attempts to file an application(s) referenced in Section 1, the Department shall inform the property owner of this interim control ordinance and refer the proposed application to the Director of the City of Atlanta Office of Zoning and Development ("Director").

Upon referral, the Director shall instruct the property owner to submit to the Director a sealed drawing from a registered architect or surveyor sufficient for the Director to determine whether the proposed application meets the requirements set forth herein. Upon submittal, the Director shall review the proposed application(s), the aforementioned sealed drawing, and the architectural drawings or plans for the proposed single-family residential structure, and other relevant information deemed relevant by the Director to carry out the intent of this ordinance.

Within a reasonable time of receiving the information described above, the Director shall make a determination as to whether the proposed single-family residential structure's size is compatible with the Tuxedo Park neighborhood. If the Director determines the proposed application would be compatible, the Director shall refer the property owner back to the Department for acceptance of the application. If the Director determines the proposed application would not be compatible, he shall so inform the property owner and the Department shall not accept the proposed application.

Section 3. For purposes of this ordinance, the term "compatible" means that the proposed single-family residential structure shall be no larger (in floor area) than the largest single-family residential structure on either side of the street for the entire block length or taller than the tallest single-family residential structure on either side of the street for the entire block length. In addition, for purposes of tree removal, the term "compatible" means

Section 4. For purposes of this ordinance, new construction shall be defined as any construction which would result in one or more new buildings, increased lot coverage, and modification of an existing building footprint. Additions to existing buildings shall constitute new construction.

Section 5. For purposes of this ordinance, demolition shall be defined as any an act or process that destroys or razes in whole or in part any single-family residential structure or permanently impairs its structural integrity.

Section 6 The interim control imposed by this ordinance will expire one hundred and eighty (180) days from the date that this ordinance becomes effective. Notwithstanding the foregoing, if there is a final vote of the City Council on a new development control ordinance within the area described in Exhibit "A" before the expiration of the one hundred and eighty (180) days, the interim control will expire on the date when the ordinance becomes effective or on the date when the City Council votes to deny the ordinance.

Section 7. This ordinance shall become effective immediately upon signing by the Mayor or as otherwise provided by the operation of law.

CITY COUNCIL
ATLANTA, GEORGIA

17-O-1276

SPONSOR SIGNATURES


Andre Dickens, Councilmember, Post 3 At-Large


Mary Norwood, Councilmember, Post 2 At-Large


Michael Julian Bond, Councilmember, Post 1 At-Large

**CITY COUNCIL
ATLANTA, GEORGIA**

17-O-1276

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Workflow List:

Clerk of Council	Completed	05/16/2017 12:13 PM
Atlanta City Council	Completed	05/15/2017 1:00 PM
Community Development & Human Services Committee	Completed	05/23/2017 12:30 PM
Atlanta City Council	Completed	06/05/2017 1:00 PM
Mayor's Office	Pending	

HISTORY:

05/15/17 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION Next: 5/23/2017 12:30 PM
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RESULT: FAVORABLE [UNANIMOUS]
MOVER: Mary Norwood, Post 2 At-Large
SECONDER: Michael Julian Bond, Post 1 At-Large
AYES: Archibong, Bond, Winslow, Norwood, Sheperd, Young Jr.
ABSENT: Andre Dickens

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VOTE RECORD - ORDINANCE 17-O-1276							
<input type="checkbox"/> ADOPTED <input type="checkbox"/> ADVERSED <input checked="" type="checkbox"/> FAVORABLE <input type="checkbox"/> ACCEPTED AND FILED <input type="checkbox"/> FIRST READING <input type="checkbox"/> SECOND READING <input type="checkbox"/> THIRD READING <input type="checkbox"/> FOURTH READING <input type="checkbox"/> FIFTH READING <input type="checkbox"/> REFERRED TO COMMITTEE <input type="checkbox"/> HELD IN COMMITTEE <input type="checkbox"/> TABLED <input type="checkbox"/> DEFERRED <input type="checkbox"/> RECONSIDERED <input type="checkbox"/> FILED <input type="checkbox"/> ADOPTED AS AMENDED <input type="checkbox"/> AMENDED <input type="checkbox"/> ACCEPTED <input type="checkbox"/> SUBSTITUTED <input type="checkbox"/> AMENDED SUBSTITUTE <input type="checkbox"/> FILED BY COMMITTEE <input type="checkbox"/> REFERRED TO ZRB AND ZC <input type="checkbox"/> REFERRED WITHOUT OBJECTION <input type="checkbox"/> ADOPTED SUBSTITUTE <input type="checkbox"/> ADOPTED SUBSTITUTE AS AMENDED <input type="checkbox"/> FORWARDED WITH NO RECOMMENDATI <input type="checkbox"/> REFERRED TO SC <input type="checkbox"/> FILED WITHOUT OBJECTION <input type="checkbox"/> FAILED <input type="checkbox"/> FORWARDED TO FC/NQ <input type="checkbox"/> FAVORABLE ON SUBSTITUTE <input type="checkbox"/> FAVORABLE/SUB/AMENDED <input type="checkbox"/> FAVORABLE/SUB/AMND/COND <input type="checkbox"/> FAVORABLE/AMND/COND							
			YES/AYE	NO/NAY	ABSTAIN	ABSENT	
		NATALYN MOSBY ARCHIBONG	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		MICHAEL JULIAN BOND	SECONDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		CLETA WINSLOW	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		MARY NORWOOD	MOVER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		JOYCE SHEPERD	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		IVORY LEE YOUNG JR.	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		ANDRE DICKENS	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<ul style="list-style-type: none"><input type="checkbox"/> FAVORABLE AS AMENDED<input type="checkbox"/> RETURNED AS HELD<input type="checkbox"/> FAVORABLE ON CONDITION<input type="checkbox"/> FAVORABLE/SUB/CONDITION<input type="checkbox"/> QUADRENNIALY TERMINATED<input type="checkbox"/> QUESTION CALLED<input type="checkbox"/> ROUTED TO COW<input type="checkbox"/> SUSTAINED<input type="checkbox"/> OVERRIDEN<input type="checkbox"/> NOT ACCEPTED BY COMMITTEE<input type="checkbox"/> SUSTAINED W/O OBJECTION<input type="checkbox"/> TABLED W/O OBJECTION<input type="checkbox"/> HELD IN COW	
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[Unanimous]

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	