

CITY COUNCIL  
ATLANTA, GEORGIA

**10-O-0029**  
**Z-09-35**

**A SUBSTITUTE ORDINANCE**  
**BY: ZONING COMMITTEE**

**A SUBSTITUTE ORDINANCE TO AMEND THE CASTLEBERRY HILL LANDMARK DISTRICT REGULATIONS (CHAPTER 20N) OF THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, SO AS TO CREATE A DEFINITION OF OFF-LEASH DOG PARK AND ALLOW SUCH A USE IN SUBAREA 1 OF THE CASTLEBERRY HILL LANDMARK DISTRICT; AND FOR OTHER PURPOSES.**

WHEREAS, the Castleberry Hill residential neighborhood is an invaluable and irreplaceable resource which greatly contributes to the health, safety, and welfare of all residents and visitors to the City of Atlanta; and

WHEREAS, in recognition of such contribution and the historic character of this resource, City Council adopted in 2006 the Castleberry Hill Landmark District regulations as an amendment to the 1982 Zoning Ordinance of the City of Atlanta, as amended; and

WHEREAS, among the purposes of the Castleberry Hill Landmark District regulations is the intention to ensure that new development is complementary to and compatible with the existing historic structures in the district; and

WHEREAS, among the purposes of the Castleberry Hill Landmark District regulations is the intention to ensure that new development that uses contemporary design and materials is compatible with and sensitive to the historic character of the Castleberry Hill Landmark District; and

WHEREAS, among the purposes of the Castleberry Hill Landmark District regulations is the intention to encourage compatible economic development and neighborhood revitalization that promote a livable, sustainable neighborhood; and

WHEREAS, the success of the revitalization of the Castleberry Hill Landmark District and its unique attributes through renovations and new development has attracted numerous new residents (and their dogs) and frequent visitors (along with their dogs as well) to the commercial establishments; and

WHEREAS, given the type of renovations and new development called for by the Castleberry Hill Landmark District to maintain the historic character of the Castleberry Hill Landmark



...ict, there is limited private outdoor space and public outdoor open space in the Castleberry Hill Landmark District; and

WHEREAS, given the type of renovations and new development called for by the Castleberry Hill Landmark District to maintain the historic character of the Castleberry Hill Landmark District, there is limited outdoor public space suitable for use by dog owners to exercise and socialize their dogs; and

WHEREAS, there is the potential for outdoor space suitable for use by dog owners to exercise and socialize their dogs on private property;

WHEREAS, the Castleberry Hill Landmark District regulations do not currently allow for outdoor recreational uses such as off leash dog parks on private property; and

WHEREAS, the City of Atlanta Department of Parks, Recreation, and Cultural Affairs has researched standards and criteria for establishing off leash dog parks in City of Atlanta public parks; and

WHEREAS, such standards and criteria can be adapted for an off leash dog park on private property.

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

**SECTION 1.** That Section 16-20N.004 of the Zoning Code of the City of Atlanta which reads as follows:

For the purposes of interpreting this chapter 20N, the following definitions shall apply:

1. "*District*" means the Castleberry Hill Landmark District, as shown on the official zoning map adopted herewith entitled the "Castleberry Hill Landmark District."
2. "*Fenestration*" means the arrangement, proportion, and design of windows and doors in a building.
3. "*Principal structure*" means the main structure on a property, exclusive of any detached accessory structures.
4. "*Public street*" means publicly dedicated streets and specifically excludes alleys in the District.
5. "*Additions to the roof of a principal structure*" means any enclosed space that does not meet the definition set out in section 16-28.022(1).
6. "*Arterial street*" means main artery through neighborhood (Peters, Nelson, Walker, Whitehall, McDaniel, Spring, Mitchell and Fair streets; and Northside, M. L. King, Jr. and Centennial Olympic Park drives.)

Is hereby amended to provide a definition of "off leash dog park" for the Castleberry Hill Landmark District Regulations by **adding** a subsection (7) , such that 16-20N.004 shall read as follows:



For the purposes of interpreting this chapter 20N, the following definitions shall apply:

1. "*District*" means the Castleberry Hill Landmark District, as shown on the official zoning map adopted herewith entitled the "Castleberry Hill Landmark District."
2. "*Fenestration*" means the arrangement, proportion, and design of windows and doors in a building.
3. "*Principal structure*" means the main structure on a property, exclusive of any detached accessory structures.
4. "*Public street*" means publicly dedicated streets and specifically excludes alleys in the District.
5. "*Additions to the roof of a principal structure*" means any enclosed space that does not meet the definition set out in section 16-28.022(1).
6. "*Arterial street*" means main artery through neighborhood (Peters, Nelson, Walker, Whitehall, McDaniel, Spring, Mitchell and Fair streets; and Northside, M. L. King, Jr. and Centennial Olympic Park drives.)
7. "*Off leash dog park*" means an outdoor, uncovered open space used by dog owners to exercise and socialize their off leash dogs with the following characteristics:
  - (a) the entire off leash area shall be turf, other natural ground cover or natural material (not to include stone or masonry products), with exceptions for the entrance gate and water distribution areas as necessary;
  - (b) the entire off leash area shall be surrounded by perimeter fencing that meets the District regulations;
  - (c) the entire off leash area, including the entrance gate areas, shall contain at least 1 acre;
  - (d) the off leash area shall divided into at least two separate, fenced areas, with at least one each for large dogs (30 pounds and over) and small dogs (under 30 pounds);
  - (e) all off leash areas shall have double gate entrance systems with latches;
  - (f) all off leash areas shall provide for maintenance access for vehicles;
  - (g) all off leash areas shall provide facilities for proper disposal of dog waste; and
  - (g) all off leash areas shall provide potable water service for dog drinking and maintenance.

SECTION 2. That Section 16-20N.007(2) of the Zoning Code of the City of Atlanta which reads as follows:

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.

Is hereby amended to provide for “ Off leash dog park” as a new permitted principle use within Sub-area 1 of the Castleberry Hills Landmark District Regulations by **adding** a subsection (h), such that 16-20N.007(2) shall read as follows:

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.

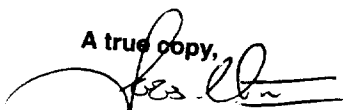
(e) Structures and uses required for the operations of MARTA or public utility but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purpose.

(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.

SECTION 3. That all ordinances or parts of ordinances in conflict with this ordinance are repealed.

A true copy,  
  
Deputy Clerk

**ADOPTED** by the Atlanta City Council  
**APPROVED** by Mayor Kasim Reed

**FEB 01, 2010**  
**FEB 09, 2010**