

AN ORDINANCE  
BY COUNCILMEMBER IVORY LEE YOUNG, JR.

**AN ORDINANCE BY COUNCILMEMBER IVORY LEE YOUNG, JR. TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, BY AMENDING THE CASTLEBERRY HILL LANDMARK DISTRICT REGULATIONS SO AS TO ALLOW HOTELS UP TO 50 ROOMS; AND FOR OTHER PURPOSES.**

**WHEREAS**, Ordinance 06-O-0014, adopted by Atlanta City Council on March 06, 2006 and approved by signature of the Mayor on March 14, 2006, created the Castleberry Hill Landmark District; and

**WHEREAS**, Chapter 20N of the Atlanta Zoning Ordinance governs uses and development standards in the Castleberry Hill Landmark District; and

**WHEREAS**, the 2016 Comprehensive Development Plan (“2016 CDP”) encourages cultural entertainment and visitor destinations and attractions to support Downtown’s prominent role within the City’s important economic engine – the hospitality industry; and

**WHEREAS**, the 2016 CDP also encourages the reuse and redevelopment of vacant, underutilized, obsolescent, and/or structurally deteriorated industrial and commercial properties; and

**WHEREAS**, the Castleberry Hill Landmark District has an underlying land use of “mixed use”; and

**WHEREAS**, the City of Atlanta Charter, 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 Council finds that hotels up to 50 rooms in the Castleberry Hill Landmark District will not impact the intent of the district; and

**WHEREAS**, the City Council finds this rezoning will serve the public health, safety, and general welfare of the community.

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**Section 1:** So as to allow hotels up to 50 rooms as a permitted principal use in Castleberry Hill Landmark District Subarea 1 City Code Section 16-20N.008(2) which reads:

*2. Permitted principal uses and structures:* A building or premises shall be used only for the following principle purposes:

- (a) Multi-family dwellings, two-family dwellings, and single-family dwellings.
- (b) Residential and nonresidential uses, as otherwise allowed below, on the same site, in which both of such uses are at least 20 percent of the total floor area, excluding accessory uses.
- (c) Any of the following uses provided they do not exceed 2,000 square feet of floor area:
- i. Retail establishments, including delicatessens, bakeries and catering establishments.
  - ii. Specialty shops such as antique stores, gift shops, boutiques, art and craft stores, and apothecary shops.
  - iii. Barber shops, beauty shops, and similar personal service establishments.
  - iv. Tailoring, custom dressmaking, millinery, and similar establishments.
  - v. Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks, and similar devices.
- (d) Any of the following uses provided they do not exceed 5,000 square feet of public areas:
- i. Eating and drinking establishments.
  - ii. Museums, galleries, auditoriums, libraries, and similar cultural facilities.
  - iii. Professional or service establishments, but not hiring halls.
- (e) Structures and uses required for the operations of MARTA or public utility but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purpose.
- (f) Drive-thru and drive-in services, windows, and facilities are prohibited. Hiring halls are prohibited. Blood donor stations are prohibited. No wholesaling or jobbing shall be conducted from within the district. No use or manner of operation shall be permitted that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the residential character of this subarea.
- (g) Offices, studios and similar uses provided that no such individual business establishment shall exceed 15,000 square feet of floor area.
- (h) Off leash dog park.

(i) Urban gardens.

(j) Market gardens.

Is hereby amended to read:

2. *Permitted principal uses and structures*: A building or premises shall be used only for the following principle purposes:

(a) Multi-family dwellings, two-family dwellings, and single-family dwellings.

(b) Residential and nonresidential uses, as otherwise allowed below, on the same site, in which both of such uses are at least 20 percent of the total floor area, excluding accessory uses.

(c) Any of the following uses provided they do not exceed 2,000 square feet of floor area:

i. Retail establishments, including delicatessens, bakeries and catering establishments.

ii. Specialty shops such as antique stores, gift shops, boutiques, art and craft stores, and apothecary shops.

iii. Barber shops, beauty shops, and similar personal service establishments.

iv. Tailoring, custom dressmaking, millinery, and similar establishments.

v. Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks, and similar devices.

(d) Any of the following uses provided they do not exceed 5,000 square feet of public areas:

i. Eating and drinking establishments. ii. Museums, galleries, auditoriums, libraries, and similar cultural facilities. iii. Professional or service establishments, but not hiring halls.

(e) Structures and uses required for the operations of MARTA or public utility but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purpose.

(f) Drive-thru and drive-in services, windows, and facilities are prohibited. Hiring halls are prohibited. Blood donor stations are prohibited. No wholesaling or jobbing shall be conducted from within the district. No use or manner of operation shall be permitted that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with

radio, television, or wireless data reception, or for other reasons incompatible with the residential character of this subarea.

(g) Offices, studios and similar uses provided that no such individual business establishment shall exceed 15,000 square feet of floor area.

(h) Off leash dog park.

(i) Urban gardens.

(j) Market gardens.

(k) Hotels up to 50 rooms

**Section 2:** That all ordinances, parts of ordinances, and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.