

24-O-1216

**A SUBSTITUTE ORDINANCE
BY ATLANTA CITY COUNCIL**

TO AMEND THE ATLANTA ZONING ORDINANCE BY CREATING A NEW CHAPTER 18Z, SPI-26, TO BE ENTITLED “CHASTAIN PARK GALLOWAY SCHOOL SPI” AND TO AMEND THE OFFICIAL ZONING MAP BY CHANGING THE DESIGNATION OF PROPERTIES WITHIN THE CHASTAIN PARK GALLOWAY SCHOOL SPI SO AS TO ADD SPI-26 TO THE DISTRICT DESIGNATION; AND FOR OTHER PURPOSES.

WHEREAS, the Galloway Schools, Inc. owns approximately 8.26 acres of property located at 215 West Wieuca Road (aka Chastain Park Avenue) (hereinafter, School Property) where it operates an educational facility consisting of a private pre-k through 12 school (hereinafter, the School); and

WHEREAS, the City acknowledges that the School is a basic element of a balanced community; and

WHEREAS, the City recognizes the unique characteristics of the School Property, as it is the location of an educational facility being surrounded a City-owned public park (Chastain Park); and

WHEREAS, the City desires to preserve and protect Chastain Park; and

WHEREAS, the intent of this ordinance is to ensure there are no substantially adverse environmental, economic or social impacts ~~to the School Property,~~ to Chastain Park, or to the public; 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.

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

Section 1: The Atlanta Zoning Ordinance is hereby amended by adding a new Chapter 18Z, SPI-26, Chastain Park Galloway School SPI, which shall read as shown on the attached “Exhibit A”.

Section 2: That the Official Zoning Map of the City of Atlanta is hereby amended by changing the designation of all those properties located within the Chastain Park Galloway School SPI so as to add SPI-26 to the District Designation. Said District shall be as shown on the attached "Exhibit B". That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

Section 3: That all ordinances or parts of ordinances that conflict with the terms of this ordinance are waived to the extent of the conflict.

“Exhibit A”

Chapter 18Z – SPI-26 Chastain Park Galloway School SPI

Sec. 16-18Z.001.- Scope of provisions.

The regulations set forth in this Chapter or set forth elsewhere in this part when referred to in this Chapter are the regulations for the SPI-26 Chastain Park Galloway School Special Public Interest District. These regulations shall supplant existing districts or portions of existing districts.

Sec. 16-18Z.002.- Statement of intent.

The intent of this chapter is as follows:

1. To preserve and protect Chastain Park, a public park owned by the City of Atlanta.
2. To provide for an existing educational facility within the District as a basic element in a balanced community.
3. To recognize the unique characteristics of the location of the existing educational facility within the District as being surrounded by a City-owned public park that, in accordance with O.C.G.A. 36-64-2, cannot be put to any use inconsistent with its use as a park with playgrounds and recreation centers and for other recreation purposes.
4. To ensure there are no substantially adverse environmental, economic or social impacts to ~~the property within the District, or~~ to Chastain Park, a City-owned public park that surrounds this District, ~~or to the public.~~

Sec. 16-18Z.003.- Boundaries of district established

The boundaries of SPI-26 Chastain Park Galloway School District are shown on map Attachment A which by this reference is incorporated into and made a part of this chapter.

Sec. 16-18Z.004.- General regulations

The provisions set forth in Sections 16-18.005, 16-18.006 and 16-18.007 relating to requirements for special administrative permits shall not apply to this SPI-26 District. Chapter 27 of the Atlanta Zoning Ordinance, “Amendments”, shall apply to changes to the regulations contained in this SPI. Chapter 24, “Nonconformities”, applies to buildings and signage existing at the time of the adoption of this Chapter, except as otherwise provided in this Chapter.

[The City shall notify NPU-A of any variance application and shall allow NPU-A a minimum of 45 days from the mailing date of such notice to provide written comments on such application.](#)

Prior to action by the Zoning Review Board (or any successor) on any amendment affecting this District, said amendment shall first be referred to the Office of Design, Historic Preservation Studio, to provide an opportunity for review and written comment on such proposed amendment

Sec. 16-18Z.005.- Permitted principal uses and structures

A building or premises shall be used only for the following principal purposes:

1. Public schools, or private schools having similar academic curricula, and special schools for exceptional children.
2. Kindergartens and prekindergartens.

Sec. 16-18Z.006- Permitted accessory uses and structures

Uses and structures which are customarily incidental and subordinate to the permitted principal use and structures are permitted.

Sec. 16-18Z.007.- Development controls

The following requirements shall apply:

1. *Front yard:* There shall be a front yard having a depth of not less than 60 feet.
2. *Side yard:* There shall be side yards having a width of not less than 10 feet.
3. *Rear yard:* There shall be a rear yard of not less than 20 feet.
4. *Accessory structures:* Accessory structures, when permitted, shall be placed to the side or rear of the main structure so as not to project beyond the front of the main structure.
5. *Maximum floor area ratio:* The maximum floor area ratio within this district shall not exceed 0.50.
6. *Maximum lot coverage:* Maximum lot coverage within this district shall not exceed ~~72~~76 percent of the district.
7. *Maximum student enrollment:* ~~81~~05 students.
8. ~~*Building placement:* The front façade of any new building replacing the existing primary structure shall be set back a minimum of 120 feet as measured perpendicularly from the front property line.~~

Sec. 16-18Z.008.- Maximum height and Building Placement

~~The maximum height of new buildings shall be as follows:~~

1. ~~One new building not to exceed 60,000 square feet may be constructed to replace the existing primary structure with maximum heights and building placement as follows:~~

- a. ~~The front portion of the building shall be two stories not to exceed 35 feet, not including the gable, up to a depth of 20 feet measured perpendicularly from the front façade, not including stairwells, chimneys or rooftop mechanical equipment.~~
~~Portions of the building more than 20 feet from the front façade shall not exceed a height of 42 feet as measured to the eave of the roof. The maximum height of the building shall be 35 feet.~~
- b. ~~The street fronting façade, excluding chimneys, portico or porch roofs, steps, and stairwells, shall be set back a minimum of 180 feet, as measured from the back of the curb of Chastain Park Avenue.~~

1. The height of the structures within SPI-26 shall be limited as follows:

<u>Distance on a perpendicular line from the northern curb of Chastain Park Avenue (as in existence on June 1, 2024)</u>	<u>Maximum Allowable Height</u>
<u>250 feet or less</u>	<u>35 feet</u>
<u>Greater than 250 feet but 410 feet or less</u>	<u>42 feet</u>
<u>Greater than 410 feet</u>	<u>60 feet</u>

Height is the tallest point measured from the lowest finished grade of a structure.

- 2. One new building not to exceed 60,000 square feet may be constructed to replace the existing primary structure with maximum height of 35 feet. The street-fronting façade, excluding chimneys, portico or porch roofs, steps, and stairwells shall be set back a minimum of 180 feet, as measured from the back of the curb of Chastain Park Avenue.
- 3. Nonconforming buildings, portions of building and other structures existing at the time of the adoption of this Chapter may remain and may be renovated or replaced with a building, portion of building or structure of the same height as the existing building, or renovated, replaced or enlarged with a building or, portion of a building or structure to a maximum height of 35 feet, whichever is greater.

Sec. 16-18Z.009 Relationship of building to street

The street-facing facade of the 60,000 square foot new building to replace the existing primary structure shall meet the following regulations:

- 1. The front façade, front portico, front steps and front door of the principal structure shall face and be parallel to Chastain Park Avenue.

2. The primary entrance shall face the street and the primary entrance door shall have sidelights and a transom.
3. A two-story portico is required for the primary entrance and shall be supported by white round columns.
4. The length of the street-facing facade without intervening fenestration or entryway shall not exceed 20 feet.
5. Fenestration for the street-facing façade shall be provided for a minimum of 50 percent of the length of the street frontage and shall not include painted or mirrored glass. Entrances may be counted towards fenestration requirements.
6. Every reasonable effort shall be made to reuse existing exterior or interior Greek Revival Neoclassical architectural materials from the existing primary structure, either in the construction of the new building or elsewhere in the District, where practicable
7. The street-facing facade shall be brick, granite stone, or cast stone and should reflect existing material being replaced or existing materials in Chastain Park in color, texture, and other visual qualities as much as practicable. The street-facing façade may also have true stucco accents.
8. The principal structure shall be set behind an open front lawn dotted with trees consistent with the historical character of Chastain Memorial Park.

Sec. 16-18Z.00109.- Signage

1. *Number and Area of Signs:* Except as provided in this subsection, only one sign per street frontage shall be permitted. Any such sign shall not exceed 35 square feet in sign area.
2. *Setback:* Signs may be located in the front setback but not nearer than 15 feet to the property line. Signs may be located in the side and rear setback if they are not visible to the general public. Two temporary signs are permitted in any required front yard at any given time.
3. *Height:* No freestanding sign shall be higher than ten feet above ground level.
4. *Lighting of signs:* No sign shall be internally illuminated, unless it is on or near an internal property line and not visible to the general public.
5. *Animated, Flashing, and Changing Signs:* Animated, flashing and changing signs in this district are allowed only if they are not visible to the general public.
6. *Signs extending over the right-of-way:* No sign shall extend or project over any property line onto a sidewalk or street right-of-way.
7. *Billboard signs:* Billboard signs shall be prohibited.

Sec. 16-18Z.0110.- Driveways, curb cuts, fences and walls.

1. Driveways: one two-way driveway with parking is permitted between Chastain Park Avenue and a building. Additional driveways are permitted at the side or rear of a building or to reach on-site parking or loading.
2. Curb cuts:
 - a. Driveway and curb cut widths shall be a minimum of 20 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise authorized by the Office of Public Works.
 - b. No more than two curb cuts shall be permitted on Chastain Park Avenue and no more than one curb cut shall be permitted on Elliott Galloway Way.
3. Fences and walls shall meet the following regulations:
 - ~~a. Retaining walls located adjacent to a sidewalk along a public street shall not exceed a height of 36 inches, unless otherwise authorized by the Office of Public Works. Retaining walls adjacent to a sidewalk shall be finished poured concrete or shall be faced with stone, brick or smooth stucco.~~
 - ~~b.a.~~ Fences and walls may be located in or adjacent to the side or rear yard setback and have no maximum height.
 - ~~e.b.~~ Fences may be erected to the sides or rear of the buildings but shall not exceed six feet in height. A decorative fence may be erected between the primary building and the public street subject to the following: but shall not exceed 4.5 feet; shall be no closer than 15 feet to the back of curb; and must be screened with two rows of bushes, hedging or other landscaping.
 - ~~d.c.~~ Barbed wire and razor wire are prohibited permanent fencing materials.
 - ~~e.d.~~ Vehicular and pedestrian access to the property may be gated.

Sec. 16-18Z.0121.- Minimum off-street parking requirements

The following minimum parking requirements shall apply:

1. One space for each four fixed seats (with 18 inches of bench length counted as one seat), or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - a. Elementary and middle school: Two spaces for each classroom.
 - b. High school: Four spaces for each classroom
 - ~~b.c.~~ Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools or day care centers for young children: One space per 600 square feet of floor area.

2. Reduction of on-site parking required may be granted by the director of the office of zoning and development subject to a shared parking agreement administrative variation based upon criteria including, but not limited to the following:
 - a. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
 - b. The shared parking spaces may be in gravel lots but shall demonstrate that the replacement of on-site parking requested can be achieved on a space-for-space basis.
 - c. Parking spaces under Galloway's direct control shall be clearly marked.
 - d. An applicant shall submit the following information as part of the application to reduce parking and avoid conflicting parking demands:
 - i. A to-scale map indicating location of proposed parking spaces; and
 - ii. Hours of use by parking users; and
 - iii. A written agreement between Galloway and the owners or operators of the parking areas demonstrating consent to a shared parking agreement. Renewed agreements shall be filed with the office of zoning and development. Failure to file or lapse of such required agreement shall terminate said shared parking arrangement.
3. Bicycle parking is not required.

Sec. 16-18Z.0132.- Off-street loading requirements.

1. One loading space is required.
2. Dumpsters and loading docks shall not be located between any building and a public street and shall be located to the side or rear of the buildings.