ORDINANCE NO. 12 -03

AN ORDINANCE TO AMEND ARTICLE 15 OF THE OFFICIAL CITY OF AVONDALE ESTATES ZONING ORDINANCE, APPENDIX A TO THE CODE OF ORDINANCES, CONCERNING THE POWERS AND DUTIES OF THE ARCHITECTURAL REVIEW BOARD; AND TO REPEAL ALL CONFLICTING PROVISIONS.

WHEREAS, the Architectural Review Board Design Guidelines were created to increase objectivity and insure consistency in the decision making process; and

WHEREAS, the City wishes to amend the Zoning Ordinance to allow for City Staff to administratively approve signage that complies with the Architectural Review Board Design Guidelines; and

WHEREAS, the City of Avondale Estates is business friendly and this procedural change will facilitate sign approval by reducing the time and effort needed to obtain sign approval.

NOW THEREFORE, BE IT ORDAINED BY the City of Avondale Estates, as follows:

SECTION 1: Section 1505 of the City's Zoning Ordinance is hereby amended to read as follows:

"1505 - Powers generally

The Architectural Review Board shall be authorized to:

(1) Review applications for certificates of approval, and grant or deny same in accordance with the provisions of this zoning ordinance;
(2) Seek expert advice outside its membership to assist with the review of applications for certificates of approval;
(3) Recommend to the governing body zoning amendments or other regulatory changes that further the goals of this article;
(4) Adopt specific standards and criteria with respect to residential and commercial properties that are consistent with this zoning ordinance and to amend such standards and criteria without the necessity of any amendment to this ordinance. However, no standard or substantial amendment thereto shall be effective unless first approved by resolution of the Board of Mayor and Commissioners; and
(5) Hear appeals regarding signs pursuant to City Code Sec. 5-381(c)."

SECTION 2: Section 1510 of the City's Zoning Ordinance is hereby amended to read as follows:

"1510 - Certificate of Approval required

Except for property and work exempted by Section 1511 of this ordinance, none of the following activities shall be undertaken or permitted to be undertaken within the City unless or until a certificate of approval for such activity has been approved by the Architectural Review Board:

a) Construction or demolition of any building, be it commercial, educational, industrial, mixed-use, multi-family or detached single family dwelling or accessory structure;
b) Construction of a building addition to a principal detached building or dwelling that will increase or decrease the building floor area by more than ten (10) percent;
c) Performance of exterior renovation to a detached building or dwelling that affects more than ten (10) percent of the existing building floor area; or
d) Performance of any exterior renovation (other than signage) that is visible from the public right-of-way or affects the major façade of an existing building or dwelling."

SECTION 3: Section 1514 of the City's Zoning Ordinance is hereby amended to read as follows:

"1514 - Review criteria for certificates of approval

1) *Residential properties.*

The Architectural Review Board shall approve an application and issue a certificate of approval for residential property, excluding parcels zoned R-12 or R-24, if it finds that the proposed new construction or addition or demolition to an existing structure would not have a substantial adverse effect on the aesthetic or architectural significance and value of the property or other properties in the neighborhood. In making this determination, the ARB shall consider, in addition to any other pertinent factors, (1) building scale; (2) building façade materials; (3) architectural style; (4) general design and arrangement of the architectural features involved; and (5) the relationship thereof to the exterior architectural style and pertinent features of other structures in the neighborhood. The ARB shall not consider the proposed paint color of a structure or the presence or absence of any type of plant material on the property for those properties not subject to the landscape provisions of this ordinance.

2) *Commercial Properties and all other Non–residential Properties.*

The ARB shall approve an application and issue a certificate of approval for commercial, educational, industrial, mixed-use or other non-residential property if it finds that the proposed new construction, addition to or demolition of an existing structure or other change in appearance would be consistent with the aesthetic and architectural urban fabric of the area. In making this determination, the ARB shall consider, in addition to any other pertinent factors, (1) building scale; (2) building façade materials; (3) architectural style; (4) general design and arrangement of the architectural features involved; and (5) the relationship thereof to the exterior architectural style and pertinent features of other structures in the neighborhood. The ARB shall not consider the proposed paint color of a structure, but shall review the presence or absence of pertinent site, hardscape, and landscaping plant material on the property as required by the appropriate zoning and/or development agreement."

SECTION 4: All ordinances and parts of ordinances in conflict herewith are hereby repealed. This ordinance shall become effective upon its adoption.

First Reading: 1/23/12
Second Reading: 2/27/12
Third Reading: 4/16/12

ADOPTED this 16th day of April, 2012.

BOARD OF MAYOR AND COMMISSIONERS
CITY OF AVONDALE ESTATES, GEORGIA

By: _____
Ed Rieker, Mayor

ATTEST:

_____
Juliette Sims-Owens, City Clerk

APPROVED AS TO FORM:

Robert E. Wilson
City Attorney

ORDINANCE NO. 14-02

AN ORDINANCE TO AMEND APPENDIX "A" OF THE CODE, THE ZONING ORDINANCE OF THE CITY OF AVONDALE ESTATES, TO PERMIT CRAFT DISTILLERIES AND ARTISANAL FOOD PRODUCTION IN CERTAIN ZONES OF THE CITY; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY the City of Avondale Estates, as follows:

SECTION 1. New Zoning Ordinance Section 831 is hereby adopted and shall read as follows:

"Sec. 831: Craft Distillery

A Craft Distillery is a facility where spirituous liquor is manufactured (distilled, rectified or blended), bottled, and/or packaged for distribution. A Craft Distillery shall not produce more than 60,000 gallons of spirituous liquor annually.

(1) Craft Distilleries shall be allowed the following accessory uses:

A. Guided Tours
B. Tasting Rooms
C. Special Events (See existing Section 12-4 Disturbing the Peace-Noise)
D. Distribution between 7 A. M. and 7 P.M.
E. No more than 60,000 gallons shall be produced annually.
F. Packaging and Bottling

(2) Craft Distilleries shall not:

A. Have any outside storage
B. Exceed 8,000 square feet of floor area
C. Produce noxious odors"

SECTION 2. New Zoning Ordinance Section 832 is hereby adopted and shall read as follows:

"Sec. 832: Artisanal Food Production

Artisanal Food Production means a facility wherein food is produced and packaged for sale at retail on a small scale. Artisanal Food Production may include, but is not limited to:

A. Baking
B. Canning (Pickling and Preserving)
C. Cheese Production

D. Vinegar Production

(1) Artisanal Food Production shall be allowed the following accessory uses:

A. Guided Tours
B. Tasting Rooms
C. Special Events (See existing Section 12-4 Disturbing the Peace-Noise)
D. Distribution between 7 A. M. and 7 P.M.
E. Packaging and Bottling

(2) Artisanal Food Production shall not:

A. Have any outside storage
B. Exceed 8,000 square feet of floor area
C. Produce noxious odors"

SECTION 3. Article IX of the Zoning Ordinance, the chart of permitted uses, is hereby repealed and replaced with new Article IX attached hereto and incorporated as if set forth in full here.

SECTION 4. All other ordinances and parts of ordinances in conflict herewith are hereby repealed. This ordinance shall become effective imidiately upon its adoption by the Board of Mayor and Commissioners..

First Reading:	1/6/14
Second Reading:	1/23/14
Third Reading:	1/27/14
Public Hearing	12/16/13 P&Z
Advertised	1/9/14 & 1/16/14
Public Hearing	2/27/14 BOMC

ADOPTED this 27th **day of** January **, 2014.**

ATTEST:

By _____
Juliette Sims-Owens, City Clerk
(SEAL)

BOARD OF MAYOR AND COMMISSIONERS,
AVONDALE ESTATES, GEORGIA

_____
ED RIEKER, Mayor

Approved as to Form

Robert E. Wilson, City Attorney

City of Avondale Estates, Georgia

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Article 1. DESCRIPTION

This Ordinance is designed to regulate the location, construction and use of buildings, structures and land, to conserve resources, divide the City of Avondale Estates into districts for such purposes, establishing boundaries therefore; provide for the method of administration and amendment; prescribe penalties for violation of Ordinance provisions; repeal conflicting ordinances and for other purposes.

Article 2. SHORT TITLE REFERENCE

This ordinance shall be known as and may be cited as "The City of Avondale Estates, Georgia Zoning Ordinance of 2010."

Article 3. GENERAL PURPOSE

The various zoning districts created by this Ordinance and the various Articles of this Ordinance are adopted for the following purposes, among others:

I. To prevent overcrowding of public facilities;

II. To achieve such timing, density and distribution of land development and use as will prevent overloading systems for providing drainage, sanitation, police protection and other public services;

III. To achieve such density, distribution and design of land development and use as will protect and preserve the design capacity of streets and roads within the City and minimize traffic congestion and traffic hazards;

IV. To encourage such distribution of population, land development and use as will facilitate the efficient and adequate provision of public services and facilities;

V. To achieve such density, design and distribution of housing as will protect and enhance residential property values;

VI. To promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the City;

VII. To preserve the City's natural beauty and encourage architecturally pleasing development; and

VIII. To improve the quality of life through protection of the City's total environment including, but not limited to, the prevention of air, water and noise pollution.

Article 4. INTERPRETATION, APPLICATION AND JURISDICTION

In interpreting and applying this Ordinance, the requirements contained herein are declared to be minimum requirements necessary to carry out the purposes of the Ordinance. Except as herein provided, this Ordinance shall not be deemed to interfere with, abrogate, annul or otherwise affect in any manner whatsoever easements, covenants or other agreements between parties; however, only to the extent that such easements, covenants or other agreements between parties were deemed to be legal under a previous ordinance. Whenever the provisions of this Ordinance impose greater restrictions upon the use of land or buildings or upon the height of buildings or require a larger percentage of a lot to remain unoccupied than the provisions of other ordinances, rules, regulations, conditions of any easements, covenants or other agreements between parties, the provisions of this Ordinance shall govern as provided below:

I. This is the City of Avondale Estates Zoning Ordinance and all other conflicting ordinances and resolutions are hereby repealed; provided, that nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of site development accompanying those zoning approvals or use permits issued under previous zoning ordinances or resolutions. However, modification or repeal of these past conditions or approvals may be accomplished as provided by this Ordinance.

II. All variances and exceptions heretofore granted by the Board of Appeals shall remain in full force and effect, and all terms, conditions and obligations imposed by the Board of Appeals shall remain in effect and be binding. Prior ordinances shall remain in effect insofar as required for the initiation of any proceedings against these violations and for the prosecution of any violations heretofore commenced.

No land, building or structure shall be used, no building or structure shall be erected and no existing building or structure shall be moved, added to, enlarged or altered except in conformity with this Ordinance.

Article 5. GENERAL DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply:

I. Words used in the singular shall include the plural, and the plural the singular; and words used in the present tense shall include the future tense; the term “herein” shall mean contained in this Ordinance, the term “ordinances” shall mean these ordinances, the masculine person “his” also refers to “her,” and all masculine, feminine, or neuter pronouns also refer to the other forms, where appropriate.

II. The word “shall” is mandatory and not discretionary.

III. The word “may” is permissive.

IV. The word “lot” shall include the words site, tract, plot and parcel.

V. The words “zone,” “zoning district” and “district” shall have the same meaning.

VI. The phrase "used for" shall include the phrases arranged for, designed for, intended for, maintained for and occupied as.

VII. The word structure includes the word building.

VIII. The term "Board of Appeals" shall mean the City of Avondale Estates Board of Appeals.

IX. The term "Planning Board" shall mean the Avondale Estates Planning and Zoning Board.

X. The term "Historic Preservation Commission," (HPC), shall mean the City of Avondale Estates Historic Preservation Commission.

XI. The term "Architectural Review Board," (ARB), shall mean the City of Avondale Estates Architectural Review Board."

XII. The terms "City Commission," or "Board of Mayor and Commissioners" refers to the legally constituted and elected governing body of the City of Avondale Estates.

XIII. The term "Subdivision Regulations" shall mean Appendix B of the Code of Ordinances Subdivision Regulations of the City of Avondale Estates, 1989, as amended.

XIV. The word "day" or "days" shall mean calendar days. In the event any deadline referencing days falls on a weekend or holiday, the actual deadline shall be the next day when City hall is open for business.

XV. The term "Downtown Master Plan" shall mean the current downtown master plan adopted by the Board of Mayor and Commissioners.

XVI. The term "Comprehensive Plan" shall mean the current comprehensive plan adopted by the Board of Mayor and Commissioners.

XVII. Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined by Webster's Third New International Dictionary, Unabridged, current edition, as revised.

Accessory Dwelling A dwelling that is secondary to the principal dwelling on the lot having a minimum heated floor area of 400 feet and a maximum heated floor area of 800 square feet, located in a permitted accessory building which is detached and separated from the principal dwelling by a minimum of 10 feet. The Historic Preservation District standards shall control maximum heated floor area for accessory dwellings located within the Historic Preservation District, but in no instance shall the maximum heated floor area exceed the floor area of the principal dwelling. Such accessory dwellings shall contain one or more rooms

with facilities for living, bathing, sleeping, cooking and eating purposes, and may be occupied by no more than two individuals.

Accessory Structure A subordinate structure located on the same lot as the principal building or structure that is reasonably necessary and incidental to the conduct of the primary use. Examples of accessory structures include, but are not limited to: detached garages and carports, storage sheds, barns, greenhouses, aboveground swimming pools and pool houses; tennis courts, satellite dish antennas, freestanding workshops, freestanding decks and gazebos, attached radio and/or TV antenna structures. Structures located 10 feet or more from the principal building shall be deemed an accessory structure regardless of whether the subordinate structure is attached to the principal dwelling. No structure shall be considered attached to the principal dwelling unless a building separation from major exterior walls of less than 10 feet is achieved and enclosed access between the structures is present.

Accessory Use A use customarily incidental and accessory to the principal use of a building located on the same lot as the accessory use.

Advertising Device Any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property.

Alley or Service Drive A minor, permanent, public service way used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Apartment Development A development of multifamily dwellings.

Apartment A room or suite of two or more rooms designed or intended for occupancy by, or which is occupied by, one household in which meals are prepared.

Apartment House Any building or portion thereof containing two or more apartments, the occupants of which use any entrance or hall in common, and all living units of which are intended to be maintained under single ownership.

Applicant The owner of land, or his legally appointed representative, who proposes to subdivide, develop or otherwise alter or change the use of such land.

Automobile Sales or Storage Yards or Lots
An open parcel used for the commercial storage or sale of complete and operable automobiles or light trucks.

Arcade A succession of arches, supported by columns or piers, or a covered walk enclosed by a line of such arches on one or both sides. Exterior arcades provide shelter for pedestrians.

Assisted Living/Senior Housing
A type of long-term care facility for people, 55 + as defined by the Fair Housing Act or disabled people, as defined by the Americans With Disabilities Act, who are able to get around on their own but who may need help with some activities of daily living, or simply prefer the convenience of having their meals in a central cafeteria and having nursing staff on call.

Avenue A thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector, and usually equipped with a landscaped median.

Basement An area below the first floor of a building having one-half or more of its floor-to-ceiling height below the average grade of the adjoining ground and having a minimum floor-to-ceiling height of six and one-half (6 ½) feet which is used for storage, garages, utilities or for use of the occupants of the building that is common to the remainder of the building.

Bed & Breakfast A building other than a hotel, motel or boarding house in which lodging or board and lodging are provided for transient guests for compensation, and in which the building owner is also the operator of the facility and resides at that location and in which the number of guest rooms is limited to a maximum of eight (8) and the length of stay is limited to a maximum of 10 days.

Beltcourse A continuous row or layer of stones, tile, brick, shingles, etc. in a wall.

Bicycle Rack A permanent apparatus, such as a row of paired metal prongs, or other configuration, designed to support the front wheels of bicycles so that they can be left unattended.

Bicycle Route A thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.

Bicycle Trail A bicycle way running independently of a vehicular thoroughfare.

Bulkhead The structural panel just below display windows on storefronts. Bulkheads can be both supportive and decorative in design. Bulkheads from the 19th century are often of wood construction with rectangular raised panels while those of the 20th century may be of wood, brick, tile, or marble construction. Bulkheads are also referred to as kickplates.

Block A tract of land bounded by streets, or by a combination of streets and public parks, railway lines or boundary lines of the City.

Boarding House A building other than a motel in which meals and/or lodging are provided for compensation over a definite period for not more than 10 individuals.

Boat A vessel or craft designed or constructed for use on the water, usually moved by sail, oars, paddles or motorized power.

Boat Trailer A portable structure designed or constructed for the purpose of transporting a boat or boats upon the highways or City streets and which may be used as a storage platform for said boat or boats when not in use.

Bracket A projecting element of wood, stone or metal which spans between horizontal and vertical surfaces (eaves, shelves, overhangs) as decorative support.

Buffer That portion of a lot reserved as a landscaped area pursuant to applicable provisions of this Ordinance to separate different use districts, or to separate uses on one property from uses on another property or the public right-of-way.

Buildable Lot Any platted lot, parcel or tract of land that is a lot of record that also conforms to the minimum lot size of the zoning district and is of sufficient area and configuration to comply with the building setbacks and minimum floor area of the zoning district in which it is located and otherwise complies with all development standards contained in this ordinance.

Building Any roofed structure enclosed and isolated by exterior walls, constructed or used for a residence, business, industry or other public or private purposes or accessory thereto, including, but not limited to, tents, trailers, mobile homes and similar structures whether stationary or movable.

Building, Alteration Any change in the supporting members of a building (such as bearing walls, columns or girders); any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.

Building Height With regard to single family attached and detached residences, the vertical distance measured from the average, unaltered, natural, adjacent grade at the front of the dwelling to the highest ridgeline of the roof of the building. With regard to structures in all other districts, "building height" is regulated as follows: For each side of a building, building height shall be measured vertically from the average grade of the curb elevation adjacent to the lot to the highest point of the façade on that side of the building.

Building Official The Building Official of the City of Avondale Estates established pursuant to Chapter 5, Article II of the Code of Ordinances, City of Avondale Estates, Georgia or any person or entity designated to perform a particular function of the Building Official.

Building, Principal A building in which is conducted the principal use of the lot on which it is located.

Building, Setback The minimum horizontal distance, at street level, between a building or structure on a lot and the nearest right-of-way line.

Building Setback Line The line, at street level, formed by the minimum horizontal distances allowed between the nearest, right-of-way line or front, side and rear lot lines, and the principal building or structure on a lot, or any projection thereof, except those projections allowed in required yards by Section 1203 of this ordinance.

Building Site A parcel of land or lot occupied or intended to be occupied by a building or structure.

Bus Every motor vehicle designed and used for carrying more than 10 passengers other than family members that may or may not display a commercial identification and is used for the transportation of persons for compensation.
Cross-reference. Sec. 1201. VI and Sec. 1204.III.

By Right Characterizing a proposal or component of a proposal that complies with the code and is permitted and processed administratively, without public hearing.

Central Business District That area of land as defined by the Board of Mayor and Commissioners and designated as such on the Official Zoning Map of the City of Avondale Estates.

Certificate of Appropriateness
A document evidencing approval of an application by the Avondale Estates Historic Preservation Commission pursuant to standards adopted by the HPC.

Certificate of Approval A document evidencing approval of an application by the Avondale Estates Architectural Review Board pursuant to Article 15 of this ordinance.

City The City of Avondale Estates, Georgia.

Civic The term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

Civic Building A building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.

Clear Zone The area within the Central Business District located immediately contiguous to the street furniture and tree-planting zone for the unobstructed flow of pedestrians.

Clinic A use where medical examination and treatment is administered to persons on an outpatient basis. No patient shall be lodged on an overnight basis.

Club A building and/or facilities owned or operated by an association or individuals for social or recreational purposes to render services not customarily classified as business services and not operated primarily for profit.

Comprehensive Plan A formal document adopted by the Board of Mayor and Commissioners, as may be amended from time to time, used as a guide to the future operation and development of the City. The Comprehensive Plan is prepared in compliance with standards promulgated by the Georgia Department of Community Affairs, and establishes significant public policies contained in stated goals, objectives and strategies found in the Plan. The Future Land Use Map is adopted as an essential land use tool of the Plan and serves as a reference in administering the Zoning Ordinance.

Conditional zoning A special zoning designation that is specific to a particular lot or lots and may be approved pursuant to Section 1706 of this Zoning Ordinance.

Construction Any earth disturbing site preparation and any assembly, erection, repair, or alteration of any structure, or any similar activity, including the demolition of any structure.

Conceptual Site Plan A scaled drawing produced from a certified boundary survey identifying (1) the boundaries of the property; (2) general location of any existing and proposed streets, public utilities, buildings and structures, including building and structure height; (3) site topography using a two-foot contour interval; (4) general location of any existing and proposed impervious surfaces and proposed storm water facilities; (5) general location and size of trees greater than 8-inch as measured four feet above adjacent grade; (6) proposed uses, including square footage and general location; (7) general location of proposed parking and loading areas; (8) general location of proposed solid waste handling facilities; (9) general location of any landscaped areas or other open space and (10) the use and general location of buildings or structures on adjacent properties.

Conditional Use A use that may not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location or relationship to the neighborhood, would not be injurious to the public, health, safety, welfare, morals, order, comfort, convenience, appearance or general welfare. Such uses may be permitted only when approved pursuant to section 1401 of this ordinance.

Condominium Individually owned dwellings combined with joint ownership of common areas of the building and grounds, in accordance with all applicable provisions of the Georgia Condominium Act (O.C.G.A. 44-3-70 et seq).

Cornice Line The uppermost, projecting part of an entablature, or feature resembling it. Any projecting ornamental molding along the top of a wall, building, etc.

Curb The edge of the vehicular pavement that may be raised or flush to a Swale. It usually incorporates the drainage system.

Design Speed The velocity at which a Thoroughfare tends to be driven without the constraints of signage or enforcement.

District Geographic areas established for the purpose of assigning the specific provisions of this Ordinance to specific properties. Such Districts are designated by the use of symbols and/or colors on the Official Zoning Map. Regulations controlling land use in the various districts are set forth in the Zoning Ordinance.

Drive-In A commercial establishment where goods and/or services are provided to customers remaining in their motor vehicles, including drive-in or drive through restaurants, banks, dry cleaners, pharmacies and car washes.

Driveway A vehicular lane within a lot, often leading to a garage.

Dwelling A building or portion of a building arranged or designed to exclusively provide living quarters for one or more families or households, but not including hotels, motels or like uses. The terms dwelling and residence are synonymous.

Dwelling, Multifamily A building or series of buildings on the same lot or portions thereof used or designed as dwellings for four (4) or more families or households living independently of each other, with the number of families or households in residence not exceeding the number of dwellings provided.

Dwelling, Single Family A building designed for and containing no more than one (1) dwelling on a single lot.

Dwelling, Two-Family or Duplex
A building designed for and containing exactly two (2) dwellings on a single lot.

Dwelling, Three-Family or Triplex
A building designed for and containing exactly three (3) dwellings on a single lot.

Easement A grant by a property owner for use by another, and for a specified purpose, of any designated part of his property.

Elevation Drawings A graphic illustration, drawn to scale, of any building proposed as part of any development or improvement. An elevation drawing must indicate architectural style and exterior finish materials of each face or view of the building.

Encroach To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public frontage, or above a height limit.

Encroachment Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the Public Frontage, or above a height limit.

Façade The face of a building fronting a street or courtyard.

Family One or more persons occupying a single dwelling and using common cooking facilities provided that no such family shall contain more than three (3) individuals not related by blood or marriage.

Fenestration An opening in the surface of a structure or building, primarily achieved through the use of glass.

Filling (Service) Station Any building or premises used primarily for the storing, dispensing, sale or offering for sale at retail of any automotive fuels and lubricants and/or motor vehicle accessories.

Finished Floor Area The total square footage of enclosed space within the exterior walls of a building, not including basements having a height, as measured from the basement floor, of less than eight (8) feet above the adjacent, exterior grade or attic spaces having a floor to ceiling height of less than eight (8) feet, and not including space used for the parking of motor vehicles.

Forecourt A private frontage wherein a portion of the facade is close to the property line and the central portion is set back.

Frontage The full length of a lot measured along an adjacent public right-of-way. See "Lot Line, Front"

Frontage Line A lot line bordering a Public Frontage. Facades facing Frontage Lines define the public realm and are therefore more regulated than the Elevations facing other Lot Lines.

Gallery A frontage conventional for retail use wherein the facade is aligned close to the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk.

Garage, Private An accessory building or a portion of the principal dwelling designed or used for the storage of motor vehicles owned and used by the occupants of the dwelling on the lot.

Garage, Public Any garage other than a private garage used for the temporary storage of motor vehicles or other vehicles.

Garage, Repair A building and premises designed or used for repairing or servicing of motor vehicles.

Green Roof A roof system in which a vegetated area encompasses a minimum of 60 percent of the square footage of the footprint of the building. Vegetation may include grass, trees, shrubs, flowers, and similar plant materials.

Governing Body The Board of Mayor and Commissioners of the City of Avondale Estates, Georgia.

Gross Acre An acre of land including the public improvements as defined in Appendix B of the Code of Ordinances Subdivision Regulations of the City of Avondale Estates, 1989, as amended.

Ground Floor The floor of a building located at ground level, or "first" floor.

Hardship, Undue As used in this Ordinance, specifically Article 16, an imposition on a property owner caused by strict application of the Ordinance that in the judgment of the Board of Appeals has no public benefit commensurate with such imposition.

Health Department The Health Department of DeKalb County, Georgia.

High Efficiency Appliances Must meet or exceed Energy Star ratings and may comply with the Super Efficient Appliance Initiative (SEHA).

Home Occupation Any use as may be permitted and is conducted entirely within a dwelling or accessory building by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes.

Hotel A building in which lodging or board and lodging are provided for transient guests for compensation, and in which access to all rooms is through an interior lobby or office supervised by a hotel employee on a 24-hour basis.

House Trailer (1) A trailer designed, constructed and equipped as a permanent or temporary dwelling and equipped for use as a conveyance on streets and highways; or (2) a trailer or semi-trailer the chassis and exterior shell of which is designed and constructed for use as a house trailer, as defined in subparagraph (1) of this paragraph, but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for distribution by a private carrier.

Impervious cover Any surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, buildings, walks, streets and roads, and any concrete or asphalt surface.

Improvements Such sidewalks, streets, utilities or other facilities installed, or agreed to be installed, by a developer.

Infill building Any building built or proposed to be built on an infill lot.

Infill lot (a) A conforming lot or a nonconforming lot of record created by the demolition of an existing residential structure for the replacement of that structure with new construction;
(b) Any lot intended for use as a site for a single family dwelling that is created by act of subdivision; and
(c) Any lot that has no principal building and which is subsequently proposed as a site for a single family dwelling.

Kennel Any location where boarding or caring for more than a total of three (3) dogs, cats or other small domestic animals (except litters of animals not more than six-months of age) is conducted for commercial purposes, or the raising, breeding, caring for or boarding dogs, cats or other small domestic animals for commercial purposes; provided, however, nothing herein shall apply to structures designed and used for the containment of pigeons.

Landscape Plan A graphic illustration of any landscape elements proposed as part of any development or improvement which depicts how said landscape elements comply with all applicable requirements of this ordinance.

Lawn Ornamentation Exterior decorative objects, landscape elements, or "yard art" such as arbors, sculptures, fountains, ponds, statuary, or sundials more than 9 feet in height or any part of which is more than 9 feet above the ground, regardless of height. Such ornamentation shall not include standard size lawn furniture.

Lightwell A Private Frontage type that is a below-grade entrance or recess designed to allow light into basements.

Liner Building A building specifically designed to mask a parking lot or a parking structure from a frontage.

Livestock Domestic animals and fowl customarily kept on a farm for food, commodity or labor purposes including, but not limited to, horses, mules, donkeys, cows, pigs, sheep, goats, ducks, chickens, geese and turkeys.

Live/work A building occupancy concept that allows a resident to conduct a trade or occupation or commercial use in the same building, or individual unit within a building, as a residential use.

Loading Space, Off-street Paved space logically and conveniently situated for pickup and delivery of goods and materials located off public rights-of-way, scaled to delivery vehicles expected to be used and accessible to such vehicles at all times.

Lot A portion of a subdivision or any other parcel of land intended as a unit for legal transfer of ownership or for development, or both, which fronts on a public right of way and has access to a public street or is part of an approved Planned Development. In determining the area and dimensions of a lot, no part of the right-of-way of a road or pedestrian walkway may be included.

Lot, Corner A lot abutting two or more streets at their intersection.

Lot, Coverage The percentage of a lot that may be covered with impervious structures, including all buildings, structures and pavements.

Lot, Depth The distance between front and rear lot lines. Where front and rear lot lines are not parallel, lot depth shall be deemed to be the average distance between the front and rear lot lines.

Lot, Double Frontage A lot which has frontage on more than one street, provided that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three or more streets.

Lot, Interior A lot having frontage on only one street.

Lot Line, Front The front lot line of an interior lot is the line separating the lot from the public right-of-way. The front lot line of a corner lot shall be the shorter lot boundary along a public right-of-way.

Lot Line, Rear The boundary opposite and more or less parallel to the front lot line.

Lot Line, Side Any lot boundary line that is not a front or rear lot line.

Lot of Record An individual lot or a lot that is part of a subdivision approved by the City of Avondale Estates, a plat or the deed of which has been legally recorded in the office of the Clerk of the Superior Court of DeKalb County. No lot of record may be created after the effective date of this ordinance unless it is approved through the City of Avondale Estates subdivision process.
Cross-reference. Appendix B of the Code of Ordinances Subdivision Regulations of the City of Avondale Estates, 1989, as amended.

Lot Width The distance between side lot lines measured along the front building line.

Low Density Those residential zoning districts in which the permitted density is equal or less than four (4) dwellings per net acre.

Major Motor Vehicle Repair Work performed for a fee such as repairing or replacing mechanical parts, engine or transmission overhaul, significant body work, and automobile painting as distinguished from minor repairs usually offered in conjunction with the

dispensing, sale or offering for sale at retail of any automotive fuels, oils or accessories and general automotive servicing such as dispensing gas, changing oil, lubrication, checking tire pressure, fixing flats, replacing spark plugs, and adjusting or regulating automobile parts.

Maximum Building Coverage

The total percentage of a lot that is permitted for any allowable building, structure or use excluding open space elements, driveways, surface parking lots, sidewalks, street furniture, supplemental zones, buffers or fences.

Medium Density Those residential zoning districts in which the permitted density is between five and eight dwellings per net acre.

Mobile Home Any vehicle or structure primarily designed and/or constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade (or use as selling device), and so designed such that it is or may be mounted on wheels and used as a conveyance on highways or City streets propelled or drawn by its own or other power.

Motel A building in which lodging or board and lodging are provided for 10 or more transient guests and offered to the motoring public for compensation in which access to a majority of the rooms is made directly from an exterior walkway rather than from an interior lobby.

Motor Home/Motorized Home

Every portable vehicle that is designed, used, or maintained primarily as a mobile dwelling, office or commercial space and constructed as an integral part of a self-propelled vehicle.

Natural Grade The unaltered, natural elevation of the ground, usually at a construction site.

Net Acre An acre of land less the public improvements as defined in Appendix B of the Code of Ordinances Subdivision Regulations of the City of Avondale Estates, 1989, as amended.

Neighborhood A geographically defined area comprised of all attached and detached, single-family dwellings located outside of the Avondale Estates Historic District. For the purposes of this Appendix A, neighborhood shall be comprised of single family dwellings on building lots along both frontages of the block within 500 feet of the lot being developed.

Neighborhood Shopping Uses

Planned shopping centers and limited retail activities conducted in a unified development designed to serve the surrounding neighborhood and community with convenience goods, retail services and personal services.

Nonconforming structure Any structure lawfully situated at the time of adoption of this Ordinance or amendments thereto, that does not conform to the regulations of this Ordinance at the effective date of this Ordinance or as the result of subsequent amendments to this Ordinance.

Nonconforming use Any use lawfully established at the time of adoption of this Ordinance or amendments thereto, that does not conform to the regulations of this Ordinance at the effective date of this Ordinance or as the result of subsequent amendments to this Ordinance. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Office-Institutional Uses Office, institutional and limited commercial uses not involving the sale or processing of merchandise unless otherwise permitted herein.

Open Area That portion of a lot that is not covered by a building, driveway, parking area or any other permanent physical improvement.

Open Space That portion of a development not including yards, established pursuant to the requirements of this Ordinance as “open space” which is open and unobstructed from its lower level to the sky, with the exception of natural foliage, walkways or accessory recreational facilities. Where required by this Ordinance, open space is dedicated to the City and is accessible to all City residents.

Outdoor Dining Eating and drinking activities for eating and drinking establishments which are not located within an enclosed area or building.

Owner Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in land sought to be subdivided, developed or otherwise used under the provisions of this Ordinance.

Parapet A parapet is a low wall projecting from the edge of a platform, terrace, or roof.

Parking Lot Any public or private area used for the express purpose of storing motor vehicles with the exception of the premises of single-family dwellings used for parking purposes incidental to the principal use. Parking lots may be the principal use or an accessory use to the principal use on a lot.

Parking Space A paved area within a parking lot, other than on a single family dwelling lot, expressly provided for purposes of parking a motor vehicle. Such space shall be no less than nine (9) feet by eighteen (18) feet.

Parking Structure/Structured Parking
A building containing one or more stories of parking above grade.

Pedestrian Walkway A right-of-way within a block dedicated to public use, intended primarily for pedestrians and from which motor propelled vehicles are excluded.

Personal Care Home A building in which housing, meals and 24-hour continuous watchful oversight is provided for one (1) or more ambulatory adults and which is licensed as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources. Owners or operators of personal care homes provide or arrange for the provision of housing, food service and one or more personal services for adults who are not related to the owner or administrator by blood or marriage. "Family" personal care homes offer care to two (2) to six (6) adults in a non-institutional setting. "Group" personal care homes offer care to at least seven (7), but not more than 15 adults. "Congregate" personal care homes offer care to 16 or more adults.

Personal Care Home Services
Services including, but not limited to, individual assistance with or supervision of self-administered medications, assistance with ambulation and transfer and essential activities of daily living such as eating, bathing, grooming, dressing and toileting.

Pier A vertical structural element, square or rectangle in a cross section.

Pilaster *A square pillar attached but not projecting from a wall, resembling a classic column.*

Planned Center, Office, Commercial or Industrial
A group of rental stores, service establishments, offices, industries or any other businesses planned to serve the public that is held in common or condominium ownership.

Planned Development (PD) A method of using land under unified control and planned and developed as a whole in a single development operation or programmed development phases, including streets, utilities, building lots and open space identified on a site plan. Such plan also indicates all structures and their relationship to each other and to adjacent uses and improvements. A PD may consist of detached dwellings and may also include compatibly and harmoniously integrated non-residential uses such as cultural, recreational, office, institutional or neighborhood shopping establishments.

Planning and Zoning Board The appointed Planning and Zoning Board of the City of Avondale Estates.

Plaza A type designed for civic purposes and commercial activities, generally paved and spatially defined by building frontages.

Pole Trailer Every vehicle capable of moving under its own power or not designed to be drawn by another vehicle and attached to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting elements of the towing vehicle.

Public Notice The posting of a sign in a conspicuous place on the frontage of the property in question that is clearly visible and legible from the street displaying a notice as required by this ordinance. Public notice shall also mean publication of such notice in a newspaper of local circulation.

Principal Entrance The main point of access for pedestrians into a building.

Public Area A portion of a multi-family building which is intended for public gathering including but not limited to a lobby.

Rear Alley A vehicular way located to the rear of lots providing access to service areas, parking, and outbuildings and containing utility easements. Rear alleys should be paved from building face to building face.

Recreational Accessory Equipment and Structures
Recreational accessory equipment and structures in residential districts including, but not be limited to, swings, jungle gyms, trampolines, sliding boards, basketball goals, tennis courts, handball courts, or racquetball courts as well as all similar facilities primarily intended for recreational exercise.

Recreational Vehicle A boat, boat trailer, motor home, travel trailer, camping trailer, truck camper and pick-up coach, as defined in this section, used or designed for temporary portable housing or occupancy, which may be provided with sleeping accommodations.

Renovation Any improvements or alterations made to property or structures that are beyond what is ordinarily needed for necessary maintenance and safety considerations.

Retail Characterizing premises available for the sale of merchandise and food service.

Right-of-Way Land occupied or intended to be occupied by a street, sidewalk, crosswalk, pedestrian walkway, bike path, planting strip, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, landscaped buffer or other special use.

Screening A buffer established and maintained for the purpose of providing acoustical and visual protection and separation of incompatible land uses.

Rustication Roughening of stonework to give greater articulation.

Semi-Trailer A vehicle capable of moving under its own power or not, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Setback A line, at street level, delineating the minimum allowable distance between a property line or public right-of-way line of an abutting street and a structure on a lot.

Sidewalk-Level Any floor of a building within the Central Business District having a finished-floor elevation within five feet of the elevation of the adjacent sidewalk.

Single Family Attached Dwelling
A dwelling attached to another dwelling on an adjoining lot by a common party wall.

Single Family Detached Dwelling
A dwelling on an individual lot unattached to another dwelling.

Site Plan A scaled drawing of any physical elements or built structures proposed to be provided as part of any development or improvement produced from a certified boundary survey indicating (1) the boundaries of the property; (2) location of any existing and proposed streets, utilities, buildings and structures, including building and structure height; (3) site topography using a two-foot contour interval; (4) location of any existing and proposed impervious surfaces and proposed storm water facilities; (5) location and size of trees greater than 8-inch as measured four feet above adjacent grade; (6) proposed uses, including square footage and location; (7) location of proposed parking and loading areas; (8) location of proposed solid waste handling facilities; (9) location of any landscaped areas or other open space and (10) the use and location of buildings or structures on adjacent properties.

Small Batch, Craft Micro-Brewery
Facility where beer, ales or other associated products are produced and bottled for distribution.

Soldier Course A course of bricks laid on their ends so that only their long sides are visible.

Square A space type designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees, formally disposed.

Stoop A frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

Story That portion of a building, other than a basement having a height of less than eight (8) feet above the adjacent grade, included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above.

Street A dedicated, accepted and opened public right-of-way paved for vehicular traffic that affords the principal means of access to abutting properties.

The following are definitions intended to distinguish between different categories of streets:

Principal Arterials Streets and highways that serve major activity centers and emphasize traffic service rather than access to abutting land. Principal arterials include all limited access freeways, expressways, parkways or roads and carry a high proportion of total area travel on a minimum of mileage.

Minor Arterials Streets that interconnect with the principal arterial system and provide service to trips of moderate length with emphasis on both traffic service and land access. Minor arterials provide intra-community continuity, but should not enter identifiable neighborhoods.

Collector Streets Streets that distribute trips from arterial streets to their ultimate origin or destination. Collector streets provide a greater level of property access than arterial streets, may enter or traverse identifiable neighborhoods, and rarely serve significant volumes of through traffic.

Local Streets Streets compromising all facilities not classified as arterials or collectors. Local streets provide property access with service to through traffic being actively discouraged.

Street Furniture and Tree Planting Zone

The area within the Central Business District and Mill District located immediately adjacent to the street curb for the placement of street trees, street furniture, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements.

Street, Future Right-of-Way Line

The right-of-way line which has been projected and established as being required for any street, existing or future, under the City or County Thoroughfare Plan.

Street, Right-of-Way Line The dividing line between a lot, tract or parcel of land and a street right-of-way, also identical to the property lot line

Structure Anything constructed or erected having a permanent location on the ground or which is attached to something having a permanent location on the ground, including but not limited to, tennis courts, fences, walls and swimming pools.

Subdivision Any division or re-division of a lot, tract or parcel of land, or recombination of previously platted lots, regardless of prospective use, including all division or recombination of land involving the dedication, change, or abandonment of a street, site, easement or other right-of-way for any public use or for sale or improvement. The term "subdivision" shall also mean the act of subdividing. However, where appropriate to the context, the term "subdivision" shall mean the aggregate of all parcels held by one owner or combination of owners and designated to be developed or sold as parcels related to each other or interdependent through the use of streets, easements or other right-of-way or public facility.
Cross-reference. "Appendix B of the Code of Ordinances Subdivision Regulations of the City of Avondale Estates, 1989, as amended."

Supplemental Zone The area within the Central Business District between the street-fronting building and the sidewalk.

Swale A low or slightly depressed natural area for drainage.

Temporary Storage Containers
A structure no larger than 768 cubic feet designed to be portable for the temporary storage of fixtures, furnishings, equipment or other household goods and materials, but not designed for occupancy by any individual or domestic animal or as a place of business.
Cross-reference. Sec. 803.11.

Townhouse A single-family dwelling that shares a party wall with another of the same type.

Trailer Every vehicle capable of moving under its own power or not, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle.

Travel Trailer/Camper Trailer
A vehicle built on a chassis, designed to be used as temporary quarters for travel, recreational and vacation uses, permanently identified as a "travel trailer" or "camper trailer" by the manufacturer, and, when equipped for the road, having a body width not exceeding twelve (12) feet and a body length not exceeding sixty (60) feet.

Truck Camper/Pick-Up Coach

Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

Upstairs Accessory Residential Use

One or more dwelling units located above street level which comply with all applicable requirements of this Code including, but not limited to, the floor area requirements of sections 1113.03 and 1114.04. An Upstairs Accessory Residential Use may be accessory to any permitted commercial retail or office principal uses at street level within the same building in the Central Business District.

Urban Village An urban village is an urban planning and urban design concept. It refers to an urban form typically characterized by:

- Mixed use;
- An emphasis on urban design: pedestrian amenities and public space;
- A reduction in the reliance of the car; and
- Strong community institutions and interaction.

Utility Trailer A portable structure so designed or constructed as to permit the hauling of various items, goods, materials or other objects that is normally towed by a personal vehicle.

Variance A minor deviation from the strict terms of this Ordinance that may be granted by the Board of Appeals subject to procedures and criteria set forth in Article 16, below.

Warehouse: A use involving the storage of products, supplies, and equipment, and which typically involve truck transportation to and from the site.

Warehousing facility Structure(s), enclosed by permanent walls, for the bulk storage of equipment and goods produced off-site and future distribution to other locations for the purposes of processing, retail or wholesale and not utilized for on-site wholesale or retail sales.

Water Table A projecting horizontal ledge, intended to prevent water from running down the face of a wall's lower section.

Wholesale trade establishment

An establishment engaged in the selling or distribution of merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers.

Yard A required space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments or accessory buildings and other structures are expressly permitted

provided a traffic safety hazard is not created. Yard is not considered open space, but is classified open area.

Yard, Front A yard situated between the front building line and the front lot line extending the full width of the lot.

Yard, Rear A yard situated between the rear building line and the rear lot line and extending the full width of the lot.

Yard, Side A yard situated between a side building line and the side lot line and extending from the front yard to the rear yard.

Zero-Lot-Line A building or structure built such that common party walls located on the property lot line divide separate lots and building units. Zero lot line development may also encompass a single building erected on the property line.

Article 6. ZONING DISTRICTS

In order to regulate, restrict and segregate the use of land, buildings and structures; to regulate and restrict the height and bulk of buildings and the area of yards and other open spaces surrounding buildings; to regulate and restrict density of population and to implement the intent of this Ordinance, the incorporated area of the City of Avondale Estates, DeKalb County, Georgia, is hereby divided into the following zoning districts:

District Code	District Name	General Definition
R-24	Very Low Density, Single Family Detached Residential	A single family residential district having a minimum lot size of 24,000 square feet intended for establishment of one (1) detached dwelling.
R-12	Low Density, Single Family Detached Residential	A single family residential district having a minimum lot size of 12,000 square feet intended for establishment of one (1) detached dwelling.
MFR	Multifamily Residential	A multifamily residential district that allows up to eight (8) dwelling units per net acre.
PD	Planned Development	A mixed use district that allows for the combination of any single family residential uses, neighborhood shopping use or office and institutional use as provided for herein in accordance with a specific development plan and subject to approval by the Board of Mayor and Commissioners.
O-I	Office – Institutional	A district for office, institutional and limited commercial uses not involving the sale or processing of merchandise unless otherwise permitted herein.
NS	Neighborhood Shopping	A district for planned shopping centers and limited retail activities conducted in a unified development designed to serve the surrounding neighborhood and community with convenience goods, retail services and personal services.
GC	General Commercial	A district for general business and independent uses designed to serve a community or area with convenience goods, retail sales and personal services.
LI	Light Industrial	A district primarily planned for limited manufacturing, industrial uses, warehousing and related activities.
OS-R	Open Space & Recreation	A district in which land is reserved for wildlife sanctuaries, dedicated open space, lakes and recreational facilities for the use of City of Avondale Estates residents.
CBD	Central Business District	A mixed use district that allows for the combination of office – institutional, neighborhood shopping, residential and general commercial uses as provided herein.

MD	Mill District	A mixed use district, which is separated into three development zones (MU-1, MU-2, MU-3), which govern height and the required mix of uses for each zone, that allows for a combination of office-institutional, neighborhood shopping, residential and general commercial as provided herein.
SD-MARTA	Special District MARTA	Parcels within this district are under the ownership of the Metropolitan Atlanta Rapid Transit Authority (MARTA), and as such shall only contain transportation infrastructure.

Sec. 601. **The Zoning Map**

The boundaries of the zoning districts identified in this Article are hereby fixed and established as shown upon the adopted Official Zoning Map. Said map is hereby adopted and made a part of this Ordinance and a public record. The Official Zoning Map shall be permanently maintained in the office of the City Clerk, where said map will be accessible to the general public. This Map and all notations, references and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth by the Map were fully described herein.

Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map, which shall be located in City Hall, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the City.

Sec. 602. **Zoning Map Amendment**

Revisions and amendments to the district boundaries or other information portrayed on the Official Zoning Map, accomplished in accordance with the provisions of this Ordinance and following adoption of the amendment by the Board of Mayor and Commissioners of the City of Avondale Estates shall be promptly made on the Official Zoning Map, together with a numerical entry on the Official Zoning Map referring to the application on file stating the date of the official action and describing the nature of the amendment. No amendment that involves matters portrayed on the Official Zoning Map shall become effective until after such revision and entry have been made on such Map. No change shall be made on the Official Zoning Map, except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and shall be punishable as provided by Law.

Sec. 603. **Interpretation of District Boundaries**

Where uncertainty exists with the respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

I. Unless otherwise indicated, the district boundary lines are center lines of streets or blocks or such lines extended, lot or property lines, the center line of the main tracks of a railroad, a line lying in the center of a stream or drainage way, or the City limits of Avondale Estates.

II. Where district boundary lines parallel street rights-of-way or other discernable topographic features, the exact distance shall be scaled from the Zoning Map.

III. Where a district boundary line divides a lot that is single ownership at the time of this enactment, the use classification of the larger portion may be extended to the remainder without recourse to amendment procedure, except in the Mill District (MD)

IV. In case the exact location of a boundary cannot be determined by the foregoing methods, the Board of Appeals shall, upon application, determine the location of the boundary.

V. Where a public road, street, alley or other right-of-way is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, alley or other right-of-way.

Sec. 604. **Annexation and Other Adjustments to City Limits**

Where City limit boundaries change by virtue of annexation or other means, the following provisions shall apply:

I. The land areas so incorporated shall be assigned an appropriate zoning designation by the Board of Mayor and Commissioners at the same public hearing at which annexation of the property is approved, in accordance with procedures provided in Article 17.

II. In all cases where changes in the land area require adjustments in the Zoning District boundaries, said adjustment shall be made on the Official Zoning Map, as amended.

Sec. 605. **Boundaries Adopted**

The boundaries of such zoning districts as shown on the Official Zoning Map, 2010 are hereby adopted and approved, and the regulations of this Ordinance are hereby established and declared to be in effect upon all land, including water areas bodies encompassed within the boundaries of each and every district, shown upon the Official Zoning Map.

Sec. 606. **Conformity to Regulations**

Except as herein provided, no building shall be erected or altered, nor shall any building or premise be used for any purpose other than those uses permitted in the zoning district in which such building or premises are located, nor shall any building be erected or structurally altered except in conformity with the height and bulk regulations herein established for the zoning district in which such building is located.

Article 7. GENERAL PROVISIONS

The regulations set by this Ordinance within each district shall be the minimum regulations and shall apply uniformly to each class or type of building, structure or land, except as herein provided.

Sec. 701. Use of Land or Buildings

I. No land, building or structure shall be used or occupied, and no building, structure or parts thereof shall be constructed, erected, altered or moved unless in conformity with all regulations specified for the district in which such land, building or structure is located.

II. No building or other structure shall be erected or altered that:

A. Accommodates or houses a greater number of families than permitted by this Ordinance or other conditions established by the City;

B. Encroaches into a front, side or rear yard or other open space herein required;

C. Is in any other manner erected or altered contrary to the provisions of this Ordinance.

III. No part of a yard, open area, buffer, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open area, buffer, or off-street parking or loading space similarly required for any other building, unless specifically authorized herein.

IV. Right-of-way for streets and roads shall not be considered a part of a lot or open space, or front, rear, or side yard for the purpose of meeting yard requirements.

Sec. 702. Lot Reduction Prohibited

No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the zoning district in which the lot is located. Yards or lots created following the effective date of this Ordinance shall conform to the minimum requirements established by this Ordinance.

Sec. 703. Reserved

Sec. 704. Public Street Frontage

No building shall be erected on a lot having less than 20 feet of frontage on a public street, except within an approved Planned Development.

Sec. 705. One Principal Dwelling on a Lot

Only one principal dwelling, along with its customary accessory buildings, including one (1) accessory dwelling, may be erected on any one lot in any single family residential district.

Sec. 706. **Buffers as Required Yard, Open Space**

Wherever this Ordinance requires both a buffer and a yard or open space, the buffer may be counted towards any yard and/or open space requirement.

Sec. 707. **Vision Clearance**

No fence, wall, shrubbery or other obstruction to vision between the height of two and one half feet and 10 feet above the finished grade of the street shall be erected, permitted or maintained within 20 feet of the intersection of the right-of-way lines of streets or of streets and railroads.

Sec. 708. **Reserved**

Sec. 709. **Corner Lots**

The minimum side yard along the right-of-way for corner lots shall be equal to the front yard setback of the zoning district in which the lot is situated or the calculated average of the side yard setback along the right-of-way of developed lots having frontage on that intersection, whichever is less. The side yard of a corner lot shall be along the street frontage having the greatest dimension.

Sec. 710. **Double Frontage Lots**

The minimum front yard on a double frontage lot shall be provided on each street in accordance with the provisions of this Ordinance, except where such lot adjoins a limited access road, which provides no access to the lot. Where a double frontage lot is also a corner lot, the side yard fronting on a right-of-way may be reduced in accordance with the provisions of Section 709.

Sec. 711. **Reserved**

Sec. 712. **Reserved**

Sec. 713. **Animals**

No livestock shall be kept or maintained in any residential district.

Sec. 714. **Swimming Pools**

All swimming pools shall comply with the following requirements:

I. *Construction Plan*. Applications for a permit to construct a swimming pool shall be submitted to the Building Official.

II. *Pool Location*. Accessory swimming pools located within 20 feet of the principal structure shall comply with the minimum side and rear yard setback of the district. Setback minimums shall be measured from the decking or other part of the pool structure nearest the applicable property line. No accessory swimming pool shall be located within the front or side yard of any lot.

III. *Accessory Buildings*. Pool houses shall comply with all the requirements given for accessory buildings.

IV. *Fencing*. All swimming pools shall be enclosed by a fence having a minimum height of five (5) feet and maintained in good condition with a gate and functioning lock. Such fencing shall comply with all provisions of Sec. 707.

V. *Permitting.* Accessory use swimming pools shall be permitted only upon written approval of the DeKalb County Health Department to indicate compliance with applicable Health Department swimming regulations.

Sec. 715. **Nonconforming Lots of Record**

I. *Use of Nonconforming Lot for Residential Purpose.* A single family detached dwelling and permitted accessory structures may be erected on a lot of record located in any residential district that has been legally platted as of the date of adoption of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance, provided that such use is confined to a single family dwelling and complies with the following provisions of this section:

A. A nonconforming lot of record situated in an R-24 district must be at least 20,000 square feet in area, have a lot width of no less than 75 feet and a lot depth of no less than 150 feet to be developed.

B. A nonconforming lot of record situated in an R-12 district must be at least 8,500 square feet in area, have a lot width of no less than 60 feet and a lot depth of no less than 120 feet to be developed.

C. Notwithstanding any nonconformity as to lot area or lot width, a lot of record shall be deemed a buildable lot, provided yard setbacks for the district wherein the nonconforming lot is located are observed by the construction proposed and no variance to the setback minimums of this section shall be granted.

D. A nonconforming lot must be held in separate ownership and not be of continuous street frontage with adjacent lots in the same ownership to be developed pursuant to this section.

II. *Merger of Nonconforming Lots.* Any lots of record held in common ownership and having continuous street frontage in common that do not individually meet the applicable zoning district standards as to lot area or lot width upon adoption of this Ordinance shall be considered to be an undivided parcel. No such lot or portion of such lot shall be sold or used in a manner that

diminishes compliance with these standards, nor shall any subdivision of any lot be made which creates a substandard lot as concerns lot area or lot width.

III. Any lot that is reduced in size as the result of land being taken for public purposes and was a legal lot of record at the time of such taking shall be deemed a nonconforming lot of record and shall be subject to the provisions of this section.

Article 8. PERMITTED USES

No land, building or structure within the various zoning districts described in Article 6 and shown on the Official Zoning Map shall be used except in accordance with the uses permitted within each district. Permitted uses are indicated in Article 9. Any use not specifically designated as permitted shall be deemed prohibited.

As used in this Article 8, the term "conditional uses" includes those uses, which are only permitted upon approval of a conditional use permit pursuant to Section 1401.

Sec. 801. **Accessory Uses and Structures**

The following regulations pertain to the use and establishment of accessory uses and structures:

I. *Use.* Accessory structures shall be incidental to the principal structure or permitted use on the lot.

II. *Rental Prohibited.* No accessory building or structure in a residential district such as a garage, greenhouse or workshop shall be rented or occupied for financial gain.

III. *Accessory Dwellings.* Accessory dwellings shall only be permitted if approved as a conditional use pursuant to Section 1401. Accessory dwellings shall be limited to the R-24 and R-12 districts and shall be held in the same ownership as the principal building and lot. One of the dwelling units on lots having a principal dwelling and an accessory dwelling shall be occupied by the owner of the lot for a minimum period of six months in any calendar year. All accessory dwellings shall conform to the minimum side and rear yard setbacks of the zoning district in which the principal dwelling is located, except as permitted by Part VIII of this section. The following additional development standards shall apply to accessory dwellings with respect to minimum lot area and lot width:

R-24 Very low density single family detached residential district

Minimum lot area
One family dwelling: 24,000 square feet
One family dwelling with accessory dwelling: 24,000 square feet

Minimum lot width
One family dwelling: 100 feet
One family dwelling with accessory dwelling: 100 feet

R-12 Low density single family detached residential district

Minimum lot area
One family dwelling: 12,000 square feet
One family dwelling with accessory dwelling: 15,000 square feet

Minimum lot width
One family dwelling: 60 feet
One family dwelling with accessory dwelling: 60 feet

IV. *Home occupation.* An accessory building may be used for a home occupation provided such use is an approved use on the property. Any such home occupation use of an accessory building must comply with all terms set forth in Section 805 of this Ordinance.

V. *Maximum Number.* Exclusive of swimming pools and yard ornamentation, no more than two accessory structures shall be permitted on any lot.

VI. *Maximum Height.* Accessory buildings shall not exceed 27 feet in height. Accessory buildings shall be subject to the prohibition on mounding.

VII. *Maximum Size.*

A. The total ground area or building footprint of all accessory buildings, excluding detached garages and accessory dwellings, shall not exceed 384 square feet in an R-24 district or 256 square feet in an R-12 district. In no case shall the combined floor area of such accessory structures exceed 25 percent of the total square footage of the principal dwelling on the lot. The contiguous roofed portion of the principal dwelling, including covered porches and breezeways shall be included in this calculation. The total square footage shall be exclusive of attics, crawl spaces and similar storage areas.

B. The total ground area or building footprint of detached garages shall not exceed 864 square feet in an R-24 district or 576 square feet in an R-12 district.

Cross-reference. Article 5, definition of garage, private.

VIII. *Placement and Setbacks.*

A. Accessory structures shall be located on the same lot as the principal building to which the structure is accessory.

B. No accessory structure shall be permitted in a front or side yard, except as expressly allowed herein.

C. Detached accessory structures shall be located a minimum distance of 10 feet from the principal structure.

D. An accessory structure located 20 feet or more to the rear of the principal building may be erected on a 5-foot side or rear setback.

E. An accessory structure located less than 20 feet from the rear of the principal building shall comply with the yard setbacks of the principal building to which the structure is accessory.

F. On a corner lot, no accessory structure shall be located closer to the side street right-of-way line than the principal building or comply with the setback applicable to the principal building on the property. A 25-foot rear yard setback shall apply when the property adjoins a side yard to the rear.

G. When an accessory structure is attached to the principal building by a breezeway, passageway or similar means, the accessory structure shall comply with the yard requirements of the principal building to which the structure is accessory.

IX. *Design.*

A. Accessory buildings shall be architecturally compatible with the principal building on the property.

B. The exterior finish of all accessory buildings shall be compatible with the exterior finish of the principal dwelling. In the case of brick dwellings, the exterior finish of the accessory building shall be similar to the trim work or siding materials of the dwelling.

C. Accessory structures attached to the principal dwelling shall be designed in such a manner that such accessory structures are attached to the principal dwelling in a substantial manner by an element of the roof. Such attached accessory structures shall comply in all respects with requirements applicable to the principal dwelling.

X. *Construction Phasing.* No accessory structure shall be located upon a lot prior to issuance of a permit for framing of the principal building.

XI. *Accessory retail sales and services.* Retail sales and services accessory to the operation of an office building or institutional use, motel, hotel, conducted wholly within the building housing the use to which these activities are accessory, provided that the floor space used or to be used for these secondary uses shall be limited to a total of 10 percent of the net floor area of the principal use, and provided that:

A. Every public entrance to this use shall be from a lobby, hallway or other interior portion of the primary structure;

B. No show window, advertising or display shall be visible from the exterior of the primary structure; and

C. No merchandise shall be stored or displayed outside of the primary structure.

However, the requirements of A. and B. above shall not apply to restaurants and cafeterias secondary to a hotel, motel, office building or institutional use; these secondary uses may be located in a structure other than the primary structure. The following secondary uses are also permitted: barber shops; beauty shops; laundry and dry cleaning pick-up and distribution stations and other similar personal service establishments; drugstores; bookstores; florists; convenience food stores; gift shops; cafeterias and restaurants; private clubs; laundry facilities for the convenience of residents and newsstands.

XII. *Other Structures.*

A. Accessory antenna structures for amateur radio service shall be located a minimum distance of one-third (1/3) the height of the tower from all property lines. No such antenna shall exceed 70 feet in height.

B. Satellite dish antennas may be permitted as accessory structures in the rear yard provided that upon submission of documentation fully demonstrating that reception is impaired by such location, the installation may be located in a side yard. Satellite dish antennas shall not be located on the side or front plane of the roof or front façade of a single family dwelling.

C. Mechanical equipment shall not be located between the principal structure and any street right-of-way; such equipment shall be placed in a manner that minimizes visibility from adjacent public streets.

D. Tent or tarpaulin structures may be permitted in residential districts for temporary use associated with special events not to exceed one week in duration and limited to one such event per quarter.

E. No recreational accessory equipment and structures or portion thereof shall be located in a required front yard. When a dwelling is located on a corner lot, recreational accessory structures shall be set back a minimum of 20 feet from the public right-of-way.

Sec. 802. **Fences and Walls**

The following provisions shall apply to fences and walls in all residential districts:

I. *Permits Required*

Installation of a fence requires a building permit and may require a certificate of appropriateness or approval from the Historical Preservation Commission or Architectural Review Board depending on the location of the property.

II. *Fence Height*

A. The maximum fence height for side and rear yards is six (6) feet. For the purposes of regulating fences or walls, the "front yard" shall include that area of the side yard between the rear lot line and the rear elevation of the dwelling. Greater fence or wall height may be approved by the Board of Appeals upon a finding that the peculiarities of the site greatly diminish the effectiveness of a six foot fence or wall except as provided in Subsection III.A, below.

B. Fence or wall height shall be measured from the finished grade along the exterior side of the fence or wall to the top of the fence or wall. For fences or walls built on a berm, mound or wall (fences only), the combined height of the fence and berm, mound or wall must not exceed the allowable fence or wall height. On sloping ground, the fence or wall must follow the slope or step with the slope so as not to exceed the allowable height at any point along the fence or wall. Greater fence or wall height achieved through filling or mounding on a site shall not be permitted.

III. *Fence Placement Design and Materials*

A. The Historic Preservation Commission may approve installation of a fence in the front yard upon a finding that the proposed fencing is appropriate to the architectural or historic context of the surrounding neighborhood. For the purposes of regulating fences only, the "front yard" shall be defined as that area of the side yard between the right-of-way and the rear elevation of the dwelling.

B. The following provisions shall apply to all fences erected on a residentially zoned or developed lot:

- Border fences permitted; maximum height of 4 feet
  - Design: wood or metal pickets/solid brick or stone/pierced brick
  - Supports: wood or metal posts/masonry piers
  - Prohibited material: vinyl

- Privacy fences permitted "substantially set back from the front wall of the house;" maximum height of 6 feet
  - Design: wood planks
  - Supports: wood or metal posts/masonry piers
  - Prohibited material: vinyl

- Containment fences permitted "substantially set back from the front wall of the house;" maximum height of 4 feet
  - Design: wire/vinyl-coated chain link
  - Supports: wood or metal dark-coated vinyl chain link posts

C. All fences shall be constructed so that the side of the fence facing a street or an adjacent property is finished.

D. The use of razor wire, barbed wire, hog wire and materials not specifically designed for fencing shall be prohibited.

Sec. 803. **Regulation of Temporary Structures**

Temporary structures may include construction trailers and temporary storage containers. Regulations affecting each such structure are provided below:

I. *Construction Trailers.* Construction trailer is defined for the purposes of this Section as a structure designed to be portable and intended for temporary use as a site office. A permit for locating a construction trailer on a site may be obtained from the Building Official in conjunction with construction of residential, commercial or industrial uses as demonstrated by development plans approved by the City and submitted to the Building Official, subject to the following conditions:

A. A construction trailer may be stored and occupied on property in any residential zoning district provided new construction of five or more residences is proposed for which a building permit or permits have been issued where the primary function of the unit is temporary office space for personnel involved in such construction.

B. A maximum of one construction trailer for each acre of land shall be permitted as a temporary structure, provided that a maximum of three such units shall be permitted on any construction site. Each structure permitted shall be located on the site in compliance with applicable building setbacks.

C. All construction trailers shall be provided with skirting for the purpose of screening the chassis, including any towing apparatus, from view.

D. All construction trailers shall be completely removed from the premises within 30 days of issuance of a Certificate of Occupancy pertaining to the building(s) associated with the construction, provided that it shall be unlawful to maintain any construction trailer on any premises for a period exceeding one year.

II. *Temporary Storage Containers.* The term "Temporary Storage Container" shall mean a portable structure no larger than 1,024 cubic feet for the storage of fixtures, furnishings, equipment or other household goods or materials on a temporary basis, but not designed for occupancy by any individual or domestic animal. It shall be unlawful to maintain any Temporary Storage Container on residential property except in compliance with the following terms and conditions:

A. Temporary Storage Containers shall be located in the rear yard only. Containers may be placed in such other location as may be approved in writing by the Building Official upon his determination that conditions on the property, including but not limited to trees, topography or storm water flow, render location in the rear yard impractical.

B. Temporary Storage Containers may be placed on a lot for a single period of 14 consecutive days in any single 12-month period without the property owner or occupant obtaining a permit from the City. However, such placement remains subject to approval by the Building Official.

C. It shall be unlawful to maintain a Temporary Storage Container on a lot for more than 30 consecutive days without a permit being issued by the Building Official. The property owner or occupant may obtain a permit from the Building Official within 14 calendar days of the date of application upon payment of a fee established by resolution of the Governing Body.

D. A permit may only be issued upon demonstration by the property owner or occupant to the reasonable satisfaction of the Building Official that the Temporary Storage Container is being used for temporary purposes. However, no permit shall be granted for a period to exceed 180 days. The owner or occupant shall make this demonstration by providing a copy of a properly executed contract for construction, remodeling or demolition of a structure located on the property to the Building Official.

E. The Building Official shall base the duration of the permit on the period of construction, demolition or remodeling as reflected in the contract described in Subsection (D), above.

F. The Building Official may grant time extensions for permits upon written application of the property owner or occupant prior to expiration of the current permit. Such extensions shall only be granted based on evidence of an extension of the period of the contract described in Subsection D., above.

G. Nothing in this section shall prohibit the placement of a temporary storage container at other locations on a lot provided that such placement shall be for the temporary convenience of the owner or occupant and shall not exceed seven calendar days.

Cross-reference. Chapter 17. Streets and Sidewalks of the Code of Ordinances of the City of Avondale Estates.

Sec. 804. **Lawn Ornamentation and Site Features**

It shall be unlawful to install lawn ornamentation on residential property except in compliance with the following regulations:

I. Prior to installation of lawn ornamentation in the front yard or in a side yard visible from the public right-of-way, a permit shall be obtained from the Building Official in accordance with the provisions of this Ordinance.

II. Permitted lawn ornaments shall be limited to a maximum of two (2) such ornaments.

III. The minimum setback from all property lines shall be 15 feet.

IV. Ornamentation shall not be placed so as to obstruct visibility at street intersections.

Sec. 805. **Home Occupations**

The following provisions shall apply to all home occupations:

I. There shall be no exterior evidence of the home occupation.

II. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling or accessory structure.

III. The use, as permitted, shall be conducted entirely within the dwelling or accessory building and only persons residing on the premises shall be employed at the home occupation.

IV. No home occupation shall occupy an area, whether in the principal dwelling or in an accessory building or both, that exceeds 25 percent of the total square footage of the principal dwelling on the lot as defined herein.

V. The use shall not involve public contact on the property and no article, product or service shall be sold on the premises unless public contact or home sale has been previously approved as a conditional use pursuant to Section 1401 of this Ordinance.

VI. No materials, equipment or business vehicles shall be stored or parked on the premises of the home occupation unless confined entirely within the dwelling or accessory building, except that one (1) business vehicle, the capacity of which shall not exceed two (2) tons, used exclusively by the resident(s) may be parked in a carport, garage or rear yard. In addition, storage of mechanical earth-moving equipment on the lot shall be prohibited. Offsite employees of the home occupation shall not congregate on or adjacent to the premises for any purpose concerning the business.

VII. No home occupation shall be operated so as to create or cause a nuisance.

Sec. 806. **Animal Care Facilities**

The following provisions shall apply to all animal care facilities:

I. Animal hospitals and veterinary clinics. All structures shall be located and all activities shall be conducted at least 100 feet from any property zoned or used for residential purposes.

When located within a planned center these uses shall comply with the following:

A. Adequate sound and odor control shall be provided so the use does not create a nuisance.

B. No outside runs or kennels shall be allowed.

II. Dog grooming shops. All structures shall be located and activities conducted a minimum of 100 feet from any property zoned or used for residential purposes, except in the CBD and Mill District.

Sec. 807. **Automotive Sales and Service**

The following provisions shall apply to all automotive sales and service establishments:

I. *Automobile sales and service facility.*

A. No vehicle parked for sale or service shall be located within a right-of-way.

B. No automotive sales or service facilities shall be operated so as to create or cause a nuisance.

II. *Motor vehicle repair and paint shops.*

A. This use shall not be permitted within 300 feet of any property used for a school, park, playground or hospital.

B. All activities shall be carried on entirely within an enclosed building.

C. This use shall not be established on a lot which is either adjacent to or directly across the street from any residential district.

III. *Motor vehicle service station.*

A. Unless elsewhere permitted in the district, major auto repair shall not be permitted.

B. Gasoline or diesel pumps and other service facilities shall be set back not less than 15 feet from the right-of-way line.

C. This use shall not be permitted in a neighborhood shopping district.

D. Motor vehicle parking lot or commercial parking garage may include gasoline pumps if located entirely within the principal building.

IV. *Motor vehicle wash service.*

A. All wash operations, including exclusively hand wash service, shall retain and recycle all wastewater on site. Sufficient paved vehicle maneuvering and storage space shall be provided to accommodate all customers and prevent off-site queuing.

V. *Minor motor vehicle repair and maintenance.*

A. Major auto repair shall not be permitted in connection with these uses. Minor auto repair and maintenance shall include the installation of tires, shocks, ignition parts and other minor accessory parts as shall be incidental to the normal upkeep of a motor vehicle, but shall not include body dismantling.

B. There shall be no body and fender repair, painting or dismantling of vehicles on the premises.

C. All minor auto repair, maintenance, service, storage or materials or similar activities connected with this use shall be carried on entirely within an enclosed building.

VI. *Retail motor vehicle parts and tire store.*

A. There shall be no dismantling of vehicles on the premises.

B. Unless elsewhere permitted within this district, the only auto part installation that shall be permitted in connection with this use shall be the installing of tires and the installation of minor maintenance or accessory parts.

C. Unless elsewhere permitted within this district, major auto repair shall not be permitted in connection with this use. Minor auto repair and maintenance may be permitted provided this repair and maintenance shall be incidental to the normal upkeep of a motor vehicle.

VII. *Trailer sales room and sales lot.*

A. All vehicles shall be set back at least 30 feet from the right-of-way line.

Sec. 808. **Building Materials Store**

I. This use includes all stores offering for sale any electrical supplies, lumber, hardware, paint, glass, wallpaper, plumbing equipment, heating equipment or other building materials.

II. No building materials store shall stockpile any materials, supplies, equipment or vehicles outdoors.

Sec. 809. **Commercial Recreation and Entertainment Facilities**

I. Indoor Amusement, recreational and entertainment activities, including:

A. Bowling Alley
B. Games/Arcade
C. Billiard Hall
D. Fitness Center
E. Ice Skating, Roller Skating Rink
F. Children's Play Facility
G. Theatres
H. Concert Venue

II. Outdoor Amusement, recreational and entertainment activities, including:
A. Mini-Golf
B. Concert Venue
C. Batting Cage
D. Go-Kart Facility

E. Theatres

III. Art shows, carnival rides and special events of community interest for periods not to exceed two (2) days per week, provided that all activity shall be conducted at least 100 feet from any residential district.

IV. Community fair conducted wholly within a minimum setback of 200 feet from any property line; any such event shall not exceed a 2-day period.

Sec. 810. **Communication Facilities**

I. Radio and television stations.

II. Point-to-point communication agencies.

III. Telephone business office.

IV. Cellular phone tower or other communication tower.

Communication facilities are permitted only with conditional use approval pursuant to Section 1401. Every communication facility use must comply with the terms of Chapter 14, Article 11, of the City of Avondale Estates Code of Ordinances.

Sec. 811. **Private Community Facilities**

I. Assembly halls, including conference halls, business meetings, civic halls, meeting places for civil service, garden, neighborhood and private clubs and activities of a similar nature. This use may include office space where incidental to the principal use.

II. *Cultural facilities.* Art galleries, museums, libraries and other similar uses.

III. Golf courses and clubhouses, private.

A. The golf course shall be a full 9-hole or 18-hole golf course.

B. Any building or structure established in connection with this use shall be set back not less than 100 feet from any property line except where this property line is a street right-of-way line. In this case, the front yard setback established for the district shall apply. When a property line is on a natural waterway, a property line setback shall not be required.

C. Lighting shall be established in such a way that no direct light is cast upon adjacent properties and roadways.

IV. *Exhibitions, private.* This use shall be limited to planetariums, aquariums, botanical gardens and other nature exhibitions, provided that no structure is located closer than 100 feet to any property used or intended to be used for residential purposes.

V. *Community Swimming Pool, Private.*

A. The swimming pool shall be set back 100 feet from any property line.

B. The swimming pool shall be surrounded by a fence having a minimum height of four (4) feet and a maximum height of six (6) feet which shall be secured when the facility is closed and not patrolled by a lifeguard.

Sec. 812. **Public Facilities**

I. Public recreation grounds and facilities, including fishing lakes, golf courses, tennis courts and related commercial activities.

A. Lighting shall be established in such a way that no direct light is cast upon adjacent properties and roadways.

B. All buildings and structures associated with a tennis center or club use shall be set back not less than 50 feet from property zoned for residential purposes.

II. Buildings, structures and uses of land by a unit of government, not listed elsewhere, including, but not restricted to public schools, parks, playgrounds, recreation centers and fire stations.

III. Public utility facilities, such as distribution lines and transmission lines. Unless elsewhere permitted in the district, such facilities shall not include a business office or storage yards.

Sec. 813. **Dwellings**

I. Condominium, as defined herein.

II. Single family detached dwellings.

III. Single family attached dwellings.

IV. Duplexes.

V. Triplexes.

VI. Multifamily dwellings, assisted living/senior housing and apartment developments.

VII. Upstairs accessory residential use.

VIII. Live/work unit.

Sec. 814. **Eating and Drinking Places**

I. Bar or tavern.

II. Drive-in restaurants.

III. Restaurants.

IV. Restaurants when accessory to a motel provided that the establishment is located on the same property as the motel and does not exceed 25 square feet for each motel room.

Sec. 815. **Educational or Child Care Facilities**

Nothing in this Ordinance is intended to prohibit the gathering, supervision, or care of children for birthday parties, scout functions, swim parties, mothers' day out functions or baby-sitting co-operatives involving the reciprocity of baby-sitting services, or similar good-faith social functions of a non-commercial nature within any residential district of the City.

I. Child Care and Day Care.

A. Residential Child-Care Facility.

1. "Residential child-care facility" shall mean any structure within which, or lot upon which, child-care and supervision is provided for one (1) or two (2) non-resident children who are not related to the caretaker or the owner of the facility for fewer than 24 hours per day not more than twenty-five (25) times in any consecutive thirty (30) day period without transfer of legal custody, without regard to whether such caretaker or owner receives pay or any form of consideration for the service.

2. Residential child-care facilities registered with and licensed by the State of Georgia to operate within the City shall be allowed in any zoning district of the City.

3. A residential child-care facility may additionally provide care to related non-resident children and other children having their primary residence within the household of the caretaker or owner, without number limitation, provided such care is furnished without consideration.

B. Day Care Facility.

1. "Day care facility" shall mean shall mean any place operated by any person, group or entity wherein more than two (2) non-resident children are received for care and supervision for less than twenty-four (24) hours per day, without transfer of legal custody and in exchange for consideration more than four (4) times in any consecutive thirty (30) day period or where one (1) or two (2) non-resident children who are not related to the caretaker or the owner of the facility are received for care and supervision more than twenty-five (25) times in any consecutive thirty (30) day period.

As used herein, “day care facility” includes, but is not limited to, “day care centers” and “group day care homes” as defined by State law.

2. Day care facilities are prohibited within any residential district of the City. The same are permitted in any non-residential district, provided that the facility must be registered with and licensed by the State of Georgia to operate within the City.

3. When any day care facility abuts or adjoins property used or zoned for residential purposes, the owner of any such facility shall establish and maintain a twenty-foot wide planted buffer that complies with Section 1206 of this Ordinance and a six-foot fence or wall along the interior line of said buffer to provide visual screening between the facility and the residential property.

C. Additional Definitions

As used in this Section, the following words shall mean as indicated:

1. “Related” shall mean a relationship of blood or marriage, including but not limited to, siblings, children, grandchildren, nephews and nieces.

2. “Non-resident children” shall mean children who do not regularly reside in the household of the caretaker or owner of the facility.

3. “Consideration” shall mean anything of value to the recipient or any forbearance by the promissor, whether or not the direct benefit flows to the caretaker or some third party. Consideration shall also include every aspect of good consideration and valuable consideration as those terms are defined by O.C.G.A. § 13-3-41, which are incorporated herein by reference.

D. The City of Avondale Estates does not license child care facilities or day care homes and makes no representation of any kind whatsoever as to the quality of service rendered therein.

II. Institutions of Higher Learning.

A. Colleges, universities, professional tutorial services, and other institutions of higher learning.

B. Research and training facilities associated with a college or university.

III. Schools, Primary and Secondary Education.

A. Private or parochial elementary, high school, kindergarten and “Pre-K”.

B. Public elementary, high school, kindergarten and “Pre-K”.

C. Parochial schools.

IV. Specialized Schools.

A. Business colleges.

B. Commercial vocational schools.

C. Computer and Management training facilities.

D. Non-degree schools such as dancing schools and other performing arts schools.

Sec. 816. **Lodging**

I. Hotel, 15 guest rooms or more.

II. Hotel, 14 guest rooms or less.

III. Motel.

IV. Bed & Breakfast as a conditional use in any district pursuant to Section 1401, provided that:

A. One (1) off-street parking space per guest room is provided; such spaces shall be in addition to the parking requirements otherwise applicable to the district. The number of vehicles stored on the premises shall be limited to the above ratio.

B. Screening in the form of fencing, walls or landscaping sufficient to protect adjacent residential uses is provided.

Sec. 817. **Printing Facilities**

I. Bookbinding and related work.

II. Photoengraving, typesetting, electrotyping and stereotyping.

III. Publishing and printing establishments.

Sec. 818. **Religious Facilities**

I. Churches, synagogues and other places of worship and accessory facilities.

II. Religious meetings, temporary for a period not to exceed 7 consecutive days or more than fifty (50) days in any calendar year.

Sec. 819. **Retail Trade Facilities**

I. Apparel and accessory stores.

II. Book and stationery stores.

III. Camera and photographic supply stores.

IV. Cigar stores and stands.

V. Drugstores.

VI. Garden supply stores.

VII. Florists.

VIII. Furniture, home furnishings and equipment stores.

IX. General merchandise stores.

X. Gift, novelty and souvenir shops.

XI. Grocery stores and bakeries.

XII. Hobby, toy and game shops.

XIII. Incidental retail sales of goods produced and processed on the premises.

XIV. Jewelry stores.

XV. News dealers and newsstands.

XVI. Retail liquor store.

XVII. Retail liquor stores as accessory uses to hotels, motels and high-rise office buildings provided that:

A. Every public entrance to this use shall be from a lobby, hallway or other interior portion of the primary structure; and

B. No show window, advertising or display shall be visible from the exterior of the primary structure. These requirements shall apply to retail liquor stores accessory to these uses even when located in a NS, GC, MD and CBD districts.

XVIII. Specialized merchandise stores selling such merchandise as luggage and leather goods, artists' supplies, orthopedic and artificial limbs, optical goods, rubber stamps, pets and religious goods.

XIX. Sporting goods stores and bicycle sales.

Sec. 820. **Services, Personal**

I. Barber and beauty shops, and other similar personal service establishments.

II. Business service establishments. Unless elsewhere permitted in the district, outdoor storage of materials and equipment used in the service shall not be permitted.

III. Coin-operated laundries.

IV. Laundry and dry cleaning pick-up stations.

V. Linen and diaper services – garment pressing, alteration and repair.

VI. Miscellaneous personal services. Establishments providing personal services not elsewhere classified such as clothing rental, clerical and investigative services, provided these services are carried on within a permanent, fully enclosed building, and provided there is no outdoor storage and no emission of odors, smoke or noise from the building in which the service is housed.

VII. Photographic studios.

VIII. Shoe repair and shoe shine parlors.

IX. Massage or other spas.

Sec. 821. **Services, Repair**

I. Heavy repair services and trade shops, including sheet metal, upholstering, electrical, plumbing, carpentry, sign painting and other similar activities. All activities shall be conducted within a building, but may be conducted within a fenced outdoor area so long as the activity generates no noise, odors or fumes which can be detected on any other lot.

II. Home appliance repair and related service, provided that no outdoor storage or repair of appliances shall be permitted.

III. Jewelry repair.

IV. Light repair services. Repair services conducted in a wholly enclosed building, involving no outdoor storage of materials, equipment or items being repaired, unless elsewhere permitted in the district, and performing a repair service which generates no noise, odors or fumes which can be detected beyond the walls of the building in which the service is housed.

V. Radio and television repair.

Sec. 822. **Services, Medical and Health**

I. *Office and Retail Health Uses.*

A. Clinic and pharmacy as part of a planned office center.

B. Health service clinics, including a pharmacy as an accessory use.

C. Offices of health service practitioners. Physicians, surgeons, dentists and dental surgeons, osteopathic physicians, chiropractors and similar licensed practitioners.

D. Pharmacies.

II. *Intensive Medical and Health Uses.*

A. Ambulance services.

B. Hospitals.

C. Medical and dental laboratories.

D. Personal care homes, nursing homes and convalescent centers. Personal care homes are specifically defined in Article 5.

1. Every personal care home, nursing home, or convalescent center must maintain all permits and licenses required by federal or state law at all times.

2. Any group or congregate personal care home shall maintain a resident manager or employee on the premises 24 hours a day.

3. The managing caregiver of any family personal care home must be a full-time resident of the facility.

4. The managing caregiver of a group personal care home must be a full-time resident of the facility.

5. The personal care home provides on-site parking and/or drop-off space adequate to meet the needs of the proposed facility.

6. The personal care home operator shall provide to the City of Avondale Estates a current list of residents living in the facility who have disabilities, and information concerning special needs, so as to ensure resident safety in the event of a fire or similar emergency.

7. A personal care home of any type (family, group or congregate) shall not be permitted within 1,000 feet of any other personal care home.

8. No personal care home shall function as a work release facility or as a facility serving as an alternative to incarceration.

E. Other health services not elsewhere classified.

Sec. 823. **Reserved**

Sec. 824. **Services, Office and Professional**

I. Accounting, auditing and bookkeeping offices.

II. Engineering, architectural and planning offices.

III. Finance, real estate, insurance offices and financial institutions.

IV. General office uses as part of a planned office center, including financial institutions.

V. Law offices.

VI. Information technology services.

VII. Other service, business and professional offices, including offices for civic, social and political organizations.

Sec. 825. **Small Batch, Craft Micro-Brewery**

I. Small batch, craft micro-breweries shall be allowed the following accessory uses:
   A. Guided Tours
   B. Concerts (See existing Section 12-4 Disturbing the Peace-Noise)
   C. Tasting Rooms
   D. Special Events (See existing Section 12-4 Disturbing the Peace-Noise)
   E. Distribution between 7 A. M. and 7 P.M.
   F. No more than 2 million gallons shall be produced annually.

II. Small batch, craft micro-breweries shall not:

   A. Deal in any other spirits except for beer and wine
   B. Have any outside storage
   C. Exceed 15,000 SF
   D. Produce noxious odors

Sec. 826. **Transportation and Storage Facilities**

I. Motor vehicle parking operated as accessory to permitted uses, and in accordance with all applicable provisions of this Ordinance.

II. Taxi stands.

III. Warehouse and storage. There shall be no external storage of goods and materials except in the LI district.

Sec. 827. **Wholesale Trade Facilities**

I. Wholesale sales offices.

II. Wholesale trade and distribution establishments, including packaging of wholesale commodities for distribution.

A. There shall be no outdoor storage of goods.

B. No fabricating of goods shall be permitted.

Sec. 828. **Drive-in/Through Facilities**

I. "Franchise architecture" is strongly discouraged. Development must follow the Architectural Review Board Design Guidelines.

II. Drive-through facilities shall be architecturally compatible with the best examples of nearby structures and compliment existing or planned streetscape elements.

III. Building design, location and parking areas should be designed to provide pedestrian orientation and clearly identify areas for pedestrian access.

IV. Windows provided for aesthetics in dining and entry areas should be used abundantly to provide visibility to the street and pedestrian view into the building.

V. Outdoor seating with high quality hardscape areas (such as brick, cobblestone, and decorative pavers) and high quality outdoor furniture is encouraged.

VI. Drive through ordering and pick up should not be visible from the public right-of-way.

Sec. 829. **Community Gardens**

I. Site user must have an established set of operating rules addressing governance structure of the garden, hours of operation, maintenance and security requirements and responsibilities; a garden coordinator to perform the coordinating role for the managements of the community garden, and must provide a plan for garden plots or communal responsibilities and rights. The name and telephone number of the garden coordinator and a copy of the operating rules shall be kept on file with the City.

II. The City can establish additional rules and regulations to protect the health safety and welfare of the community.

III. The site is designed and maintained so that water and fertilizer will not drain onto adjacent properties.

IV. There shall be no retail sales on site except for produce grown on site.

V. The operating rules will govern the time and type of items sold on premises.

VI. No buildings or structures, unless already present, shall be permitted on site, however sheds for tools not to exceed 300 square feet, greenhouses that consist of buildings made of plastic, or fiberglass in which plants are cultivated, benches, bike racks, raised/accessible planting beds, compost or waste bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas shall be permitted. The combined area of all buildings or structures shall not exceed 15% of the garden lot.

VII. Fences shall not exceed four (4) feet in height, shall be at least 50% open, and shall be constructed of wood or ornamental metal. No chain link is allowed.

VIII. Compost and waste collection bins must be located in the rear yard and be placed at least 25 feet from any property line.

IX. Any applicant for a community garden must provide documentation from the College of Agricultural and Environmental Services: DeKalb County Extension, that the soil being used has been tested and is safe for use as a community garden. The applicant may also use sub-irrigated planters (SIP) with fresh soil.

Sec. 830. **Assisted Living/Senior Housing**

I. The development shall provide for amenities and services promoting active, healthy lifestyles including but not limited to:

A. Exercise classes
B. Language lessons
C. Gardening plots/classes
D. Game rooms
E. Pool and exercise facilities
F. Access and transportation to retail and medical services
G. Arts and cultural activities (pottery, painting etc.)

Article 9. TABLE OF PERMITTED AND CONDITIONAL USES BY DISTRICT

REGULATED USES	**R-24**	**R-12**	**MFR**	**PD**	**O-I**	**NS**	**GC**	**OS-R**	**LI**	**SD-MARTA**	**Mill District**	**CBD**			
												Area 1	**Area 2**	**Area 3**	**Area 4**
Accessory Dwellings (Sec. 801)	C	C													
Animal Hospitals & Veterinary Clinics (Sec. 806)						P	P		P		C	C	C	C	C
Artisanal Food Production (Sec. 832)							C		P		C	C	C	C	C
Assisted Living/Senior Housing(Sec. 813 and 830)											P	C	C	C	C
Automotive Sales and Service, excluding Motor Vehicle Parking lots & Parking Garages (Sec. 807)							P		P						
Bars & Taverns (Sec. 814)				C		C					P	P	P	P	P
Building Material Stores, excluding Lumber, Hardware & Electrical Supply Stores (Sec. 808)							P		P					C	
Child Care Facilities, Residential (Sec. 815)	P	P		C	P	P	P		P		P	P	P	P	P
Commercial Rec. & Entertainment Fac., Indoor (Sec. 809)					C	P	P	C	P		C	C	C	C	C
Commercial Rec. & Entertainment Fac., Outdoor (Sec. 809)					C	C	C	C	C		C	C	C	C	C
Communication Facilities (Sec. 810)					C		C		C	C	C	C	C	C	C
Community Fac., Private, excluding Cultural Fac. (Sec. 811)					C			C			C	C	C	C	C
Community Gardens (Sec. 829)			P	P	P	P	P	C	P		P	P	P	P	P
Condominiums (Sec. 813)			P	C							P	P	P	P	P
Construction Trailers (Sec. 803)	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Craft Distillery (Section 831)							C		P		C	C	C	C	C
Cultural Facilities (Sec. 811)					C	C					P	P	P	P	P
Day Care Facilities (Sec. 815)				C	P	P	P		P		P	P	P	P	P
Dog Grooming Shops (Sec. 806)						P	P		P		P	C	C	C	C
Drive-in Restaurants (Sec. 814 & 828))							P		P		C	C	C	C	C
Duplex, Triplex (Sec. 813)			P	C							P	C	C	C	C
Electrical Supply Stores (Sec. 808)						P	P		P			C	C	C	C
Grocery Stores (Sec. 819)				C	C	P	P		P		C	C	P	P	C
Hardware Stores (Sec. 808)						P	P		P		P	P	P	P	P
Permitted Uses	*P*														
Conditional Uses, Granted Pursuant to Sec. 1401	*C*														
Unmarked Box indicates a Prohibited Use															

REGULATED USES	R-24	R-12	MFR	PD	O-I	NS	GC	OS-R	LI	SD-MARTA	Mill District	CBD			
												Area 1	Area 2	Area 3	Area 4
Home Occupations (Sec. 805)	P	P	C	C							P	P	P	P	P
Institutions of Higher Learning (Sec. 815)				C	P	C	C		C		C	C	C	C	C
Live/Work Units (Sec. 813)											P	P	P	P	P
Lodging: Hotels, 15 or more guest rooms (Sec. 816)							C				C				
Lodging: Hotels, 14 or less guest rooms (Sec. 816)							C				P	C	C	C	
Lodging: Motels, excluding Hotels & Boarding Houses (Sec. 816)							C								
Lodging: Bed & Breakfasts (Sec. 816)	C	C		C	C	C	C		C		P	C	C	C	C
Lumber Yards (Sec. 808)							P		P						
Medical & Health Services, Office and Retail Health Uses (Sec. 822.I)				C	C	C	C		C		P	C	C	C	C
Medical & Health Services, Intensive (Sec. 822.II)				C	C	C	C		C			C	C	C	C
Multifamily Dwelling (Sec. 813)			P								P	C	C	C	C
Duplexes, Triplexes (Sec. 813)			P	C							P	C	C	C	C
Office and Professional Services (Sec. 824)				C	P	P	P		P		P	P	P	P	P
Outdoor Special Events (Sec. 809)								C			C	C	C	C	C
Family Personal Care Homes (Sec. 822.II)					P	P	C					P	P	P	P
Group Personal Care Homes (Sec. 822.II)				C	P	P	P					P	P	P	P
Congregate Personal Care Homes (Sec. 822.II)				C	P	P	P					P	P	P	P
Personal Services (Sec. 820)					C	P	P		P		P*	C	C	C	C
Permitted Uses	*P*														
Conditional Uses, Granted Pursuant to Sec. 1401	*C*														
Unmarked Box indicates a Prohibited Use															
**Excluding Coin Operated Laundries (Sec. 820.III)*															

REGULATED USES	R-24	R-12	MFR	PD	O-I	NS	GC	OS-R	LI	SD-MARTA	Mill District	CBD			
												Area 1	Area 2	Area 3	Area 4
Printing Facilities (Sec. 817)					P	P	P		P		C	C	C	C	C
Public Facilities (Sec. 812)	C	C	C	C	C	C	C	C	C		C	C	C	C	C
Religious Facilities (Sec. 818)	C	C		P	P				P					P	
Repair Services (Sec. 821)						P	P		P		P**	C	C	C	C
Restaurants (Sec. 814)					C	P	P		P		P	P	P	P	P
Retail Trade, excluding Grocery Stores (Sec. 819)				C	C	P	P		P		P	P	P	P	P
Schools, Primary & Secondary Education (Sec. 815)				C	P	C	C		C		C	C	C	C	C
Single Family Dwelling Detached (Sec. 813)	P	P	P	C							P	P	P	P	P
Single Family Dwelling Attached (Sec. 813)			P	C							P	P	C	P	C
Specialized Schools (Sec. 815)				C	C	C	C		C		C	C	C	C	C
Small Batch, Craft Micro-Brewery (Sec. 825)							C		P		C	C	C	C	C
Temporary Storage Containers (Sec. 803)	C	C	C	C	C	C	C		C	C	C	C	C	C	C
Transportation and Storage Facilities (Sec. 826)							P		P	P					
Transportation and Warehouse Facilities (Sec. 826)						C	C		C						
Upstairs Accessory Residential Use (Sec. 813)				C		C					P	P	P	P	P
Wholesale Sales Offices (Sec. 827)					C		P		P					C	
Wholesale Trade & Dist. Establishments (Sec. 827)									P						
Permitted Uses	*P*														
Conditional Uses, Granted Pursuant to Sec. 1401	*C*														
Unmarked Box indicates a Prohibited Use															
*** Excluding Heavy Repair/Trade Shops (Sec. 821. I)*															

Article 10. NONCONFORMING USES AND BUILDINGS

Sec. 1001. Purpose and applicability

Nonconforming uses and buildings are declared by this Ordinance to be incompatible with permitted uses in the districts involved. However, in order to avoid undue individual hardship, certain nonconforming uses and buildings may be continued pursuant to the terms of this Article.

Notwithstanding any other provision of this article, any building, structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.

Sec. 1002. Continuance of certain nonconforming uses permitted

The lawful use of any building or land rendered nonconforming at the effective date of adoption or amendment of this Ordinance may be continued provided such use remains otherwise lawful and is not required to be discontinued by Section 1004, subject to the provisions of this section.

I. Once changed to a conforming use, no land or building shall be permitted to revert to a nonconforming use.

II. No nonconforming use may be changed to another nonconforming use.

III. No nonconforming use shall be extended to occupy a greater area of a building or structure unless such additional area of the building or structure was arranged or designed for such use at the time the use became nonconforming.

IV. No nonconforming use, other than a single-family detached residential use, shall be reestablished after discontinuance or abandonment of such nonconforming use. Determination of whether discontinuance or abandonment of a nonconforming use has occurred shall be made by the Building Official based upon such objective evidence as would lead a reasonable observer of actual use of the building or land to believe that discontinuance or abandonment of the use has, in fact, occurred.

V. Any planned, nonconforming use for which a vested right was acquired prior to adoption of this Ordinance or amendment thereto shall be prohibited unless such intended nonconforming use for which a vested right was acquired is actually commenced within one year of adoption of this Ordinance or amendment thereto, regardless of the intent or expectation to commence such nonconforming use.

Sec. 1003. Permitted nonconforming buildings

I. Changes or alterations may be made to the interior of a nonconforming building, and cosmetic alterations may be made to the exterior of such a building, but no changes or alterations shall be made that increase the exterior dimensions of a nonconforming building unless in compliance with

every other aspect of this Ordinance as to building setback and floor area, among other Ordinance standards.

II. Nothing contained in this section shall require any change in plans, construction or designated use of a building for which a building permit has been correctly issued and the construction of which has begun.

III. No nonconforming building or use shall be enlarged, extended, expanded, moved, constructed, reconstructed, structurally altered or otherwise altered in any manner that increases the degree of nonconformity.

Sec. 1004. **Nonconforming Use Discontinuance**

Nonconforming fences, walls and hedges impeding vision shall be removed, altered or otherwise made to conform to this Ordinance within 180 days of adoption of this Ordinance.

Outdoor storage as described in Sec. 1201.IX shall be screened within 180 calendar days of adoption of this Ordinance regardless of the date of establishment of the use being screened.

Notice shall be sent by the Building Official to all owners of property upon which any of the above nonconforming structures are situated stating the manner in which such use does not conform to this Ordinance. The notice shall state the date by which the nonconforming structure must be brought into compliance or be removed. The date that a nonconforming use must either comply or cease to exist shall be measured from the date of enactment or amendment of this Ordinance.

Upon application by an affected property owner, the Board of Appeals may extend the time that a nonconforming structure may continue, but in no event shall such extension be for longer than 30 days.

Sec. 1005. **Undeveloped Nonconforming Single Family Residential Lots**

The owner of an undeveloped lot of record that cannot be deemed a buildable lot under Section 715 and other requirements of this ordinance shall have no recourse with regard to development of the lot.

Sec. 1006. **Re-establishment of certain nonconformities**

If the destruction of an existing principal building or structure is caused by an unintentional casualty such as a fire, tornado, earthquake, etc., the building or structure may be rebuilt only within the same footprint of the original building or structure and any pre-existing nonconforming use may continue as conducted prior to such destruction. Reconstruction shall commence within six (6) months following such destruction.

Article 11. DISTRICT DEVELOPMENT STANDARDS

The Development Standards set forth by this Ordinance within each district shall be the minimum development standards and shall apply uniformly to all land, buildings and structures located within each designated district.

The general Development Standards in Article 12 and the Subdivision Regulations of the City of Avondale Estates, 1989, as amended, are also applicable to each district as provided for therein. In the event of conflicting regulations or development standards as provided in this Ordinance and the Subdivision Regulations of the City of Avondale Estates, 1989, as amended, the most restrictive requirements shall control.

The Avondale Estates Zoning Ordinance establishes two residential zoning classifications: "R-24" Very Low Density Single Family Detached Residential and "R-12" Low Density Single Family Detached Residential. These are defined in Article 6 of this Ordinance. This Article 11 "District Development Standards" identifies the standards applicable to each of the districts. These standards are summarized in tables in each district description.

Sec. 1101. **Very Low Density Single Family Detached Residential (R-24)**

I. District Regulations

District	Min Lot Area	Max Density	Min Lot Width	Min Floor Area	Front Yard[1]	Side Yard	Rear Yard	Max Lot Coverage[2]
R-24	24,000 sf	1.8 u/net u/acre	100 feet	2,400 sf	65 feet	20 feet	40 feet	30%

[1] Front yard setbacks for "collector and local streets" are provided below.
[2] Lot coverage encompasses all impervious surfaces.

A. Minimum Lot Area — 24,000 square feet

B. Maximum Density — 1.8 u/net acre

C. Minimum Floor Area

The principal dwelling on the lot shall not occupy a ground area of less than that fixed as a minimum below:

1 Story	2,400 square feet
1½ Story	1,920 square feet
2 Story	1,680 square feet

Only finished, heated, livable area shall be counted in total ground area covered.

The second floor of 1½-story dwellings shall have a minimum finished floor area equivalent to 50 percent of the first floor area; 60 percent of the second floor area shall have a minimum ceiling height of eight feet.

The second floor of 2-story dwellings shall be finished and all rooms and halls shall have a minimum ceiling height of eight feet.

D. Minimum Lot Width (at setback line) 100 feet

E. Minimum Yard Requirements.

Front (adjacent to a public or private street, setback from future street right-of-way)
Principal and Minor Arteries 65 feet
Collector and Local Streets 50 feet
Side 20 feet
Rear 40 feet

F. Maximum Building Coverage 30%

G. Maximum Building Height 35 feet

H. Maximum Lot Coverage 30%

I. Dwelling Separation: Notwithstanding any other provision of this ordinance, no new primary structure shall be erected within the R-24 unless a distance of twenty (20) feet shall be provided between such primary structure and the nearest wall of all other primary structures located on adjacent lots.

Sec. 1102. **Low Density Single Family Detached Residential (R-12)**

District	Min Lot Area	Max Density	Min Lot Width	Min Floor Area	Front Yard[1]	Side Yard	Rear Yard	Max Lot Coverage[2]
R-12	12,000 sf	3.6 u/net	60 feet	1,800 sf	50 feet	10 feet	35 feet	40%

[1] Front yard setbacks for "collector and local streets" are provided below.
[2] Lot coverage encompasses all impervious surfaces.

A. Minimum Lot Area 12,000 square feet

B. Maximum Density 3.6 u/net acre

C. Minimum Floor Area

The principal dwelling on the lot shall not occupy a ground area of less than that fixed as a minimum below:

1 Story	1,800 square feet
1½ Story	1.440 square feet
2 Story	1,260 square feet

Only finished, heated, livable area shall be counted in total ground area covered.

The second floor of 1½-story dwellings shall have a minimum finished floor area equivalent to 50 percent of the first floor area; 60 percent of the second floor area shall have a minimum ceiling height of eight feet.

The second floor of 2-story dwellings shall be finished and all rooms and halls shall have a minimum ceiling height of eight feet.

D. Minimum Lot Width (at setback line) 60 feet

E. Minimum Yard Requirements.

Front (adjacent to a public or private street, setback from future street right-of-way)	
Principal and Minor Arteries	50 feet
Collector and Local Streets	35 feet
Side	10 feet
Rear	35 feet

F. Maximum Building Coverage 40%

G. Maximum Building Height 35 feet

H. Maximum Lot Coverage 40%

I. Dwelling Separation: Notwithstanding any other provision of this ordinance, no new primary structure shall be erected within the R-12 unless a distance of twenty (20) feet shall be provided between such primary structure and the nearest wall of all other primary structures located on adjacent lots.

Sec. 1103. **Open Space and Recreation District (OS-R)**

The Open Space and Recreation District is limited to commercial recreation and entertainment facilities. This district is designed for the preservation of neighborhood parks and recreational facilities. Properties located in the OS-R district are publicly owned or are deed restricted to ensure that the properties remain dedicated to

the Sec. 809, Sec. 811 and Sec. 812 uses. Restrictions impacting this district are specified in these ordinance sections.

Sec. 1104. **Multifamily Residential (MFR)**

District	Min Lot Area	Max Density	Min Lot Width	Min Floor Area	Front Yard[1]	Side Yard	Rear Yard	Max Lot Coverage[2]
MFR	43,560 sf (one acre)	8.0 u/net	100 feet	800 sf	65 feet	25 feet	50 feet	35%

[1] Front yard setbacks for "collector and local streets" are provided below.
[2] Lot coverage encompasses all impervious surfaces.

A. Minimum Lot Area — 43,560 square feet (one acre)
   Duplexes — 12,000 square feet
   Triplexes — 24,000 square feet

B. Maximum Density — 8.0 u/net acre

C. Minimum Floor Area

   One Bedroom — 800 square feet
   Two Bedroom — 950 square feet
   Three Bedroom — 1,200 square feet
   Duplexes — 1,200 square feet per unit
   Triplexes — 1,200 square feet per unit

D. Minimum Lot Width (at setback line) — 100 feet

E. Minimum Yard Requirements.

   Front (adjacent to a public or private street, setback from future street right-of-way)
      Principal and Minor Arteries — 65 feet
      Collector and Local Streets — 50 feet
   Side — 25 feet
   Rear — 50 feet

F. Maximum Building Coverage — 35%

G. Maximum Building Height — 35 feet

Note: Unless otherwise specified, all MFR standards apply to Duplex and Triplex Developments.

Sec. 1105. **Planned Developments**

The purpose of this section is to encourage the coordinated improvement of land and buildings under a unified development plan rather than under conventional lot-by-lot regulations. The City benefits from variety in building types, compatibility of uses and optimum community development. The developer benefits from better land use, economy in development and flexibility in design. Review of the development plan by the City provides an opportunity to assure that the development will be in harmony with the character of the neighborhood in which it is to be located.

I. General Provisions

A. *Planned Developments Defined*. A Planned Development allows for a combination of uses that otherwise would not be permitted in a single district.

B. *Site Plan Review*. Planned Developments are subject to site plan review by the City and are only approved conditioned upon compliance with an approved site plan.

C. *Conceptual Review Required*. In order to assure that any Planned Development is compatible and consistent in appearance with nearby existing uses and structures, the applicant must obtain a certificate of approval from the Architectural Review Board or a certificate of appropriateness from the Historic Preservation Commission, whichever is applicable to the property involved, before the Board of Mayor and Commissioners will consider an application for rezoning to PD.

D. *Permitted Uses*

1. Single family detached dwellings. (Sec. 813)

2. Neighborhood Shopping Uses. Planned shopping centers and limited retail activities conducted in a unified development designed to serve the surrounding neighborhood and community with convenience goods, retail services and personal services.

3. Office – Institutional Uses. Office, institutional and limited commercial uses not involving the sale or processing of merchandise unless otherwise permitted herein.

E. *Conditional uses* (Sec. 813)

1. Condominium.

2. Multifamily dwellings.

3. Single family attached dwellings.

4. Duplexes.

5. Triplexes.

F. *Minimum acreage requirement*. The initial development tract shall be a minimum of two (2) acres for the entire Planned Development.

G. *Ownership control*. Initially, all of the land in a Planned Development shall be in a single ownership by an individual, a partnership, tenants in common, a corporation or other legal entity. However, this shall not preclude several contiguous property owners from making a joint application for rezoning. Individual properties in a Planned Development may only be sold after a final plat has been approved and recorded, with the properties subject to private deed covenants that assure the continuance of the Planned Development as originally approved and developed or as otherwise provided herein. The initial owner of a Planned Development shall either: (1) take the necessary steps to make the Planned Development a condominium pursuant to the Georgia Condominium Act, or (2) create a homeowners' association for the Planned Development and deed all open areas and common space within the Planned Development to such homeowners' association.

H. *Special development standards*. When development standards are specified in this article for Planned Developments which conflict with other development standards of this ordinance, then the standards set forth in this article shall control as to Planned Developments.

I. *Common use restrictions through covenant and declaration requirements*. A homeowners' association or condominium board shall govern the use of common open area or other common areas and private streets of the Planned Development. All required covenants, declaration and restrictions shall be submitted to the City Manager for review and, at a minimum, shall either create a condominium pursuant to the Georgia Condominium Act or provide for:

1. Mandatory and automatic membership in a homeowners' association as a function of dwelling ownership;

2. Creation of homeowners' association before any individual properties are sold;

3. All owners to have equal access and right of use to all shared and common facilities;

4. Perpetual and continued maintenance of open and shared space and private streets;

5. Tax liability in the case of default;

6. The method of assessment for dues, maintenance and related costs; and,

7. Where appropriate, party wall maintenance and restoration in the event of damage or destruction.

Upon approval of the required covenants, declarations and restrictions by the City Attorney, the same shall be recorded in the property records of DeKalb County, Georgia. All such covenants, declarations and restrictions shall also be recorded as conditions of zoning for the subject Planned Development.

J. *Open space improvements*. When open space is required to be provided as a part of a Planned Development, the developer shall submit with his application for approval of the Planned Development a plan for the improvement and maintenance of open space areas and shall follow the plan that is approved in developing the property.

K. *Open space and private street maintenance*. In the event that the condominium board or homeowners' association fails to maintain the common property in a reasonable condition, the City Manager shall serve written notice upon the board association and upon the individual property owners of the Planned Development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that these deficiencies of maintenance be corrected within 30 days thereof. If the deficiencies are not corrected within the 30 days, the City, in order to preserve the taxable values of the common open space and/or private streets, and to prevent the same from becoming a public nuisance, may enter upon the common open space and/or private streets and maintain the same for one (1) year and thereafter until the board or association is prepared to provide maintenance. The cost of this maintenance by the City shall be assessed against the properties within the Planned Developments that have a right of enjoyment of the common open space and/or private streets, and shall become a lien upon the properties.

L. *Pre-Application conference*. Before any application for a map amendment to rezone property to PD may be considered, a pre-application conference between the applicant and the City Manager or his designee is required to discuss the application and relevant requirements of this Ordinance. The applicant shall provide four (4) copies each of a site plan, landscape plan and elevation drawings of each exterior façade for the proposed development.

II. Development Standards.

A. *Density*.

1. No more than eight (8) residential units shall be permitted per total acre in the Planned Development.

2. No more than eight (8) units shall be permitted in each residential building.

B. *Open space requirements*. The Planned Development shall set aside and develop not less than twenty (20) percent of the land area within the development for open space, parks, or recreational use. Required streets, sidewalks, drives, yard areas and common parking court areas shall not be credited toward this minimum required open space allocation. Only fifty (50)

percent of this area may be developed with recreational facilities. Not more than fifty (50) percent of the land reserved for open space purposes shall be within a flood plain.

C. *Building Spacing*.

1. At least twenty (20) feet shall separate the front of any building from the front or rear of any other building.

2. At least twenty (20) feet shall separate any unattached side of a building from any other unattached side of a building.

3. At least twenty (20) feet shall separate the rear of any building from the unattached side or rear of any other building.

D. *Single Retail Space.* No single retail space shall be larger than 30,000 square feet in gross floor area.

E. *Buffers*.

1. The character and width of planted buffers around the perimeter of the Planned Development shall be as indicated by Section 1206 of this Ordinance.

2. All required buffers within a Planned Development shall be deeded as common property in a condominium arrangement or to the development's homeowners' association.

3. Required buffers shall be counted towards the open space requirements of Part (2) (b) of this Section.

F. *Neighborhood Shopping (NS) and Office – Institutional (O-I) Uses*.

1. No more than fifty (50) percent of gross square footage of a Planned Development may be used for NS and/or O-I uses.
2. Liquor stores shall be prohibited in all Planned Developments.

G. *Off-Street Parking*.

1. Number of Spaces

a) Two (2) spaces per residential unit, dedicated exclusively to the owner of such unit.

b) One (1) space per 250 square feet of O-I gross floor space.

c) One (1) space per 200 square feet of NS use.

d) Shared parking arrangements may be used in this district in accordance with standards outlined in Sec. 1113.9.III.D.

2. Location of Spaces

a) Residential unit spaces shall be provided either under the dwelling, to the immediate rear of the dwelling or in common off-street parking areas not more than 300 feet from the dwelling.

b) NS and/or O-I spaces shall not be located within fifty (50) feet of any residential unit.

H. *Parking Lot Landscaping.*

In addition to the provisions of Section 1204 and the City of Avondale Estates Tree Ordinance, which shall apply to the PD District, the following additional parking lot landscaping requirements shall apply:

1. Parking lot landscaping requirements shall apply to all lots regardless of size.

2. A landscape strip with a minimum width of six (6) feet shall be required between all surface parking facilities and the required sidewalk. The strip shall be planted with trees for the purposes of shading motor vehicles and pedestrians.

3. Every parking space shall terminate at a landscaped strip of a minimum width of six (6) feet. No more than eight (8) parking spaces shall be located adjacent to one another. For every eight (8) adjacent parking spaces, a landscaped strip of a depth equal to the adjacent parking space(s) and a width of no less than six (6) feet shall be provided. Every parking bay shall terminate at both ends with a landscaped strip of a depth equal to the adjacent parking space and a width of no less than six (6) feet.

4. All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum height of thirty (30) inches, at a minimum ratio of three (3) shrubs for every tree.

5. All landscaped buffers and strips shall provide trees at a ratio of one (1) tree for every six (6) parking spaces provided. All trees shall have a minimum caliper of four (4) inches as measured at the root collar, shall be of an approved canopy or understory species and shall be pruned to a minimum height of eight (8) feet.

6. Notwithstanding any other provision of this section, no less than 10 percent of every parking area within the PD district shall consist of landscaped area.

7. In addition to all other parking lot landscaping requirements, wherever a parking lot adjoins a public right of way, a landscape area containing an evergreen screen shall be

maintained along the right of way line by the property owner at a height of approximately 36 inches from curb level at all times. The screen shall consist of evergreen shrubs approved by the City Manager and shall create an opaque visual screen from the ground up to the required height at all times.

However, no plant material or other obstruction shall be located within the "sight triangle" area which is formed at the intersection of any two streets. The depth of the sight triangle at a given intersection is determined by the traffic safety demands of the particular intersection. Before approving a parking lot landscaping plan, the City Manager shall consult with the DeKalb County Transportation Department and/or the Georgia Department of Transportation to determine the appropriate sight triangle.

8. Implementation. A parking lot landscape plan which shows compliance with the requirements of this section is required for all parking lots within the PD district and must be sealed by a registered Landscape Architect. The parking lot landscape plan shall be approved by the City Manager, in consultation with a qualified professional. The approved parking lot landscape plan shall be fully implemented prior to issuance of a certificate of occupancy.

I. *Sidewalks.*

Public sidewalks shall be located along all streets and shall have minimum widths as specified herein. Sidewalks shall consist of two zones: A street furniture and tree planting zone and a clear zone. The zones shall have a minimum width as specified in the PD Street Requirements Chart below. The following regulations shall apply also to all sidewalks:

1. Street furniture and tree planting zone requirements. The zone shall be located immediately adjacent to the curb and shall be continuous. The zone shall meet the tree planting requirements listed below. In addition to the required planting of trees, this zone may also be used for the placement of street furniture, trash receptacles, newspaper vending boxes, bus shelters, bicycle racks and similar elements, subject to the following additional criteria:

   a) Elements shall be provided in a manner that does not obstruct pedestrian access or motorist visibility.

   b) Elements shall not cause unsafe conditions for pedestrian or vehicular flow on the adjacent public sidewalks or streets.

   c) Elements shall be consistent with the Design Standards on file with the City Clerk that govern the design or placement of the particular element.

2. Clear zone requirements. The zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be continuous. The zone shall be hardscape, and shall be unobstructed for a minimum height of eight (8) feet.

3. Street tree planting requirements.

   a) Street trees are required and shall be planted on center within the street furniture and tree planting zone in the ground at thirty (30) foot intervals and, wherever possible, spaced an equal distance between street lights.

   b) All newly planted trees shall have a minimum diameter of four (4) inches measured four and one-half feet above finished grade, shall have a minimum mature height of forty (40) feet, and shall be pruned to a minimum height of eight (8) feet.

   c) Trees shall have a minimum planting area of thirty-two (32) square feet.

   d) All street trees shall be limited to canopy-forming trees of a species selected from the applicable planting list, as set forth in the Design Standards on file with the City Clerk.

   e) All plantings, planting replacement and planting removal shall be approved by the City Manager or his designee, as set forth in the Design Standards.

   f) The area between required plantings shall either be planted with ground cover or shall be paved as approved by the City Manager or his designee, as set forth in the Design Standards.

4. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half (2½) feet and eight (8) feet above grade.

5. Utilities shall be placed underground.

J. *Supplemental Zone.*

For purposes of these regulations, the area between any building fronting on a street and the required sidewalk shall be defined as the supplemental zone. Additional detailed supplemental zone regulations for each area are provided in the CBD Street Requirements Chart below.

1. Supplemental zone general requirements.

   a) When sidewalk level residential units are provided, the supplemental zone shall be landscaped with the exception of terraces, porches, stoops, walkways and outdoor dining, which may occupy a maximum of two-thirds (2/3) of the supplemental zone area;

b) Terraces, porches and stoops shall have a maximum finished floor height of twenty-four (24) inches above finished-grade;

c) The supplemental zone shall be no more than twenty-four (24) inches above the adjacent public sidewalk for a minimum linear distance of fifteen (15) feet from the nearest edge of the adjacent public sidewalk; and

d) Any authorized walls surrounding landscaped and grassed areas shall not exceed a maximum height of twenty-four (24) inches, except retaining walls, which shall not exceed a maximum height of thirty-six (36) inches.

e) Fencing shall be permitted only when:

(1) The supplemental zone is located between sidewalk level residential units and the adjacent street; or

(2) The fencing is used to separate authorized outdoor dining from the required sidewalk.

2. No portion of any balcony shall be located closer than five (5) feet to the nearest required public sidewalk.

3. Supplemental zones as open space: except as otherwise specified below, the square footage contained within a supplemental zone which meets all the supplemental zone requirements may be counted towards open space requirements.

a) Supplemental zones containing a depth of fifteen (15) feet or less shall not be counted towards open space requirements unless visible and accessible to the general public from the adjacent public sidewalk, with the exception of areas adjacent to sidewalk level residential units.

b) Supplemental zones containing a depth greater than fifteen (15) feet shall be counted towards open space requirements only when the following additional requirements are met:

(1) A minimum of eighty percent (80%) of the surface of the supplemental zone allows for unobstructed pedestrian movement with the exclusion of fountains, pedestrian furniture, public art and similar elements.

(2) The supplemental zone for non-residential ground floor uses is visible and accessible from any point along ninety percent (90%) of any adjacent sidewalk.

(3) All sides of buildings fronting the zone shall meet the requirements of Section 1113.08 I. when non-residential ground floor uses are provided.

(4) The supplemental zone for residential ground floor uses provides a pedestrian walkway from the space to the adjacent public sidewalk. The pedestrian walkway shall be perpendicular to the street and shall connect directly to the public sidewalk and shall be uncovered and open to the sky along its entire length.

4. Outdoor dining may be permitted in the Supplemental Zone if approved and permitted by the City Manager. The regulations governing outdoor dining permits are on file with the City Clerk.

PD STREET REQUIREMENTS CHART	All Streets
Minimum Street Furniture Zone (width)	7 feet
Minimum Sidewalk Clear Zone (width)	5 feet
Maximum Supplemental Zone (width)	30 feet

Sec. 1106. **Office-Institutional (O-I)**

District	Min Lot Area	Min Lot Width	Front Yard[1]	Side Yard	Rear Yard	Max Bldg Coverage	Max Bldg Height	Max Lot Coverage[2, 3]
O-I	25,000 sf	100 feet	65 feet	15 feet	30 feet	40%	5 Stories	65%

[1] Front yard setbacks for "collector and local streets" are provided below.
[2] Lot coverage encompasses all impervious surfaces.
[3] See Section 1206.03 for buffer requirements within this district.

A. Minimum Lot Area 25,000 square feet

B. Minimum Lot Width 100 feet

C. Minimum Yard Requirements.

Front
Principal or Minor Arteries 65 feet

Collector and Local Streets 50 feet

Side 15 feet
Rear 30 feet

D. Maximum Building Coverage 40%

E. Maximum Building Height Five Stories

F. Maximum Lot Coverage 65%

Sec. 1107. **Reserved**

Sec. 1108. **Neighborhood Shopping (NS)**

District	Min Lot Area	Min Lot Width	Front Yard	Side Yard	Rear Yard	Max Bldg Coverage	Max Bldg Height	Max Lot Coverage[1]
NS	20,000 sf	100 feet	0 feet	15 feet	30 feet	45%	35 feet	75%

[1] Lot coverage encompasses all impervious surfaces.

A. Minimum Lot Area 20,000 square feet

B. Minimum Lot Width 100 feet

C. Minimum Yard Requirements.
Front 0 feet
Side 15 feet
Rear 30 feet

D. Maximum Building Coverage 45%

E. Maximum Building Height 35 feet

F. Maximum Lot Coverage 75%

G. *Certificate requirement*. No NS structure shall be constructed without first obtaining a certificate of approval from the Avondale Estates Architectural Review Board or a certificate of appropriateness from the Avondale Estates Historic Preservation Commission, whichever has jurisdiction over the property. Such certificates for the proposed NS structure shall be issued upon a determination that the proposed structure is compatible and consistent in appearance with existing, nearby structures.

Sec. 1109. **General Commercial (GC)**

District	Min Lot Area	Min Lot Width	Front Yard	Side Yard	Rear Yard	Max Bldg Coverage	Max Bldg Height	Max Lot Coverage[1]
GC	25,000 sf	100 feet	40 feet	15 feet	30 feet	45%	35 feet	80%

[1] Lot coverage encompasses all impervious surfaces.

A. Minimum Lot Area 25,000 square feet

B. Minimum Lot Width 100 feet

C. Minimum Yard Requirements.
Front (adjacent to a public street) 40 feet
Side 15 feet
Rear 30 feet

D. Maximum Building Coverage 45%

E. Maximum Building Height 35 feet

F. Maximum Lot Coverage 80%

Sec. 1110. **Light Industrial (LI)**

District	Min Lot Area	Min Lot Width	Front Yard	Side Yard	Rear Yard	Max Bldg Coverage	Max Bldg Height	Max Lot Coverage[1]
LI	30,000 sf	100 feet	70 feet	15 feet	30 feet	40%	40 feet	70%

[1] Lot coverage encompasses all impervious surfaces.

A. Minimum Lot Area 30,000 square feet

B. Minimum Lot Width 100 feet

C. Minimum Yard Requirements.
Front 70 feet
Side 15 feet
Rear 30 feet

4. Maximum Building Coverage 40%

5. Maximum Building Height 40 feet

6. Maximum Lot Coverage 70%

Sec. 1111. **Special District – MARTA (MARTA)**

Parcels within this district are under the ownership of the Metropolitan Atlanta Rapid Transit Authority (MARTA), and as such shall only contain transportation infrastructure.

District	Min Lot Area	Min Lot Width	Front Yard	Side Yard	Rear Yard	Max Bldg Coverage	Max Bldg Height	Max Lot Coverage[1]
MARTA	30,000 sf	100 feet	70 feet	15 feet	30 feet	40%	40 feet	70%

[1] Lot coverage encompasses all impervious surfaces.

A. Minimum Lot Area 30,000 square feet

B. Minimum Lot Width 100 feet

C. Minimum Yard Requirements.
Front 70 feet
Side 15 feet
Rear 30 feet

4. Maximum Building Coverage 40%

5. Maximum Building Height 40 feet

6. Maximum Lot Coverage 70%

Sec. 1112. **Reserved**

Sec. 1113. **Central Business District**

The following regulations shall apply to all property within the Central Business District (CBD) Zoning District. Whenever the following regulations conflict with any other zoning regulations, the following regulations shall control.

Sec. 1113.01. Policy and Intent of District.

I. Policy and Intent of District. The policy and intent of the CBD district is to promote the development of downtown Avondale Estates in a manner that is consistent with the Downtown Master Plan, dated October 7, 2004 and as amended, and the City of Avondale Estates 2007-2027

Comprehensive Plan. Among other goals for the central business district set forth in the Master Plan, all development within the CBD shall:

A. Be compatible with the development and use of surrounding properties, including architectural style, scale and siting of buildings,

B. Have a compatible relationship with the General Purposes of this ordinance found in Article 3, and

C. Promote a pedestrian "destination" environment.

Sec. 1113.02. Boundaries.

I. Boundaries of District and Areas Established. The Central Business District is divided into four (4) areas that are designated as follows and depicted on the CBD Zoning Map (12-13-2010):

A. Tudor Village Area,

B. Northern Gateway Area,

C. Ingleside Area, and

D. North Avondale Area.

Sec. 1113.03. Additional Use Limitations.

I. Additional Use Limitations. The following regulations shall apply to the following uses within the CBD as indicated:

A. Residential uses.

1. Total residential units for the entire Central Business District shall not exceed two hundred and fifty (250) individual units including all residential structures existing as of the date of adoption of this ordinance

2. Single-family detached dwellings shall have a minimum finished floor area of one thousand five hundred (1,500) square feet per residential unit

3. The average finished floor area of a development of single-family attached or multi-family dwellings shall be not less than one thousand three hundred (1,300) square feet per residential unit, and no single-family attached or multi-family dwelling shall be less than one thousand one hundred (1,100) square feet of finished floor area.

4. Maximum gross density for single family detached dwellings shall be five (5) units per acre: maximum gross density for single family attached dwellings shall be ten (10) units

per acre and maximum gross density for multifamily dwellings shall be forty (40) units per acre.

B. Non-residential uses.

1. The following uses shall be limited to a maximum finished floor area of thirty thousand (30,000) square feet: Commercial entertainment establishments, grocery stores and hotels.

2. Office uses shall have no maximum finished floor area limitation.

3. All other non-residential uses shall be limited to a maximum finished floor area of eight thousand (8,000) square feet.

4. Non-residential uses in excess of those square footage limitations listed above shall be permissible only by obtaining a variance, pursuant to Section 1610, provided that the total additional square footage shall not exceed twenty percent (20%) of the square footage allowed as-of-right.

5. Drive-through service windows and drive-in facilities shall be permissible only by obtaining a conditional use permit pursuant to Section 1401.

C. Live/Work.

1. The minimum floor area of the residential portion of a live/work unit shall be 800 square feet for a one-bedroom unit. Two (2) bedroom live/work units shall provide at least 1,000 square feet of dedicated residential floor area. Live/work units with three (3) or more bedrooms shall provide at least 1,200 square feet of dedicated residential floor area. The minimum floor area of the commercial portion of each live/work unit shall be 800 square feet. All residential uses within the CBD are subject to the design controls of Sec. 1113.08 I.

2. The residential floor area of a live/work unit shall be separated from the commercial floor area of the live/work unit by a fire rated wall. No commercial activities are to occur in the residential portion of the unit and no residential activities are to occur in the commercial portion.

3. For the purposes of this Ordinance, live/work spaces are considered dwelling units. Section 1113.03.I.A.1 limits the total number of dwelling units in the Central Business District to 250 units.

D. Parking uses.

1. All parking uses shall be regulated by Section 1113.09 of the CBD regulations and shall not be limited by the above square footage limitations.

E. Sidewalk level uses.

1. For buildings with street frontage on Franklin Street, North Clarendon Road and North Avondale Road east of Oak Street, the sidewalk level shall only be used for retail, regardless of the use in other portions of a building. The required retail use shall be provided for a minimum depth of twenty (20) feet from any building façade along the public sidewalk.

2. No residential uses shall be permitted on the sidewalk level within any building containing multi-family residential uses with street frontage on any street in the Central Business District.

Sec. 1113.04. Development Controls.

I. Development Controls. Maximum building coverage, maximum building footprint, open space requirements, minimum façade height and maximum building heights, and side and rear yards shall be regulated as specified in the CBD Dimension Requirements Chart below and as follows.

A. Building heights.

1. Every structure must comply with the maximum building height limits provided for herein on each side of the building. For each side of a building, building height shall be measured vertically from the average grade of the curb elevation adjacent to the lot to the highest point of the façade on that side of the building.

2. Steeples and similar roof-top elements shall be permitted to exceed the maximum building height, provided the total additional height shall not exceed twenty percent (20%) of the height allowed as-of-right.

3. Screening parapets required by Section 1113.08. II. E. for the concealment of rooftop mechanical elements may exceed the maximum building height limits provided for herein by up to four (4) vertical feet.

B. Building façades.

1. Minimum façade heights shall be measured vertically from the average grade of the adjacent curb elevation to the highest point of the façade on that side of the building.

2. Minimum façade heights shall not be required for single-family detached uses.

C. Side and rear yards.

1. Shall be measured from the side or rear lot line to the nearest point of the adjacent building or structure.

2. Shall be used only for passive landscaping, outdoor dining and patios.

3. Side yards. Shall be zero (0) feet when the building is located at the side lot line. Otherwise, side yards shall be a minimum of ten (10) feet.

4. Rear yards.

   a) Non-residential uses. Shall be zero (0) feet when the building is located at the rear lot line. Otherwise, rear yards shall be a minimum of ten (10) feet.

   b) Residential uses. Shall be a minimum of ten (10) feet.

5. Front yards. No minimum front yard setback is applicable.

D. Maximum building footprint. Within all four areas of the CBD, no building shall have a building footprint of greater than 30,000 square feet of ground area.

CBD DIMENSION REQUIREMENTS CHART	**Subarea 1 (Tudor Village)**	**Subarea 2 (Northern Gateway)**	**Subarea 3 (Ingleside)**	**Subarea 4 (North Avondale Rd)**
Maximum Building Coverage (as a percentage of lot area)	90%	80%	80%	90%
Open Space Requirement (as a percentage of lot area)	15%	20%	20%	15%
Minimum Facade Height (in feet)	24 feet	24 feet	24 feet	24 feet
Maximum Building Height (in feet)	36 feet	36 feet	36 feet	36 feet
Open Space Height Bonus: Maximum Building Height (in feet)	48 feet	48 feet	48 feet	None

Sec. 1113.05. Open Space.

I. Open Space.

The following additional regulations shall apply to elements of open space within the CBD District.

A. Minimum open space requirements.

1. Required yards, sidewalks, supplemental zones, landscaped areas, fountains, parks, plazas, hardscape elements related to sidewalks and plazas, pools and other pedestrian amenities, green roofs, rooftop decks and terraces, residential balconies, and similar features that are located on private property may be counted towards up to 50% of the open space requirements for CBD property as long as the features are outside.

No features located indoors shall count towards the up to 50% of the open space requirements for CBD property referenced in this section (Section 1113.05 I. A. I).

2. Newly created parks or open spaces shall conform to the following:

   a) A minimum of fifty percent (50%) of the park or open space's perimeter shall abut a public right-of-way;

   b) The front façade of adjacent buildings shall be oriented to face onto the park or open space. Rear elevations shall be prohibited from abutting the park or open space and shall be substantially consistent with the front elevation as to architectural style, building materials and exterior finishes.

B. Open space implementation and maintenance.

1. Implementation. A landscape plan is required for all sites and must be sealed by a registered Landscape Architect. The landscape plan shall designate all open space elements and provide a calculation of total open space. The landscape plan shall be approved by the City Manager in consultation with a qualified professional. The approved landscape plan shall be fully implemented prior to issuance of a certificate of occupancy. However, a temporary certificate of occupancy, for a period not to exceed one hundred and twenty (120) days, may be issued at the discretion of the City Building Official upon the applicant's posting of a cash performance bond in an amount equal to 110 percent of the cost of materials and installation of all open space elements.

2. Maintenance. The owner shall provide adequate maintenance of the landscaping improvements for a minimum of two (2) years from the date of issuance of the Certificate of Occupancy. The City shall inspect landscape improvements as necessary during this period to ensure that the approved plan has been fully implemented and maintained. When a private property owner provides landscaping within the public right-of-way the owner must ensure survival of all such landscaping for two years. Any required landscaping materials that fail to survive the two-year maintenance period shall be replaced by the owner at the owner's sole expense. Such replacement landscaping shall be subject to a one-year maintenance guarantee.

C. Open space height bonus.

Developers of projects that exceed the baseline open space requirement of the CBD Dimension Requirements Chart may exceed the thirty-six (36) foot building height limit. The building height may be exceeded to accommodate an increase in floor area at a rate of five (5) square feet for every one (1) square foot of open space in excess of the baseline requirement. In no case shall this provision permit a maximum building height greater than forty-eight (48) feet or four (4) floors, whichever is less. In no case shall this provision permit any use to have a total finished floor area greater than the maximum established by in Section 1113.04.

The open space height bonus contemplated by this section shall not be applicable to any property frontage located on any of the following streets: a) State Road 278 between Ashton Place and Maple Street, b) North Clarendon Avenue between North Avondale Road and Laredo Drive.

D. Off-site open space.

Up to fifty percent (50%) of a development's required open space may be established at an off-site location, provided:

1. A resolution is approved by the Board of Mayor and Commissioners which determines that such off-site open space is in the public interest;

2. The receiving parcel(s) is located within the CBD;

3. A plat depicting the off-site open space on the receiving parcel(s) is legally recorded to permanently preserve the relocated amount of open space and this agreement is provided to the Planning and Zoning Board;

4. No open space area shall be counted towards the minimum open space requirement of more than one parcel;

5. All off-site open space shall:

   a) Provide active or passive recreational amenities;

   b) Have an elevation of no greater than twenty-four (24) inches above or below the adjacent public sidewalk for a minimum distance of fifteen (15) feet from the beginning of the adjacent sidewalk;

   c) Be visible and accessible from any point along ninety percent (90%) of any adjacent sidewalk; and

   d) Permit and encourage pedestrians to walk on a minimum of eighty percent (80%) of the surface of the open space excluding fountains, pedestrian furniture, public art and similar elements.

Sec. 1113.06. Sidewalks.

I. Sidewalks.

Public sidewalks shall be located along all streets and shall have minimum widths as specified herein. Sidewalks shall consist of two zones: A street furniture and tree planting zone and a clear zone. The zones shall have a minimum width as specified in the CBD Street Requirements Chart below. The following regulations shall apply also to all sidewalks:

A. Street furniture and tree planting zone requirements. The zone shall be located immediately adjacent to the curb and shall be continuous. The zone shall meet the tree planting requirements listed below. In addition to the required planting of trees, this zone may also be used for the placement of street furniture, trash receptacles, newspaper vending boxes, bus shelters, bicycle racks and similar elements, subject to the following additional criteria:

1. Elements shall be provided in a manner that does not obstruct pedestrian access or motorist visibility.

2. Elements shall not cause unsafe conditions for pedestrian or vehicular flow on the adjacent public sidewalks or streets.

3. Elements shall be consistent with the Design Standards on file with the City Clerk that govern the design or placement of the particular element.

B. Clear zone requirements. The zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be continuous. The zone shall be hardscape, and shall be unobstructed for a minimum height of eight (8) feet.

C. Street tree planting requirements.

1. Street trees are required and shall be planted on center within the street furniture and tree planting zone in the ground at thirty (30) foot intervals and, wherever possible, spaced an equal distance between street lights.

2. All newly planted trees shall have a minimum diameter of four (4) inches measured four and one-half feet above finished grade, shall have a minimum mature height of forty (40) feet, and shall be pruned to a minimum height of eight (8) feet.

3. Trees shall have a minimum planting area of thirty-two (32) square feet.

4. All street trees shall be limited to canopy-forming trees of a species selected from the applicable planting list, as set forth in the Design Standards on file with the City Clerk.

5. All plantings, planting replacement and planting removal shall be approved by the City Manager or his designee, as set forth in the Design Standards.

6. The area between required plantings shall either be planted with ground cover or shall be paved as approved by the City Manager or his designee, as set forth in the Design Standards.

D. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half (2½) feet and eight (8) feet above grade.

E. Utilities shall be placed underground.

Sec. 1113.07. Supplemental Zone.

I. Supplemental Zone.

For purposes of these regulations, the area between any building fronting on a street and the required sidewalk shall be defined as the supplemental zone. Additional detailed supplemental zone regulations for each area are provided in the CBD Street Requirements Chart below.

A. Supplemental zone general requirements.

1. When sidewalk level residential units are provided, the supplemental zone shall be landscaped with the exception of terraces, porches, stoops, walkways and outdoor dining, which may occupy a maximum of two-thirds (2/3) of the supplemental zone area;

2. Terraces, porches and stoops shall have a maximum finished floor height of twenty-four (24) inches above finished-grade;

3. The supplemental zone shall be no more than twenty-four (24) inches above the adjacent public sidewalk for a minimum linear distance of fifteen (15) feet from the nearest edge of the adjacent public sidewalk; and

4. Any authorized walls surrounding landscaped and grassed areas shall not exceed a maximum height of twenty-four (24) inches, except retaining walls, which shall not exceed a maximum height of thirty-six (36) inches.

5. Fencing shall be permitted only when:

a) The supplemental zone is located between sidewalk level residential units and the adjacent street; or

b) The fencing is used to separate authorized outdoor dining from the required sidewalk.

B. No portion of any balcony shall be located closer than five (5) feet to the nearest required public sidewalk.

C. Supplemental zones as open space: except as otherwise specified below, the square footage contained within a supplemental zone which meets all the supplemental zone requirements may be counted towards open space requirements.

1. Supplemental zones containing a depth of fifteen (15) feet or less shall not be counted towards open space requirements unless visible and accessible to the general public from the adjacent public sidewalk, with the exception of areas adjacent to sidewalk level residential units.

2. Supplemental zones containing a depth greater than fifteen (15) feet shall be counted towards open space requirements only when the following additional requirements are met:

   a) A minimum of eighty percent (80%) of the surface of the supplemental zone allows for unobstructed pedestrian movement with the exclusion of fountains, pedestrian furniture, public art and similar elements.

   b) The supplemental zone for non-residential ground floor uses is visible and accessible from any point along ninety percent (90%) of any adjacent sidewalk.

   c) All sides of buildings fronting the zone shall meet the requirements of Section 1113.08.I. when non-residential ground floor uses are provided.

   d) The supplemental zone for residential ground floor uses provides a pedestrian walkway from the space to the adjacent public sidewalk. The pedestrian walkway shall be perpendicular to the street and shall connect directly to the public sidewalk and shall be uncovered and open to the sky along its entire length.

D. Outdoor dining may be permitted in the Supplemental Zone if approved and permitted by the City Manager. The regulations governing outdoor dining permits are on file with the City Clerk.

CBD STREET REQUIREMENTS CHART	Tudor Village Area Streets	North Clarendon Road	North Avondale Road	All Other Streets
Minimum Street Furniture Zone (width)	5 feet	5 feet	5 feet	7 feet
Minimum Sidewalk Clear Zone (width)	5 feet	10 feet	10 feet	5 feet
Maximum Supplemental Zone (width)	20 feet	20 feet	15 feet	30 feet

Sec. 1113.08. Urban Design Controls.

I. Urban Design Controls.

A. Block size. Developments with more than eight hundred (800) feet of frontage along a single street shall be divided by public streets into blocks having a maximum length of eight hundred

(800) feet, as measured from the back of the sidewalk clear zone or supplemental zone. Such streets shall connect two (2) other public streets.

B. Building materials. New development or renovation on any exterior portions of the building shall utilize building materials as approved by the Architectural Review Board.

C. Building delineation.

1. Horizontal delineation. Delineation of all building floors shall be executed through windows, belt courses, cornice lines or similar architectural detailing.

2. Vertical delineation. Building walls shall incorporate a vertical building delineation element a minimum of every fifty (50) feet. Delineation shall be executed through wall offsets, projections, recesses, varying building materials or similar architectural detailing.

D. The primary building entrance for pedestrians to access all sidewalk level uses and business establishments with public or private street frontage shall:

1. Face and be visible from the public street when located adjacent to such street. The entrance shall always face the street of highest classification when more than one (1) street could be fronted.

2. Be directly accessible and visible from the sidewalk adjacent to such street.

3. Remain unlocked during business hours for non-residential uses.

4. A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six (6) inches in height.

E. Fenestration.

1. Street-fronting non-residential uses shall meet the following sidewalk level requirements on all primary building facades:

a) The length of façade without intervening fenestration or entryway shall not exceed twenty (20) feet.

b) Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.

c) Fenestration shall be provided for a minimum of seventy-five percent (75%) of the length of all street frontages:

(1) Beginning at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk or,

(2) Beginning at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk or

(3) Beginning at a point not higher than sidewalk level, to a height not lower than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk.

2. Fenestration shall be provided for a minimum of twenty-five percent (25%) of the length of the street frontage for residential uses on all streets and for non-residential uses on all secondary building facades.

F. Buildings with residential uses at the sidewalk level shall meet the following regulations:

1. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five (5) feet wide.

2. All such buildings with more than four (4) residential units that are adjacent to the sidewalk shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access shall be perpendicular to the street, unless prohibited by the topography, and shall be permitted to share the walkway with one (1) adjacent unit.

3. Such buildings shall have windows at sidewalk-level on each street frontage façade that are substantially similar in size to the sidewalk level front facade windows.

G. Fences and walls shall meet the following regulations:

1. Fences located between a street-fronting building and the adjacent street:

a) Shall only be permitted when residential or permitted outdoor dining uses are provided on the ground-floor of the building and shall be directly adjacent to these uses.

b) Shall not exceed forty-two (42) inches in height.

c) Shall allow for a minimum of fifty percent (50%) clear fenestration through the fence.

2. Retaining walls located adjacent to a sidewalk along a public street shall not exceed a height of two (2) feet, and the combined height of a fence where otherwise authorized and retaining wall shall not exceed a height of five (5) feet, unless existing topography prohibits retaining walls of a lesser height. Retaining walls shall be finished poured concrete and shall be faced with stone, brick or smooth stucco.

3. No walls, except retaining walls, shall be located between the street and any building, with the exception of screening for authorized off-street loading areas.

4. Fences and walls located between the primary building and the lot line and not located between the street and any building shall be permitted to be a maximum height of six (6) feet.

H. Fences and walls, where permitted, shall be constructed of brick or wrought iron when visible from any public space or public right-of-way.

I. Where permitted, drive-through service windows and drive-in facilities, including associated windows and drives, shall not be located between the principal structure and the street.

II. Loading and Screening

A. Loading areas. Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground level or sidewalk level outdoor dining area, public sidewalk or public right-of way. In addition, dumpsters and loading areas serving residential uses shall be enclosed with opaque walls six (6) feet in height.

B. Loading docks. Loading docks shall be located a minimum of ten (10) feet from the adjacent sidewalk or supplemental zone.

C. Loading dock entrances. Loading dock entrances shall be screened so that loading docks and related activity are not visible from any public space or public right-of-way.

D. On-street loading. On-street loading shall be prohibited between the hours of 10pm and 6am.

E. Building mechanical and accessory features:

1. Shall be located to the side or rear of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from any public space or public right-of-way.

2. When located on rooftops, these features shall be incorporated in the design of the building and screened with building materials similar to the building utilizing an architectural element such as a parapet.

3. Shall not be permitted between the building and any public street.

Sec. 1113.09. Parking Facilities.

I. Parking Facilities.

In addition to the provisions of Section 1204, which shall apply and are incorporated herein, the following additional parking facilities requirements shall apply within the CBD:

A. All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone.

B. Driveways shall have a band of textured concrete adjacent to the street that is in-line with and equal in width to the street furniture zone and shall have a textured band of concrete adjacent to the sidewalk that is in-line with the supplemental zone and a minimum width of five (5) feet from the sidewalk.

C. Driveway curb cut widths.

1. Driveway curb cut widths shall be a maximum of twenty-four (24) feet for two-way entrances and twelve (12) feet for one-way entrances.

2. Two (2) curb cuts serving two one-way driveways shall only be counted as one curb cut provided that each curb cut does not exceed one lane in width.

3. Driveway curb cuts in excess of those square footage limitations listed above shall be permissible only by obtaining a variance pursuant to Section 1610, provided the total additional width shall not exceed twenty percent (20%) of the width allowed as-of-right.

4. Driveway curb cuts shall not be permitted on Avondale Road, North Clarendon Avenue or Franklin Street when access may be provided from a side or rear street located immediately adjacent to a contiguous property.

5. Driveways, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.

6. No more than one (1) curb cut shall be permitted for each development, provided that properties with more than one (1) street frontage may have one (1) curb cut located on each street frontage.

7. Entrances to garages and carports that serve a single residential unit, and that are not located behind the principal structure, shall face the rear yard, or a side yard that has no street frontage.

8. All contiguous ground-floor residential units shall share one common drive, located in rear yards or side yards without street frontage, to serve garages, carports and parking areas.

9. Parking deck facades shall conceal motor vehicles from visibility from any public right-of-way or private drive or street that are open to the general public, and shall have the appearance of a horizontal storied building.

10. A common or joint driveway is permissible only by conditional permit pursuant to Section 1401 and only when all of the following additional criteria are met:

    a) All affected lots shall have direct vehicular access to a public street.

    b) The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access.

    c) A map drawn to scale indicating location of proposed common or joint driveway shall be provided.

    d) A recorded written agreement among all owners of record in a form approved by the City Attorney shall be provided to the Planning and Zoning Board and held on file with the City Clerk.

    e) If any of the above criteria are not met, the property will be considered to be a non-compliant property and the City shall be authorized to revoke any and all permits or certificates of the subject property.

11. All developments, including parking decks, shall have sidewalks a minimum width of five (5) feet connecting ground level parking to the public sidewalks and to all building entrances.

12. All parking facilities shall be illuminated to provide for a secure environment and the safe operation of motor vehicles. No less than 2.4 foot candles of illumination shall be provided, as measured at grade. All parking lot lighting shall be directed inward such that no light is directly cast upon adjacent parcels.

II. *Parking Lot Landscaping*

In addition to the provisions of Section 1204 and the City of Avondale Estates Tree Ordinance, which shall apply to the CBD District, the following additional parking lot landscaping requirements shall apply:

A. Parking lot landscaping requirements shall apply to all lots regardless of size.

B. A landscape strip with a minimum width of six (6) feet shall be required between all surface parking facilities and the required sidewalk. The strip shall be planted with trees for the purposes of shading motor vehicles and pedestrians and as set forth in the Design Standards.

C. Every parking space shall terminate at a landscaped strip of a minimum width of six (6) feet. No more than eight (8) parking spaces shall be located adjacent to one another. For every eight (8) adjacent parking spaces, a landscaped strip of a depth equal to the adjacent parking space(s) and a width of no less than six (6) feet shall be provided. Every parking bay shall terminate at both ends with a landscaped strip of a depth equal to the adjacent parking space and a width of no less than six (6) feet.

D. All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum height of thirty (30) inches, at a minimum ratio of three (3) shrubs for every tree.

E. All landscaped buffers and strips shall provide trees at a ratio of one (1) tree for every six (6) parking spaces provided. All trees shall have a minimum caliper of four (4) inches as measured at the root collar, shall be of an approved canopy or understory species listed in the Design Standards, and shall be pruned to a minimum height of eight (8) feet.

F. Notwithstanding any other provision of this section, no less than 10 percent of every parking area within the CBD shall consist of landscaped area. No portion of the perimeter landscape strip required by section 1113.09.II.B. shall be counted towards the ten percent required by this section.

G. In addition to all other parking lot landscaping requirements, wherever a parking lot adjoins a public right of way, a landscape area containing an evergreen screen shall be maintained along the right of way line by the property owner at a height of approximately 36 inches from curb level at all times. The screen shall consist of evergreen shrubs approved by the City Manager and shall create an opaque visual screen from the ground up to the required height at all times.

   However, no plant material or other obstruction shall be located within the “sight triangle” area which is formed at the intersection of any two streets. The depth of the sight triangle at a given intersection is determined by the traffic safety demands of the particular intersection. Before approving a parking lot landscaping plan, the City Manager shall consult with the DeKalb County Transportation Department and/or the Georgia Department of Transportation to determine the appropriate sight triangle.

H. Implementation: a parking lot landscape plan which shows compliance with the requirements of this section is required for all parking lots within the CBD and must be sealed by a registered Landscape Architect. The parking lot landscape plan shall be approved by the City Manager, in consultation with a qualified professional. The approved parking lot landscape plan shall be fully implemented prior to issuance of a certificate of occupancy.

III. *Off-Street Parking Requirements.*

In addition to the provisions of Section 1204, which shall apply to the CBD District, the following additional off-street parking requirements shall apply:

A. Unless otherwise expressly allowed herein, off-street surface parking shall not be located between a building and the adjacent street.

B. Parking facilities shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking during non-normal business hours by compliance with Section 1113.09. III D.

C. For all uses, requirements shall be as indicated in the CBD Parking Requirements Chart.

D. Shared parking arrangements.

1. Shared parking among weekday and evening and weekend uses. One-half of the parking spaces assigned to a place of worship, theater or assembly hall whose peak attendance will be in the evening or on weekends may be assigned to a use that will be closed at those times, upon approval of a shared parking agreement to such effect by the City Manager. The City Manager shall only render such approval based upon documentation submitted by the applicant that the total number of spaces will be adequate at the peak use patterns of the uses such spaces will serve. The ratios indicated in Table I may be used in determining such peak use patterns. Such shared parking shall be located within four hundred (400) feet of the premises which the shared parking will serve as measured along the nearest pedestrian walkway and further provided that such walkway links directly to the main entrances of all buildings on such premises.

2. Shared parking in mixed use developments. Parking spaces may be shared by more than one use upon approval of such an arrangement by the City Manager. The City Manager shall only render such approval based upon documentation submitted by the applicant that the total number of spaces will be adequate at the peak use times of the uses such spaces will serve. The ratios indicated in Table I may be used in determining such peak use patterns.

TABLE 1: Peak Use Times to Determine Shared Parking Arrangements

	Weekdays		Weekends		Nighttime
	6 am to 5pm	5pm to 1am	6 am to 5pm	5pm to 1am	1am to 6am
Office	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/Recreation	40%	100%	80%	100%	10%
Place of Worship	10%	25%	100%	100%	10%

3. Availability of shared spaces. Parking spaces proposed for sharing among two or more uses must be clearly available to each use and not be designated as reserved in any manner to serve a particular use.

4. Location of shared spaces. Shared parking shall be limited to properties within the CBD zoning district.

5. Recordation of shared parking agreements. Shared parking agreements shall be in writing in a form approved by the City Attorney, shall be signed by the owners of each of the affected properties or uses, shall run with the land of the properties involved in perpetuity, and shall be recorded with the Clerk of Superior Court, and a copy of the recorded document provided to the City Manager. No shared parking agreement shall be canceled except with the prior approval, by resolution, of the Mayor and Board of Commissioners.

E. Off-site parking arrangements.

1. Off-site parking may be approved when the parking requirements of this section cannot reasonably be met on-site, provided that the off-site parking is located within 400 feet of the premises which the off-site parking will serve as measured along the nearest pedestrian walkway and further provided that such walkway links directly to the main entrances of all buildings on such premises.

2. The use of off-site parking to satisfy the parking requirement of this section shall only be permitted upon a finding by the Mayor and Board of Commissioners, following a recommendation by the City Manager, that sufficient parking capacity at the off-site location has been dedicated in perpetuity, via recorded document, to the property proposing the use of such off-site parking.

3. An easement (or other recordable instrument acceptable to the City Attorney) dedicating the off-site parking to the property the parking will serve shall be recorded with the Clerk of the Superior Court and a copy provided to the City Manager. The easement shall run with the land in perpetuity and may not be canceled except with the prior approval, by resolution, of the Mayor and Board of Commissioners.

CBD PARKING REQUIREMENTS CHART	Minimum Requirement	Maximum Allowed
Residential uses	1 space/unit	2 spaces/unit
Hotels	1 space/room	1 space/room, plus 1 space for each 4 seats in the largest meeting room
Personal Care Homes, Nursing Homes and Convalescent Centers	1 space/4 beds	1 space/4 beds, plus 1 space for every 2 employees on the shift of greatest employment
Office	1 space/ 400 square feet	1 space/ 250 square feet
Retail	1 space/ 300 square feet	1 space/ 200 square feet
Restaurant	1 space/150 square feet	1 space/ 100 square feet
All other Non-Residential Uses	1 space/400 square feet	1 space/200 square feet

IV. Bicycle Parking.

All non-residential developments that provide motor vehicle parking facilities shall provide bicycle/moped parking facilities at a ratio of at least one (1) bicycle/moped parking space for every twenty (20) motor vehicle parking spaces. Multi-family developments shall provide said facilities at a ratio of at least one (1) bicycle/moped parking space for every five (5) multi-family units. No development, other than single-family detached developments, shall have fewer than three (3) bicycle/moped parking spaces nor be required to exceed a maximum of fifty (50) spaces. Bicycle/moped spaces shall be located within the street furniture zone a maximum distance of one hundred (100) feet of the building entrance.

Sec. 1113.10. Storefront Illumination and Lighting.

I. Storefront Illumination and Lighting.

A. All lighting adjacent to residential uses shall reduce light spillage onto residential properties by providing cutoff luminaries that have a maximum ninety (90) degree illumination.

B. Lighting shall be provided equal to one-fifth (0.2) foot-candles of light.

C. All lighting fixture designs shall be as set forth in the Design Standards.

Sec. 1113.11. Pre-Application Conference and Site Plan Review.

I. Pre-Application Conference and Site Plan Review.

Before any application for a building permit within the Central Business District may be considered, a pre-application conference between the applicant and the City Manager or his designee is required to discuss the application and relevant requirements of this Ordinance. The applicant shall provide eight (8) copies each of a site plan, landscape plan and elevation drawings of each exterior façade for the proposed development that describe how the various requirements of the Central Business District will be met. These requirements are supplemental and in addition to the requirements for obtaining a building permit pursuant to Section 1403.

Site plans for development within the CBD are reviewed by the City Manager in consultation with a qualified professional to ensure compliance with the policy and intent of the district, as set forth in section 1113.01. The applicant may be required to revise the proposed site plan so as to achieve maximum compatibility and utility for the subject property as it relates to the greater Central Business District. The documents required herein shall be presented at the next scheduled meeting of the Mayor and Board of Commissioners prior to any building permit approval. If a site plan depicts any variance from the terms of this ordinance, such variance must be approved by the Board of Appeals prior to site plan approval. Any building permit issued for property within the CBD shall be conditioned upon consistency with a site plan that has been approved by the City Manager. The Board of Mayor and Commissioners may, at their sole discretion, route site plans to the Architectural Review Board for review and recommendation as to consistency with the Design Standards.

Sec. 1113.12. Certificate of Appropriateness or Approval Requirement.

I. Certificate of Appropriateness or Approval Requirement.

The Downtown Master Plan and the Central Business District zoning regulations provide for a vision of a downtown that is aesthetically pleasing, economically viable and consistent with the character of the City of Avondale Estates. Expert review of applications for certain permits relating to property in the CBD, is necessary to determine consistency with the policy and intent of the Central Business District. The City Manager shall submit all applications for any sign permit or any permit involving building, structure construction or site work to the Architectural Review Board of the City of Avondale Estates, except for those applications expressly exempted from such review by Section 1511 of this ordinance.

The Architectural Review Board shall review applications for the purpose of granting approval of the proposed architectural design and building materials pursuant to Article 15 of this ordinance. No permit for new construction, including additions or expansions to existing buildings, outdoor dining, exterior renovations or demolition, or any construction which results in increased lot coverage or a modification of the building foot print of property zoned "CBD" that is not otherwise exempted by this ordinance shall be granted without prior approval from the ARB.

Sec. 1113.13. Conceptual Site Plan Requirement for Related Projects.

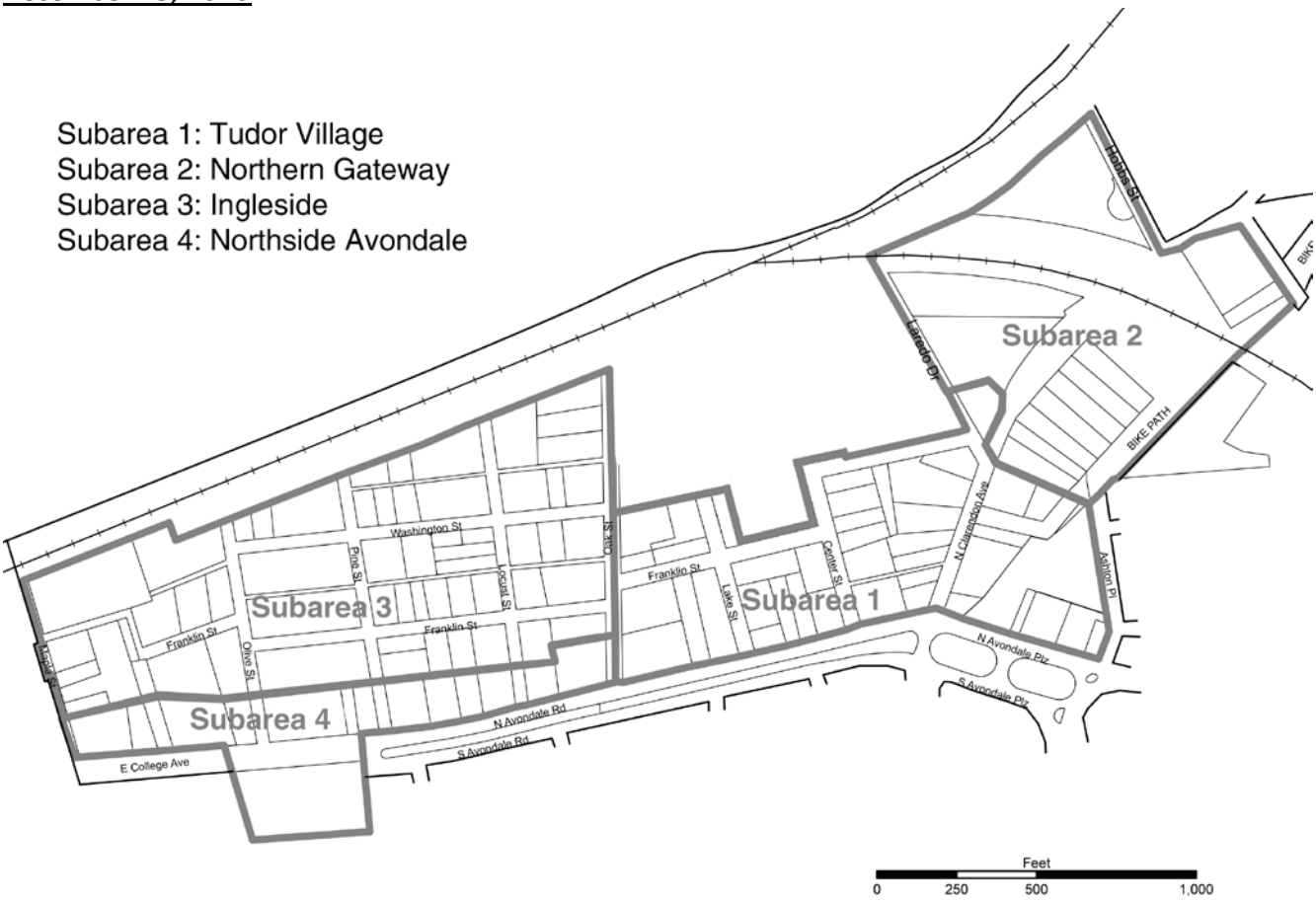
I. Conceptual Site Plan Requirement for Related Projects.

A. Whenever development of more than one related buildings, tracts or lots in the Central Business District is contemplated by a developer, the developer shall submit a conceptual site plan for all related buildings, tracts or lots concurrently with any application for Certificate of Approval or Appropriateness, variance, conditional use approval or site plan approval.

B. Failure to present the required conceptual site plan(s) for related developments concurrently with any of the applications set forth in subsection (1) hereto shall be sufficient cause to deny any such application. However, any body or officer of the City considering such an application shall have the discretion to approve the application if the applicant demonstrates that circumstances beyond his control prevented presentation of the required conceptual site plan(s) concurrently.

C. The term "related," as used in this section, shall mean property that has a common owner and/or developer.

CBD Subarea Exhibit
December 13, 2010



Note: For additional development standards, see Article 12 of this Ordinance.

Sec. 1114. **Mill District**

Sec. 1114.01. Policy and Intent of District.

The Mill District will promote the vision of the Comprehensive Plan, Downtown Master Plan and the general concept of the Fenner Dunlop Vision Plan.

I. *The Policy and Intent of the Mill District is to:*

A. Have a compatible relationship with the General Purposes of this Ordinance found in Article 3;
B. Be compatible with the development and use of surrounding properties, including architectural style, scale and siting of buildings, encourage excellence in the design, landscaping, location of parking and the public realm to attract new business and development;

C. Enhance the CBD's historic and future role as the civic and economic center of Avondale Estates;
D. Create an environment, an urban village, where residents and visitors can live, work and play;
E. Encourage a balanced mix of retail, professional, residential, civic, entertainment and cultural uses;
F. Provide a walkable, interconnected, and mixed use area designed for people but accommodates vehicles;
G. Encourage the efficient use of parking facilities;
H. Improve the aesthetics and functionality of the built environment through sidewalk oriented buildings and pedestrian and vehicular access through an appropriately scaled grid system. Furthermore the redevelopment should foster the creation, completion and restoration of a regular grid system.

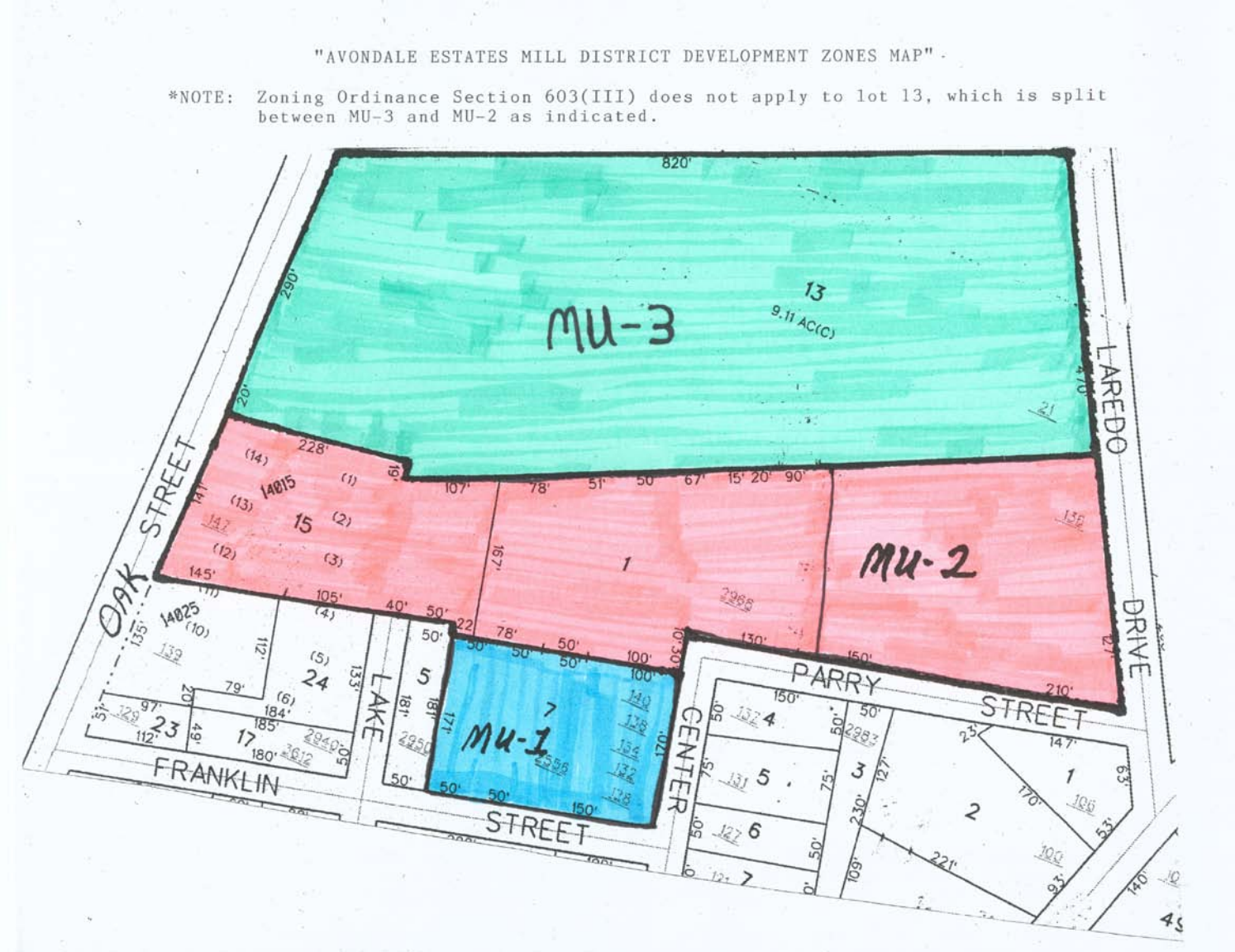
Sec. 1114.02. Development Zones.

I. The Mill District consists of three different Development Zones, as indicated on the map labeled "Avondale Estates Mill District Development Zones Map" incorporated by reference, which react to the context and infrastructure and provide a transition in height and intensity of development as each development zone moves farther from the Tudor Village.

A. MU-1 Low Intensity Mixed Use:
Provides an area within the district which a variety of housing types may exist among neighborhood serving commercial, mixed use and institutional/civic development with a maximum building height of three (3) stories, as regulated by Section 1114.05.II.

B. MU-2 Medium Intensity Mixed Use: Provides an area in the district which allows for more intense mixed use, institutional/civic and residential development with a maximum building height of four (4) stories, as regulated by Section 1114.05.II.

C. MU-3 High Density Mixed Use: Provides an area in the district which allows the most intense mixed use development, including residential, commercial, and institutional/civil uses with a maximum building height of five (5) stories, as regulated by Section 1114.05.II.



Sec. 1114.03. Uses.

I. See Article 9 Table of Permitted and Conditional Uses by District.

Sec. 1114.04. Additional Use Limitations.

I. Requirement for Mixed-Use Development: To achieve the goal of mixed-use development in the Mill District, developments within the MU-1 or MU-2 development zones of the Mill District must provide non-residential/institutional uses. For every gross acre of property (or portion thereof) within the MU-1 or MU-2 zones that is depicted on the required site plan as the project area, the site plan must depict, and the developer must provide, a minimum of 5,388 square feet of finished floor area devoted exclusively to non-residential/institutional uses. For the purposes of this Section 1114.04 I., non-residential/institutional uses are limited to:

A. Commercial Recreation, Entertainment and Cultural Facilities (Sec. 809 and 811, excluding Sec, 809 (2) and (3) as well as Sec. 811 (1), (3) (4) and (5))
B. Office and Professional Services (Sec. 824)
C. Personal Services (Sec. 820, excluding Sec. 820 (3))
D. Restaurants (Sec. 814, excluding Sec. 814 (2))
E. Retail Trade, excluding Grocery Stores (Sec. 819)

II. After the requirements of Section 1114.04 I. are met, additional permitted and conditional uses are allowed as outlined in Article 9.

III. The following regulations shall apply to the following uses within the Mill District as indicated:

A. Residential uses.

1. The average finished floor area of all single family detached dwellings within a development shall not be less than one thousand five hundred (1,500) square feet per residential unit;
2. The average finished floor area of all single-family attached dwellings within a development shall be not less than one thousand three hundred (1,300) square feet per residential unit;
3. No single-family attached dwelling shall be less than one thousand one hundred (1,100) square feet of finished floor area.
4. Every multi-family dwelling unit shall have a minimum finished floor area of seven hundred (700) square feet per residential unit. Additionally, at least 85% of the multi-family dwelling units within a single building shall provide at least eight hundred (800) square feet of finished floor area.
5. Multi-family dwelling developments shall provide flooring made either: hardwood, ceramic or porcelain tile or stone floors in public areas.

6. Multi-family dwelling projects shall include two or more of the following amenities:

a) Pool, including changing and restroom facilities;
b) Fully equipped weight room which shall be no less than one thousand (1,000) square feet;
c) Clubroom/Resident Lounge with a kitchen.

7. Multi-family dwelling projects shall include all of the following:

a) Free Wi-Fi access in amenity areas;
b) Controlled access parking;
c) Nine (9) foot ceilings in the residential units;
d) Walk-in closets in the residential units;
e) Washer/dryer connections in the residential units;
f) Granite, stone, Corian, concrete, or stainless steel counter tops;
g) High efficiency appliances (must meet or exceed Energy Star ratings); and

h) Hardwood, ceramic or porcelain tile or stone floors in kitchens and baths.

8. Maximum gross density for single-family detached dwellings shall be ten (10) units per acre; maximum gross density for single-family attached dwellings shall be fourteen (14) units per acre; and maximum gross density for multi-family dwellings shall be forty (40) units per acre. Development intensity is further regulated by height limits.

9. Assisted Living/Senior Housing developments restricted to residents aged fifty-five (55) years or older receive a density bonus of four (4) units per acre thereby allowing a total maximum gross density of forty-four (44) units per acre.

10. Developments that meet or exceed the requirements for certification under the EarthCraft House Programs or any of the Leadership in Energy and Environmental Design Green Building Rating System (LEED) receive a density bonus of four (4) units per acre thereby allowing a total maximum gross density of forty four (44) units per acre. To be eligible for the density bonus, the developer must submit a letter from the certification entity and specific checklist or plan specifications showing how the construction will meet the green building standards.

11. Where more than one type of use will be present in a single development, the developer shall designate each portion of the property as its particular use on the required site plan and the maximum density for each distinct use type in the development shall be determined independently.

12. There shall be a maximum of four hundred (400) multi-family dwelling units that are not condominium units as defined by O.C.G.A. Section 44-3-71 within the entire Mill District, including all three Development Zones.

B. Non-residential uses.

1. The following uses shall be limited to a maximum finished floor area of thirty thousand (30,000) square feet: Commercial entertainment establishments, grocery stores and hotels.

2. Office uses shall have no maximum finished floor area limitation.

3. All other non-residential uses shall be limited to a maximum finished floor area of ten thousand (10,000) square feet.

4. Non-residential uses in excess of those square footage limitations listed above shall be permissible only by obtaining a variance, pursuant to Section 1610, provided that the total additional square footage shall not exceed twenty percent (20%) of the square footage allowed as-of-right.

5. All finished floor area dedicated to structured parking shall not count towards any maximum finished floor area limitation of this subsection.

C. Live/Work.

1. The minimum floor area of the residential portion of a live/work unit shall be 800 square feet for a one-bedroom unit. Two (2) bedroom live/work units shall provide at least 1,000 square feet of dedicated residential floor area. Live/work units with three (3) or more bedrooms shall provide at least 1,200 square feet of dedicated residential floor area. The minimum floor area of the commercial portion of each live/work unit shall be 800 square feet.

2. No residential portion of a live/work unit may be located on the ground floor or at street level, provided that a residential use shall be conducted on upper floors, in a basement area or to the rear of a ground floor or street level commercial use. Such ground floor or street level residential uses shall not occupy any portion of the building or individual unit within a building that is adjacent and visible from the public right-of way or public sidewalk.

3. The residential floor area of a live/work unit shall be separated from the commercial floor area of the live/work unit by a fire rated wall. No commercial activities are to occur in the residential portion of the unit and no residential activities are to occur in the commercial portion.

4. Live/work units shall be counted as dwelling units for the purposes of determining density under subsection A. of this section.

Sec. 1114.05. Development Controls

I. Building Type:

All of the outlined building types are allowed in the Mill District.

A. Detached Single Family (Alley detached garage (rear only): A single family home on its own lot where the garage must be in the rear yard and accessed by an alley. The front of the building is placed near the property line. An elevated ground floor for residential uses is recommended for privacy.

B. Detached Single Family (Alley tuck under garage): A single family home on its own lot where the garage must be in the rear yard and accessed by an alley. The garage is part of the principal structure.

C. Two Family (Alley): A development type with two attached units consolidated into a single structure. The front of the building is placed very close to the property line.

D. Multi-family: The front of the building is placed on or very close to the front property line. On corner lots, the building side facing the street is also placed near the side property line. Entrances are street facing. An elevated ground floor is recommended to ensure privacy.

E. General Commercial: A development type with non-residential uses. Ground-story spaces are flexible enough to accommodate a variety of non-residential uses. The front of the building is placed on, or very close to the front property line. On corner lots the building side facing the street is also placed on or near the side property line. Primary entrances are prominent and street facing. Large storefront windows are provided to encourage interaction between the pedestrian and the ground story space.

F. Mixed Use Shop-front: A development type with ground story retail and upper story residential or office uses. The front of the building is placed on, or very close to the front property line. On corner lots the building side facing the street is also placed on or near the side property line. Primary entrances are prominent and street facing. Large storefront windows are provided to encourage interaction between the pedestrian and the ground story space.

G. Townhouse: A building with three or more attached dwelling units consolidated into a single structure. The front of the building is placed close to the front property line with the exception of a stoop. A townhouse is more than one-story in height; however, units should not be vertically mixed. Each unit has its own external entrance. Parking access is in the rear accessed via a driveway or rear alley. An elevated ground floor for residential uses is recommended to ensure privacy.

H. Live/Work: A dwelling that contains, to a limited extent, a commercial component. A live/work unit is a combination of a residential unit and a commercial component on the first floor. Only a resident of the live/work unit is permitted to carry on a commercial endeavor in the unit. The front of the building is placed close to the front property line.

I. Institutional/Civic: These building can take on a variety of forms based on need. The buildings should follow the general pattern of the neighborhood but may incorporate more open space.

II. Maximum Building heights.

A. The maximum building height is as follows:

1. MU-1:Three (3) stories or forty-five (45) feet, whichever is less
2. MU-2:Four (4) stories or fifty-two feet (52), whichever is less.
3. MU-3:- Five (5) stories or 65 feet whichever is less, except as provided in Section 1114.05.II. B.

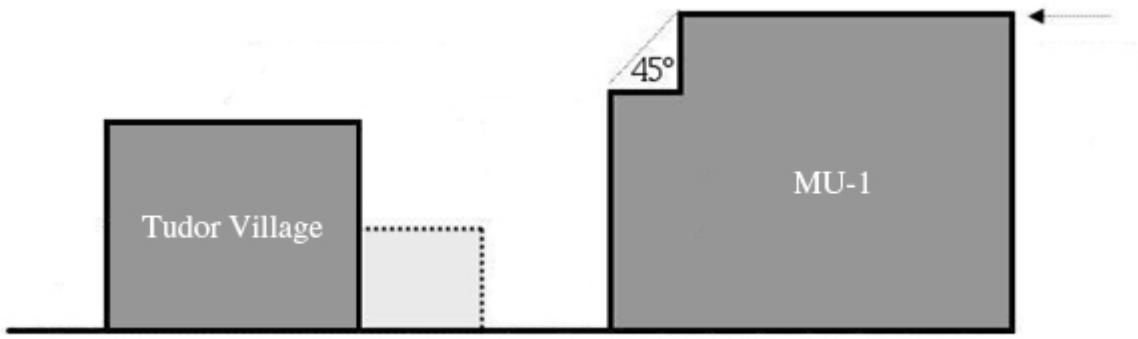
B. Height Bonus: For property in the MU-3 zone, a height bonus is permitted for a maximum building height of 75 feet or six (6) stories, whichever is less, for buildings that meet the following requirements:

1. Residential uses constitute 20 percent or more of a building's gross floor area; and
2. Office, eating and entertainment, and or retail sales and service use constitute 10 percent or more of the buildings gross floor area; and
3. Residential projects utilize structured parking that is completely obscured from view as required under Section 1114.10 .XVII.

C. Steeples and similar roof-top elements shall be permitted to exceed the maximum building height, provided the total additional height shall not exceed twenty percent (20%) of the height allowed as-of-right.

D. Screening parapets required by Section 1114.11.V for the concealment of rooftop mechanical elements may exceed the maximum building height limits provided for herein by up to four (4) vertical feet.

E. Where a lot is on the external boundary of the Mill district other than one or two family adjacent to one or two family or when abutting the rail line, a transitional height plane of 45 degrees shall apply to portions of a building above 36 feet or 3 stories, whichever is less. Any portion of a building above 36 feet or 3 stories, whichever is less, shall be set back so that the building does not encroach into the transitional height plane; i.e., the portion of a building above 36 feet or 3 stories must be set back an additional foot for each additional foot in height. This standard is illustrated below.



F. Building façades.

1. The minimum façade height shall be twenty-four (24) feet. The minimum façade height shall be measured vertically from the average grade of the adjacent curb elevation to the highest point of the façade on that side of the building. Single family detached and two-family uses are not subject to the minimum façade height requirements.
2. Multi-family, General Commercial, Mixed Use Shop-front, Live/Work, and Institutional/Civic uses in the Mill District shall be required to locate their ground floor building facades adjacent to the sidewalk clear zone for a minimum of 50 percent of the street frontage of the building.
3. Required street frontage alternatives: Buildings subject to section 1114.05.II.F may locate the following features adjacent to the street, rather than the building façade, for up to the indicated percentage of the façade frontage requirement:
   a) Arcade/Gallery: 100%;
   b) Outdoor Seating: 40%; or
   c) Plaza: 40%.

G. Side and rear yards.

1. Shall be measured from the side or rear lot line to the nearest point of the adjacent building or structure.

H. Side yards.

1. Non-residential uses (including mixed use shop-front and live/work): Shall be zero (0) feet, unless an existing adjacent building has windows, in which case the setback shall be ten (10) feet.

2. Residential Uses: Shall be a minimum of seven and one half feet (7.5) feet. Townhomes shall only be required to have side setbacks when adjacent to a street or property or project boundary.

I. Rear yards.

1. Non-residential uses (including mixed use shop-front and live/work): Shall be zero (0) feet when the building is located at the rear lot line unless an existing adjacent building has windows in which case the setback shall be ten (10) feet.

2. Residential uses: Shall be a minimum of ten (10) feet.

J. Front yards: No minimum front yard setback is applicable. The maximum setback is 20 feet. The furniture zone and sidewalk clear zone are not included in the setback.

K. The maximum building coverage as a percentage of lot area is ninety percent (90%).

Sec. 1114.06. Open Space

The following regulations shall apply to elements of open space within the Mill District.

I. Minimum open space requirements:

A. The open space requirement as a percentage of lot area, or project, is fifteen percent (15%).

1. Required yards, sidewalks, supplemental zones, landscaped areas, fountains, parks, plazas, hardscape elements related to sidewalks and plazas, pools and other pedestrian amenities, green roofs, rooftop decks and terraces, residential balconies, and similar features that are located on private property may be counted towards up to fifty percent (50%) of the open space requirements for Mill District property, as long as the features are outside. No features located indoors shall count towards the up to 50% of the open space requirements for CBD property referenced in this section (Section 1114.06 I. A. 1).

B. Newly created parks or open spaces shall conform to the following:

1. A minimum of fifty percent (50%) of the park or open space's perimeter shall abut a public right-of-way;

2. The front façade of adjacent buildings shall be oriented to face onto the park or open space. Rear elevations shall be prohibited from abutting the park or open space and shall be substantially consistent with the front elevation as to architectural style, building materials and exterior finishes.

C. Open space implementation and maintenance.

1. Implementation. A landscape plan is required for all sites and must be sealed by a registered Landscape Architect. The landscape plan shall designate all open space elements and provide a calculation of total open space. This plan shall include an irrigation plan which shows the point of integration connection (POC), sprinkler head locations and water meter. This may also include a controller that regulates the time and frequency of water disbursement. The landscape plan shall be approved by the City Manager in consultation with a qualified professional. The approved landscape plan shall be fully implemented prior to issuance of a certificate of occupancy. However, a temporary certificate of occupancy, for a period not to exceed one hundred and twenty (120) days, may be issued at the discretion of the City Building Official upon the applicant's posting of a cash performance bond in an amount equal to 110 percent of the cost of materials and installation of all open space elements.

2. Maintenance. The owner shall provide adequate maintenance of the landscaping improvements for a minimum of two (2) years from the date of issuance of the Certificate of Occupancy. The City shall inspect landscape improvements as necessary during this period to ensure that the approved plan has been fully implemented and maintained. When a private property owner provides landscaping within the public right-of-way the owner must ensure survival of all such landscaping for two years. Any required landscaping materials that fail to survive the two-year maintenance period shall be replaced by the owner at the owner's sole expense. Such replacement landscaping shall be subject to a one-year maintenance guarantee.

Section 1114.07 Thoroughfares

I. Thoroughfares are intended for use by vehicular (including bicycles) and pedestrian traffic and to provide access to lots and open space.

II. Thoroughfares shall generally consist of vehicular lanes and public frontages.

III. Thoroughfares shall be designed in context with the urban form and desired design speed.

IV. All thoroughfares shall terminate at other thoroughfares, forming a network. Internal thoroughfares shall connect whenever possible to those on adjacent sites. Cul-du-sacs shall be subject to approval by variance, subject to Article 16, to accommodate specific site conditions.

V. The following are appropriate for new thoroughfares in the Mill District.

A. Types:

1. Urban Local Street:
   a) Movement Type: Slow (Under 20 MPH)
   b) Curb Face to Curb Face Width:36'
   c) This includes two 10' travel lanes and 8'parallel parking lanes.
   d) Curb Type: Square granite header

2. Urban Connector Street:
   a) Movement Type: Slow (Under 20)
   b) Curb Face to Curb Face Width 20'
   c) This includes two 10' travel lanes.
   d) Curb Type: Square granite header

3. Alley: A minimum of sixteen (16) feet and a maximum of twenty (20) feet.

4. Avenue-Median:
   a) Movement Type: Slow (Under 20 MPH)
   b) Curb Face to Curb Face: 46'
   c) This includes two 11' travel lanes, 8 foot median, two 8'parellel parking lanes.

5. Parry Street, including its possible extension to Oak Street, shall be either an Urban Local Street or Avenue-Median.

6. Every thoroughfare created in the Mill District shall be dedicated to the City as a public street.

Sec. 1114.08. Sidewalks

Public sidewalks shall be located along all public rights-of-way and shall have minimum widths as specified herein. Sidewalks shall consist of two zones: A street furniture and tree planting zone and a clear zone. The zones shall have a minimum width as specified below. The following regulations shall apply also to all sidewalks:

I. Street furniture and tree planting zone requirements: The zone shall be a minimum of five (5) feet in width and shall be located immediately adjacent to the curb and shall be continuous. The zone shall meet the tree planting requirements listed below. In addition to the required planting of trees, this zone may also be

used for the placement of street furniture, trash receptacles, newspaper vending boxes, bus shelters, bicycle racks and similar elements, subject to the following additional criteria:

A. Elements shall be provided in a manner that does not obstruct pedestrian access or motorist visibility.

B. Elements shall not cause unsafe conditions for pedestrian or vehicular flow on the adjacent public sidewalks or streets.

C. Elements shall be consistent with the Architectural Review Board Design Guidelines on file with the City Clerk that govern the design or placement of the particular element.

D. Developments of more than five (5) acres shall incorporate a bus stop for access to MARTA in the street furniture and tree planting zone, subject to approval by MARTA.

II. Clear zone requirements: The zone shall be a minimum of eight (8) feet in width and shall be located immediately contiguous to the street furniture and tree planting zone and shall be continuous. The zone shall be hardscape, and shall be unobstructed for a minimum height of eight (8) feet.

A. All developments must connect to the existing street grid and existing sidewalks.

1. Where newly constructed sidewalks abut narrower existing adjacent sidewalks, the newly constructed sidewalk shall provide an adequate transitional clear zone width for the purposes of providing a safe facilitation of pedestrian traffic flow between the adjacent sidewalks, as approved by the City Manager or his designee.

2. Street tree planting requirements:

a) Street trees are required and shall be planted on center within the street furniture and tree planting zone in the ground at thirty (30) foot intervals and, wherever possible, spaced an equal distance between street lights.

b) All newly planted trees shall have a minimum diameter of four (4) inches measured four and one-half feet above finished grade, shall have a minimum mature height of forty (40) feet, and shall be pruned to a minimum height of eight (8) feet.

c) Trees shall have a minimum planting area of twenty five (25) square feet. Trees grates are allowed and shall be a minimum of eight (8) feet by five (5) feet.

d) All street trees shall be limited to canopy-forming trees of a species selected from the applicable planting list, as set forth in the Tree Ordinance.

e) All plantings, planting replacement and planting removal shall be approved by the City Manager or his designee, as set forth in the Tree Ordinance and Architectural Review Board Design Guidelines.

a) The area between required plantings shall either be planted with ground cover or shall be paved as approved by the City Manager or his designee, as set forth in the Architectural Review Board Design Guidelines.

3. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half (2½) feet and eight (8) feet above grade.

4. Utilities shall be placed underground.

Section 1114.09. Supplemental Zone

I. For purposes of these regulations, the area between any building fronting on a street and the required sidewalk shall be defined as the supplemental zone.

A. Supplemental zone general requirements:

1. The supplemental zone shall be a maximum of twenty (20) feet in width measured from the edge of the sidewalk clear zone to the façade of the building.

2. When sidewalk level residential units are provided, the supplemental zone shall be landscaped with the exception of terraces, porches, stoops, walkways and outdoor dining, which may occupy a maximum of two-thirds (2/3) of the supplemental zone area;

3. Terraces, porches and stoops shall have a maximum finished floor height of twenty-four (24) inches above finished-grade;

4. The supplemental zone shall be no more than twenty-four (24) inches above the adjacent public sidewalk for a minimum linear distance of fifteen (15) feet from the nearest edge of the adjacent public sidewalk; and

5. Any authorized walls surrounding landscaped and grassed areas shall not exceed a maximum height of twenty-four (24) inches, except retaining walls, which shall not exceed a maximum height of thirty-six (36) inches.

B. Fencing shall be permitted only when:

1. The supplemental zone is located between sidewalk level residential units and the adjacent street; or

2. The fencing is used to separate authorized outdoor dining from the required sidewalk.

C. Supplemental zones as open space: except as otherwise specified below, the square footage contained within a supplemental zone which meets all the supplemental zone requirements may be counted towards open space requirements.

1. Supplemental zones containing a depth of fifteen (15) feet or less shall not be counted towards open space requirements unless visible and accessible to the general public from the adjacent public sidewalk, with the exception of areas adjacent to sidewalk level residential units.

2. Supplemental zones containing a depth greater than fifteen (15) feet shall be counted towards open space requirements only when the following additional requirements are met:

a) A minimum of eighty percent (80%) of the surface of the supplemental zone allows for unobstructed pedestrian movement with the exclusion of fountains, pedestrian furniture, public art and similar elements.

b) The supplemental zone for non-residential ground floor uses is visible and accessible from any point along ninety percent (90%) of any adjacent sidewalk.

c) All sides of buildings fronting the zone shall meet the requirements of Section 1114. (10) 15 when non-residential ground floor uses are provided.

d) The supplemental zone for residential ground floor uses provides a pedestrian walkway from the space to the adjacent public sidewalk. The pedestrian walkway shall be perpendicular to the street and shall connect directly to the public sidewalk and shall be uncovered and open to the sky along its entire length.

3. Outdoor dining may be permitted in the Supplemental Zone if approved and permitted by the City Manager. The regulations governing outdoor dining permits are on file with the City Clerk.

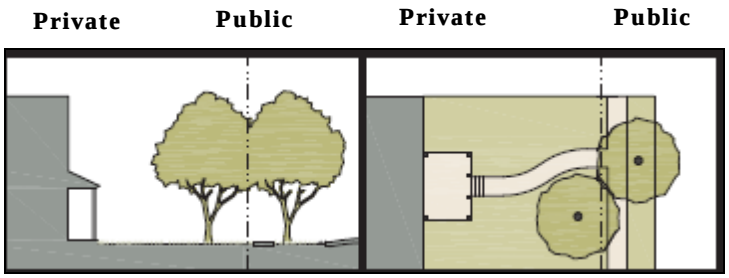
Sec. 1114.10. Urban Design Controls

I. Frontage Types: How buildings address the street.

Every building within the Mill District must provide building frontages that conform with one of the following designs. For each illustration below there is a public and private frontage. The light dotted line shows the separation.

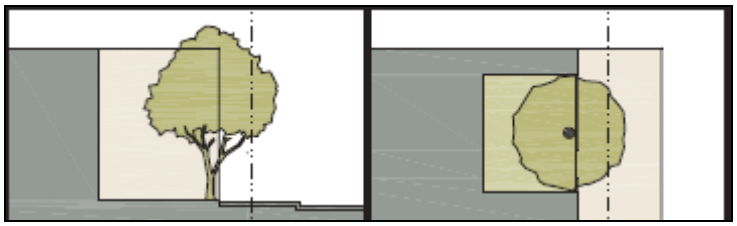
A. Porch & Fence: a frontage wherein the facade is either close to the property line or slightly set back from the frontage line with an attached porch. A fence at the frontage line maintains the demarcation of the yard. The porches shall be no less than 8 feet deep.

Allowed Building Type: Detached Single Family, Townhouse, Two Family, Live/Work



B. Forecourt: a frontage wherein a portion of the facade is close to the frontage line and the central portion is set back. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.

Allowed Building Types: Multi-family, General Commercial, Mixed Use Shop-front, Institutional/Civic



C. Stoop: a frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk, sufficiently, to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor residential use. This can also include a lightwell.

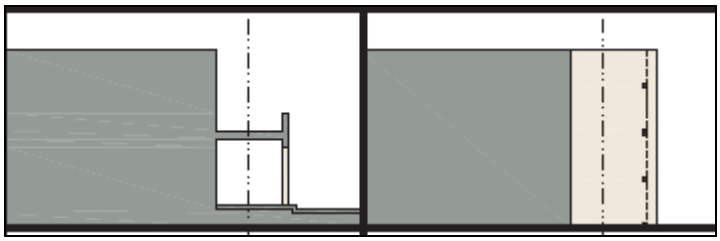
Allowed Building Types: Townhouse, Multi-family, Live/Work

D. Shopfront and Awning: a frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use. It has a substantial glazing on the sidewalk level and an awning that may overlap the sidewalk to the maximum extent possible.

Allowed Building Types: General Commercial, Mixed Use Shop-front

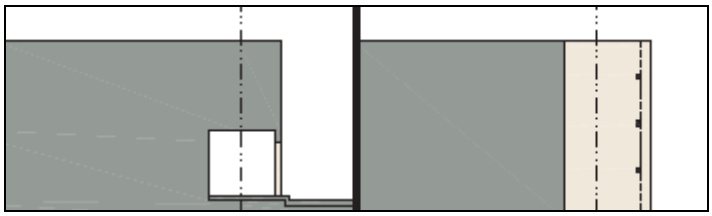
E. Gallery: a frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than 10 feet wide and may overlap the whole width of the sidewalk to within five (5) feet of the curb.

Allowed Building Types: General Commercial, Mixed Use Shop-front, Institutional/Civic



F. Arcade: a frontage wherein the facade is a colonnade that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage line. This type is conventional for retail use. The arcade shall be no less than 12 feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.

Allowed Building Types: General Commercial, Mixed Use Shop-front, Institutional/Civic



II. Block size. Developments with more than five hundred (500) feet of frontage along a single street shall be divided by public streets into blocks having a maximum length of five hundred (500) feet, as measured from the back of the sidewalk clear zone or supplemental zone. Such streets shall connect two (2) other public streets.

III. Rear alleys shall be required on any lot less than 50 feet wide for residential uses. Rear alleys shall be the primary access to all parking, when feasible.

IV. Building materials. New development or renovation on any exterior portions of the building shall utilize building materials as approved by the Architectural Review Board which shall include brick, hard coat stucco,

natural stone, half timbering, fiber cement siding and other materials deemed appropriate by the Architectural Review Board.

V. Materials placed uniformly on all four sides of any building, except when a rear façade abuts railroad right-of-way.

VI. Building walls may be built of no more than two primary materials and shall only change material along a horizontal line with the heavier material below the lighter.

VII. Modular concrete, corrugated metal, concrete block, and split face block are prohibited.

VIII. Balconies. All balconies shall be supported by brackets.

IX. Chimneys shall extend to the ground and have an appropriate cap.

X. Building delineation.

A. Horizontal delineation. Delineation between the first and second floors shall be executed through two of the following or similar treatments: windows, belt course, rustication or similar architectural detailing.

B. Horizontal delineation: The first floor shall contain architectural articulation such as a water table or similar architectural detailing.

C. Vertical delineation. Building walls shall incorporate a vertical building delineation element a minimum of every fifty (50) feet. Delineation shall be executed through wall offsets, projections, recesses, varying building materials, pilasters, piers or similar architectural detailing.

XI. The primary building entrance for pedestrians to access all sidewalk level uses and business establishments with public or private street frontage shall:

A. Face and be visible from the public street when located adjacent to such street. The entrance shall always face the street of highest classification when more than one (1) street could be fronted.

B. Be directly accessible and visible from the sidewalk adjacent to such street.

C. Remain unlocked during business hours for non-residential uses.

XII. A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six (6) inches in height.

XIII. Fenestration:

A. Street-fronting non-residential uses shall meet the following sidewalk level requirements on all primary building facades:

1. The length of façade without intervening fenestration or entryway shall not exceed twenty (20) feet.

2. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.

3. Fenestration shall be provided for a minimum of sixty percent (60) of the length of all street frontages:

a) Beginning at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk or,

b) Beginning at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk or

c) Beginning at a point not higher than sidewalk level, to a height not lower than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk.

d) Fenestration shall be placed symmetrically along the façade. The use of false windows to achieve symmetry shall be allowed on any façade except for the front.

e) All window frames shall be recessed a minimum of two (2) inches from the exterior façade.

4. Fenestration shall be provided for a minimum of twenty-five percent (25%) of the length of the street frontage for residential uses on all streets and for non-residential uses on all secondary building facades unless located on a corner lot. Secondary building facades located on a corner lot shall comply with Section 1114.10.X.C.

XIV. Buildings with residential uses at the sidewalk level shall meet the following regulations:

A. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five (5) feet wide.

B. All such buildings with more than four (4) residential units that are adjacent to the sidewalk shall have individual entrances directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access shall be perpendicular to the street, unless prohibited by the topography.

C. Such buildings shall have windows at sidewalk-level on each street frontage façade that are substantially similar in size to the sidewalk level front facade windows.

XV. If used, shutters shall be fully operable and shaped to match the openings.

XVI. At least 50% of townhomes within a single development shall have a stoop or a porch.

XVII. Fences and walls shall meet the following regulations:

A. Fences located between a street-fronting building and the adjacent street:

1. Shall only be permitted when residential or permitted outdoor dining uses are provided on the ground-floor of the building and shall be directly adjacent to these uses.

2. Shall not exceed forty two (42) inches in height.

3. Shall allow for a minimum of fifty percent (50%) clear fenestration through the fence.

B. Retaining walls located adjacent to a sidewalk along a public street shall not exceed a height of two (2) feet, and the combined height of a fence where otherwise authorized and retaining wall shall not exceed a height of five (5) feet, unless existing topography prohibits retaining walls of a lesser height. Retaining walls shall be finished poured concrete and shall be faced with stone, brick or smooth stucco.

C. No walls, except retaining walls, shall be located between the street and any building, with the exception of screening for authorized off-street loading areas.

D. Fences and walls located between the primary building and the lot line and not located between the street and any building shall be permitted to be a maximum height of six (6) feet.

E. Fences and walls, where permitted, shall be constructed of brick or wrought iron when visible from any public space or public right-of-way.

F. Where permitted, drive-through service windows and drive-in facilities, including associated windows and drives, shall not be located between the principal structure and the street. See also Section 828.

XVIII. Structured Parking:

A. Buildings should not have exposed structured parking on the ground floor when visible from the public right-of-way, excluding railroad right-of-way.

B. A parking structure façade that faces a public right-of-way, excluding railroad right-of-way, shall be designed to incorporate contextual architectural elements that compliment the adjacent buildings or buildings in the area.

C. Parking structure openings shall not exceed 50 percent of the total ground floor façade.

D. Liner buildings shall be incorporated as much as possible along public-right-of-way.

E. All structured parking shall have a pedestrian walkway a minimum of five (5) feet from the ground level parking to the public sidewalk or building entrance.

F. Parking deck facades shall conceal motor vehicles from visibility from any public right-of-way, excluding railroad right-of-way, or private drive or street that are open to the general public, and shall have the appearance of a horizontal storied building.

G. Horizontal Storied Building: If a parking structure is more than one story, there shall be an architectural detail, including, but not limited to a belt course or soldier course, differentiating the first floor from the second floor.

XIX. Every property located within 400 feet of the PATH Foundation's Stone Mountain Trail must provide means to access the Trail via a paved sidewalk or path. Additionally, bicycle racks sufficient to accommodate six (6) bicycles at the same time shall be provided.

XX. The developer of the property located at the entrance to the Fenner Dunlop site and City at Laredo Drive shall install a gateway monument at said location. This monument shall designate an entry way to the City of Avondale Estates and the design of this monument will be subject to review by the Architectural Review Board.

Sec. 1114.11. Loading and Screening

I. Loading areas: Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground level or sidewalk level outdoor dining area, public sidewalk or public right-of way. In addition, dumpsters and loading areas serving residential uses shall be enclosed with opaque walls six (6) feet in height.

II. Loading docks. Loading docks shall be located a minimum of ten (10) feet from the adjacent sidewalk or supplemental zone.

III. Loading dock entrances. Loading dock entrances shall be screened so that loading docks and related activity are not visible from any public space or public right-of-way.

IV. On-street loading. On-street loading shall be prohibited between the hours of 10pm and 6am.

V. Building mechanical and accessory features:

A. Shall be located to the side or rear of the principal structure or on the roof and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from any public space or public right-of-way.

B. When located on rooftops, these features shall be incorporated in the design of the building and screened with building materials similar to the building utilizing an architectural element such as a parapet.

C. Shall not be permitted between the building and any public street.

Sec. 1114.12. Parking Facilities

Every development within the Mill District must submit a parking plan to the City Manager, who shall review the plan to ensure compliance with all applicable provisions before the issuance of a building permit. In addition to the provisions of Section 1204, which shall apply and are incorporated herein, the following additional parking facilities requirements shall apply within the District:

I. All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone.

II. Driveways shall have a band of textured concrete adjacent to the street that is in-line with and equal in width to the street furniture zone and shall have a textured band of concrete adjacent to the sidewalk that is in-line with the supplemental zone and a minimum width of five (5) feet from the sidewalk.

III. Driveway curb cut widths.

A. Driveway curb cut widths shall be a maximum of twenty-four (24) feet for two-way entrances and twelve (12) feet for one-way entrances.

B. Two (2) curb cuts serving two one-way driveways shall only be counted as one curb cut provided that each curb cut does not exceed one lane in width.

C. Driveway curb cuts in excess of the width limitations listed above shall be permissible only by obtaining a variance pursuant to Section 1610. Additional width shall not exceed 20% of the width allowed as of right.

D. Driveways are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.

E. No more than one (1) curb cut shall be permitted for each development, provided that properties with more than one (1) street frontage may have one (1) curb cut located on each street frontage.

F. Entrances to garages and carports that serve a single residential unit, and that are not located behind the principal structure, shall face the rear yard, or a side yard that has no street frontage. No garage shall extend beyond the front building line of the primary structure.

G. All contiguous ground floor residential units shall share one common drive, located in rear yards or side yards without street frontage, to serve garages, carports and parking areas.

H. All developments, including parking decks, shall have sidewalks a minimum width of five (5) feet connecting ground level parking to the public sidewalks and to all building entrances.

I. All parking facilities shall be illuminated to provide for a secure environment and the safe operation of motor vehicles. No less than 2.4 foot candles of illumination shall be provided, as measured at grade. All parking lot lighting shall be directed inward such that no light is directly cast upon adjacent parcels.

J. Each lot shall provide the minimum parking required by this section. Every such lot where a building, structure, or use exists shall not exceed the maximum amounts of parking specified in Table 1 unless allowed by 1114.12.IV.A..

IV. For purposes of this section minimum and maximum parking space requirements have been established for allowed uses in the Mill District.

Table 1: MINIMUM AND MAXIMUM NUMBER OF
OFF-STREET PARKING SPACES REQUIRED
Unless otherwise noted, the parking requirement shall be based on the gross square footage of the building or buildings devoted to the particular use specified.

USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING PERMITTED
Animal Services		
Animal Hospital and Veterinary Clinics	One per 400 square feet	One per 250 square feet
Dog Grooming Shops	One per 400 square feet	One per 250 square feet
Commercial Recreation/ Entertainment Facility		
Health or Fitness Club	One per 200 square feet	One per 150 square feet
Billiard hall/amusement arcade	One per 400 square feet	One per 200 square feet
Bowling alley	Two per each bowling lane (add parking for billiard hall/ amusement arcade, if provided)	Three per each bowling lane (add parking for billiard hall/ amusement arcade, if provided)
Swimming pool	One per 125 square feet of surface water area	One per 75 square feet of surface water area
Tennis or racquet ball court	Two per court	Three per court

USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING PERMITTED
Theater, cinema	One per four fixed seats	One per three fixed seats
Community Facilities		
General	One space/ 400 square feet	One space/ 200 square feet
Library	One space/ 400 square feet	One space/ 200 square feet
Museum	One space/ 500 square feet	One space/ 200 square feet
Post office	One space/ 400 square feet	One space/ 200 square feet
School	One per 300 square feet	One per 200 square feet
Lodging		
Bed and Breakfast	See Section 816	See Section 816
Hotel	One space/ lodging unit, plus one space/ each 150 square feet of banquet, assembly, meeting, or restaurant seating area	1.2 space/ lodging unit, plus one space/ each 100 square feet of banquet, assembly, meeting, or restaurant seating area
Medical and Health Services, Office and Retail Health Uses		
General	One space/ 400 square feet	One space/ 250 square feet
Office and Professional Services		
General	One space per 400 square feet	One space per 250 square feet

USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING PERMITTED
Banks, Credit Union Savings and Loan	One space/ 400 square feet	One per 200 square feet
Personal Services		
General	One per 400 square feet	One per 200 square feet
Barber Shop/Salon	One per 400 square feet	One per 200 square feet
Day Care Facilities	One per 500 square feet	One per 200 square feet
Places of Public Assembly; Auditorium; Nonprofit Club or Lodge, Religious Facilities		
	One space/ four seats in room with greatest seating capacity or one space/ 40 square feet in largest assembly area without fixed seating	One space/ three seats in room with greatest seating capacity or one space/ 30 square feet in largest assembly area without fixed seating
RESIDENTIAL		
One bedroom unit within a multi-family development	1 space/ unit plus 0.1 per unit for guest space	Two spaces/ unit plus 0.2 per unit for guest space
Two bedroom unit within a multi-family development	1 space/ unit plus 0.1 space/ unit for guest space	Two spaces/ unit plus 0.2 space/ unit for guest space
Three bedroom unit within a multi-family development	2 per unit plus 0.2 per unit for guest space	Three per unit plus 0.2 per unit for guest space
Assisted Living/ Senior Housing	.5 space/ unit and .2 space/ unit for guest space	Two spaces/ unit plus .2 per unit for guest space
Upstairs Residential Use	One space/ unit	2 spaces/ unit

USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING PERMITTED
Single-family detached or attached	One space/ unit	Two spaces/ unit
Duplex/Triplex dwellings	One space / unit	Two spaces/ unit
Retail Trade		
Grocery store and Bakery	One space/ 300 square feet	One space/ 200 square feet
Hardware store (includes Electrical Supply Store)	One space/ 400 square feet	One space/ 200 square feet
Retail store (greater than 5,000 sf)	One space/ 400 square feet	One space/ per 200 square feet
Retail store (less than 5,000 sf)	One space/ 500 square feet	One space/ 200 square feet
Restaurant, Bars and Taverns		
General	One space/ 150 square feet	One space/ 100 square feet

Note: All other non-residential uses shall provide a minimum of one parking space per 400 square feet with a maximum of one parking space per 200 square feet.

A. An applicant may exceed the applicable maximum number of parking spaces by 25% if the additional pavement is constructed of pervious material or is provided through use of structured parking.

B. On-street parking spaces located immediately abutting the subject property, entirely within the extension of the lot lines into the roadway, and not within any required clear sight triangle may be counted toward meeting the required parking ratios for all uses except single-family attached and detached dwellings.

C. Interparcel Access is required between all abutting parking lots. For any office, retail, multi-family or mixed use development the property owner shall grant an access easement to each adjoining property. This easement shall be submitted to the City Manager and recorded with the DeKalb County Superior Court Clerk.

D. Number of Handicapped Parking Spaces Required

Regulations and dimensions for handicapped parking spaces shall be per requirements of the Americans with Disabilities Act (ADA) (Public Law 101-136), the State Building Code, and the American National Standards Institute. The required number of handicapped accessible spaces, which must be provided on-site, shall be as provided in Table 2. Said spaces shall count toward the requirements for off-street parking as specified in Table 1. In addition, handicapped van spaces are required at a rate of one (1) van space for each eight (8) handicapped spaces required, with a minimum of one (1).

Table 2: HANDICAPPED PARKING REQUIREMENTS

Total Required Parking Spaces	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

1. Locations. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, or buildings with multiple entrances, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.

2. Dimensions. Accessible parking spaces shall be at least nine (9) feet wide with a minimum five-foot-wide access aisle. For van spaces, the width of the parking space shall be at least eleven (11) feet wide with a minimum five-foot-wide access aisle. Parking access aisles shall be part of an accessible route to the building or facility entrance; two (2) accessible parking spaces may share a common access aisle.

3. Signs. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Such signs shall be located so that they cannot be obscured by a vehicle parked in that space.

Sec. 1114.13. Parking Lot Landscaping

I. The provisions of Section 1204 and the City of Avondale Estates Tree Ordinance, shall apply to surface parking lots within the Mill District. In addition, the following additional parking lot landscaping requirements shall apply:

A. Parking lot landscaping requirements shall apply to all lots regardless of size.

B. A landscape strip with a minimum width of six (6) feet shall be required between all surface parking facilities and the required sidewalk. The strip shall be planted with trees for the purposes of shading motor vehicles and pedestrians and as set forth in the Architectural Review Board Design Guidelines. This landscape strip may also incorporate a continuous shrub row.

C. Every parking space shall terminate at a landscaped strip of a minimum width of six (6) feet. No more than eight (8) parking spaces shall be located adjacent to one another. For every eight (8) adjacent parking spaces, a landscaped strip of a depth equal to the adjacent parking space(s) and a width of no less than six (6) feet shall be provided. Every parking bay shall terminate at both ends with a landscaped strip of a depth equal to the adjacent parking space and a width of no less than six (6) feet.

D. All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum height of thirty (30) inches, at a minimum ratio of three (3) shrubs for every tree.

E. All landscaped buffers and strips shall provide trees at a ratio of one (1) tree for every six (6) parking spaces provided. All trees shall have a minimum caliper of four (4) inches as measured at the root collar, shall be of an approved canopy or understory species listed in the City of Avondale Estates Tree Ordinance, and shall be pruned to a minimum height of eight (8) feet.

F. Notwithstanding any other provision of this section, no less than 10 percent of every parking area within the Mill District shall consist of landscaped area. No portion of the perimeter landscape strip required by section 1114.13.I.B shall be counted towards the ten percent required by this section.

G. In addition to all other parking lot landscaping requirements, wherever a parking lot adjoins a public right of way, a landscape area containing an evergreen screen shall be maintained along the right of way line by the property owner at a height of approximately 36 inches from curb level at all times. The screen shall consist of evergreen shrubs approved by the City Manager and shall create an opaque visual screen from the ground up to the required height at all times.

However, no plant material or other obstruction shall be located within the “sight triangle” area which is formed at the intersection of any two streets. The depth of the sight triangle at a given intersection is determined by the traffic safety demands of the particular intersection. Before approving a parking lot landscaping plan, the City Manager shall consult with the DeKalb County Transportation Department and/or the Georgia Department of Transportation to determine the appropriate sight triangle.

H. Implementation: a parking lot landscape plan which shows compliance with the requirements of this section is required for all parking lots within the Mill District and must be sealed by a registered Landscape Architect. This plan shall include an irrigation plan which shows the point of integration connection (POC) and water meter. This may also include a controller that operates the time and frequency of water disbursement. The parking lot landscape plan shall be approved by the City Manager, in consultation with a qualified professional. The approved parking lot landscape plan shall be fully implemented prior to issuance of a certificate of occupancy.

Sec. 1114.14. Off-Street Parking Requirements

In addition to the provisions of Section 1204, which shall apply to the Mill District, the following additional off-street parking requirements shall apply:

I. Unless otherwise expressly allowed herein, off-street surface parking shall not be located between a building and the adjacent street.

II. Parking facilities shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking during non-normal business hours by compliance with Section 1114.XI.C.

III. All uses allowed in the Mill District shall be subject to the requirements outlined in Table 1 and Table 2.

IV. Shared parking arrangements.

A. Shared parking among weekday and evening and weekend uses. One-half of the parking spaces assigned to a place of worship, theater or assembly hall whose peak attendance will be in the evening or on weekends may be assigned to a use that will be closed at those times, upon approval of a shared parking agreement to such effect by the City Manager. The City Manager shall only render such approval based upon documentation submitted by the applicant that the total number of spaces will be adequate at the peak use patterns of the uses such spaces will serve. The ratios indicated in Table 3, may be used in determining such peak use patterns. Such shared parking shall be located within eight hundred (800) feet of the premises which the shared parking will serve as measured along the nearest pedestrian walkway and further provided that such walkway links directly to the main entrances of all buildings on such premises.

B. Shared parking in mixed use developments. Parking spaces may be shared by more than one use upon approval of such an arrangement by the City Manager. The City Manager shall only render such approval based upon documentation submitted by the applicant that the total number of spaces will be adequate at the peak use times of the uses such spaces will serve. The ratios indicated in Table 3 may be used in determining such peak use patterns.

Table 3 Peak Use Times to Determine Shared Parking Arrangements

	Weekdays		Weekends		Nighttime
	6 am to 5pm	5pm to 1am	6 am to 5pm	5pm to 1am	1am to 6am
Office	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/Recreation	40%	100%	80%	100%	10%
Place of Worship	10%	25%	100%	100%	10%

C. Availability of shared spaces. Parking spaces proposed for sharing among two or more uses must be clearly available to each use and not be designated as reserved in any manner to serve a particular use.

D. Recordation of shared parking agreements. Shared parking agreements shall be in writing in a form approved by the City Attorney, shall be signed by the owners of each of the affected properties or uses, shall run with the land of the properties involved in perpetuity, and shall be recorded with the Clerk of Superior Court, and a copy of the recorded document provided to the City Manager. No shared parking agreement shall be canceled except with the prior approval, by resolution, of the Mayor and Board of Commissioners.

V. Off-site parking arrangements.

A. Off-site parking may be approved when the parking requirements of this section cannot reasonably be met on-site, provided that the off-site parking is located within 800 feet of the premises which the off-site parking will serve as measured along the nearest pedestrian walkway and further provided that such walkway links directly to the main entrances of all buildings on such premises.

B. The use of off-site parking to satisfy the parking requirement of this section shall only be permitted upon a finding by the Mayor and Board of Commissioners, following a recommendation by the City Manager, that sufficient parking capacity at the off-site location has been dedicated in perpetuity, via recorded document, to the property proposing the use of such off-site parking.

C. An easement (or other recordable instrument acceptable to the City Attorney) dedicating the off-site parking to the property the parking will serve shall be recorded with the Clerk of the Superior Court and a copy provided to the City Manager. The easement shall run with the land in perpetuity and may not be canceled except with the prior approval, by resolution, of the Mayor and Board of Commissioners.

Sec. 1114.15. Bicycle Parking

I. All non-residential developments that provide motor vehicle parking facilities shall provide bicycle/moped parking facilities at a ratio of at least one (1) bicycle/moped parking space for every twenty (20) motor vehicle parking spaces. Multi-family developments shall provide said facilities at a ratio of at least one (1) bicycle/moped parking space for every five (5) multi-family units. No development, other than single-family detached developments, shall have fewer than three (3) bicycle/moped parking spaces nor be required to exceed a maximum of fifty (50) spaces. Bicycle/moped spaces shall be located within the street furniture zone a maximum distance of one hundred (100) feet of the building entrance.

Sec. 1114.16. Storefront Illumination and Lighting

I. All lighting adjacent to residential uses shall reduce light spillage onto residential properties by providing cutoff luminaries that have a maximum ninety (90) degree illumination.

II. Lighting shall be provided equal to one-fifth (0.2) foot-candles of light.

III. All lighting fixture designs shall be as set forth in the Architectural Review Board Design Guidelines.

Sec. 1114.17. Reserved.

Section 1114.18 Urban Environment Requirements

I. Landscaping plan must earn a minimum of 30 points (20 points in single-family house and houses with two (2) units) that are awarded for providing and maintaining specific landscaping and design features. The points are accumulated as follows:

Table 4: Enhanced Landscaping Point System

Feature	Requirement or Example Items	Points Awarded
Plaza	5% of land area. Plaza shall be continuous w/ minimum area not less than 1,000 sq ft. *If 5% of land area is greater then 2,000 square feet, multiple plazas are permitted.*	15
Playground	5% of land area w/ minimum area not less than 1000 sq ft.	15

Feature	Requirement or Example Items	Points Awarded
Community garden	1 pt for every 250 sq ft w/ minimum area not less than 1250 sq ft.	5-15
Arcades, structural awnings, galleries, balconies or other approved pedestrian shelter	50% of façade facing primary street or 25 linear ft, whichever is greater. 4 ft minimum depth.	10
Single family Front Porch/Two family Front Porch	50% of façade facing primary street.	10
Feature	Requirement or Example Items	Points Awarded
Enhanced streetscaping	Each 50 ft segment of street frontage is required to have 2 streetscaping items. Items include but are not limited to benches, trash receptacles, bike racks, and planters using materials appropriate for the adjacent street and approved by the City Manager.	10
Pedestrian-scaled lighting	1 light post every 60 ft of street frontage; style approved by the City Manager and consistent with other pedestrian lights on the same block.	10
Programmed recreation area	3% of land area. Programmed recreation areas include but are not limited to chess parks, bocce ball courts, and exercise/yoga facilities.	10

Feature	Requirement or Example Items	Points Awarded
Public art installation	Public art installations include but are not limited to pieces of sculpture, murals, and water features planned and executed with the specific intention of being sited or staged in the physical public domain, outside and accessible to all. Materials used are durable and resistant to graffiti and weather. Public art is subject to approval by the City Manager to ensure that it is not obscene.	10

Feature	Requirement or Example Items	Points Awarded
Window awnings, shallow door canopies, or other façade features that are not intended to provide pedestrian shelter (less then 4 ft in depth)	25% of façade facing primary street or 15 linear ft, whichever is greater. Multiple features (i.e. awnings) may add up to the required amount.	5
Programmed sitting area/public outdoor dining area	Minimum 15 seats.	5
Sustainable landscaping	Xeriscaping, on-site stormwater management, rain gardens, bio-swales, etc.	5
Rooftop terrace	Minimum 200 sq ft	5
Paved walkway enhancement	1 pt for every additional foot of sidewalk width over the City standard (up to a 15 ft wide sidewalk total).	1-11
Bus Shelter	Located within the street furniture and tree planting zone.	5

II. The applicant can accumulate points through any combination listed above based on the established minimum requirements for each category. The applicant may use the following categories multiple times to accumulate the necessary points:

A. Plaza;
B. Playground;
C. Programmed Recreation Area;
D. Programmed Sitting Area/Public Outdoor Dining Area.

III. Submittal of Landscape Plan. The location and description of decorative paving, sidewalk furniture or other decorative elements, if any, shall be

indicated on the landscape plan. This shall also include an irrigation plan as outlined in Section 1114.13.I.H.

IV. Landscape area required.

A. All landscaped areas shall be located outside the perimeter of the footprint of a building or structure; protected by wheel stops, curbs or other physical barriers where adjacent to vehicle use areas; and be covered with grass, organic mulch or low maintenance groundcover.

Landscaped bioretention areas are encouraged for natural drainage channels to reduce runoff and increase infiltration of water into the soil.

Sec. 1114.19. Pre-Application Conference and Site Plan Review

Before any application for a building permit within the Mill District may be reviewed, a pre-application conference between the applicant and the City Manager or his designee is required to discuss the application and relevant requirements of this Ordinance which includes appearance before the ARB.

In order to facilitate the ARB review, the applicant shall provide eight (8) copies each of a site plan, landscape plan and elevation drawings of each exterior façade for the proposed development that describe how the various requirements of the Mill District will be met. These requirements are supplemental and in addition to the requirements for obtaining a building permit pursuant to Section 1403.

Site plans for development within the Mill District are reviewed by the City Manager in consultation with a qualified professional to ensure compliance with the policy and intent of the district, as set forth in Section 1114.01. The documents required herein shall be presented at the next available scheduled meeting of the ARB as established by the "Application Deadline" schedule. The plans must be approved by the ARB prior to any building permit approval. If a site plan depicts any variance from the terms of this ordinance, such variance must be approved by the Board of Appeals prior to site plan approval. Any building permit issued for property within the Mill District shall be conditioned upon consistency with a site plan that has been approved by the ARB and the City Manager.

Sec. 1114.20 Certificate of Appropriateness or Approval Requirement.

Expert review of applications for certain permits relating to property in the Mill District, is necessary to determine consistency with the policy and intent of the District. The City Manager shall submit all applications for any sign permit or any permit involving building, structure construction or site work to the Architectural Review Board of the City of Avondale Estates, except for those applications expressly exempted from such review by Section 1511 of this ordinance.

The Architectural Review Board shall review applications for the purpose of granting approval of the proposed architectural design and building materials pursuant to Article 15 of this ordinance. No permit for new construction, including additions or expansions to existing buildings, outdoor dining, exterior renovations or demolition, or any construction which results in increased lot coverage or a modification of the building foot print of property zoned " Mill District" that is not otherwise exempted by this ordinance shall be granted without prior approval from the ARB.

Sec. 1114.21. Conceptual Site Plan Requirement for Related Projects.

1. Whenever development of more than one related buildings, tracts or lots in the Mill District is contemplated by a developer, the developer shall submit a conceptual site plan for all related buildings, tracts or lots concurrently with any application for Certificate of Approval or Appropriateness, variance, conditional use approval or site plan approval.

2. The Conceptual Plan shall illustrate the proposed location and calculated land area of land uses on the site, using the following categories:
   a. One or two family residential;
   b. Multi-family residential;
   c. Commercial;
   d. Institutional;
   e. Mixed use building;
   f. Public Park.

3. Failure to present the required conceptual site plan(s) for related developments concurrently with any of the applications set forth in subsection (1) hereto shall be sufficient cause to deny any such application. However, any body or officer of the City considering such an application shall have the discretion to approve the application if the applicant demonstrates that circumstances beyond his control prevented presentation of the required conceptual site plan(s) concurrently.

4. The term "related," as used in this section, shall mean property that has a common owner and/or developer.

Sec. 1114.22. Historic Documentation.

I. If any structures are removed on the property that are more than fifty years (50) old, a picture of all four sides and interiors shall be submitted as part of the permanent record. In addition, the applicant shall provide a historic documentation package to the ARB that will be placed in certain locations throughout the project (s) which highlights the history of the site.

Sec. 1114.23

Where there is a conflict between the Mill District regulations and the City of Avondale Estates Subdivision Ordinance, Building Regulations, or Zoning Ordinance, the Mill District regulations shall control the development of any property.

Article 12. DEVELOPMENT STANDARDS

Sec. 1201. General Provisions

I. One (1) dwelling per lot. Except in the case of planned developments, only one (1) principal building, together with its customary accessory buildings, shall occupy each residential lot.

II. Requirements for moving a building. No dwelling or other permanent structure shall be moved within or into the City unless, when relocated, such dwelling or structure meets all requirements of the Zoning Ordinance and other City Codes.

III. Buildings under construction. Nothing in this Article shall require any change in the construction or intended use of a building that is legally under construction or for which a building permit has been issued at the effective date of the adoption or amendment of this Ordinance, provided the construction of such building is diligently pursued to completion.

IV. Development projects under construction. Nothing in this Article shall require any change in the development or proposed use of a lot that is legally under development or for which a development plan, preliminary plat or permit has been approved at the effective date of the adoption or amendment of this Ordinance; so long as such development is commenced within one (1) year of permitting and is diligently pursued to completion.

V. Fences and Walls. No freestanding fence or wall shall be constructed in a public right-of-way.

VI. Parking of boats, boat trailers, buses, house trailers, mobile homes, motor homes, motorized homes, pole trailers, semi-trailers, trailers, travel trailers, camper trailers, truck campers, pick-up coaches, utility trailers and the like.

A. The parking or storage of any boat, boat trailer, bus, house trailer, mobile home, motor home, motorized home, pole trailer, semi-trailer, trailer, travel trailer, camper trailer, truck camper, pick-up coach, utility trailer or the like, on any street, alley, highway or other public place, or on any tract of land within the City, is prohibited except as provided in this Ordinance.

B. Any recreational vehicle or utility trailer may be parked or stored on private property in any zone, subject to the following conditions:

1. At no time shall such parked or stored recreational vehicle or utility trailer be occupied by any person or used for any purpose except as hereinafter provided.

2. No such recreational vehicle or utility trailer shall be parked closer to the street than the front building line of the main structure. In addition, such units may be located no closer than twenty (20) feet from the rear property line and no closer than five (5) feet from the side property line; provided however, such units may be parked without

limitation on hard surfaced areas behind the front building line of the main structure. (When a lot abuts two streets, any recreational vehicle or utility trailer must be parked or stored behind the building line of the main structure of both streets.

3. Notwithstanding the provisions of sub-paragraph b., a recreational vehicle or utility trailer may be parked anywhere on the premises for loading or unloading purposes only, for a period not to exceed twenty-four (24) hours.

4. Emergency or temporary stopping or parking of recreational vehicles or utility trailers is permitted on any street, alley, or highway for a period not to exceed twenty-four (24) hours.

5. The City Manager may grant special written permission for recreational vehicles or utility trailers to be parked in excess of twenty-four (24) hours when the property owners make such a request and said request appears reasonable. However, in no case shall authorization be granted for a period in excess of seventy-two (72) hours. Said emergency or temporary stopping or parking shall be done so as not to create a hazard to the motoring public and shall be subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances of that street, alley or highway.

6. A recreational vehicle or utility trailer shall not exceed sixty (60) feet in length or twelve (12) feet in width.

C. Any bus, house trailer, mobile home, pole trailer, semi-trailer, or trailer may be parked or stored on private property which is zoned for industrial use, subject to the following conditions:

1. At no time shall such parked or stored unit be occupied as a residence or used as an office or for conducting any business.

2. At no time shall such parked or stored unit be used as a retail or wholesale operation, nor shall sales be made from such a unit.

D. No bus, house trailer, mobile home, pole trailer, semi-trailer or trailer may be parked or stored in any zone other than one classified as industrial, except under the following conditions:

1. A school bus may be parked on property upon which the school is located or adjacent to such property that is under the control of the school either through direct ownership or lease.

2. A bus associated with a place of worship may be parked on property upon which the place of worship is located or adjacent to such property that is under the control of the place of worship, either through direct ownership or lease; however, the bus may not be parked on property upon which a residence is located.

3. A pole trailer, semi-trailer or trailer may be temporarily parked in areas zoned for residential or commercial use while loading or unloading or in making deliveries; however, overnight parking in areas zoned for residential use shall not be permitted.

VII. Nonresidential service areas. All service areas for nonresidential uses shall be established so as not to infringe upon any yard or buffer requirement and shall be visually screened from adjacent residential properties.

VIII. Fire safety requirements in all nonresidential districts and planned developments. Accessibility for fire fighting equipment on a hard surface sub base (subgrade, plus an asphalt first layer of bound crushed stone aggregate) shall be maintained throughout all stages of construction in all nonresidential districts and planned developments. Minimum widths of private access driveways within a development, excluding parking, shall be 20 feet, and the minimum turning radii shall be 35 feet. Fire hydrants and water service shall be installed to within 200 feet of units under construction before proceeding with framing.

IX. Outdoor Storage. The outdoor storage of goods, materials, equipment or supplies, or the maintenance of any type of exterior storage yard, excluding the parking of vehicles for sale or lease, shall be prohibited in every district except the LI district. In the LI districts, these storage yards shall be enclosed by a fence not less than six (6) feet in height containing opaque material to provide visual screening. Outdoor storage excluding the parking of vehicles for sale or lease shall be screened regardless of the date of establishment of such storage. At a minimum, screening shall consist of chain link type fencing interwoven with opaque inserts or covered by opaque mesh.

X. Open Space. Open space areas required to be established by this Ordinance shall be permanently maintained as open space and appropriately landscaped with trees, shrubs, flowers, grass, stones, rocks or other landscaping materials. These areas may not be used for vehicular access, parking or similar uses except as otherwise permitted herein.

XI. Required fence. When this Ordinance requires a fence to be constructed, this fence shall be completed prior to occupancy of the primary structure.

XII. Site plan preparation. Site plans and other development plans required to be submitted under the provisions of this Ordinance shall be prepared only by those currently registered for this work in accordance with applicable state law.

XIII. Sidewalks. Sidewalks are required in all residential use districts in accordance with the provisions of The Subdivision Regulations of the City of Avondale Estates, 1989, as amended.

Sec. 1202. **Special Requirements**

I. Residential.

A. Prohibition of Street-Facing Garage Doors. Within the R-12, and R-24 districts, no garage shall be constructed such that the primary garage door for vehicle ingress and egress faces any public street, unless such garage is detached from the principal dwelling or, if attached, is set back from the front elevation of such dwelling a minimum of one half the depth of the dwelling from the street the garage faces.

II. Nonresidential.

A. Maximum height of structures. Five (5) stories. Buildings in excess of three (3) stories are subject to conditional use approval pursuant to Section 1401.

B. Spacing. In the OI district, no building shall be located closer than twenty feet to any part of another building.

C. Open area. For lots within the listed districts, a percentage of lot area as listed below shall be appropriately maintained as open area. Not less than 50 percent of this area shall be located between the building and the public streets. No parking or other similar uses shall be permitted therein. On lots with multiple street frontages, the 50 percent area shall be evenly distributed along all street frontages.

1. OI - 20 percent

2. LI - 10 percent

Sec. 1203. **Projections into Required Yards**

I. Every part of a required yard shall be open to the sky and unobstructed except for the ordinary projections of sills, belt courses, cornices, eaves, chimneys, buttresses and other ornamental and architectural features, provided that these features do not project more than three (3) feet beyond any required building setback line.

II. An open, unenclosed porch that is open to the air on at least three sides or hard-surfaced terrace, steps, stoops, decks and similar features of a building may project into a required front yard or rear yard for a distance not to exceed 10 feet.

III. Notwithstanding other provisions of this chapter, fences, walls, hedges, driveways and buffers may be permitted in any required yard or along the edge of any yard provided that no fence, wall or hedge along the street sides of corner lots shall violate the corner visibility provisions of this Ordinance.

Sec. 1204. **Parking Requirements**

In addition to the relevant provisions of the Subdivision Regulations of the City of Avondale Estates, 1989, as amended, each use shall meet the following requirements:

I. Any required parking area shall be permanently maintained by the owner(s) or occupant(s) of the property for their invitees and licensees so long as the use(s) exists.

II. Parking spaces within such parking areas shall be no less than nine (9) feet by eighteen (18) feet in size.

III. Location. All parking facilities shall be located in accordance with the following provisions:

A. The required spaces shall be provided on the same lot with the use it serves, except as provided herein;

B. Upon application, the City Manager may grant special written permission allowing for the provision of the required parking spaces on one (1) or more parcels or tracts of land that are not a part of the lot on which the principal use is located, so long as all required spaces are located within 400 feet of the lot on which the principal use is located, as measured along a public sidewalk linking the parking to the use it is intended to serve. A property owner desiring to provide off-site parking as contemplated herein shall submit with his application for a building permit an instrument which subjects the off-site parcels or tracts to parking uses for the principal use it serves. The developer shall pay the necessary fee and, upon the issuance of a building permit, the City Manager shall have the instrument registered in the office of the Clerk of the Superior Court of DeKalb County. Proposals for utilizing off-site parking to comply with the parking requirement shall be accompanied by proof of ownership of the off-site parcel by the applicant or a legal easement agreement satisfactory to the City Attorney as reserving such parking for complying with the Ordinance parking requirement.

C. Additional Parking Standards.

1. Joint use of parking facilities. The required parking space for separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that one-half of the parking space required for religious facilities, theatres, or assembly halls whose peak attendance will be at night or on the weekend may be assigned to a use which will be closed at that night or weekend time.

2. Use of area. No parking area may be used for the sale, repair, dismantling, servicing or long term storage of any vehicles or equipment unless permitted by the district in which the parking area is located.

3. Location and surface of parking areas. The parking of any vehicle on any lot in any district on other than a surface treated and hardened to accommodate this vehicle is prohibited except as provided herein. In addition, parking of vehicles in the front yard or in front of the principal building line in a residential district shall be prohibited except on a hard-surfaced driveway or in a carport or garage.

4. Parking of business vehicles. The parking of business vehicles other than ordinary passenger motor vehicles shall be within a garage or carport or within a side or rear yard except for official governmental vehicles. The parking of any business vehicle, other

than a pick-up or panel truck used to provide daily transportation to and from work, and any vehicle with a capacity of more than two (2) tons is prohibited in any residential district.

5. Required spaces. The number of parking spaces or area required for a particular use shall be as follows:

RESIDENTIAL ACTIVITIES	REQUIRED PARKING
Single Family Detached Dwelling	Two (2) spaces for each dwelling unit
Residential use involving two (2) or more dwellings	Two (2) spaces for each dwelling unit
TRANSIENT LODGING	**REQUIRED PARKING**
Boarding houses, hotels, motels and Bed & Breakfasts	One (1) space for each guest room plus one (1) space for every three (3) employees
PUBLIC AND SEMIPUBLIC USES	**REQUIRED PARKING**
Hospitals and Clinics	One (1) space for each two (2) beds plus one (1) space for each doctor plus one (1) space for each four (4) employees including nurses at maximum employment on a single shift
Churches, Stadium, and other places of Public Assembly	One (1) space for each two (2) staff members or employees plus one (1) space for each four (4) seats in the principal assembly room
Places of Assembly or Indoor Recreation without fixed seats	One (1) space for each two hundred (200) square feet of gross floor space dedicated to patron use
Elementary Schools	One (1) space for each classroom and administrative office, plus five (5) spaces for visitors
Senior High Schools	One (1) space for each classroom and administrative office, plus one (1) space for five (5) students based on the design capacity of the school
Other Public Buildings	One (1) space for each two hundred square feet of gross floor space
BUSINESS USE	**REQUIRED PARKING**
Medical, Dental and Optical Offices	Five (5) spaces per doctor, dentist and optician
Professional and Business Offices not otherwise specifically enumerated	One (1) space for each two hundred fifty (250) square feet of gross floor space
Banks	One (1) space for each one hundred (100) square feet of gross floor space
Service and Repair Establishments not otherwise specifically enumerated	One (1) space for each two hundred fifty (250) square feet of floor area not used for storage
Retail Businesses, not otherwise specifically enumerated	One (1) space for each two hundred (200) square feet of gross floor space
Auto and Truck Sales, Commercial Nurseries	Four (4) spaces for each sales person, plus one (1) for each other employee
Restaurants, Theaters, Night Clubs and other such places of assembly	One (1) space for each four (4) seats, plus one (1) space for each two (2) employees on shift of greatest employment
Service Stations	Two (2) spaces for each gasoline pump, plus three (3) spaces for each shop bay
WHOLESALE AND INDUSTRIAL USES	**REQUIRED PARKING**
Wholesaling and Industrial Uses, including lumber, brick and supply yards	One (1) space for each two (2) employees at maximum employment on a single shift, plus space for all company vehicles operating from the premises

D. Screening of Parking Lots. Off-street parking lots, whether public or private, for more than five (5) vehicles shall be effectively screened by a fence, wall, or evergreen plant material and meet the following standards:

1. Shall be graded to insure proper drainage, surfaced with concrete or asphalt at least two inches thick installed on an approved based and maintained in good condition free of weeds, dust, trash and debris.

2. All lighting facilities shall be so arranged that the source of any light is concealed from public view and from adjacent residential properties and does not interfere with traffic.

3. Shall not be used for the sale, repair, dismantling or servicing or storing of any vehicle, equipment, materials or supplies.

4. Wherever a parking area containing more than three (3) spaces is located adjacent to any residential, PD or O-I zoning district use or principal or minor arterial street, at least the last ten (10) feet adjoining such district shall be street shall be maintained as a planted buffer that satisfies the requirements of Sec. 1206.

5. A landscape plan must be submitted to the City Manager and approved by the Architectural Review Board or Historic Preservation Commission, as appropriate, prior to issuance of a building permit for any parking lot. Installation of plant materials or other screening devices shall have been completed prior to issuance of a Certificate of Occupancy.

E. Off-street loading requirements. Off-street loading shall be established in accordance with all applicable provisions of this section.

1. Design standards. Where required, one (1) or more off-street loading spaces shall be provided on the same or adjoining premises with the facility it serves, either inside or outside a building. A loading space shall have a minimum dimension of 12 feet by 35 feet and 14 feet of overhead clearance. A loading space need not be a full berth but shall be sufficient to allow normal loading of a magnitude appropriate to the property served. The Building Official shall determine the sufficiency of loading space, but in no case shall this space or its use hinder the free movement of vehicles and pedestrians over a street, sidewalk, parking lot or alley.

2. Required spaces. The number of loading spaces required for a particular use shall be as follows:

USE	REQUIRED LOADING SPACES
Retail operations, including restaurant and dining facilities within hotels and office buildings, with a total usable floor area of 20,000 square feet or more devoted to these purposes.	1 loading space for every 25,000 square feet of floor area or fraction thereof; 1 loading space for every 20,000 square feet of floor area or fraction thereof.
Retail operations and all first floor nonresidential uses, with a gross floor area of less than 20,000 square feet, and all wholesales and light industrial operations with a gross floor area of less than 10, 000 square feet.	1 loading space.
Office buildings and hotels with total usable floor area of 100,000 square feet or more devoted to these purposes	1 loading space for every 100,000 square feet of floor area or fraction thereof.
Industrial and wholesale operations with a gross floor area of 10,000 square feet or more as follows:	
10,000 - 40,000 square feet	1
40,000 - 100,000 square feet	2
100,000 - 160,000 square feet	3
160,000 - 240,000 square feet	4
240,000 - 320,000 square feet	5
320,000 - 400,000 square feet	6
Each additional 90,000 sf above 400, 000 square feet	1

F. Parking, Storage, or Use of Boats and Recreational Vehicles. The parking, storing or use of any boat, boat trailer, bus, house trailer, mobile home, motor home, motorized home, pole trailer, semi-trailer, trailer, travel trailer, camper trailer, truck camper, pick-up coach or utility trailer, as defined in this ordinance, on any street, alley, highway, or other public place, or on any tract of land within the City, is prohibited except as provided in Section 1201.VI of this ordinance.

G. Parking and Storage of Certain Vehicles. No automotive vehicles or trailers of any kind or type without current license plates shall be parked or stored on any residentially zoned property other than in completely enclosed buildings.

Sec. 1205. **Drainage Requirements**

Each use shall meet the drainage and stormwater management requirements established in Section 14-40 of the DeKalb County Code of Ordinances, as amended.

Sec. 1206. **Buffers**

I. Purpose. Landscaped buffers are intended to mitigate potentially objectionable views from the public right-of-way and surrounding properties and such other adverse impacts as glare, noise and dust. Adequate landscaped buffers can reduce the transmission of noise, light and odors as well as yield aesthetic benefits.

Accordingly, buffer requirements, as set forth herein, are hereby established to ensure that property owners and the general public realize such benefits. Wherever the requirements of this Section conflict with any other buffer requirement of this Ordinance, then the more restrictive (i.e. greater buffer) requirement shall control.

II. Character of buffers. All buffers shall include of an appropriate mix of plant species that will yield an effective, evergreen screen throughout the year. Required buffers shall be designed such that, at maturity, fully 50 percent of the area of the buffer will be encompassed by tree canopy. One-half of this area, as measured in square feet, shall be comprised of evergreen species. These standards shall be demonstrated on the landscape plan submitted to the City. The buffer may be comprised of trees, shrubs, flowers, grasses and other ground covers, stone, rocks and other customary landscaping materials.

Wherever a parking area is established adjacent to a residential district, the entire buffer shall be encompassed by tree canopy or tree-form shrubs having a minimum height of eight (8) feet at maturity.

III. Location of buffers. Buffers required under this Ordinance or otherwise required shall be established adjacent to the exterior property line on the property upon which the buffer is required. A required buffer cannot be located on adjacent property or the public right-of-way. The following buffer standards are established for each district identified below:

R-24 and R-12
No buffer shall be required in these low density residential districts whether established on individual building lots, in a traditional subdivision or as part of a PD or mixed use development.

Multifamily Developments
A buffer having a minimum depth of 30 feet shall be maintained at the property line of a multifamily development, excluding portions abutting a public right-of-way. Wherever a property line of a multifamily development abuts any single family residential use or zoning district, a buffer having a minimum depth of 50 feet shall be provided. Where the property line of a multifamily development abuts a public right-of-way, a planted buffer having a minimum width of 10 feet shall be provided.

Planned Developments
A buffer having a minimum depth of 30 feet shall be maintained at the exterior subdivision property line of the planned development, excluding portions abutting a public right-of-way.

Wherever an exterior subdivision property line of a planned development abuts any single family residential use or zoning district, a buffer having a minimum depth of 50 feet shall be provided. Where the exterior subdivision property line of a planned development abuts a public right-of-way, a planted buffer having a minimum width of 10 feet shall be provided. The required buffer within a planned development shall be dedicated to and maintained as common area by the condominium board or homeowners' association in accordance with Section 1106 of this Ordinance.

O-I, NS, GC, LI and MD, CBD District Developments

A buffer having a minimum depth of 50 feet shall be established and maintained by the property owner between any nonresidential or multifamily use and any residential district. A planted buffer having a minimum width of 10 feet shall be provided along any public right-of-way. Upon a determination by the Building Official that the buffer alone will not provide adequate screening, a six-foot fence or wall may be required to supplement the buffer. However, no fence or wall may be installed in such a way that construction of the fence or wall would destroy existing vegetation that, in itself, provides visual screening between the nonresidential or multifamily use and the residential district. Such fencing shall be located on a minimum setback of 20 feet from the common property boundary to afford the residential use the benefit of landscaping.

The following table is intended for reference purposes, only. The text of the respective sections controls the exact buffer requirements.

Buffer Characteristics by Zoning District

District	*Buffer Width Abutting a Single Family Use*	*Buffer Width Abutting any Property Line*	*Buffer Width Abutting a Public Right-of-Way*
Single Family Dwellings	No buffer required	No buffer required	No buffer required
Multifamily Development	50 feet	30 feet	10 feet
Planned Development	50 feet	30 feet	10 feet
O-I, NS, GC, LI MD and CBD	50 feet	No buffer required abutting non-residential or multifamily use	10 feet

IV. Tree planting standards. All landscaped buffers shall contain a minimum of one canopy tree for each 250 square feet of landscaped area. All trees to be planted to fulfill the requirements of this section shall have a minimum caliper of four (4) inches as measured at the root collar. Understory species, though desirable, shall neither be required nor credited toward the tree standard. All non-residential development shall comply with the provisions of the City of Avondale Estates Tree Ordinance.

V. Shrubbery planting standards. Shrubs shall have a minimum height of six (6) feet at the time of planting. Suitable species shall be those that form a hardy screen, dense enough and capable of attaining heights sufficient to both interrupt vision and to diffuse the transmission of sound throughout the year.

VI. Use of existing plant material. The preservation of existing plant materials is encouraged in all required buffers. Such native materials may be supplemented by plantings within the buffer. However, no grading shall be permitted within such a natural buffer.

VII. Perpetual maintenance of buffers. Buffers required as a condition of zoning or site plan approval or otherwise required by this ordinance or state waters buffers shall be established and maintained by the property owner in perpetuity. Replacement plantings must be performed as needed to maintain the integrity of the buffer as originally approved and established. Buffers shall not be used for parking or a structure other than a fence or drainage improvements required by the City. However, a buffer may be used for vehicular access and utility easements, provided these structures are installed approximately perpendicular to the greater dimension of the buffer. Drainage improvements as may be required by DeKalb County and based upon competent engineering studies that demonstrate the necessity of these improvements may be installed in a buffer, upon approval of the Planning and Zoning Board, provided that the buffer is not diminished in width by more than 50 percent. Detention facilities shall not be located within a required buffer.

VIII. Rescission of "double buffer" exception. A buffer shall be established and maintained on the property assigned the requirement for providing a buffer regardless of the existence of a buffer on adjacent property.

IX. Buffer to be recorded on final plat. All buffers required as a condition of zoning or site plan approval or otherwise required by this ordinance and state waters buffers shall be designated on each final plat and recorded as a permanent buffer in the land records of DeKalb County, Georgia.

X. Buffer Reduction. Wherever a buffer requirement of this ordinance would result in undue hardship to the property owner, the property owner may petition the Board of Appeals to reduce the required width of said buffer in accordance with the variance standards and procedures set forth in Section 1610.

Any variance granted by the Board of Appeals to reduce the width of a required buffer shall be conditioned upon increased density of vegetation, installation of a wall or fence, berming, or some combination of such means to insure that the purpose of the required buffer as set forth in Section 1206.I is attained.

In no event shall any variance reduce the width of a buffer required by this Ordinance by more than fifty percent (50%).

Sec. 1207. **Dumpsters**

I. Dumpsters, trash compactors and storage tanks for non-edible wastes shall be screened from view from the public right-of-way and adjacent property on three sides using a masonry enclosure having a minimum height of eight (8) feet. The exterior finish of the enclosure shall be identical to the exterior finish of the principal building(s) on the site. For example, enclosures on sites on which the principal building(s) are brick veneer shall consist of concrete block with brick veneer of

identical color, size and installation as that of the principal building(s). In the event that any one side of the enclosure is not readily visible by reason of obstruction by existing or planned structures, for example, concrete block parged with a skim coat of concrete may be substituted for such exterior finishes as stone or brick.

II. The dumpster or compactor gate opening shall have a minimum width of 12 feet and the gate shall be comprised of opaque metal or wood. "Chain link" gates shall be prohibited. All dumpsters and compactors shall be equipped with lids. The pad of dumpster and compactor enclosures shall be concrete and all dumpster approaches shall also be concrete and have a minimum length of 10 feet. Dumpsters, compactors and storage tanks for non-edible wastes shall be located a minimum of 50 feet from any residential zoning district or use, and any arterial highway or collector street, but may otherwise be located within any required building setback.

Sec. 1208. **Loading areas**

Loading areas shall be screened from view from the public right-of-way and adjacent property using a masonry enclosure having a minimum height of eight (8) feet. The exterior finish of the enclosure shall be identical to the exterior finish of the principal building(s) on the site. For example, enclosures on sites on which the principal building(s) are brick veneer shall consist of concrete block with brick veneer of identical color, size and installation as that of the principal building(s). Loading areas shall be located a minimum of 50 feet from any residential zoning district or use, and any arterial highway or collector street, but may otherwise be located within any required building setback.

Article 13. RESIDENTIAL SCALE AND SETBACK GUIDELINES

Sec. 1301. **Purpose**

The City of Avondale Estates seeks to preserve the character and traditional development patterns of this historic community. In addition to the architectural features controlled by Article 15, the character of a neighborhood is also is derived from building scale and building siting. In the City of Avondale Estates, specific patterns of residential development have developed. This Article is established to regulate each of these parameters to ensure that the integrity of the City's established neighborhoods is preserved and to protect real estate values.

Sec. 1302. **Applicability**

These standards shall apply to construction of new dwellings, moving of a structure onto a lot, and additions or alterations to dwellings and accessory structures on a lot within any single family detached residential area of the City, including properties zoned R-12, R-24, PD, MD and CBD. However, these standards shall not apply to properties located inside the Avondale Estates Historic District.

Sec. 1303. **Building Scale**

The scale of new construction should be compatible with that of neighboring structures. Such compatibility can be achieved through controls on floor area, building height and setback requirements.

I. Maximum Floor Area. Maximum floor area of development regulated by this Ordinance shall not exceed the 200 percent of the minimum floor area of the zoning district in which the lot is located, or 200 percent of the average floor area of single family detached dwellings along both frontages of the block within 500 feet of the lot being developed, whichever is greater. Unfinished space in excess of 25 percent of the proposed finished floor area shall be considered in the calculation of floor area.

II. Maximum Structure Height. The maximum height of any new structure or addition to an existing structure shall be thirty-five (35) feet. Chimneys, flues, vents, pipes, antennae and other small projections shall be exempt from this provision, provided that no such installation shall project more than ten (10) feet above the highest ridgeline of the dwelling. Building height shall be the vertical distance from the average, unaltered natural grade to the highest ridgeline of the dwelling. Such grade shall be established prior to any site disturbance, measured at the front corners of the dwelling at a point directly adjacent to the building foundation.

Sec. 1304. **Building Setbacks**

Building setbacks shall be as established in the respective zoning district, provided that where the setbacks of developed single family properties are different from that required by the zoning district in which a lot proposed for development is located, the building setback shall be determined by the established pattern of development as prescribed by the following terms:

I. Minimum Front Yard Setback. The front yard setback for building lots that adjoin lots having frontage on the same street and are developed as single family detached dwellings shall be the average of the front yard setbacks on the two, adjacent developed lots and shall not to be less than twenty (20) feet as measured from the front property boundary.

II. Maximum Front Yard Setback. The front yard setback for a lot adjoined on either side by lots having frontage on the same street, which are developed as single family detached dwellings, shall in no event be greater than the average actual front yard setback of the adjacent lots.

III. Rear Yard Setback. The rear yard setback for building lots that adjoin lots having frontage on the same street and are developed as single family detached dwellings shall be the average of the rear yard setbacks on the two, adjacent developed lots and shall not to be less than twenty (20) feet as measured from the rear property boundary.

IV. Side Yard Setback. The minimum side yard, not to be less than five (5) feet as measured from the side property boundary, shall be the calculated average of the side yard on lots developed as single family detached dwellings situated within the same block and having frontage on the same block face or such dwellings on the same street within a distance of 500 feet, whichever is less. For

corner lots, the minimum side yard along the right-of-way shall be one-half the front yard setback of the zoning district or the calculated average of the side yard setback on developed lots having frontage on that intersection, whichever is less. The side yard of a corner lot shall be along the street frontage having the greatest dimension.

Article 14. ADMINISTRATION, APPEAL, COMPLAINTS AND REMEDIES

Sec. 1401. **Conditional Uses**

Conditional uses, as listed both in Article 9 and throughout this Ordinance, are declared to possess characteristics that require certain controls in order to insure compatibility with other uses in the District within which they are proposed for location. No conditional use shall be constructed, erected, enlarged, performed, or otherwise undertaken without first obtaining a conditional use permit.

The Board of Mayor and Commissioners shall hear applications for conditional use permits. The Board of Mayor and Commissioners may choose to require applicants to submit conceptual review packages to the Historic Preservation Commission or the Architectural Review Board, as appropriate, for the purpose of soliciting conceptual review comments for consideration by the BOMC prior to their rendering a decision. The Board of Mayor and Commissioners shall issue a conditional use permit to an applicant upon a finding that the proposed conditional use would generally be in the public interest.

I. In considering whether a proposed conditional use is in the public interest, the Board of Mayor and Commissioners may consider the following, among other relevant factors:

   A. Whether the conditional use would be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;

   B. Whether the proposed conditional use would increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties;

   C. Whether the establishment of the conditional use would impede the normal and orderly development of surrounding property for uses predominant in the area; and

   D. Whether the location and character of the proposed conditional use would be consistent with a desirable pattern of development for the locality in general.

II. Conditional Use Administration and Duration. Application for permission to build, erect or locate a conditional use shall be submitted and processed in accordance with the regulations set forth in this section, prior to the issuance of any permits.

III. Temporary Uses. The Building Official is authorized to issue a Temporary Certificate of Zoning Compliance for temporary uses, as follows:

A. Religious meeting in a tent or other temporary structure in OI and GC districts, for a period not to exceed seven (7) days;

B. Open lot sale of Christmas trees, fruit and vegetables, and other harvested products in the NS, GC, CBD zones for a period not to exceed twenty-five (25) days;

C. Real estate sales office, in a nonresidential district for a period not to exceed one (1) year, provided no sleeping accommodations are maintained in the structure.

D. Contractor's office and equipment sheds, in any non-residential district for a period on one (1) year, provided that such office be placed on the property to which it is appurtenant; and

E. All Temporary Certificates of Zoning Compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no increased traffic congestion and will not create a nuisance to surrounding uses.

Sec. 1402. **Application for Permits**

All applications for building permits and temporary certificates of zoning compliance shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, it any; location of all trees having a diameter of eight (8) inches or greater measured at four and one half feet above the adjacent grade; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance. Applications shall also comply with all submittal requirements of the City of Avondale Estates Building Code.

The Building Official shall return one copy of the plan to the applicant after he shall have marked such copy either as approved or denied and attested to same by his signature on such copy. The original copy of the plans, similarly marked, shall be retained by the Building Official.

Sec. 1403. **Building Permits Required**

No building or other structure shall be erected, moved, added to or structurally altered prior to issuance of a building permit by the Building Official. No building permit shall be issued by the Building Official except in conformity with the provisions of this Ordinance, unless a variance has been approved by the Board of Appeals as provided by this Ordinance.

Sec. 1404. **Certificate of Occupancy**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of a structure until a Certificate of Occupancy shall have been issued therefore by the Building Official. Such

C.O. shall state that the proposed use of the building or land conforms to the requirements of this Ordinance and other Codes and Ordinances adopted by the City.

Sec. 1405. **Enforcement of Zoning Ordinance**

It shall be the duty of the duly appointed Building Official or the Manager to administer and enforce the provisions of this Ordinance.

Should the Building Official find that any provision of this Ordinance is being violated, he shall notify the person responsible for such violations in writing, indicating the nature of the violation and ordering the appropriate corrective action. The Building Official shall order discontinuance of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Sec. 1406. **Expiration of Building Permit**

If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Building Official, and written notice thereof shall be given to the persons affected.

Sec. 1407. **Complaints Regarding Violations**

Whenever any citizen of the City believes that a violation of this Ordinance is ongoing, such person may lodge a written complaint with the Building Official describing the property and the alleged violation. It shall be the duty of the Building Official to investigate such complaints and to either issue a citation if he determines that a violation of the Ordinance is ongoing or, in the alternative, to make a written record of his conclusion that the property is not in violation of the Ordinance as alleged.

Sec. 1408. **Penalties for Violation**

Any person violating any provision of this Ordinance may be prosecuted in municipal court and, upon conviction, may be fined not less than one hundred dollars ($100), but no more than five hundred dollars ($500) for each offense. Each day such violation continues shall constitute a separate offense.

Sec. 1409. **Appeal from the Decision of the Building Official**

It is the intention of this Ordinance that all questions arising in connection with the enforcement of the Ordinance shall be presented first to the Building Official and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Building Official.

Article 15. ARCHITECTURAL REVIEW BOARD

Sec. 1501. **Purpose**

The Avondale Estates Architectural Review Board is charged with regulating the design and construction on all properties, outside the historic district except parcels zoned R-12 (Low Density Single Family Detached Residential and R-24 (Very Low Density Single Family Detached Residential), as shown on the Official Zoning Map. The goal of this regulation is to ensure that construction in these areas respects and is compatible with the traditional architecture of adjacent properties and the overall area, in terms of both scale and style.

Sec. 1502. **Creation**

There is hereby created a board the title of which shall be "Avondale Estates Architectural Review Board" hereinafter referred to as "Architectural Review Board" or "ARB."

Sec. 1503. **Position within the City**

The Architectural Review Board shall be part of the planning function of the City.

Sec. 1504. **Members; compensation**

I. The membership of the ARB shall consist of the members of the Avondale Estates Historic Preservation Commission.

II. Members shall not receive a salary, although they may be reimbursed for expenses at the discretion of the City Manager.

Sec. 1505. **Powers generally**

The Architectural Review Board shall be authorized to:

(1) Review applications for certificates of approval, and grant or deny same in accordance with the provisions of this zoning ordinance;
(2) Seek expert advice outside its membership to assist with the review of applications for certificates of approval;
(3) Recommend to the governing body zoning amendments or other regulatory changes that further the goals of this article;
(4) Adopt specific standards and criteria with respect to residential and commercial properties that are consistent with this zoning ordinance and to amend such standards and criteria without the necessity of any amendment to this ordinance. However, no standard or substantial amendment thereto shall be effective unless first approved by resolution of the Board of Mayor and Commissioners; and
(5) Hear appeals regarding signs pursuant to City Code Sec. 5-381(c).

Sec. 1506. **Adoption of rules, procedures and standards; meetings**

I. The Architectural Review Board shall adopt rules, procedures and standards for the transaction of its business and for consideration of applications for certificates of approval, such as bylaws, removal of membership provisions, and design criteria consistent with the requirements of this article. The ARB shall have the flexibility to adopt and amend its rules, procedures and standards without amendment to this article. Such rules and standards shall be published and available to the public. The ARB shall be entitled to rely upon its design criteria when assessing applications for certificates of approval.

II. The ARB shall provide for the time and place of regular meetings and a method for the calling of special meetings. Such meetings shall be open to the public. The ARB shall select a chair and a vice-chair from among its members. A quorum shall consist of a majority of the members of the entire Architectural Review Board.

III. Should a member fail to attend three (3) consecutive meetings, the ARB Secretary, with the concurrence of a majority of the entire ARB, shall inform the Board of Mayor and Commissioners which may then rule that a vacancy be declared and that a new appointment be made to the vacated position.

Sec. 1507. **Secretary**

The City Clerk or other designated City staff shall be the secretary of the Architectural Review Board.

Sec. 1508. **Records of meetings**

The secretary of the Architectural Review Board shall maintain a public record of all applications for certificate of approval as well as all resolutions, decisions, and other formal actions of the ARB.

Sec. 1509. **Conflicts of interest**

No member of the Architectural Review Board shall take part in the hearing, consideration, or determination of any case in which such member has ownership or other vested interest other than answering a direct question.

Sec. 1510. **Certificate of Approval required**

Except for property and work exempted by Section 1511 of this ordinance, none of the following activities shall be undertaken or permitted to be undertaken within the City unless or until a certificate of approval for such activity has been approved by the Architectural Review Board:

a) Construction or demolition of any building, be it commercial, educational, industrial, mixed-use, multi-family or detached single family dwelling or accessory structure;

b) Construction of a building addition to a principal detached building or dwelling that will increase or decrease the building floor area by more than ten (10) percent;
c) Performance of exterior renovation to a detached building or dwelling that affects more than ten (10) percent of the existing building floor area; or
d) Performance of any exterior renovation (other than signage) that is visible from the public right-of-way or affects the major façade of an existing building or dwelling.

Sec. 1511. **Exemptions**

A certificate of approval from the ARB shall not be required for any of the following:

I. Property designated as a local historic property, within a historic district or zoned R-12 or R-24;

II. Work to be performed by the Georgia Department of Transportation or any contractors performing work funded by the Georgia Department of Transportation;

III. Work to be performed by the City of Avondale Estates or DeKalb County, provided that the City and county shall notify the ARB forty-five (45) days prior to beginning an undertaking that would otherwise require a certificate of approval and allow the design review board an opportunity to comment;

IV. Changes to interior arrangement or uses having no effect on exterior architectural features;

V. Maintenance and safety improvements which replace, but do not otherwise change, exterior features of a structure.

Sec. 1512. **Submission of plans to Architectural Review Board**

An application for a certificate of approval shall be accompanied by drawings, photographs, plans or other documentation so as to clearly reflect the nature of the proposal and its impact on adjacent properties. The ARB shall adopt specific submittal requirements indicating what materials are required for its consideration of applications for certificate of approval and shall make such requirements available to applicants and the public. Applicants for commercial properties one (1) acre or larger or those combining two or more parcels must attend a preliminary meeting with the City Manager prior to submitting applications to the ARB.

Sec. 1513. **Notice and hearings**

I. An applicant seeking a certificate of approval from the ARB shall continuously display a sign, which shall be provided by the ARB, at the right of way line of the subject property for ten (10) days immediately prior to review of such application for a certificate of approval. Such sign shall provide notice of the application and the time, date, and place wherein it will be considered by the ARB.

II. The ARB shall hold a public hearing concerning all applications considered by the board. Notice shall be given once in the City's official newspaper organ a minimum of seven (7) days prior to such a public hearing.

III. The applicant for certificate of approval and any City of Avondale Estates resident or property owner shall be entitled to speak at the public hearing wherein the application is considered by the ARB in accordance with its rules of procedure.

Sec. 1514. **Review criteria for certificates of approval**

1) *Residential properties*.

The Architectural Review Board shall approve an application and issue a certificate of approval for residential property, excluding parcels zoned R-12 or R-24, if it finds that the proposed new construction or addition or demolition to an existing structure would not have a substantial adverse effect on the aesthetic or architectural significance and value of the property or other properties in the neighborhood. In making this determination, the ARB shall consider, in addition to any other pertinent factors, (1) building scale; (2) building façade materials; (3) architectural style; (4) general design and arrangement of the architectural features involved; and (5) the relationship thereof to the exterior architectural style and pertinent features of other structures in the neighborhood. The ARB shall not consider the proposed paint color of a structure or the presence or absence of any type of plant material on the property for those properties not subject to the landscape provisions of this ordinance.

2) Commercial Properties and all other Non–residential Properties.

The ARB shall approve an application and issue a certificate of approval for commercial, educational, industrial, mixed-use or other non-residential property if it finds that the proposed new construction, addition to or demolition of an existing structure or other change in appearance would be consistent with the aesthetic and architectural urban fabric of the area. In making this determination, the ARB shall consider, in addition to any other pertinent factors, (1) building scale; (2) building façade materials; (3) architectural style; (4) general design and arrangement of the architectural features involved; and (5) the relationship thereof to the exterior architectural style and pertinent features of other structures in the neighborhood. The ARB shall not consider the proposed paint color of a structure, but shall review the presence or absence of pertinent site, hardscape, and landscaping plant material on the property as required by the appropriate zoning and/or development agreement.

Sec. 1515. **Denial of Application**

The Architectural Review Board shall deny any application for certificate of approval that does not meet the applicable standards of Sec. 1514. Whenever the ARB denies an application for certificate of approval, it shall set forth its findings and reasons for such denial in writing and provide a copy of such findings and reasons therefore to the applicant. The ARB may suggest alternative solutions to the applicant if it deems such action to be proper.

Sec. 1516. **Deadline for consideration of application for certificate of approval**

I. The Architectural Review Board shall approve, reject, or defer to a date certain (which shall be no later than the next regular meeting of the ARB) an application for a certificate of approval within sixty (60) days after the filing thereof by an applicant.

II. Failure of the ARB to take one of the actions described in part (a) of this section within the sixty (60) day period shall constitute approval and no other evidence of approval shall be needed.

Sec. 1517. **Re-application for certificate of approval**

If the Architectural Review Board denies an application, pursuant to Section 1515 of this article, the applicant may make modifications to the plans and may resubmit the application at any time after so doing.

Sec. 1518. **Notification to Building Official; issuance of building permit authorization**

For properties which this zoning ordinance requires a certificate of approval from the ARB, no building permit authorization shall be issued by the Building Official or other administrative officer charged with issuing building permit authorization unless a certificate of approval has first been obtained from the ARB.

Sec. 1519. **Conformance with certificate of approval**

I. All work performed pursuant to a certificate of approval issued shall conform to the requirements of such certificate. If the work is not performed in accordance with such certificate, the Building Official shall issue a “stop work” order and all work shall cease. Any work not in compliance with the certificate of approval shall be removed.

II. The Building Official shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any construction not in compliance with the certificate of approval or to prevent any illegal act or conduct with respect to such property.

Sec. 1520. **Expiration of certificate of approval**

A certificate of approval (in combination with the satisfaction of all other applicable requirements) may be used to obtain a building permit for the subject property at any time within twelve (12) months from the date of issuance of such certificate. Once a building permit has been issued with reference to a certificate of approval pursuant to this section, such certificate shall remain in effect for so long as such building permit remains in effect.

Sec. 1521. **Work to comply with certificate of approval**

Whenever work is performed pursuant to a certificate of approval issued under this article, the Building Official shall inspect such work upon completion. The Building Official shall not authorize a certificate of

occupancy for any structure subject to a certificate of approval under this article unless his inspection confirms that all work performed is compliance with the relevant certificate of approval.

Sec. 1522. **Appeals**

I. Upon payment of a one hundred dollar ($100.00) fee, any person adversely affected by any determination made by the Architectural Review Board relative to the issuance or denial of a certificate of approval may appeal such determination to the Board of Mayor and Commissioners. Such appeal shall be based upon the existing record and no additional evidence shall be taken. This existing record shall be the only evidence used for the purpose of determining whether the ARB abused its discretion.

II. Any such appeal must be filed in writing with the City Clerk within fifteen (15) days after the granting or denial of a certificate of approval by the ARB and shall specifically set forth the decision(s) of the ARB which is alleged to constitute an abuse of discretion and the grounds upon which an abuse of discretion is alleged.

III. The Board of Mayor and Commissioners shall consider appeals from decisions of the ARB at its regular meeting held during each of the following months: February, May, August, and November. An appeal filed in compliance with parts (a) and (b) of this section will be considered at the next such meeting of the Board of Mayor and Commissioners, so long as such appeal is submitted a minimum of fifteen (15) days prior to such meeting.

IV. Upon consideration of the record sent up from the ARB, the Board of Mayor and Commissioners may approve, modify and approve, defer the appeal to a date certain, or reject the determination made by the Architectural Review Board should the Board of Mayor and Commissioners find that the Architectural Review Board abused its discretion in reaching its decision.

V. Appeals from decisions of the Board of Mayor and Commissioners made pursuant to this section may be taken by Writ of Certiorari to the Superior Court of DeKalb County by filing a petition with the Clerk of Superior Court of DeKalb County. This petition shall be in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 calendar days of the decision of the Board of Mayor and Commissioners.

Article 16. BOARD OF APPEALS

Sec. 1601. **Establishment of the Board of Appeals**

A Board of Appeals is hereby established. Said Board shall consist of five members, who shall be residents of the City of Avondale Estates. The members shall be appointed by the Board of Mayor and Commissioners for overlapping terms of three (3) years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

Sec. 1602. **Proceedings of the Board of Appeals**

The Board of Appeals shall elect a chairman and vice-chairman from its members who shall serve for one (1) year or until re-elected or until their successors are elected. Hearings convened by the Board of Appeals shall be at the call of the chairman and at such other times as the Board of Appeals may determine. .

Sec. 1603. **Adoption of rules and standards; hearings**

I. The Board of Appeals shall adopt rules and standards for the transaction of its business and for consideration of variances and appeals, such as bylaws, removal of membership provisions, and hearing procedures. The Board of Appeals shall have the flexibility to adopt rules and standards without amendment of this article. Such rules and standards shall be published and available to the public.

II. The Board of Appeals shall provide for the time and place of hearings and a method for the calling of special hearings. Such hearings shall be open to the public. The Board of Appeals shall select a chair and a vice-chair from among its members. A quorum shall consist of a majority of the members of the entire Board.

III. Should a member fail to attend three (3) consecutive hearings, the Board of Appeals Secretary, with the concurrence of a majority of the entire Board of Appeals, shall inform the Board of Mayor and Commissioners which may then rule that a vacancy be declared and that a new appointment be made to the vacated position.

Sec. 1604. **Secretary**

The City Clerk or other designated City staff shall be the secretary of the Board of Appeals.

Sec. 1605. **Records of hearings**

The secretary of the Board of Appeals shall maintain a public record of all resolutions and formal actions of the Board of Appeals.

Sec. 1606. **Reserved**

Sec. 1607. **Decision of the Board of Appeals**

The concurring vote of three (3) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Official or other City official, or to decide in favor of the appellant on any matter upon which it is required to pass under this Ordinance or to affect any variation of this Ordinance. The Board shall keep minutes of its proceedings, showing the vote of each member upon question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and

other official actions, all of which shall be immediately filed in the office of the City Clerk. The Board shall inform all the parties involved of its decision in writing and the reason therefore.

Sec. 1608. **Appeals, Hearings and Notice**

Appeals may be taken to and before the Board of Appeals by any officer, department, board or arm of the City and also by any person or persons having a substantial interest in any administrative decision of the Building Official or other City official pursuant to the enforcement of this ordinance. For the purposes of this Article, substantial interest shall be defined as ownership or a contractual interest in the property for which the appeal is proposed, or a contract to purchase or option to purchase an interest in the property or being a landowner within 300 feet of any property line of the property in question. Such an appeal may also be brought by the authorized agent of any person having a substantial interest as defined in this Section. No party shall initiate an appeal regarding the same decision more than once in any twelve (12) month period. However, a property owner may, with the consent of the Board of Appeals, voluntarily withdraw an appeal once prior to the time the appeal is acted upon by the Board of Appeals. Such withdrawn appeal shall not be deemed to be an initiation of an appeal with respect to the decision appealed.

A notice of appeal shall be filed in writing with the Board of Appeals within a reasonable time, but in no event more than 30 days from the date of receipt of the written decision of the Building Official from which the appeal is made. Such written appeal shall set forth the decision of the official which is being appealed and specify the grounds thereof. The Building Official shall promptly transmit to the Board all papers constituting the record of the action appealed from.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the City official from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application and due cause shown.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matters referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear at the hearing either in person or by agent or attorney.

Sec. 1609. **Powers and Duties of the Board of Appeals**

I. The Board of Appeals shall have the following powers and it shall be its duty:

A. To hear and decide appeals where it is alleged by an appellant that there is an error in any order, requirement, decision or determination made by the Building Official in the enforcement of this ordinance.

B. To authorize, upon appeal in specific cases, such variances from the terms of this ordinance as will not be contrary to public interest consistent with the terms of Section 1610 herein.

C. To condition the grant of a variance pursuant to Section 1610 upon the performance or forbearance of any condition, which the Board of Appeals deems to be necessary for preservation of the public interest in light of the variance, granted.

II. In exercising the above powers, the Board of Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end, shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit; however, in no event shall be relief be granted in excess of that necessary to achieve minimum use of the property.

III. Expiration of permits. Unless otherwise specified by the board, any official interpretation, order or decision of the board authorizing an action, granting an exception or granting a variance shall expire if a building permit or certificate of occupancy for such use or if any other action proposed in the application and acted on by the Board is not obtained and action related thereto indicated by the appellant within six (6) months from the date of the Board's decision.

Sec. 1610. **Variance**

I. The Board of Appeals shall have the power to authorize such variances from the terms of this ordinance as will not be contrary to public interest where the appellant establishes to the satisfaction of the Board of Appeals that literal enforcement of the terms of this ordinance would result in great practical difficulties or undue hardship as defined in Article 5. Such variances may be granted in individual cases of great practical difficulty or undue hardship only upon a specific finding by the Board of Appeals that each of the following conditions exist:

A. There are extraordinary and exceptional conditions pertaining to the lot because of its size, shape or topography, or to preserve a mature tree or trees having a minimum diameter of eight (8) inches as measured at four and one-half feet above finished grade that would be lost by strict application of the yard setbacks. When application for variance is based upon the desire to preserve such mature tree(s), a variance may only be granted upon a written finding by the Building Official certifying to the Board of Appeals that such tree(s) will be lost either by necessary removal for construction or as a consequence of adjacent construction adversely impacting the survival of the tree by damage to the root system or canopy;

B. Application of the Ordinance to the lot would create an unnecessary hardship;

C. Such conditions are peculiar to the lot involved;

D. The hardship complained of was not created by the actions of the appellant;

E. The variance sought would not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege; and

F. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance.

II. The Board of Appeals shall not have the authority to grant a variance which would allow for a use of land or a building or structure that is prohibited in a given district by this Ordinance.

III. The Board of Appeals shall have the authority to place conditions upon the granting of a variance when it deems such conditions to be in the public interest. Any such conditions shall be recorded with the grant of variance. Noncompliance with a condition of variance shall be deemed to invalidate the variance.

IV. The Board of Zoning Appeals shall not have the authority to grant any variance that would reduce any required lot dimension or size.

Sec. 1611. **Appeals from Decisions of Board of Appeals**

An individual aggrieved by a decision of the Board of Appeals, or any officer, board or bureau of the City of Avondale Estates, may appeal a decision of the Board of Appeals to the Superior Court of DeKalb County by filing a Writ of Certiorari with the Clerk of Superior Court of DeKalb County. This petition shall be in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 calendar days of the decision of the Board of Appeals.

Sec. 1612. **Successive Applications**

An application for a variance affecting all or a portion of the same property, which was denied by the Board of Appeals, shall not be submitted more than once every twelve (12) months measured from the date of final decision by the Board of Appeals. The Board of Appeals may reduce this time period by majority vote, but in no event shall a successive variance application regarding the same property be heard within six (6) months of a denial.

Article 17. AMENDMENTS

Sec. 1701. **Authority**

This Ordinance, including the Official Zoning Map, may be amended from time to time by the Board of Mayor and Commissioners as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning and Zoning Board for review and recommendation. The Planning and Zoning Board shall have 60 days within which to submit its report. In the event no report is recorded, the Board of Mayor and Commissioners shall proceed.

Sec. 1702. **Requirements for Change**

When the public necessity, convenience, general welfare, or good zoning practice justify such action, and after the required review and report by the Planning and Zoning Board, the Board of Mayor and Commissioners may undertake the necessary steps to amend the Zoning Ordinance.

Sec. 1703. **Procedure for Amendments**

Request to amend the Zoning Ordinance shall be processed in accordance with the following requirements:

I. Initiation of Amendments. A proposed amendment to the text of the Zoning Ordinance may be initiated by the Board of Mayor and Commissioners, the Planning and Zoning Board or by application filed with the City Manager by any resident of Avondale Estates. An application for a Zoning Map amendment, that is, a property rezoning may only be made by the owner of the property proposed for rezoning or his authorized agent. Such application shall be filed with the City Manager. The Board of Mayor and Commissioners may also submit an application for a Zoning Map amendment at their sole initiative. An application for a map amendment relating to the same parcel or parcels of property, or any part thereof, shall not be submitted more than once every twelve (12) months. This 12-month interval shall not apply to applications submitted by the Board of Mayor and Commissioners or the Planning and Zoning Board.

II. Application for Amendments. Each application to amend this Ordinance shall be filed with the City Manager. Applications shall be submitted in compliance with the following:

A. Text amendment applications shall include the following:

1. Names and address of applicant;

2. Current provisions of text to be affected by amendment;

3. Proposed wording of text change; and

4. Reason for amendment request.

B. Map amendment applications shall include the following:

1. Two (2) copies of a legal description of the tract(s) proposed to be rezoned.

2. Three (3) copies of a plat, drawn to scale, showing north arrow, land lot and district, the dimensions, acreage and location of the tract(s) prepared by a land surveyor whose state registration is current and valid. The land surveyor's seal shall be affixed to the plat.

3. The present and proposed zoning classification for the tract(s).

4. Existing structures; and

5. The names and addressed of the owners of the land and their agents, it any.

NOTE: The applicant may submit site plans, renderings and other exhibits purporting to depict development and use of property should a map amendment be approved. These commitments should only be as detailed or restrictive as the applicant is willing to accept as conditionally binding upon development and use of said property.

C. Properties affected by map amendment applications shall be of a sufficient size and shape to meet the minimum development standards of the district that the application is made.

D. An application shall not be withdrawn by the applicant after the legal advertising as required by this article shall have first appeared.

E. All applications shall be maintained by the City Clerk as public record.

Sec. 1704. **Standards of review for map amendments**

I. In ruling on any application for a zoning map amendment, the Board of Mayor and Commissioners shall act in the best interest of the public health, safety, morals and general welfare. In so doing, the Board of Mayor and Commissioners shall consider one or more of the following factors as may be relevant to the application; such consideration may be based on reports prepared by the City or its agents:

A. Relationship to the established land use pattern. The City shall assess the use and development of surrounding properties that tend to define the context of the property proposed for rezoning and determine whether the proposal is consistent with this context.

B. Compatibility with the Comprehensive Plan; timing of development. The City shall determine whether the proposal is compatible with the City of Avondale Estates Comprehensive Plan, including land uses indicated on the future land use map. The City shall also assess, based on the adopted comprehensive plan, whether the proposal would encourage uses or development compatible with the timing of development anticipated in such policy guides as the community facilities and services element and Short Term Work Program.

C. Suitability of the zoning proposal. The City shall determine whether the proposed zoning will permit a use of the property that is suitable in view of the zoning and use of adjacent and nearby property.

D. Impact on public facilities and services; referrals to other agencies. The City shall consider the availability of public facilities and services such as schools, water or sewer utilities, and police or fire protection, including those provided by other public agencies or authorities, and the impact of the proposal on demand for those public facilities and services.

E. Impact on public financial resources. The City shall assess the budgetary impact of the zoning proposal on the City and other public agencies or authorities in delivery, enhancement, expansion or maintenance of public utilities, schools, streets and other public services.

F. Availability of other land suitable for the proposed use; effect on balance of land uses. The City shall consider the availability of other appropriate land already zoned for the proposed use, generally, and the availability of such land near the property proposed for rezoning.

G. Impact on neighborhood character. The City shall consider whether the proposal is consistent with the architectural style, density, scale and dwelling type prevalent in the surrounding neighborhood. The City shall also assess potential impacts of uses that would be permitted under the proposed zoning on the neighborhood, particularly any substantial adverse impacts on neighborhood quality or stability, or of any tendency of those uses to cause blight or depreciation.

H. Opportunity for economic use of property. The City shall consider whether the property has a reasonable economic use as currently zoned and determine whether substantial factors are present that prevent economic use of the property in accordance with existing regulations.

I. Effect on adjacent property. The City shall consider whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

J. Impact on surrounding property values. The City shall determine whether the zoning proposal will be a deterrent to the value or improvement of adjacent property in accordance with existing regulations.

K. Circumstances peculiar to the context. The City shall assess conditions or trends affecting the use and development of the property which may not be anticipated by the comprehensive plan or accounted for in the existing zoning of the property and determine whether such factors as may be present support approval or denial of the zoning proposal.

L. Impact on the public interest. The City shall judge whether the proposal reflects a reasonable balance between the promotion of the public health, safety, morality or general welfare and the right of individuals to unrestricted use of property.

M. Environmental impact. The City shall consider the possible impacts of the proposal on the environment, including, but not limited to, storm drainage, soil erosion and sedimentation, flooding, air quality, loss of natural areas and habitat and water quality and quantity.

II. The Board of Mayor and Commissioners shall also consider the following general lines of inquiry in assessing the appropriateness of a rezoning proposal:

A. Existing uses and zoning of the subject and nearby property;

B. Extent to which property values are diminished by the particular zoning restrictions;

C. Extent to which the destruction of property values, if any, promotes the health, safety, morals or general welfare of the public;

D. Relative gain to the public, as compared to the hardship, if any, imposed on the individual property owner;

E. Suitability of subject property for zoned purposes; and

F. Length of time the property, if vacant, has been vacant as zoned, considered in the context of land development in the areas and the vicinity of the property.

Sec. 1705. **Standards of review for text amendments**

The text of this chapter may be amended from time to time in whole or in part by the Board of Mayor and Commissioners under the provisions of this Article 17. Such an amendment may be proposed when public necessity, general welfare or sound zoning practice justify such action by the Board of Mayor and Commissioners. In ruling on any application for a text amendment, the Board of Mayor and Commissioners shall act in the best interest of the public health, safety, morals and general welfare. In so doing, the Commission shall consider one or more of the following factors as may be relevant to the application; such consideration may be based on reports prepared by the City or its agents:

I. Relationship to the purposes of the ordinance. The City shall determine whether the proposed amendment is consistent with the purpose and intent of this Ordinance as stated in Article 3.

II. Relationship to the comprehensive plan. The City shall determine whether the proposal is compatible with the City of Avondale Estates Comprehensive Plan.

III. Impact of trends and changing conditions. The City shall assess the necessity of the proposed amendment in addressing new trends or changing conditions essential to implementation of the comprehensive plan.

IV. Impact on the public interest. The City shall determine whether the proposed amendment reasonably promotes the public health, safety, morality and general welfare.

Sec. 1706. **Conditional Zoning**

I. Each general zoning district established in Article 6 shall have a classification therein known as "conditional" for that classification.

II. All zoning districts as shown on the official zoning map with a suffix "C" after the district designation, for example, NS-C, denote that the property is zoned "conditional" under previous ordinance amendments by the Board of Mayor and Commissioners. Such conditions shall remain in effect, and copies of such conditional ordinances may be obtained from the City Clerk.

III. Except as specifically modified by this section, an application for conditional zoning shall be treated as an amendment and shall be subject to the requirements and procedures of Article 17.

IV. Applicants may apply for conditional zoning by recording such conditional zoning on the application. The conditional zoning application may be based on written conditions contained in the application or on a site plan. All applications for conditional zoning shall be accompanied by survey of the property drawn to scale showing the tract boundaries prepared by a registered land surveyor or registered professional engineer. Each conditional zoning application shall specify the use or uses proposed for each structure to be located on the property. All applications for conditional zoning supported by a site plan shall in addition to the requirements cited above also contain site plans indicating the following information:

A. Location and size of proposed structures, including number of stories and total floor area.

B. Location and size of parking areas, including loading spaces with proposed access, and

C. Specific types and dimensions of any walls, fences, planted buffers or visual screens.

V. Plans shall be prepared by or under the supervision of a registered architect, landscape architect, or planner holding the designation of member of the American Institute of Certified Planners, competent in the preparation of detailed and accurate plans. Said plans shall be drawn to scale and shall contain the signature, seal and/or state registration number of the professional by whom or under whose supervision the plan was prepared. Site plans shall contain the following certification: "I hereby certify that I am familiar with the Zoning Ordinance of the City of Avondale Estates, as amended. I further certify that to the best of my knowledge and ability, these plans are accurate and comply with the district and general regulations of the Zoning Ordinance of the City of Avondale Estates."

VI. The Planning and Zoning Board, following the required public hearing, may recommend approval of the conditional application as submitted, denial of the application, or a change in the conditions, as deemed appropriate.

When an applicant seeks a building permit for property that has been conditionally zoned, the Building Official, in consultation with a qualified professional, shall review the final building and site plans to determine if they conform to the approved site plan and/or conditions adopted by the BOMC. No building permit shall issue for conditionally zoned property unless the submitted plans conform in all respects to the terms, standards or requirements of the conditional zoning.

VII. If for any reason, development and use of property approved in accordance with the procedure outlined above cannot be accomplished, the plans shall not be altered, revised or varied, except following approval by the BOMC.

Sec. 1707. **Board of Mayor and Commissioners Public Hearing**

Before taking action on a proposed amendment and after receipt of the Planning and Zoning Board's recommendations and reports thereon, the Board of Mayor and Commissioners shall hold a public hearing on the proposal. The Board of Mayor and Commissions may approve, deny or defer an application at the public hearing. An action to defer shall include justification for such action and a specific meeting date to which the application is deferred. The Board of Mayor and Commissioners may, by majority vote of all members, allow an application to be withdrawn without prejudice with respect to the 12-month limitation of this section. The Board of Mayor and Commissioners may amend an application prior to acting thereon. Such amendment may reduce the land area for which the application is made, change the district requested and add or delete conditions of rezoning so that the purpose of this chapter will be served, health, public safety and general welfare secured.

Sec. 1708. **Public Notification**

I. Legal Notice. Due notice of public hearings shall be published in the newspaper of general circulation within the City in which are carried the legal advertisements of the City by advertising the application and date, time and place of the public hearing once a week for two (2) weeks prior to the first public hearing.

II. Signs Posted. The City Manager shall post a sign or signs containing information as to the application and date, time and place of the public hearing in a conspicuous place the property for which the application has been submitted that is clearly visible and legible from the street. Such sign or signs shall be posted a minimum of 15 calendar days prior to the public hearing held by the Planning and Zoning Board.

Sec. 1709. **Reversionary Clause**

I. The City Manager shall submit information to the Board of Mayor and Commissioners relative to the property rezoned by a map amendment at a time of 12 months from the date of approval for which the owner has not acquired a building permit or used the property consistent with the current zoning district. The Board of Mayor and Commissioners may review and initiate rezoning to the previous zoning district on any property for which reversionary action is considered appropriate.

II. These reversionary actions shall proceed in accordance with provisions of this section pertaining to amending the official zoning map, which shall afford the owner an opportunity to show cause why reversion should not be considered.

Sec. 1710. **Reserved**

Sec. 1711. **Changes in Zoning Map**

Following final action by the Board of Mayor and Commissioners, any necessary changes shall be made in the Official Zoning Map, 2010. A written record of the type and date of such change is made, no action by the Board of Mayor and Commissioners on map amendments to the Zoning Ordinance shall be considered official unless the City Clerk fails to make the change within seven (7) days after formal action by the Board of Mayor and Commissioners shall be considered official seven (7) days after the date of the action even if the City Clerk has failed to make the appropriate changes.

Sec. 1712. **Creation of Planning and Zoning Board**

There shall be five (5) members of the Planning and Zoning Board. The term of office of the members shall be four (4) years. Any resident of the City of Avondale Estates may be appointed as a member, except members of the municipal governing authority. All members shall elect one of its members as chairman and shall appoint a secretary, who may be an officer or employee of the City of Avondale Estates.

Sec. 1713. **Powers and Duties of Planning and Zoning Board**

I. Whenever this ordinance calls for review by the Planning and Zoning Board, said board shall review and make a recommendation of approval, denial, deferral, withdrawal without prejudice or no recommendation on each application at a public hearing. A report of the Planning and Zoning Board's decision shall be submitted to the Board of Mayor and Commissioners. The Planning and Zoning Board's action may recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the district requested and recommend conditions of rezoning which may be deemed advisable so that the purpose of this Ordinance will be served, health, public safety and general welfare secured.

II. No amendment to the text of this Ordinance or to the Official Zoning Map shall be made or become effective until such amendment has been first submitted to the Avondale Estates Planning and Zoning Board. The Board shall transmit its recommendation of approval, approval with conditions or denial of the proposed amendment a maximum of 60 calendar days following the meeting of the board at which the amendment was first considered. This schedule affords the Board one tabling of an application for the purpose of seeking additional information. This limitation shall not preclude the applicant seeking a tabling of an application without prejudice at any time prior to the City incurring the cost of a public notice of a public hearing. In forming a recommendation to the Mayor and Commissioners, the Planning and Zoning Board may suggest conditions or limitations to be assigned to any approval. Upon receipt of the Planning and Zoning Board recommendation, or at the expiration of the 60-day period, the Mayor and Commissioners of the City of Avondale Estates may proceed to adopt or reject such amendment.

Sec. 1714. **Adoption of rules and standards; meetings**

I. The Planning and Zoning Board shall adopt such rules and regulations for the conduct of public hearings and meetings, rules and standards for the transaction of its business and for consideration

of applications, such as bylaws and removal of membership provisions as are consistent with state law and the City code and appropriate to its responsibilities. Such rules and regulations shall be published and available to the public. The Planning and Zoning Board shall have the flexibility to adopt rules and standards without amendment to this article.

II. The Planning and Zoning Board shall provide for the time and place of regular meetings and a method for the calling of special meetings. Such meetings shall be open to the public. The Planning and Zoning Board shall select a chair and a vice-chair from among its members. A quorum shall consist of a majority of the members of the entire Planning and Zoning Board.

III. Should a member fail to attend three (3) consecutive meetings, the Planning and Zoning Board Secretary, with the concurrence of a majority of the entire Planning and Zoning Board, shall inform the Board of Mayor and Commissioners which may then rule that a vacancy be declared and that a new appointment be made to the vacated position.

Sec. 1715. **Secretary**

The City Clerk or other designated City staff shall be the secretary of the Planning and Zoning Board.

Sec. 1716. **Records of meetings**

The secretary of the Planning and Zoning Board shall maintain a public record of all resolutions and formal actions of the Planning and Zoning Board.

Sec. 1717. **Reserved**

Article 18. FEES

The schedule of fees for the permits and applications listed below and for those provided for under the Subdivision Regulations of the City of Avondale Estates, 1989, as amended, shall be posted in the office of the City Clerk and may be altered or amended from time to time by resolution of the Board of Mayor and Commissioners to help defray the costs of zoning administration.

I. Application for Certificate of Approval

II. Application for Certificate of Appropriateness

III. Building Permit and Certificate of Occupancy

IV. Demolition Permit

V. Temporary Certificate of Zoning Compliance

VI. Conditional Use Permit Application

VII. Variance Application

VIII. Amendment of Ordinance or Official Zoning Map, 2010; Review of Planned Developments

IX. Temporary Storage Container Permit

No building permit, certificate of occupancy, demolition permit, or temporary certificate of zoning compliance shall be issued until the applicable fees have been paid in full in the office of the City Clerk, nor shall any action be taken on proceedings before the Board of Appeals or Planning and Zoning Board until all applicable fees have been paid in full.

No application fees or filing fees shall be returned in the event that the project is denied, not constructed for any reason, or if a permit is cancelled.

In addition to the "fees" for the above listed items, the applicant must pay the cost of publishing the notices required by law.

Article 19. LEGAL STATUS PROVISIONS

Sec. 1901. **Conflict with Other Laws**

Whenever the regulations of this Ordinance require a greater width or size of yards, or require a greater percentage of the lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statues, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

Sec. 1902. **Validity**

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not be affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Sec. 1903. **Repeal of Conflicting Ordinances**

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

Sec. 1904. **Enactment Procedure; Effective Date**

This Ordinance shall take effect and be in force from and after the date of its adoption by the Board of Mayor and Commissioners. Before enactment, the Board of Mayor and Commissioners shall hold a public hearing thereon with a minimum notice of fifteen (15) days in the municipality.