



**CITY COUNCIL
ATLANTA, GEORGIA**

23-O-1490

Z-23-61 AN ORDINANCE BY COUNCILMEMBER MARCI COLLIER OVERSTREET AS AMENDED BY ZONING COMMITTEE TO AMEND PART III LAND DEVELOPMENT CODE, PART 16, CHAPTER 32, SECTION 16-32F.002(9)(D) CASCADE HEIGHTS NEIGHBORHOOD COMMERCIAL DISTRICT; AND FOR OTHER PURPOSES.

AN ORDINANCE BY COUNCILMEMBER
MARCI COLLIER OVERSTREET
AS AMENDED BY ZONING COMMITTEE

23-O-1490

Z-23-61

AN ORDINANCE TO AMEND PART III LAND DEVELOPMENT CODE PART 16 CHAPTER 32 SECTION 16-32F.002(9)(D) CASCADE HEIGHTS NEIGHBORHOOD COMMERCIAL DISTRICT; AND FOR OTHER PURPOSES.

WHEREAS, the Cascade Heights Neighborhood Commercial District was created with the intent to create new commercial nodes which are pedestrian-oriented and provide uses which primarily serve adjacent neighborhoods; and

WHEREAS, the district is also created to promote a balance of retail, service, office, dining and residential uses which serve the adjacent neighborhoods; 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

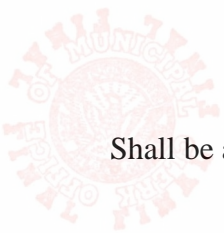
WHEREAS, this ordinance is adopted pursuant to Georgia Constitution Article IX, Section II, Paragraph IV which empowers the governing authority of each county and of each municipality to adopt plans and exercise the power of zoning; and

WHEREAS, the City Council of the City of Atlanta finds that this text amendment in the best interest of the public health, safety, and welfare.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1: Section 16-32F.002(9)(d) which currently reads:

d. Fencing. Where fences are constructed along all property lines the finished side shall be toward the public right-of-way or residentially zoned property, R-1 through R-5, MR and PD-H. Wood fencing other than cedar or redwood must be stained or painted. Fencing shall have a horizontal top and bottom trim.



Shall be amended to read as follows:

d. Fencing. Where fences are constructed along all property lines the finished side shall be toward the public right-of-way or residentially zoned property, R-1 through R-5, RG-1, MR-1, and PD-H. Wood fencing other than cedar or redwood must be stained or painted. Bright or fluorescent colors are prohibited. Fencing shall have a horizontal top and bottom trim.

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are waived to the extent of any conflict.

Section 3. 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.

A true copy,

Corrine A. Lindo

Municipal Clerk

ADOPTED as amended by the Atlanta City Council

FEB 05, 2024

APPROVED per City Charter Section 2-403

FEB 14, 2024



**CITY COUNCIL
ATLANTA, GEORGIA**

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SPONSOR SIGNATURES



Mari Collier Overstreet, Councilmember, District 11



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Workflow List:

Atlanta City Council	Completed	09/05/2023 1:00 PM
Zoning Review Board Staff	Completed	01/13/2024 6:45 AM
Zoning Committee	Completed	01/29/2024 11:00 AM
Atlanta City Council	Completed	02/05/2024 1:00 PM
Atlanta City Council	Completed	02/05/2024 1:00 PM

HISTORY:

09/05/23 Atlanta City Council REFER TO ZRB AND ZC W/O OBJECTION

REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE WITHOUT OBJECTION

RESULT: REFER TO ZRB AND ZC W/O OBJECTION

01/29/24 Zoning Committee FAVORABLE AS AMENDED

RESULT: FAVORABLE AS AMENDED [UNANIMOUS] **Next: 2/5/2024 1:00 PM**

MOVER: Matt Westmoreland, Chair, Post 2 At-Large

SECONDER: Marci Collier Overstreet, Vice-Chair, District 11

AYES: Westmoreland, Bakhtiari, Dozier, Overstreet, Waites

ABSENT: Amir R Farokhi, Mary Norwood

02/05/2024 Atlanta City Council ADOPTED AS AMENDED

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Matt Westmoreland, Councilmember, Post 2 At Large

SECONDER: Alex Wan, Councilmember, District 6

AYES: Bond, Westmoreland, Waites, Winston, Farokhi, Amos, Dozier, Bakhtiari, Wan, Shook, Norwood, Hillis, Boone, Overstreet, Lewis

LEGISLATION HISTORY – BLUE BACK

<ul style="list-style-type: none"><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"/> OVERRIDDEN<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<input type="checkbox"/> POSTPONED<input type="checkbox"/> RETAINED AS HELD<input type="checkbox"/> REFER TO ZRB AND ZC W/O OBJECTION<input type="checkbox"/> AUTOMATICALLY TERMINATED (FILED)	
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[Unanimous]

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">2/5/2024</p> <p style="text-align: center;">ATLANTA CITY COUNCIL PRESIDENT</p> <p style="text-align: center;"><i>Doug Shipman</i></p>	<p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">2/5/2024</p> <p style="text-align: center;">MUNICIPAL CLERK</p> <p style="text-align: center;"><i>Corrine A. Linda</i></p>
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

ADOPTED BY COUNCIL

02/05/2024