



Chapter 21 - Zoning Ordinance
City of Avondale Estates, GA
Adopted 07.28.21

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ARTICLE 1 | INTRODUCTORY PROVISIONS

Division 1.1 - Legal Framework

Section 1.1.1 - Title

These regulations shall be known and may be cited as the "Avondale Estates Zoning Ordinance," "Zoning Ordinance," "Zoning Code," "Code," or "Ordinance."

Section 1.1.2 - Authority

The Zoning Ordinance is enacted pursuant to the authority conferred by Article 9, Section II, Paragraph IV of the Constitution of the State of Georgia, 1983, the Charter of the City, and O.C.G.A. §36-66-1 et seq., "The Zoning Procedures Law," and other federal, state and local authority applicable hereto.

Section 1.1.3 - Applicability

- A. The provisions of this Zoning Ordinance shall apply throughout the City of Avondale Estates.
- B. The regulations of this Ordinance shall apply to all buildings, structures, land, and uses within the City.
- C. In interpreting and applying the provisions of this Zoning Ordinance, they shall be considered as the minimum requirements for the promotion of the public safety, health, morals, and general welfare.
- D. All buildings and structures erected, all uses of land, water, buildings, or structures established, all structural alterations or relocations of existing buildings, all enlargements of, additions to, changes in and relocations of existing uses, and all land development are subject to all regulations of this Ordinance:
 1. *Development activity.* Any person proposing to rezone property, secure permits, undertake land disturbance activities, construct, demolish, expand, or modify a structure or a building for occupancy, develop or subdivide land within incorporated areas of Avondale Estates, Georgia, or undertake any other development permission or activity shall comply with all regulations set forth in this Zoning Ordinance and, where required, shall make application to the City of Avondale Estates City Planning and Community Development Department and pay a fee pursuant to the established fee schedule.
 2. *Use.* No building, structure, premises or land shall be used or occupied and no building or part thereof shall be erected, remodeled, extended, enlarged, constructed, or altered in a manner except in conformity with the regulations herein specified for the district in which it is or is to be located.

Section 1.1.4 - Effective Date

The provisions of this Zoning Ordinance become effective on and compliance with its provisions becomes mandatory beginning July 14, 2021, unless otherwise expressly stated in a specific provision of the Zoning Ordinance.

Section 1.1.5 - Purpose

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

- A. To prevent overcrowding of public facilities;
- B. To achieve such timing, density, and distribution of land development and use as will attenuate overloading systems for providing drainage, sanitation, police protection and other public services;
- C. 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;
- D. To encourage such distribution of population, land development and use as will facilitate the efficient and adequate provision of public services and facilities;
- E. To achieve such density, design, and distribution of housing as will protect and enhance residential property values;

- F. To promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the City;
- G. To preserve the City's natural beauty and encourage architecturally pleasing development; and
- H. 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.

Section 1.1.6 - Transitional Provisions

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:

- A. 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.
- B. All variances and exceptions heretofore granted by the Board of Mayor and Commissioners shall remain in full force and effect, and all terms, conditions and obligations imposed by the Board of Mayor and Commissioners 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.
- C. Any development or building activity for which a valid and complete application for a Land Disturbance Permit or Building Permit has been received prior to the adoption of this Zoning Ordinance may, at the developer's option, proceed to completion, and building permits, occupational tax certificates, and business licenses may be issued as though this Zoning Ordinance had not been adopted, provided that the Land Disturbance Permit or Building Permit is issued within 180 calendar days of the date of adoption. Any future change in use of the property or any structure thereon shall conform with the most recent version of this Zoning Ordinance and shall be subject to **Division 8.3 - Nonconformities**.
- D. Any development or building activity for which a Land Disturbance Permit or Building Permit has been issued prior to the adoption of this Zoning Ordinance may, at the developer's option, proceed to completion, and building permits may be issued as though the Zoning Ordinance had not been adopted.
- E. Any permitted use proposed within a valid and complete building permit application received prior to the adoption of this Zoning Ordinance shall be considered vested, provided that the building permit is or can be issued within 180 days of the date the application is received. Future changes in occupancy shall conform with the most recent version of this Zoning Ordinance and shall be subject to **Division 8.3 - Nonconformities**.
- F. The adoption of this Zoning Ordinance shall not be construed to affect the validity of any building permit lawfully issued prior to the adoption of this Zoning Ordinance, so long as:
 1. Such permit has not by its own terms expired prior to such effective date;
 2. Actual building construction is commenced prior to the expiration of such permit;
 3. Actual building construction is carried on pursuant to said permit and limited to and in strict accordance with said permit; and
 4. No extensions of said permit shall be authorized following the effective date of this Zoning Ordinance.

Section 1.1.7 - Conflicting Provisions

- A. In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general

welfare. Whenever the provisions of any other ordinance or statute require more restrictive standards than those of this Zoning Ordinance, the provisions of such standards shall govern, unless provided otherwise.

- B. Whenever the provisions of this Zoning Ordinance impose standards that are more restrictive than are required in or under any other statute, ordinance or resolution, these standards shall prevail, unless otherwise specified in this Zoning Ordinance.
- C. When a condition of approval is more restrictive than the Zoning Ordinance, the condition of approval shall prevail. When a requirement of the Zoning Ordinance is more restrictive than a previously established condition of approval, the requirements of the Zoning Ordinance shall prevail.
- D. Nothing herein shall repeal the conditions of use, operation, or site development accompanying zoning approval(s), variances or permits issued under previous ordinances or resolutions. All variances, exceptions, modifications, and waivers heretofore granted by the Board of Appeals or Board of Mayor and Commissioners shall remain in full force and effect, and all terms, conditions and obligations heretofore imposed by the decision-making bodies shall remain in effect, unless modification or repeal of such past conditions of approval is accomplished as authorized and provided by the Zoning Ordinance.
- E. **State or federal regulations.** If the provisions of this Zoning Ordinance are inconsistent with those of the state or federal government, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.
- F. Private agreements and covenants.
 - 1. This Zoning Ordinance is not intended to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the provisions of this Zoning Ordinance impose a greater restriction than imposed by a private agreement or covenant, the provisions of this Zoning Ordinance control.
 - 2. Private restrictive covenants to which the City is not a party are not regulated by or enforced by the City.

Section 1.1.8 - Enforcement

The provisions of this Chapter shall be administered and enforced by the City Manager, who is given the authority to perform these functions. The City Manager's duties shall include receiving applications, inspecting premises, issuing building permits and certificates of occupancy for uses and structures that meet the requirements of this Chapter, and other duties that are authorized by the BOMC. Duties may be delegated as outlined in **Section 9.1.8 - Delegation of Authority**.

Section 1.1.9 - Severability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared unconstitutional or invalid. The Board of Mayor and Commissioners hereby declares that it would have adopted the remaining parts of the Ordinance if it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional.

Division 1.2 - Zoning Map

Section 1.2.1 - Establishment

For the purposes of this Code, the location and boundaries of the zoning districts established by this Zoning Ordinance are depicted on the City of Avondale Estates's Official Zoning Map and is adopted and incorporated into this Zoning Ordinance. In general, standards and provisions for districts are designed to create walkable environments, reflective of the desired character in the City's **Comprehensive Plan, Downtown Master Plan, Avondale Estates Street Grid Plan, Avondale Estates Downtown Study**, and any other policy documents adopted by the Board of Mayor and Commissioners.

Section 1.2.2- Official Zoning Map

- A. District Map.

The City is hereby divided into zoning districts, as shown on the Official Zoning Map, which, together

with all explanatory matter thereon, is hereby adopted by reference and declared a part of this Zoning Ordinance.

B. District Boundaries.

1. The district boundaries as shown on the Official Zoning Map are generally intended to follow streets, alleys, lot lines or natural boundaries such as bodies of water. Where districts are designated on said map are bounded by such street, alley, lot line or natural boundary, the centerline of the street, alley or natural boundary or the actual lot line shall be the boundary of the district unless a specific boundary is otherwise indicated of the Official Zoning Map. In all other cases, the district boundary line shall be determined by use of the scale on the Official Zoning Map.
2. When the boundary line of a district divides a lot or tract held in single ownership at the time of the adoption of the Zoning Ordinance from which this Chapter is derived, the district boundary line may be allowed to extend a distance of not more than 50 feet into the least restricted district encompassed within the boundary of the lot or tract held in single ownership at the request of the owner of the tract.

C. Copies of the Official Zoning Maps and Historical Records.

1. The location and boundaries of the zoning districts established by this Zoning Map are depicted on and maintained in geographic information system (GIS) format.
2. The latest adopted version of the Official Zoning Map shall be available for inspection in the offices of the City of Avondale Estates regular business hours of the City. The City Manager may authorize printed copies of the Official Zoning Map to be produced, but only the original on file shall be evidence as to the zoning district boundaries and the zoning of any lot or tract of land in the City.
3. The City Manager shall maintain digital and/or printed copies of each superseded version of the Official Zoning Map after its amendment for historical reference.

Section 1.2.3 - Maintenance and Updates

- A.** The City Manager is responsible for directing revisions to the Official Zoning Map to reflect its amendment as soon as practicable after the effective date of Zoning Map Amendments. This is not intended to require the Zoning Map to be updated after each amendment.

B. *Revisions and Amendments.*

1. 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 made on the Official Zoning Map.
2. The Official Zoning Map and any subsequent revisions shall be identified by the signature of the Mayor, attested by the City Clerk, dated with the effective date of the ordinance, and bearing the seal of the City under the following words:

"This is to certify that this is the Official Zoning Map referred to in the Avondale Estates Zoning Ordinance, together with the date of adoption of this Ordinance. The Official Zoning Map and all notations, references, and other information shown thereon are a part of the Zoning Ordinance and have the same force and effect as if the Zoning Map and all the notations, references, and other information shown thereon were fully set forth and described as if actually depicted within its pages."

3. 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.

C. *Replacement of Official Zoning Map.*

1. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Mayor and Commissioners may, by Ordinance, adopt a new Official Zoning Map which shall supersede the Official Zoning Map and shall be identified by the signature of the Mayor, attested by the City Clerk, dated with the effective date of the ordinance, and bearing the seal of the City under the

following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted the date of [insert date of adoption] as part of the Avondale Estates Zoning Ordinance."

2. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the boundaries of Official Zoning Map.
3. Unless the previous Official Zoning Map has been lost or destroyed, the previous Map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment, either in electronic or hard copy format.

D. Annexation. Any land subsequently annexed to the City shall, at the time of annexation, be classified into a zoning category compatible with adjacent zoning and land uses, and sound planning principles in accordance with the procedures in **Section 1.2.4 - Division of City into Districts** and applicable state law.

Section 1.2.4 - Division of City into Districts

For the purposes of this Zoning Ordinance, the City is divided into base, special, and overlay Zoning Districts designated as follows:

Code	District Name
R-24	Very Low Density, Single Family Detached Residential
R-12	Low Density, Single Family Detached Residential
MFR	Multifamily Residential
O-I	Office - Institutional
GC	General Commercial
CBD	Central Business District
PUD	Planned Unit Development
AROD	Adaptive Reuse Overlay District

Section 1.2.5 - Map Interpretations

- A. The City Manager is the final authority in determining the current zoning status of land, buildings, and structures in the City.
- B. Where uncertainty exists with respect to the location of any zoning district boundaries as shown on the Official Zoning Map, the following rules apply:
 1. Where possible, a rezoning file shall be used for delineating zoning boundaries. Such records shall have precedence over information otherwise contained on maps.
 2. Where a zoning district boundary line is shown as approximately following a corporate limits line, a land lot line, a lot line or the centerline of a street, a County road, a state highway, an interstate highway, or a railroad right-of-way or such lines extended, then such lines shall be construed to be the zoning district boundary lines.
 3. Where a zoning district boundary line divides a lot, each portion shall be governed by the zoning district that each portion is classified.
 4. Where areas appear to be unclassified on the Zoning Map, classification cannot be established by the above rules, and there is no other evidence of its existing or past classification, such areas must be considered to be classified R-24 until action is taken by the Board of Mayor and Commissioners to amend the Zoning Map.
- C. Where uncertainties continue to exist or further interpretation is required beyond that presented in the above subsections, the question shall be presented to the Board of Mayor and Commissioners to enact a clarifying ordinance.

Section 1.2.6 - Split-Zoned Lots

- A. The Zoning Map shall not be amended to classify a single parcel of land into two or more base zoning districts. This provision does not apply to overlay zoning districts.
- B. If an existing parcel of land is split into two or more zoning districts, each such portion of the split-zoned parcel may be used only for purposes allowed within the zoning district that each such portion is classified. No principal or accessory use of land, building or structures, and no use or building or structure authorized by permit, or conditional use permit, is allowed unless the use, building or structure is expressly authorized or permitted within the subject zoning district.

Section 1.2.7 - Relationship to Comprehensive Plan and Future Development Map

The City of Avondale Estates Comprehensive Plan, consisting of the Future Development Map and related policies, is hereby established as the official policy of the City concerning future land uses and shall serve as a guide regarding the appropriate manner in which property shall be zoned in the City. The most recent version of the Comprehensive Plan, as adopted by the Board of Mayor and Commissioners, shall identify zoning districts that are appropriate within each of the City's character areas as delineated on the Future Development Map. No rezoning of property in the City shall be done in a manner inconsistent with the Future Development Map and related policies of the Comprehensive Plan. If the Board of Mayor and Commissioners considers a Zoning Map amendment request that does not concur with the policies of the Comprehensive Plan or Future Development Map, approval of a Comprehensive Plan amendment is required before an approval can be rendered on the Zoning Map amendment in accordance with Division 7.5 - Amendments and Conditional Uses.

ARTICLE 2 | BASE ZONING DISTRICTS

Division 2.1 - Residential Districts

Section 2.1.1 - 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 intensity of development, 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 residential 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 is intended to support mid-rise density dwellings, referred to as multi-unit buildings.

Section 2.1.2 - Purpose

- A. **General.** Avondale Estates's residential zoning districts are primarily intended to create, maintain, and promote a variety of housing and living opportunities for individual households and to help ensure consistency with the Comprehensive Plan. While the districts primarily accommodate residential use types, some non-residential uses are also allowed, as indicated in Division 5.3 - Residential Uses. When this Zoning Ordinance refers to "residential-zoned districts," it is referring to zoning districts: R-24, R-12, and MFR categorized in this Division.
- B. **Single-family Residential (R) Districts.** When this Zoning Ordinance refers to "R-zoned districts," it is referring to the single-dwelling zoning districts: R-24 and R-12. The primary purposes of the R districts are as follows:
 1. To help protect the established character of existing neighborhoods;
 2. To accommodate infill development that is in keeping with character of existing neighborhoods; and

3. To accommodate uses and structures designed to serve the housing, recreational, educational, religious and social needs of the neighborhood.
- C. **Multi-family Residential (MFR) Districts.** When this Zoning Ordinance refers to “MF” zoning districts, it is referring to the multi-family residential zoning district: MFR. The primary purposes of the MFR, multi-family residential zoning district are as follows:
1. To accommodate the development of multi-family residential development in areas designated for such development by the Comprehensive Plan;
 2. To accommodate infill development that is in keeping with the physical character of existing neighborhoods; and
 3. To accommodate uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood.

Section 2.1.3 - Dimensional Standards

- A. **General.** This Section establishes basic lot and building regulations that apply in residential zoning districts. These regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed; they are not to be construed as a guarantee that stated minimums and maximums can be achieved on every lot. Other factors, such as topography, the presence of protected resources, off-street parking, and other factors may work to further limit actual building and development potential.
- B. Minimum requirements in Division 6.1 - General Lot and Building Standards also apply.
- C. The lot and building regulations of the following table apply to all principal and accessory uses allowed in residential districts, unless otherwise expressly stated in this Zoning Ordinance:

Regulation	RESIDENTIAL DISTRICTS		
	R-12	R-24	MFR
Minimum Lot Area (sq. ft.)	12,000	24,000	43,560
Minimum Lot Frontage (ft.)	60	100	100
Minimum Primary Building/Structure Setbacks (ft.)			
Street Front and Street Side	40	40	50
Interior Side	10	20	25
Rear	35	40	50
Minimum Accessory Building/Structure Setbacks (ft.)			
Interior Side ¹	12	12	12
Rear ^{1,3}	10	10	10
Maximum Lot Coverage (percent)	40	30	35
Maximum Building Height (ft.)			
Principal Building	35	35	35
Accessory Buildings/Structures ²	24	24	24

¹Accessory buildings are only permitted in rear yards. See **Section 5.9.2 - Accessory Buildings and Structures** and **Section 6.1.1 - Setbacks**.

²Accessory buildings shall not be greater in height than the principal building. See **Section 5.9.2 - Accessory Buildings and Structures**.

³Accessory Dwelling Units shall be set back a minimum distance of 20 feet in the rear. See **Section 5.9.3 - Accessory Dwelling Units**.

Division 2.2 - Commercial Districts

Section 2.2.1 - 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 intensity and geography of commercial development 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 commercial zoning districts:

District Code	District Name	General Definition
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.
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.

Section 2.2.2- Purpose

The commercial districts are generally intended to promote consistency with the Comprehensive Plan and provide opportunities for shopping, employment, and entertainment. When this Zoning Ordinance refers to "commercial-zoned districts," it is referring to zoning districts: O-I and GC categorized in this Division.

- A. **Office-Institutional (O-I) District.** The primary purposes of the O-I district are as follows:
 1. To provide convenient locations for office and institutional uses;
 2. To provide locations for the development of cultural, recreational, educational, and health service facilities; and
 3. To provide transitional uses and services between single-family residential districts and more intensive commercial and mixed-use districts.
- B. **General Commercial (GC) District.** The primary purposes of the GC district are as follows:
 1. To provide convenient local retail shopping and service areas within the City;
 2. To provide for the development of new local commercial districts; and
 3. To accommodate uses designed to serve the convenience shopping and service needs of groups of neighborhoods.

Section 2.2.3 - Dimensional Standards

- A. **General.** This Section establishes basic lot and building regulations that apply in commercial zoning districts. These regulations offer certainty for property owners, developers, and neighbors about the limits of what is allowed; they are not to be construed as a guarantee that stated minimums and maximums can be achieved on every lot. Other factors, such as topography, the presence of protected resources, off-street parking, and other factors may work to further limit actual building and development potential.
- B. Minimum requirements in Division 6.1 - General Lot and Building Standards also apply, including
- C. **Building Design.** All buildings in all commercial districts shall comply with the building design requirements of Section 6.1.3 - Building Design Standards.
- D. The lot and building regulations of the following table apply to all principal and accessory uses allowed in commercial districts, unless otherwise expressly stated in this Zoning Ordinance.

Regulation	COMMERCIAL DISTRICTS	
	O-I	GC
Minimum Lot Area (sq. ft.)	20,000	20,000
Minimum Lot Frontage (ft.)	100	100
Minimum Building/Structure Setbacks (ft.)		
Street Front and Street Side	20	15
Interior Side	10	10

Rear	20	20
Maximum Lot Coverage (%)	80	80
Maximum Building Height (ft.)	45	45

ARTICLE 3 | SPECIAL PURPOSE DISTRICTS

Division 3.1 - Districts

Section 3.1.1 - 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 intensity, geography, and design of mixed-use development 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 special purpose and mixed-use zoning districts:

District Code	District Name	General Definition
CBD	Central Business District	A mixed-use district that allows for the combination of office, service, retail, residential, and other use combinations to support a thriving business district as provided herein.
PUD	Planned United Development District	A mixed-use district that allows for the combination of a minimum of any two uses in accordance with a specific development plan and standards and subject to approval by the Board of Mayor and Commissioners.
OS-R	Open Space and Recreation District	A district that supports the City's parks and recreation needs through the development of greenspace and other amenities contributing the quality of life.

Section 3.1.2 - General Purpose

As with overlay zoning districts, Special Purpose Zoning Districts are tools for dealing with unique neighborhoods or settings, or accomplishing special Planning, Architecture, Zoning goals. Unlike overlay districts, however, special districts are base zoning classifications; they do not "over-ly" other base zoning districts. The purpose specific for each district is contained within the text of each enabled district. When this Zoning Ordinance refers to "mixed-use districts," it is referring to zoning districts: CBD categorized in this Division.

Division 3.2 - Central Business District (CBD)

Section 3.2.1 - Purpose

The Central Business District has been created to further the following public purposes:

- A. **Plan Compatibility.** To guide new development and redevelopment as defined by the City of Avondale Estates Comprehensive Plan and Downtown Development Plan and as amended.
- B. **Achieve Excellence and Creativity in Design.** Each new development should express excellence in design, use high-quality materials and construction methods, and incorporate characteristics that make it unique to Avondale Estates.
- C. **Draw on Local Design Traditions.** Existing buildings, such as the Tudor Village, share similar features, materials and forms that reflect the City's design traditions and should inspire new work without copying earlier styles.
- D. **Regulate a Walkable, Beautiful and Accessible Public Realm.** Regulate walkable blocks, and promote slow moving traffic, pedestrian, and bike accessibility in a well landscaped environment.
- E. **Create an Identifiable Public Realm.** Avoid a series of independent private destinations/campuses by standardizing the public streets, sidewalks, and landscaping materials and street furniture by corridor.
- F. **Encourage Engaging Open Spaces.** Encourage public and private yards, plazas, promenades, courtyards,

and other amenities directly facing the public streets.

- G. **Support Shared Street Concepts.** Walkers, bikers, and drivers share a narrow and landscaped road where right-of-way is very limited.
- H. **Mitigate Visual Impacts of Parking.** Select appropriate locations or use landscaping and other screening to hide or mitigate the visual impacts of parking lots and decks.
- I. **Encourage Sustainable Development.** New and retrofitted buildings should address energy, waste, and water conservation and accommodate all modes of transportation.
- J. **Promote Vibrant Streets with Active Ground Floors.** Orient storefronts to face the street, design main entrances to open onto the street, and increase windows and doors along the ground floor.
- K. **Regulate Height by Location.** Support transit-oriented development with greater height on blocks adjacent to the MARTA station and on the backside of the rail lines (up to five (5) stories) with lower heights graduating to two (2) or three (3) stories closer to the Tudor Village and along College Avenue/ North Avondale Road.
- L. **Require Multiple Entrances with Direct Connections to the Public Sidewalk.** Design buildings to include multiple entrances with porches, stoops and doors directly connected to the public sidewalk.
- M. **Vary Massing.** Change the heights of different parts of a building and create offsets in wall planes to express individual building modules.
- N. **Vary Articulation of The Building.** Vary wall surfaces, change materials, and use different fenestration patterns, or other design variations.
- O. **Concentrate Retail Storefronts in Select Locations to Promote Economic Stability.** Identify street or street sections that require storefronts for retail and restaurants (and those that don't).
- P. **Enable and Encourage a Mix of Uses.** Allow for a mix of uses throughout the downtown to include a variety of housing types that serve people at all stages of life, retail, restaurants, and offices.

Section 3.2.2 – Applicability

- A. The regulations within this Section apply to all buildings, structures, and land within the Central Business District, as illustrated on the Regulating Plan and on the City's Zoning Map.
- B. **Conflicts with Other Provisions or Requirements.** All development authorized by these standards shall conform to all other requirements of the Avondale Estates Zoning Ordinance, except as specifically stated to the contrary in these standards. When a conflict exists between these standards and the other requirements of the Ordinance, these standards shall prevail.

Section 3.2.3 – Regulating Plan

- A. **Sub-Areas.** References in this Zoning Ordinance to “Central Business Districts” or “CBD sub-areas,” or “sub-areas” are references to these districts. Sub-Areas are used to determine appropriate Façade Types, use requirements, and certain site and building development standards specific to each sub-area.
- B. **Sub-Area Boundaries.** Each Central Business District sub-area is designated in Figure 3.2.3.

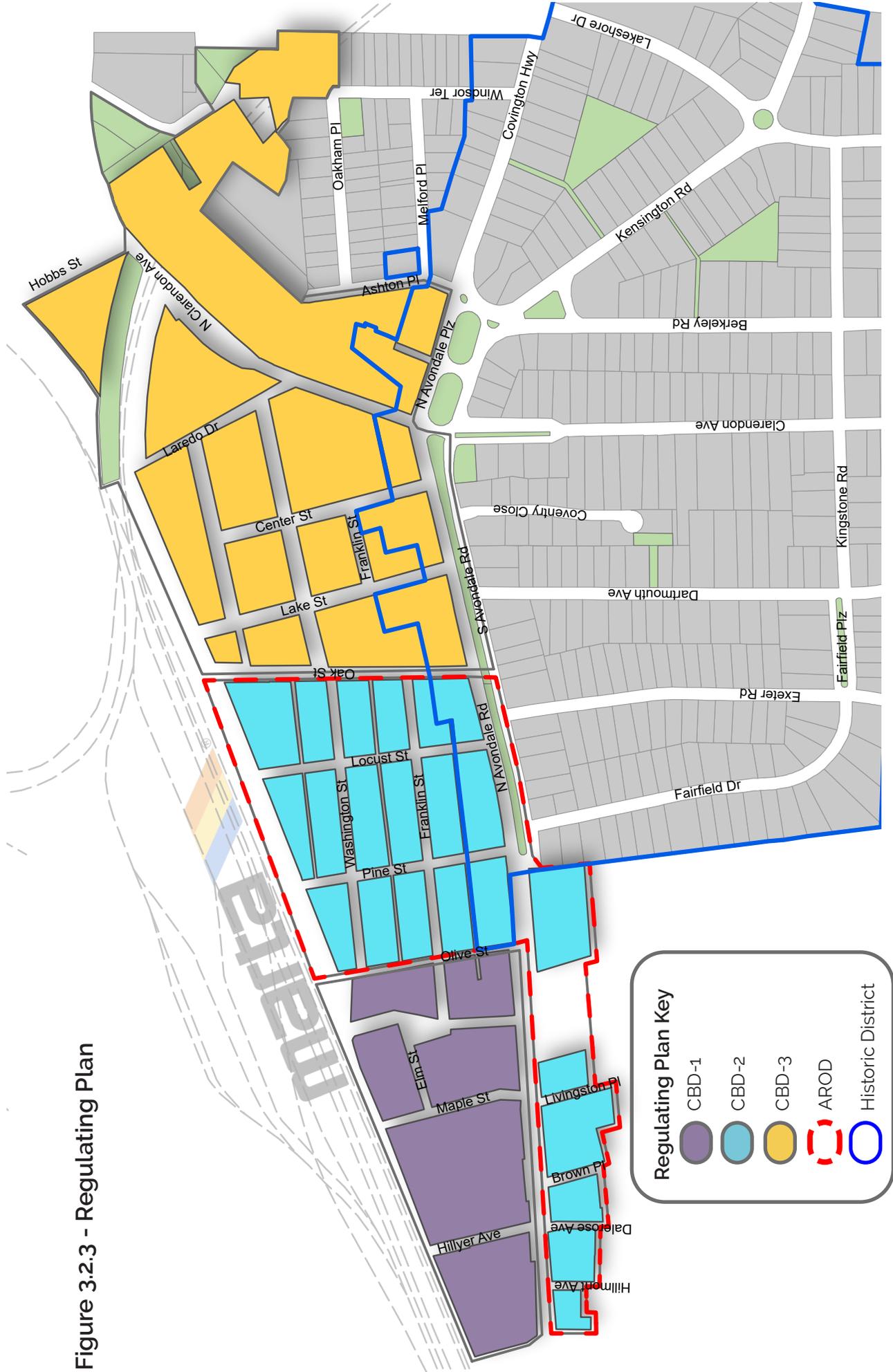


Figure 3.2.3 - Regulating Plan

Section 3.2.4 – Central Business District – 1 (CBD-1)

The CBD-1 Sub-Area is intended to accommodate the most intensive scale of development, still respecting the maximum grid dimensions and small-town, walkable feel of the overall district. Within a 1,500-foot walkshed of the MARTA heavy rail station, the CBD-1 Sub-Area is intended to provide housing and commercial uses that support the remainder of the district and encourage transit ridership. Building heights up to five (5) stories are permitted in this district, with required building articulation to break up the massing and transitional height planes to step down the intensity in key locations, such as adjacent to residential uses.

CBD-1 Sub-Area Requirements			Reference
● = permitted in CBD-1 Sub-Area			
Façade Types	Attached House	●	Not permitted on Type A Streets.
	General	●	
	Walk-Up	●	
	Shopfront	●	
Height	Minimum	Buildings shall be a minimum of 18 feet in height.	
	Maximum	Five (5) stories or 70 feet, whichever is less. Abutting the CBD-2 Sub-Area or along 278, four (4) stories or 60 feet, whichever is less.	
Stepback	Minimum	Buildings shall be stepped back in accordance with the Transitional Height Plane in Section 3.2.12.B .	
Lot Coverage	Maximum Lot Coverage	85 percent (85%)	
Open Space	A minimum of ten percent (10%) of each development shall be Open Space.		Section 6.3.5 - Open Space

Section 3.2.5 – Central Business District – 2 (CBD-2)

The CBD-2 Sub-Area is intended to develop at a less intensive scale than other sub-areas of the district. A maximum of three (3) stories in height is permitted in this sub-area, and more selective applications of retail and restaurant are required. Walk-up residential and other active ground floor uses are required to ensure the district remains at walkable, human-scale. The CBD-2 Sub-Area is intended to respect the history and character of the Rail Arts District Character Area by accommodating adaptive reuse of existing structures and land uses supportive of the arts.

CBD-2 Sub-Area Requirements			Reference
● = permitted in CBD-2 Sub-Area			
Façade Types	Attached House	●	Section 3.2.9 - Façade Types
	General	●	
	Walk-Up	●	
	Shopfront	●	
Height	Minimum	Buildings shall be a minimum of 18 feet in height.	Section 3.2.8 – Streets and Blocks
	Maximum	Three (3) stories or 45 feet, whichever is less.	
Stepback	Minimum	No stepback is required, but buffers shall apply where adjacent to R-zoned lots.	Section 3.2.12.B - Transitional height plan; Division 6.4 - Transitional Buffers
Lot Coverage	Maximum Impervious Coverage	85 percent (85%)	
Open Space	A minimum of ten percent (10%) of each development shall be Open Space.		Section 6.3.5 - Open Space

Section 3.2.6 – Central Business District – 3 (CBD-3)

The CBD-3 Sub Area is intended to support existing historic buildings, including the Tudor Village, provide low-story development along North Avondale Road and adjacent to the new City park, with building stepbacks away from existing single-family development and park/open space. Ground story retail is encouraged to be concentrated in this sub-area to capitalize on the local business success already present in Downtown Avondale Estates to promote a distinct, walkable shopping area.

CBD-3 Sub-Area Requirements			Reference
● = permitted in CBD-3 Sub-Area			
Façade Types	Attached House	●	Not permitted on Type A Streets.
	General	●	
	Walk-Up	●	
	Shopfront	●	All building façades fronting Type A Streets and City parks shall be Shopfront Façades.
Height	Minimum		Buildings shall be a minimum of 18 feet in height.
	Maximum		Five (5) stories or 70 feet, whichever is less for buildings or portions of buildings within 300 feet of edge of railroad/MARTA rail line. Four (4) stories or 60 feet, whichever is less for all other locations and abutting CBD-2 Sub-Area.
Elevation	Maximum		In no case shall any building exceed the elevation of the Tudor Village (1094 feet), provided that a fluctuation of up to five (5) feet is permitted for buildings or portions of buildings within 300 feet of edge of railroad/MARTA rail line. Measurement to be taken from edge of rail, as opposed to the right-of-way.
Stepback	Minimum		Buildings shall be stepped back in accordance with the Transitional Height Plane in Section 3.2.12.B to ensure massing is appropriate adjacent to open spaces and R-zoned lots.
Lot Coverage	Maximum Impervious Coverage		85 percent (85%)
Open Space	A minimum of ten percent (10%) of each development shall be Open Space.		Section 6.3.5 - Open Space

Section 3.2.7 – Street Typology Map

Street Type locations for new and existing streets in the Central Business District are designated in Figure 3.2.7.

Figure 3.2.7 - Street Typology Map



Section 3.2.8 – Streets and Blocks

A. Applicability.

1. The City of Avondale Estates desires a pedestrian-friendly Central Business District that has adequate transportation infrastructure for residents, visitors, and businesses. The City finds that its existing street grid is inadequate, in terms of pedestrian and vehicular infrastructure, to support the density of development that may be desired. Therefore, in order to ensure that new development does not exceed the capacity of transportation infrastructure, the City hereby offers a bonus program that provides development incentives to those developers that voluntarily provide improvement and dedication of transportation infrastructure identified in this Section.
2. Improvements required of every new development and redevelopment meeting the thresholds established by Section 8.3.9:
 - a. Block breaks and improvements per Section 3.2.8.B – Block Requirements.
 - b. Landscaping, sidewalks, and other pedestrian amenities per Section 3.2.8.E – Streetscapes.
 - c. General standards to be met per Section 3.2.8.F – Conditions of Improvements.
3. Voluntary improvements required only if the developer desires to take advantage of the development bonuses set out in Table 3.2.8.A - Development Bonuses:
 - a. Public road improvements per Section 3.2.8.C – Streets.
 - b. Design standards for streets per Section 3.2.8.D – General Standards for Streets.
 - c. Permitted ability to span rights-of way per Section 3.2.8.G – Air Rights.
4. Regardless, where inadequate infrastructure and lack of internal street network exists to sustain and support the maximum block size, implementation of the street grid is required.

Table 3.2.8.A - Development Bonuses

Standard Type	Maximum Height/ Elevation	Maximum Density	Minimum Unit Size (residential)	Air Rights
As of right	3 stories or 36 feet	40 units/acre	1,300 sf	not permitted
Bonus	per Sections 3.2.4, 3.2.5, and 3.2.6	none	none	per Section 3.2.8.G

B. Block Requirements.

1. **Maximum.** The maximum block perimeter for the CBD is 1,600 feet. The required block length is a maximum of 400 feet or consistent with the adopted *Downtown Avondale Estates Street Grid Plan*. Exemptions or departures from these standards pertain to certain blocks based on the *Street Grid Plan*.
2. **Divisions.** Block faces shall be divided by either multi-use paths or streets defined and referenced herein. Multi-use paths shall provide a minimum of ten (10) feet paved width with a two (2)-foot shoulder on each side of the path for the purpose of providing a small separation from the path and any permanent structures.
3. **Measurement.** Block perimeter shall be measured from the centerline of the existing or proposed facility (street or multi-use path) used to divide the block face.
4. **Waiver.** The City Manager may grant a Tier 1 waiver to increase the block perimeter/length by up to 20 percent (20%) when steep slopes, waterways, flood zones, railroads, stream buffers, greenways, open space, or easements would make the block requirements infeasible.

C. Streets.

1. Street regulations apply to new and existing streets per **Figure 3.2.7 - Street Typology Map**. The intent of the following regulations is to form an interconnected network of streets to support multiple modes of transportation, including walking, biking, transit use, and driving.
2. **Street Type Requirements.** All Street Type requirements as required by the Street Typology Map and Central Business District regulations shall be in conformance with these regulations.

- a. Streetscape improvements and other pedestrian improvements shall be provided along all street frontages within the boundaries of the CBD as illustrated on the Street Typology Map and in accordance with **Division 6.10 - Sidewalk, Street, and Other Construction Standards**.
 - b. Improvements shall comply with the most recently adopted version of the ***Downtown Avondale Estates Street Grid Plan***, including all dimensional and material specifications for new and existing roads.
 - c. Installation shall meet the requirements in **Section 3.2.8.F - Conditions of Constructed Improvements**.
3. **Street Types.** The following descriptions, illustrations, and streetscape requirements in **Table 3.2.8.E - Streetscape Dimensions** describe the Street Types permitted in the CBD.
- a. **Type A.** Type A streets are intended to establish a series of comfortably scaled streets with continuous building frontage and a limited number of drives interrupting the sidewalk. Type A streets support a robust pedestrian realm by prioritizing bicyclists and pedestrians for a more balanced transportation route and support local retailers and business owners by encouraging a vibrant and activated public realm.

- b. **Type B.** Type B streets are intended to serve, similarly to Type A streets, as primary pedestrian corridors with minimal curb cuts, but they are less critical based on their proximity to the retail district; therefore, they can tolerate curb cuts and other minor service needs if no other options are available. Typical cross-sections are illustrated in **Figure 3.2.8.B.4.b. - Type B Typical**.

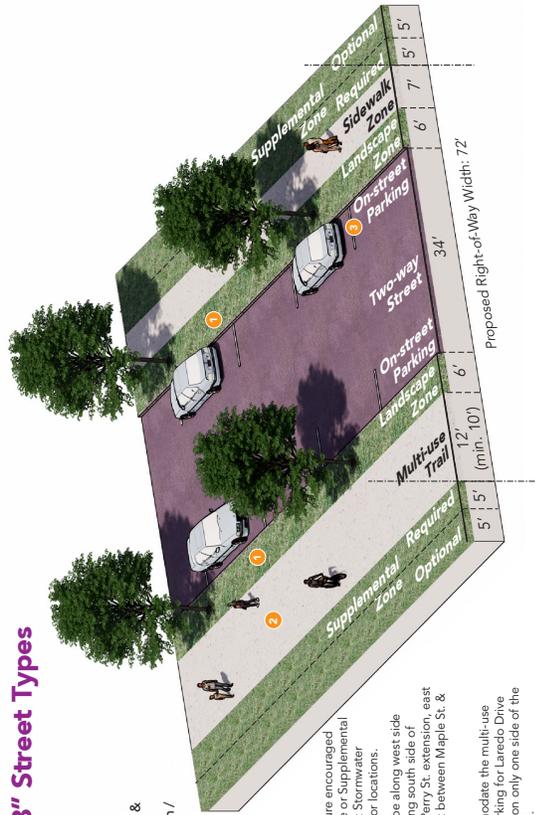
Figure 3.2.8.B.4.b. - Type B Typical



Typical "B" Street Types

B.1 Street
Key multimodal streets connecting Northern Gateway & Stone Mountain Trail to Town Green / Rail Arts District.

- Green infrastructure encouraged in landscape zone or Supplemental Zone. See District Stormwater Framework Plan for locations.
- Multi-use trail to be along west side of Laredo Dr. along south side of Washington St. / Perry St. extension, east side of new street between Maple St. & Olive Street.
- In order to accommodate the multi-use trail, on-street parking for Laredo Drive is recommended on only one side of the street or not at all.



B.2 Street
Typical Walkable Street for new street grid frontage.

- Green infrastructure encouraged in landscape zone or Supplemental Zone. See District Stormwater Framework Plan for locations.



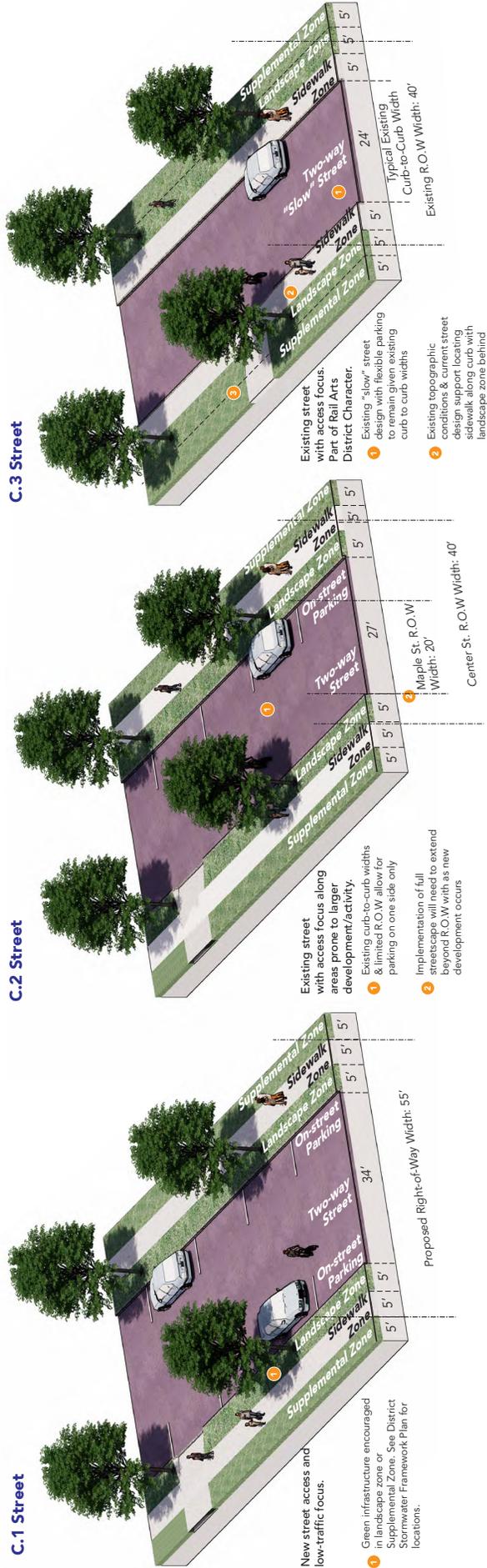
B.3 Street
Pedestrian focused street within existing constrained conditions.

- Existing curb-to-curb creates intimate streetscape character & allows for formalized parking along one side.
- Existing topographic relief & street design support locating sidewalk along curb with landscape zone behind.
- Adjacency of landscape zones & required supplemental zone may allow for larger shade trees to be planted.



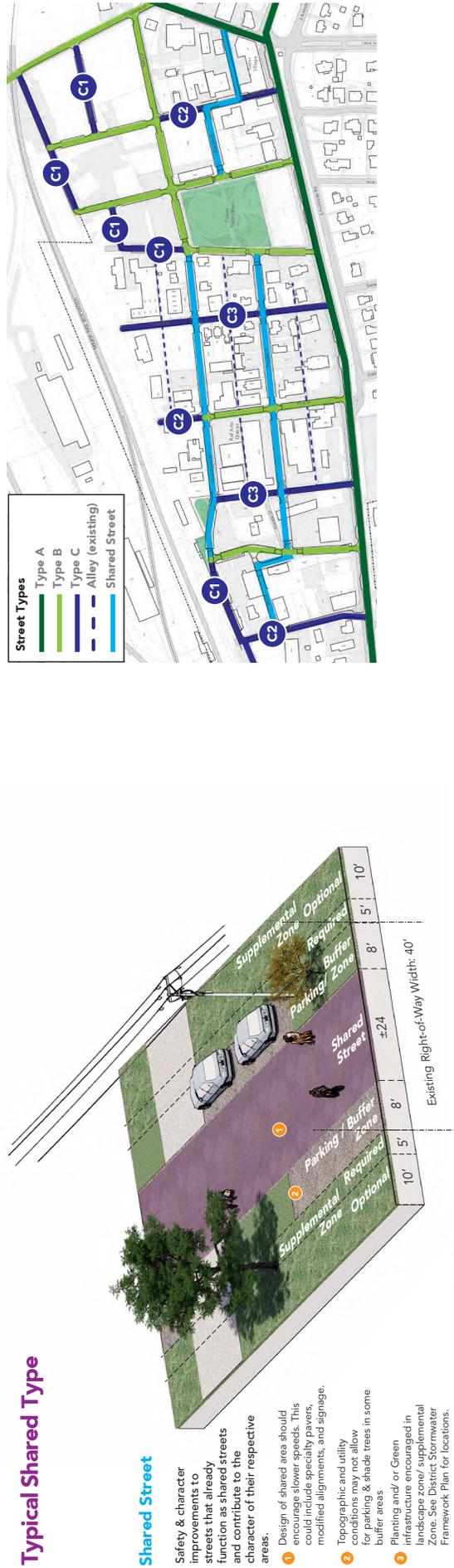
- c. **Type C:** Type C streets are intended to establish a designated street for parking lot and structure access, while still providing a safe and comfortable pedestrian realm. Typical cross-sections are illustrated in **Figure 3.2.8.B.4.c. - Type C Typical**.

Figure 3.2.8.B.4.C. - Type C Typical
Typical "C" Street Type



- d. **Type D.** Type D streets are shared streets. Type D streets are intended to work closely within the existing right-of-way to support the possibility of incremental redevelopment of a walkable warehouse district. There is no formal separation between modes of transportation; therefore, these streets are very low speed and marked by special details and materials like enhanced landscaping and paver systems. Typical cross-sections are illustrated in **Figure 3.2.8.B.4.d. - Type D Typicals**.

Figure 3.2.8.B.4.d. - Type D Typicals



- e. **Type E.** Type E streets are also considered alleys. Type E streets are intended to provide access and service to adjacent parcels. When possible, they shall provide sole vehicular access to those lots. Where existing alleys are encroached, they shall be re-established as a function of any redevelopment activity exceeding the 70 percent (70%) threshold in **Table 8.3.9 - Redevelopment Improvements**, or for any full site development.

D. General Standards for Streets.

1. Public and private streets shall comply with the minimum construction standards for public streets found in **Appendix B - Subdivision Regulations, Division 6.10 - Sidewalk, Street, and Other Construction Standards**, and other applicable sections of the City code.
2. All new streets shall connect at least two (2) streets or provide a temporary street stub that will allow for a future connection between at least two (2) streets. This provision is not intended to require connections to streets that are located entirely outside the boundaries of the CBD. No permanent cul-de-sac or other permanent dead end street design is permitted.
3. **Curbing.**
 - a. The maximum allowed curb radius at any intersection or curb is 20 feet.
 - b. Granite curbing is required. The curbing for such street improvement, extension, or reconstruction shall be granite curbing of a similar size and type as the granite curbing used on such existing street or the closest existing street containing granite curbing.
4. **Access.**
 - a. No curb cuts are allowed on Type A streets if the subject lot has access to another street type. Lots with access solely to Type A streets are allowed a maximum of one (1) curb cut.
 - b. Lots with access to Type B or C Streets are allowed a maximum of one (1) curb cut on either such street.
 - c. Curb cuts may not exceed 24 feet in width.
 - d. Access driveways shall be perpendicular to the abutting street.
 - e. Gates and security arms are prohibited on public and private streets that require public access.
 - f. On lots with more than one street frontage, access and off-street parking shall not be located in front of the primary building on the street with the higher classification based on the following order from highest to lowest: North Avondale Road, North Clarendon Avenue, Washington Street, Oak Street, Center Street, Lake Street, Laredo Drive, Parry Street, Green Street, Hilyer Avenue, Olive Street, Locust Street, Pine Street, Maple Street, Elm Street, and Potter Avenue.
 - g. 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.
5. **External Agency Reviews.**
 - a. Should the DeKalb County Fire Marshal's requirements and those set forth herein conflict, the Fire Marshal's requirements shall govern without the need for additional relief from the code.
 - b. The following provisions apply to lots that abut a right-of-way controlled by the Georgia Department of Transportation (GDOT):
 - i. Should any of the requirements herein conflict, the GDOT requirements shall govern without the need for additional relief from the Code.
 - ii. An approved permit for proposed access or improvements is required from GDOT and shall be incorporated into the construction drawings for the project before the issuance of a land disturbance permit.

- E. Streetscape.** In general, streetscapes shall consist of a landscape zone, sidewalk zone, and in some cases, a supplemental zone, dependent on **Table 3.2.8.E - Streetscape Dimensions**.

Table 3.2.8.E - Streetscape Dimensions

Street Type	Landscape Zone	Sidewalk Zone	Supplemental Zone
Type A	5-10 feet	10-12 feet	10-15 feet
Type B1	6-8 feet	10-12 feet	5-10 feet
Type B2	6-8 feet	7-10 feet	5-10 feet
Type B3	5-7 feet	7-10 feet	5-10 feet
Type C1	5-7 feet	5-8 feet	5-10 feet
Type C2	5-7 feet	5-8 feet	5-10 feet
Type C3	5-7 feet	5-8 feet	5-10 feet
Type D (shared street)	None	Shared	5-15 feet
Type E (alley)	None	None	5-7 feet

1. **Location.** Streetscape improvements, multi-use trails, and other pedestrian facilities shall be provided along all street frontages in accordance with this Division.
2. **Landscape Zones.** The landscape zone starts at the back of the curb and extends inward (toward the lot) for the minimum distance and no more than the maximum distance indicated in **Table 3.2.8.E - Streetscape Dimensions**. This area is generally intended to accommodate trees, plants, lights, and similar landscape elements.
 - a. Required street trees are identified by corridor in the **Downtown Avondale Estates Street Grid Plan**.
 - b. Street trees shall be planted in all landscape zones spaced on center as follows, based on the type of tree planted:
 - i. Understory trees: 30 feet on-center;
 - ii. Overstory trees: 60 feet on-center.
 - c. Street trees shall have a minimum planting area of Five (5) feet by five (5) feet. Tree planting areas shall provide porous drainage systems that allow for drainage of the planting area.
 - d. Streetlights shall be located within the landscape zone and spaced a distance consistent with the **Downtown Avondale Estates Street Grid Plan**.
 - e. Landscape zones shall be planted with grass, ground cover, or flowering plants..
3. **Sidewalk Zones.** The sidewalk zone starts at the inner edge of the landscape zone and extends inward (toward the lot) for the minimum distance and no more than the maximum distance indicated in **Table 3.2.8.E - Streetscape Dimensions**. This area is intended exclusively to accommodate unimpeded pedestrian movement.
 - a. Sidewalk Zones shall be paved in concrete and kept clear and unobstructed for the safe and convenient use of pedestrians. There shall be a minimum ten (10) feet vertical clearance maintained on all sidewalk zones.
 - b. Paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent pedestrian zone area.
 - c. When newly constructed sidewalks abut adjacent sidewalks, the newly constructed sidewalk shall provide safe facilitation of pedestrian traffic flow to those adjacent sidewalks. If the adjacent sidewalk is deficient with respect to the standards of the Ordinance, the subject sidewalk shall

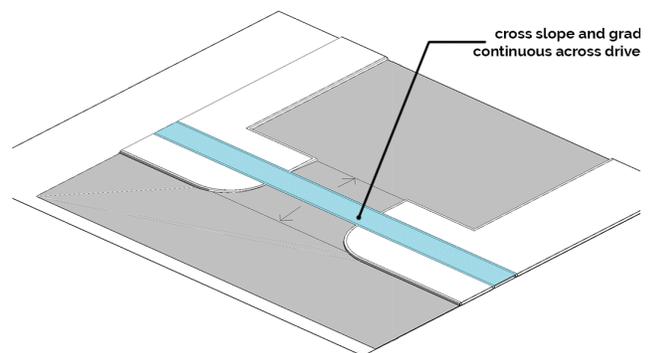


Figure 3.2.8.D - Paving Materials Across Driveways

taper to match the width of the adjacent sidewalks.

- d. If no adjacent sidewalk exists, the new sidewalk shall terminate at the property line at the required width at the grade and location of the adjacent sidewalk zone. The sidewalk on the subject property shall be graded to facilitate a future direct connection to the sidewalk (e.g.: it shall not terminate at a retaining wall).
 - e. Any development that disturbs existing sidewalks on an adjacent property shall replace disturbed areas to their pre-disturbance state and condition.
 - f. Safe and convenient pedestrian pathways shall be provided from sidewalks along streets to each publicly accessible building entrance, including pedestrian access routes to parking decks, through parking lots, and between adjacent buildings within the same development. All such pathways shall be paved, with a minimum width of four (4) feet, or the width required by the underlying zoning district or ADA accessibility criteria, whichever width is greater.
4. **Supplemental Zones.** The supplemental zone starts at the inner edge of the pedestrian zone and extends inward (toward the lot) for the minimum distance and no more than the maximum distance indicated in **Table 3.2.8.E - Streetscape Dimensions**. This area is intended to accommodate active uses along the street frontage with amenities such as widened sidewalk zones, outdoor seating, and landscaping.
- a. The supplemental zone shall be located on private property.
 - b. Benches, trash receptacles, and bike racks shall be placed within the supplemental zone. Other amenities are permitted, such as seat walls, provided they meet the intent and dimensional requirements of the supplemental zone.
 - i. Such features shall be provided at a ratio of not less than one (1) bench, one (1) trash and one (1) recycling receptacle, and one (1) bike rack per 300 feet of street frontage, or portion thereof.
 - ii. Bike racks provided to meet this requirement may be counted towards satisfying Short-Term Bicycle Parking requirements of **Table 6.2.3 - Parking Requirements**.
 - iii. Where a supplemental zone is not required or does not exist, these amenities shall be located in the landscape zone.
 - c. The supplemental zone shall be no more than 24 inches higher than the adjacent sidewalk, unless existing topographical conditions render this requirement unreasonable, per approval of the City Manager through the permit review process.
 - d. Provided the other provisions of this Section are met, other activation of the supplemental zone is permitted and encouraged, to include outdoor dining, public art installations, landscaping and planter boxes, and retail sales.
5. **Insufficient Right-of-Way Width.** On existing streets with insufficient right-of-way width to accommodate the required landscape and sidewalk zone elements, the right-of-way needed to accommodate the required streetscape elements shall be dedicated to the City prior to the issuance of any Certificate of Occupancy.

F. Conditions of Improvements.

1. **Construction Obligations.** All improvements shall be constructed and dedicated to the City by the developer.
2. **Partial Improvements.** Where the subject property is adjacent to the location of a new street shown on the street grid plan but said planned new street is partially on private property not owned by the developer or a related entity, the developer may comply with the bonus requirements for new street build-out by making only the planned improvements shown on the subject property by the street grid plan. Streets may be constructed as one-way until the full planned street is built out.
3. **Omit from Lot Calculations.** Any new or reconstructed streets constructed as a function of this Section shall not count against maximum lot coverage and shall not be included in the lot size for calculating open space dimensions, tree density requirements, or any other standard determined using the area of the lot. In these cases, the area of the road can be completely omitted from the lot area calculation (i.e.: the area taken up by the road is not used in the coverage area, nor in the

total lot area).

4. *Timing.* All improvements shall be installed prior to the final Certificate of Occupancy, project close-out, or prior to approval of a final plat.

G. Air Rights.

1. Where bonus criteria are met for a project, the City will grant air rights to permit occupiable bridge structures that span streets by connecting portions of buildings across rights of way, for the purpose of providing circulation.
2. A maximum of one (1) bridge is permitted per block.
3. Bridges are only permitted on structures that exceed three (3) stories in height and must be installed at least thirty (30) feet above the right of way.

Section 3.2.9 - Façade Types

A. Façade Type Development Standards. Table 3.2.9 - Façade Types outlines site standards, heights, and façade requirements based on each Façade Type. Section 3.2.10 - Building Design Standards provides additional standards applying to all Façade Types.

B. Façade Types. The following descriptions and illustrations define the allowable Façade Types required for all exterior façades in the CBD.

1. **Attached House.** The Attached House is a building façade typically made up of several single-family, multi-story units, usually referred to as townhouses, each with its own external entrance. Units are not vertically mixed-use but can accommodate live-work units.



Figure 3.2.9.B.1 - Attached House Façade Type - Sloped Roof

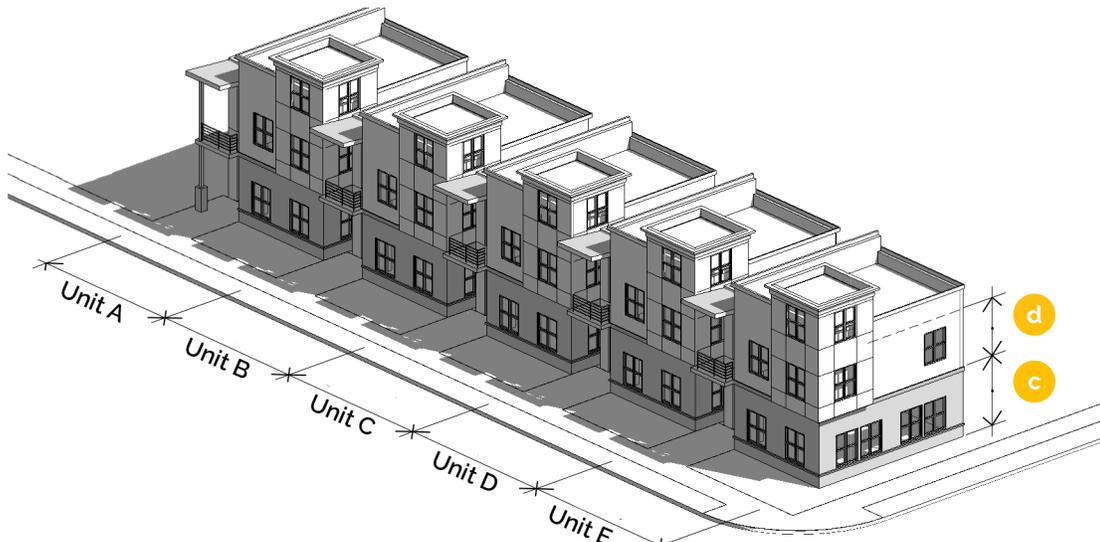


Figure 3.2.9.B.2 - Attached House Façade Type - Flat Roof

Table 3.2.9 - Façade Types						Reference	
		Attached House	General	Walk-Up	Shopfront		
Site Standards							
	Min. Street Setback	Refer to Supplemental Zone Requirements				Table 3.2.8 - Street Type Dimensions	
	Max. Street Setback	Refer to Supplemental Zone Requirements					
	Min. Side & Rear Setbacks	-	-	-	-		
Uses							
	Ground Floor Uses	All CBD uses	Commercial uses in CBD	All CBD uses	Commercial uses in CBD	Uses permitted in CBD per Use Table 5.2.4.	
	Uses on other floors	Residential uses in CBD	All CBD uses		All CBD uses		
	Parking Garage use	Prohibited directly adjacent to Type A streets and City open spaces and parks, unless liner buildings are provided. Design requirements in accordance with Table 6.2.5 - Design Standards for Parking Garages.				Section 6.2.5, 6.3.4	
Height							
a	Ground Story Elevation (min./max. above sidewalk)	0 to 4.5 feet	0 to 4.5 feet	0 to 4.5 feet	0 to 4.5 feet	Sub-Area Tables: Section 3.2.4, 3.2.5, 3.2.6	
b	Min. Building Height	18 feet	18 feet	18 feet	18 feet		
Min. Height per Story							
c	Ground Story	9 feet	14 feet	10 feet	14 feet		
d	Upper Stories		10 feet		10 feet		
Façades							
Min. Fenestration on Type A and B Streets							
e	Ground Story	25%	CBD-1 60% CBD-2/ CBD-3 40%	25%	CBD-1 75% CBD-2/ CBD-3 50%	Table 3.2.8 - Street Type Dimensions; 3.2.10G - Window Systems; 3.2.9.B - Shopfront Design Standards	
f	Upper Stories		25%		CBD-1 45% CBD-2/ CBD-3 35%		
Min. Fenestration on All Other Street Types							
h	Ground Story	20%	25%	25%	40%		
i	Upper Story				25%		
j	Required Type A and B Street Building Entrances	1 per unit (regardless of street type)	1 per 150' of front façade	1 per 75' of front façade	1 per 75' of front façade	Figure 3.2.7 - Street Typology Map	
k	Façade Divisions	1 per 50 feet	1 per 100 feet	1 per 75 feet	1 per 50 feet	Section 3.2.10.D - Building Design Standards	
l	Roof Division	1 per 200 feet	1 per 200 feet	1 per 200 feet	1 per 200 feet	Section 3.2.10.D - Building Design Standards	



Figure 3.2.9.A.1 - Façade Type Development Standards



Figure 3.2.9.A.2 - Façade Type Development Standards

2. **General.** A General façade is intended to be sited close to the sidewalk but may also allow for open spaces and landscaping between the building and public realm. The building is structured to allow single or multi-story development that typically accommodates non-residential uses, such as hotel or office uses on all stories, or multi-family residential uses. The General façade type may accommodate limited amounts of accessory retail and service uses on the ground floor.

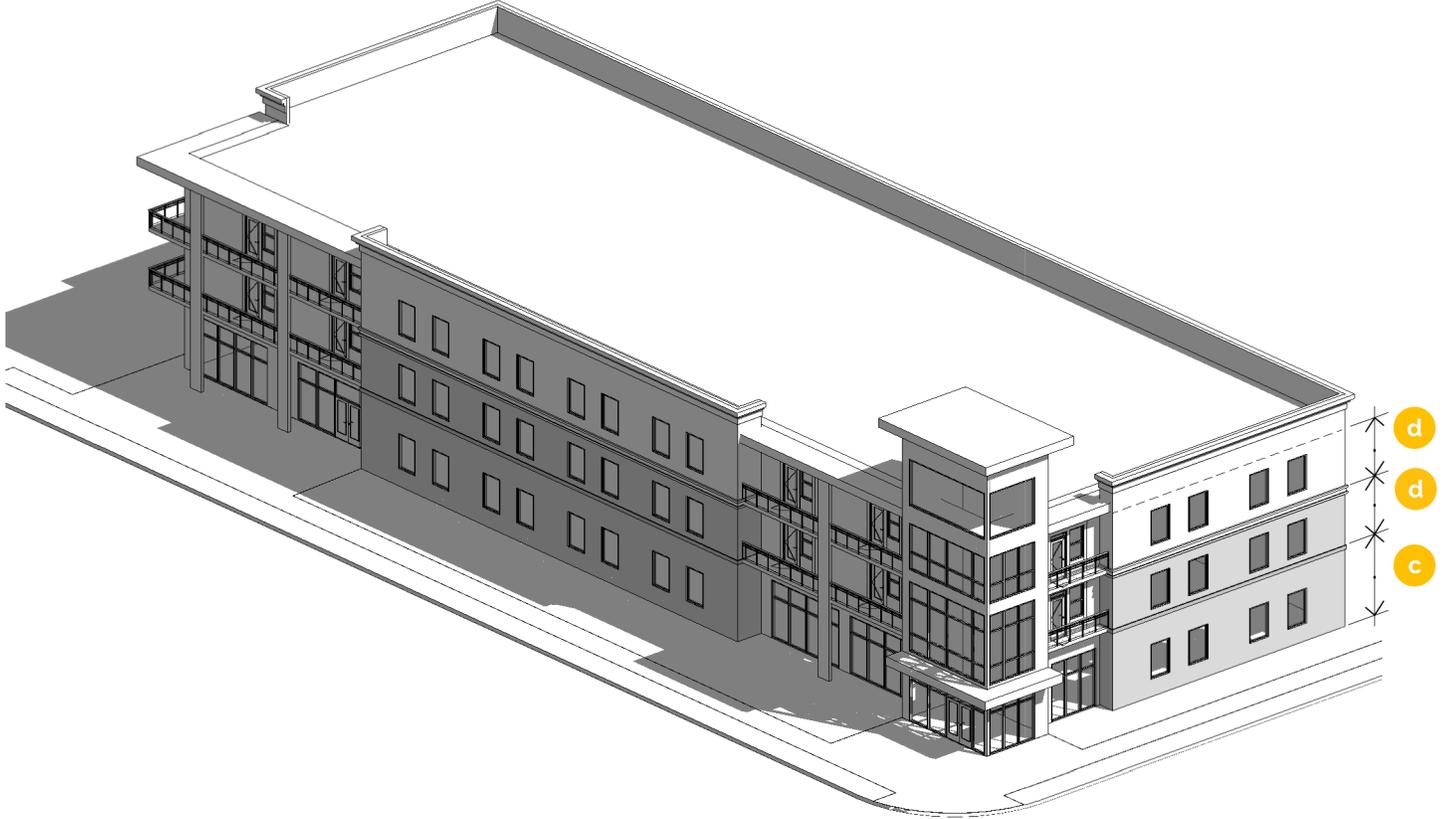


Figure 3.2.9.B.3 - General Façade Type

3. **Walk-Up.** Walk-Up façades typically house multi-family uses with ground floor units that have entrances facing a sidewalk or public street. Additionally, the design requirements for Walk-Up façades establish tenant spaces supportive of retail and other service uses in mixed use environments.

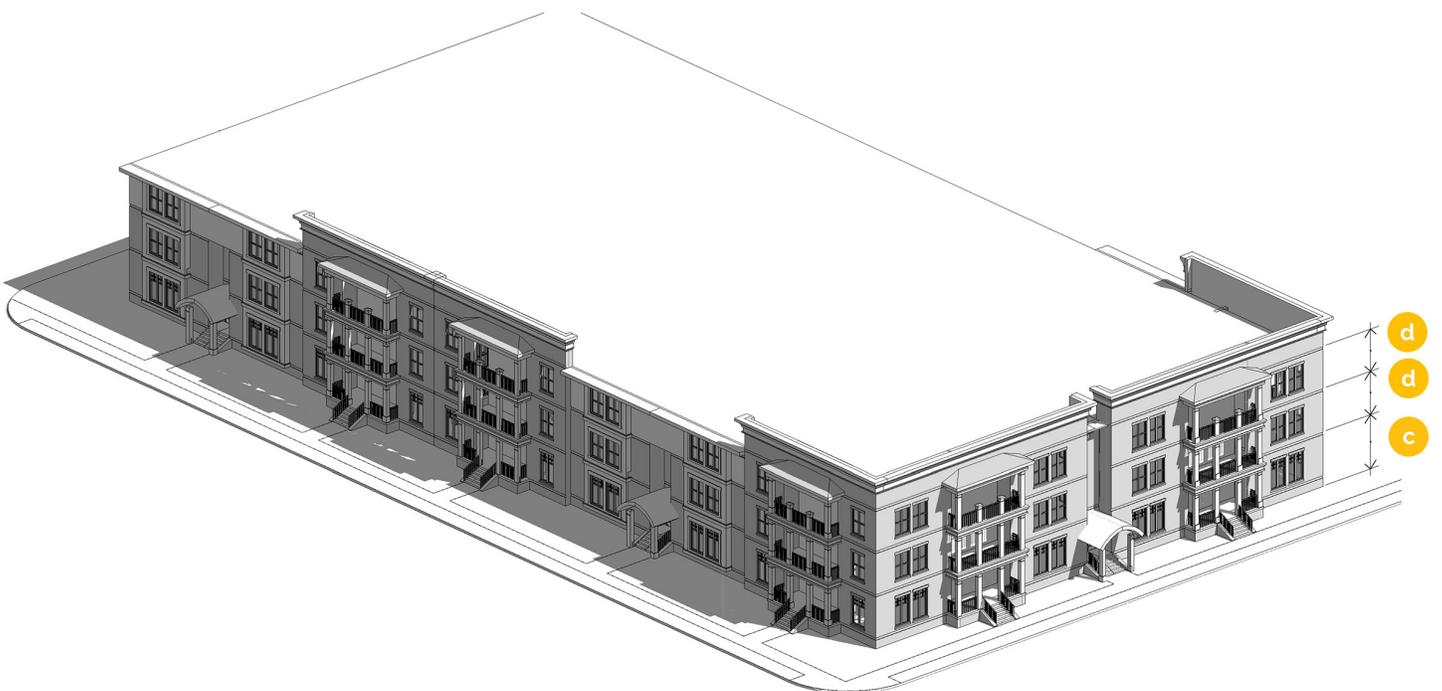


Figure 3.2.9.B.4 - Walk-Up Façade Type

4. **Shopfront.** The Shopfront façade is intended for use as a mixed-use building located close to the sidewalk. The most distinctive element of this Façade Type is the ground floor façade with large amounts of storefront glass, regularly spaced entrances, and intricate architectural elements present in existing historic storefronts, typically for retail and service uses.

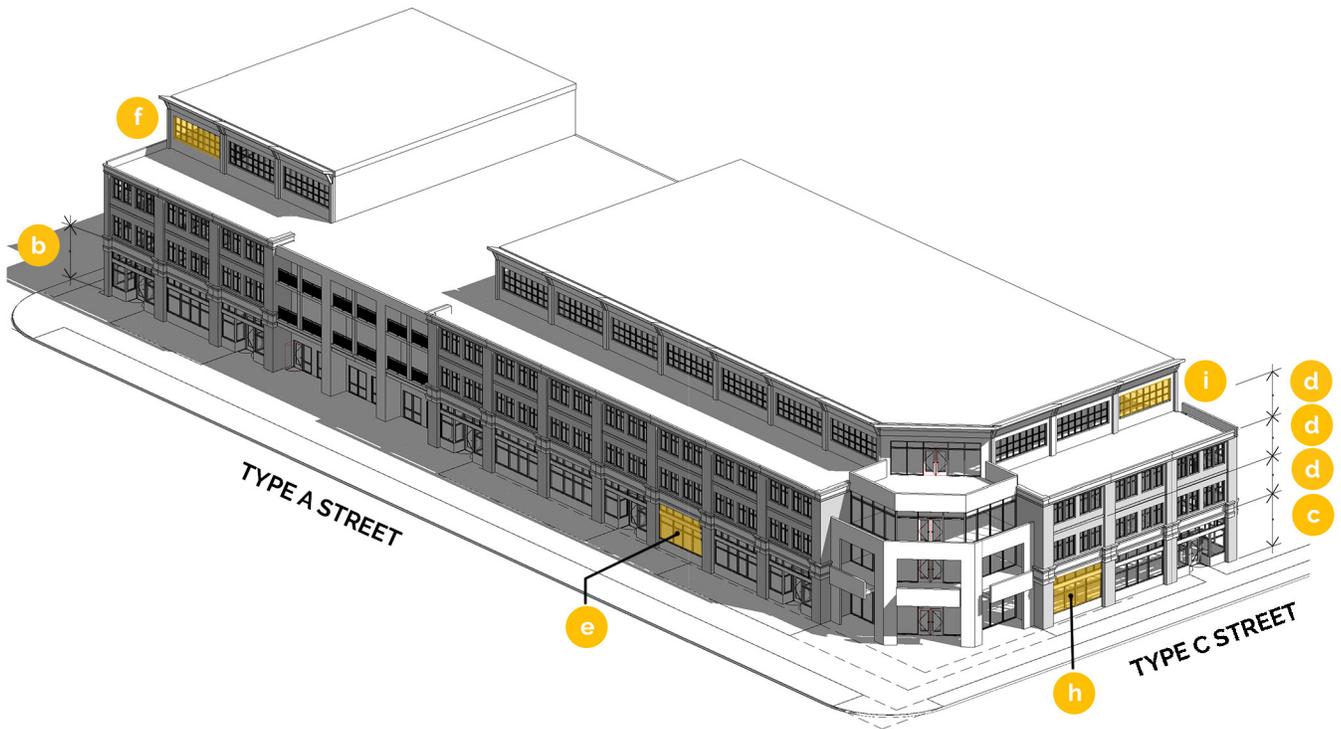


Figure 3.2.9.B.5 - Shopfront Façade Type

C. Shopfront Design Standards.

1. The ground story of all shopfront façades in CBD-2 and CBD-3 shall contain the following elements as illustrated in **Figure 3.2.9.C**:
 - a. *Cornice/Articulated Floor Line.* The cornice visually separates one floor from the adjacent floor(s). The cornice can be articulated with a change of color, pattern, or material.
 - b. *Sign Board.* A sign board shall be an area between the cornice and window system where a wall sign is placed. The sign board shall be a minimum of two (2) feet in height and shall extend the width of each architectural bay.
 - c. *Transom.* Transoms are horizontally articulated windows located below the sign board. The window system shall extend the full width of the architectural bay or tenant space but may be separated by mullions and muntins consistent with the design aesthetic. Grilles are prohibited.
 - d. *Recessed Entry.* Recessed entries are important to the retail experience to protect the users from inclement weather, increase the amount of space in which to display merchandise, and to ease the transition



Figure 3.2.9.C - Shopfront Design Standards

of users to and from the public realm. Entryways shall be recessed from the plane of the shopfront façade a minimum of three (3) feet.

- e. *Display Window.* Display windows provide frames for retail users to display merchandise and contribute to the active and vibrant character along the historic street front. Display windows shall not be separated with mullions, muntins, or grilles.
- f. *Bulkhead.* Bulkheads shall be a minimum of 18 inches in height and shall extend the full length of the architectural bay or tenant space.
- g. Grilles, other faux features, and metal shopfront window systems shall be prohibited.
- h. Fenestration. Fenestration proportions shall comply with **Table 3.2.9 - Façade Types** and **Section 3.2.10G - Window Systems**.

Section 3.2.10 - Building Design Standards

A. *Intent.* These criteria are intended to address a building's appearance and integration into the Central Business District. The criteria are intended to elicit high quality materials, enhanced pedestrian experience, an appropriate scale, and a development pattern that effectively implements the City's planning and visioning documents.

B. *Applicability.* The building design regulations of this Section apply to all buildings in the CBD, unless otherwise expressly stated.

- 1. *Applicable Façades.* The Building Design Standards apply to all façades visible from the street, facing streets, facing main parking lots, and adjacent to or visible from required open spaces, unless otherwise noted.

C. *Exterior Finish Materials.*

- 1. Applicable to all sub-areas:
 - a. Primary building materials shall be used on at least 70% of any building façade.
 - b. Secondary building materials may be used on up to 30% of any exterior building façade, calculated on the basis of each individual façade.
 - c. Building materials, other than those expressly identified in this Section, may be used on up to ten percent (10%) of any exterior building façade, provided they have not been prohibited by this Section.
 - d. Material proportion calculations shall not include building foundations, window systems, and doors. Proportions are calculated on the basis of each individual façade.
 - e. Materials shall continue around the corner of the building onto façades not visible from the public street a minimum depth of one (1) architectural bay.
 - f. *Prohibited Materials.* Synthetic stucco, concrete masonry units (CMU), and vinyl are not permitted as exterior finish materials.
 - g. Building façades shall be constructed of no more than three (3) primary materials and/or colors. Additional materials may be used as secondary, trim, or accent materials.
 - h. *Awnings.* Plastic and vinyl awnings are prohibited. Materials repurposed into textiles for use on an awning is permitted.
- 2. Exterior wall finish materials differ by Sub-Area District as follows:
 - a. **CBD-1 Materials.**
 - i. Primary: Metal panels and siding; exposed, stained, or painted concrete; exposed wood; and ceramic panels; brick, including full-depth and half-depth masonry brick; and stone.
 - ii. Secondary: EIFS; glass block; phenolic resin panels, metal mesh; brick, including full-depth and half-depth masonry brick.
 - b. **CBD-2 Materials.**
 - i. Primary: Brick, including full-depth and half-depth masonry brick; stone, including unpainted natural stone, unpainted cast stone having the appearance of natural stone; and unpainted terracotta.

- ii. Secondary: Metal panels and siding; wood, including natural wood or cement-based artificial wood siding.
- c. **CBD-3 Materials.**
 - i. Primary: Brick, including full-depth and half-depth masonry brick; stone, including unpainted natural stone, unpainted cast stone having the appearance of natural stone; and unpainted terracotta.
 - ii. Secondary: Wood, including natural wood or cement-based artificial wood siding; shingles, including wood or cement-based shakes and shingles; or stucco.

D. Building Articulation.

1. In order to avoid large expanses of flat (one-dimensional) exterior walls along sidewalks, building façades over 50 feet in length along a street, including abutting attached houses, shall incorporate wall projections or recesses a minimum of 12 inches in depth. The combined length of such recesses and projections shall constitute at least 20% of the total façade length along the public street.
2. One of the following to divide the façade into vertical divisions at increments no greater than the maximum width dimensions shown for a façade type, as measured along the base of the façade. Required division frequency is identified on **Table 3.2.9 - Façade Types**.
 - a. A change of façade material and window system from grade to roof; or
 - b. Change of building height of at least one story; or
 - c. A change in façade composition and/or architectural style from grade to roof; or
 - d. An open space or pedestrian passage with a minimum width of ten (10) feet and a minimum depth of 30 feet. For blocks greater than 400 feet long, as permitted in **Section 3.2.8.B - Block Requirements**, this provision is required to satisfy the building massing requirements of this Section.
 - e. Similar means intended to convey the impression of separate buildings.
 - f. Change in color alone, window system alone, or setback alone, may not be used to satisfy this requirement.
3. Building roof lines along street-facing façades shall change at least once every 200 feet of façade length. This change shall occur for a minimum length of 20 feet and be accomplished through at least one of the following:
 - a. A change of roof parapet wall height and material;
 - b. A change of roof cornice design;
 - c. A change in the number of stories;
 - d. A change in roof-shape.

E. Blank Walls. Blank wall area applies to ground and upper story façades visible from a street (not including an alley) or open space.

1. There shall be no more than 20 feet of blank wall area.
2. Blank wall area can be broken up or interrupted to meet these provisions with any one of the following interventions:
 - a. Fenestration; or
 - b. Substantial material change. Paint color alone does not constitute a material change; or
 - c. Façade articulation greater than 12 inches in depth; or
 - d. Patterns and designs articulated with building materials.
 - e. Vertical green walls, made of landscaped material specified for vertical, climbing growth.
 - f. Signage and murals as permitted in **Chapter 5 - Sign Regulations**.
3. Blank wall area is measured in linear feet applied in both vertical and horizontal directions. See **Figure 3.2.9.E - Blank Wall Area**.

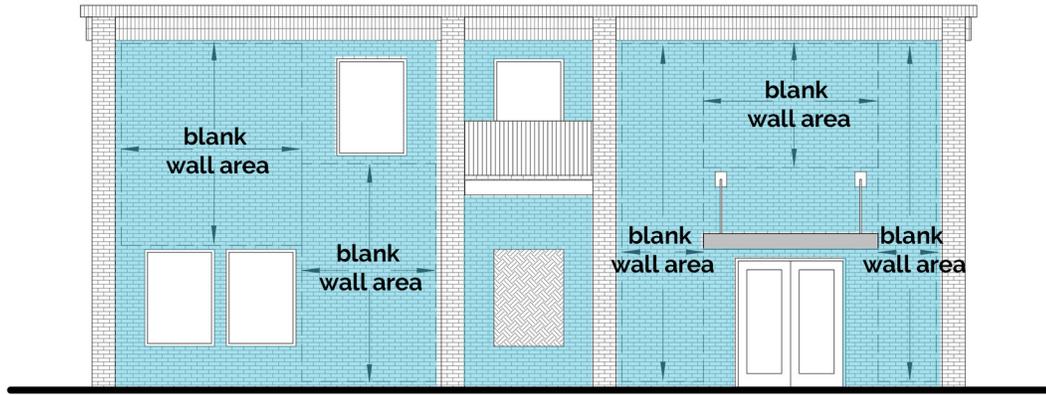


Figure 3.2.9.E - Blank Wall Area

F. Residential Balconies.

1. Where balconies are incorporated into building design, they shall be integral to the façade.
2. Balconies on stepped-back stories may be independently secured, extending from the façade as a cantilever.
3. Juliet balconies are prohibited.

G. Window Systems.

1. Fenestration is the minimum percentage of window and door glass that must cover a façade, pursuant to **Table 3.2.9 - Façade Types**. It is calculated based façade area and by floor. The façade area used to determine fenestration is measured from the top of the finished door to the top of the finished floor above or top of a roof parapet.
2. Fenestration requirements apply to façades that abut a public or private street (not including an alley), or a required open space.
3. Glass used to satisfy fenestration requirements shall be unpainted, shall have a transparency (visible light transmission) higher than 70 percent (70%) and shall have an external reflectance of less than 15 percent (15%). Transparency and external light reflectance shall be established using the manufacturer's specifications.
4. Window frames, sashes, mullions, and similar features that are integral to the window system count towards fenestration requirements. Opaque doors and windows do not.
5. No shades, blinds, or other coverings are permitted on the ground floor fenestration of any non-residential building.
6. Grilles, inoperable shutters, and other faux window treatments are prohibited.
7. Window systems shall be recessed from the façade of the building a minimum of three (3) inches. This reveal shall be accomplished through the design of the window casing reveals and frames.

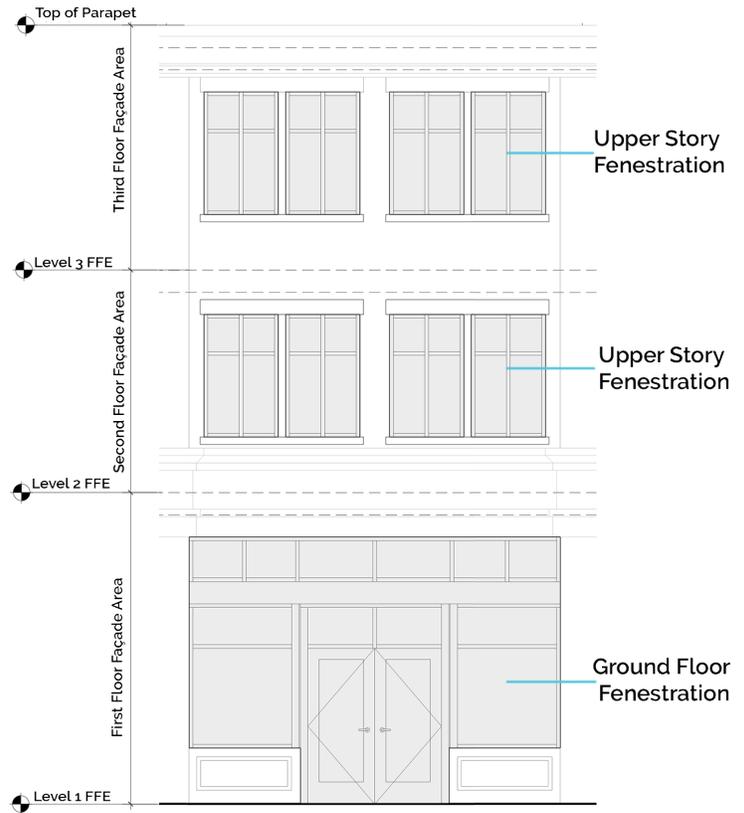


Figure 3.2.9.G - Fenestration Calculations

H. **Pedestrian Access.** The pedestrian access regulations of **Section 6.2.13 - Pedestrian Access and Circulation** apply.

Section 3.2.11 - Uses

A. **General.** The use regulations of **Article 5 - Uses** apply to the CBD.

B. **Façade Type.** Each use shall be located within a permitted façade type (refer to **Section 3.2.9 - Façade Types**), unless otherwise specified.

Section 3.2.12 - Generally Applicable Regulations

The sections cited herein shall apply, unless otherwise expressly stated in this Division.

A. **Parking.** The parking and access regulations of **Division 6.2 - Parking and Access** apply.

B. **Open Space.** The open space regulations of **Section 6.3.5 - Open Space** apply.

C. **Buffers.** The buffer from sensitive use regulations of **Division 6.4 - Transitional Buffers** apply.

D. **Fences and Walls.** The fence and wall regulations of **Division 6.5 - Fences and Walls** apply.

E. **Outdoor Lighting.** The lighting regulations of **Division 6.7 - Outdoor Lighting** apply.

F. **Transitional Height Plane.** All CBD-zoned lots that abut R-zoned lots, City open spaces or parks, or the CBD-2 sub-area are subject to the transitional height plane requirements of this Section. Adjacent uses under this Section are referred to as "sensitive."

1. When adjacent to sensitive uses, the maximum height of all buildings or structures in the CBD shall be 45 feet or three (3) stories, whichever is less, for a horizontal distance of 25 feet from the property line in toward the subject lot. At the point 25 feet into the property, the height of the building can increase at a 45 degree angle up to a maximum height of 70 feet or five (5) stories, whichever is less, depending on the maximum height of the sub-area.
2. No building or portion of building may protrude above the transitional height plane.
3. When a subject lot is occupied solely by detached and/or attached houses, the subject lot is exempt from the transitional height requirements of this Section.

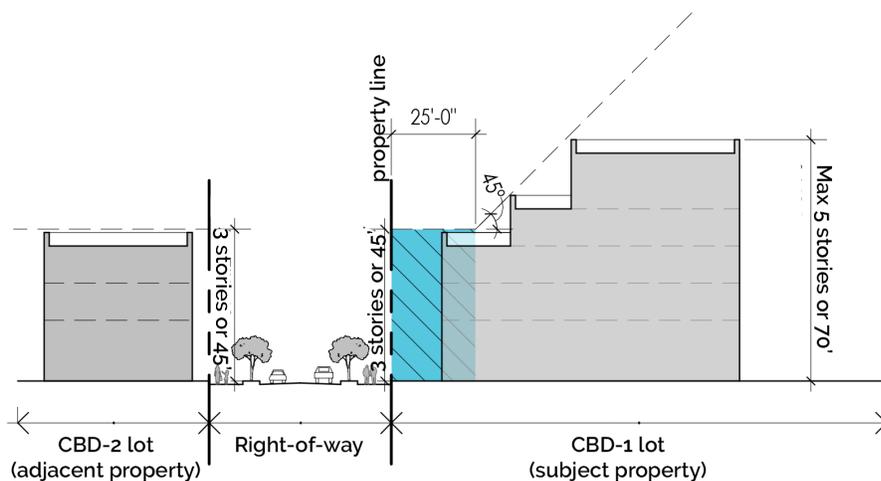


Figure 3.2.12.F - Transitional Height Plane

Division 3.3 - Planned Unit Development (PUD) District

Section 3.3.1 - Purpose

- A. The PUD district is intended to permit the planning and development of parcels of land that are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. These plans may supersede the regulations included the Zoning Ordinance where indicated by said development plans. The PUD district is intended to provide a means of accomplishing the following specific objectives:
1. To provide for development concepts not otherwise allowed within non-PUD zoning districts;
 2. To provide flexibility, unity, and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures, and common facilities;
 3. To accommodate varied design and layout of housing and other buildings;
 4. To allow appropriate relationships of open spaces to intended uses and structures;
 5. To encourage innovations in quality residential, commercial, and industrial development so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space;
 6. To lessen the burden of traffic on streets and highways; and
 7. To provide a procedure that can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.

Section 3.3.2 - Applicability and Minimum Standards

- A. A PUD may be requested on any property or properties within the City that not zoned R-12 or R-24 that meet the minimum standards set out herein. Rezoning to PUD must be accomplished in accordance with the amendment procedures of **Division 7.5 - Amendments and Conditional Uses** to establish the boundaries and regulations of the PUD.
- B. No PUD district may be established without the approval of Overall Development Standards (ODS) and an Overall Development Plan (ODP) per **Section 3.3.3 - Application of Regulations** by the Board of Mayor and Commissioners, in accordance with **Division 7.5 - Amendments and Conditional Uses**.
- C. PUD districts shall have a minimum contiguous area of two (2) acres.
- D. PUDs shall provide a mix of a minimum of two (2) individual uses from two (2) different use sub-categories, as defined in **Table 3.3.2 - Use Sub-Categories**.

Table 3.3.2 - Use Sub-Categories	Individual Uses
Lodging and Residence	Household Living Lodging
Institutional	Library or Cultural Exhibit Educational Services Hospital
Office	Medical Service Office or Consumer Service
Retail Sales	Retail Sales Food and Beverage Retail Sales
Service	Animal Services Day Care Consumer Services Eating and Drinking Establishments Financial Services

- E. PUDs shall achieve a minimum of ten (10) points from a minimum of three (3) different parent "categories" identified in **Table 6.8.3 - Resiliency Measures and Values**. Categories include: tree canopy, energy, water, transportation, public health, arts, and alternate.
- F. The boundaries of each PUD shall be in conformance with the adopted Comprehensive Plan, the approved Overall Development Standards (ODS), and Overall Development Plan (ODP) developed through the PUD enabling process.
- G. Where applicable, PUDs shall comply with the most recently adopted version of the **Downtown Avondale Estates Street Grid Plan**, including all dimensional and material specifications for new and existing roads, unless an acceptable alternative alignment, configuration, or other specification is approved through the process.
- H. Any development standards not expressly defined or omitted by the ODS and/or ODP shall be regulated by the Zoning Ordinance and **Appendix B - Subdivision Regulations**.

Section 3.3.3 - Application of Regulations

- A. **Overall Development Standards (ODS)**. Development of the PUD is governed by the ODS that designate the standards of zoning and development for the property. These standards replace the development standards in the Zoning Ordinance and Development Regulations and should include, at a minimum, the following:
 1. Permitted and prohibited uses;
 2. Maximum lot coverage;
 3. Maximum building coverage;
 4. Minimum open space;
 5. Minimum and maximum building heights;
 6. Minimum lot size;
 7. Required yard setbacks;
 8. Maximum block length;
 9. Parking requirements;
 10. Environmental buffers and limitations;
 11. Design standards; and
 12. Building massing.
- B. **Overall Development Plan (ODP)**. Development of the PUD is also governed by the ODP, which includes a series of plans and design-related documents regulating the development of the property. At a minimum, the ODP shall include the following:
 1. *Analysis of Existing Conditions*. An analysis of existing site conditions, including a boundary survey and topographic map of the site that shall include information on all existing manmade and natural features, utilities, all streams and easements, and features to be retained, moved or altered. The existing shape and dimensions of the existing lot to be built upon including the size, measurement, and location of any existing buildings or structures on the lot shall be included.
 2. *Overall Master Plan*. A master plan outlining all proposed regulations and calculations which shall include, but not be limited to, information on all proposed improvements including proposed building footprints, entrances, densities, parking ratios, open space, height, sidewalks, yards, under and over-head utilities, internal circulation and parking, landscaping, grading, lighting, drainage, amenities, and similar details and their respective measurements.
 3. *Phasing Plan*. Should a PUD be expected to require five (5) years or longer to complete, a phasing plan shall be provided by the applicant that indicates the timeframe for construction and development of different aspects of the PUD.
 4. *Regulating Plan*. A regulating plan shall be provided with street types and open space for all property within the PUD boundary. The regulating plan shall be keyed to a set of standards developed based on location. This plan should consider how all modes of transportation will

be accommodated, including pedestrians, bicycles, cars, transit, rideshare, etc. Detailed cross-sections shall also be included in this plan or as an attachment to this plan.

5. *Streetscape and Hardscape Manual.* A streetscape and hardscape manual shall be created that includes specifications for the following: sidewalk zones, landscape zones, and supplemental zones, including details regarding lighting fixtures, on-street parking, street furniture, landscape materials and other amenities. A streetscape map shall accompany this manual that identifies appropriate streetscape and hardscape designs for all streets, plazas, open space, locations for public art etc. within the plan.
 6. *Architectural Pattern Book.* An Architectural Pattern Book demonstrating approved building materials, features, exterior finishes, windows, doors, colors, and other items affecting exterior appearance, such as signs, mechanical systems, fencing, etc. The pattern book shall include renderings of proposed buildings.
- C. To the extent that the approved ODS and ODP for a PUD contradict the development regulations and this Zoning Ordinance or the City's Development Regulations, the approved ODS and ODP for the PUD district governs.
 - D. Due to the mixed-use nature of PUD proposals, design shall be determined based upon the context and guidance of the Comprehensive Plan and any specific character area plan (e.g.: Downtown Master Plan) in which the PUD is located, as applicable.
 - E. Applications shall include any additional information deemed necessary by the City Planning and Community Development Department to determine compliance with ordinance standards.

Division 3.4 - Open Space and Recreation District (OS-R)

Section 3.4.1 - Purpose

The Open Space and Recreation 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 City of Avondale Estates.

ARTICLE 4 | OVERLAY DISTRICTS

Division 4.1 - Districts

Section 4.1.1 - Districts

In order to apply regulations of a base zoning district in concert with additional or altered regulations for design or building types 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 overlay zoning districts:

District Code	District Name	General Definition
AROD	Adaptive Reuse Overlay District	An overlay district that provides exemptions and alternative compliance for existing structures and site conditions for the purpose of preserving remnants of the built environment that contribute to the history of Avondale Estates.

Section 4.1.2 - General Purpose

- A. Overlay zoning districts "over- lay" applicable base zoning district classifications to alter some or all of the base zoning regulations that apply to particular sites. Overlay districts work to modify or supplement the regulations imposed by base zoning district when necessary to address special situations or accomplish specific objectives.
- B. Overlay zoning is intended to be used when the base zoning applied to an area remains generally appropriate, but when an additional, modified, or eliminated requirement could help implement the City's planning goals or address an area-specific planning, design or land use regulation issue.

Section 4.1.3 - Applicability

- A. The boundaries of overlay zoning districts shall be shown on the Official Zoning Map. The following

procedures apply to the establishment, amendment, or termination of all overlay districts unless otherwise expressly stated.

1. Overlay district regulations shall be established, amended, or terminated in accordance with the amendment procedures of **Division 7.5 - Amendments and Conditional Uses**.
2. Except as otherwise expressly stated, Zoning Map Amendments establishing, expanding or reducing the boundaries of an overlay district or terminating all or part of an overlay district shall be processed in accordance with the amendment procedures of **Division 7.5 - Amendments and Conditional Uses**.

Section 4.1.4 - Section Interpretation

A. *Section Interpretation.*

1. All applicable regulations of the underlying base zoning district apply to property in an overlay district unless otherwise expressly stated in the overlay district regulations.
2. When overlay regulations conflict with regulations that otherwise apply in the underlying base zoning district, the regulations of the applicable overlay govern. If property is classified in multiple overlay districts and the regulations of one overlay district conflict with the regulations of another overlay district, the more restrictive regulation governs.

Division 4.2 - Adaptive Reuse Overlay District

Section 4.2.1 - Purpose

The *Downtown Master Plan* is intended to encourage redevelopment in downtown Avondale Estates that follows the compact development pattern, architectural styles, a mix of uses, pedestrian facilities and amenities, and preservation of the existing structures found in the district. The Adaptive Reuse Overlay District, in combination with the Central Business District zoning regulations, are intended to allow the downtown area to grow and thrive with a mixture of old and new development by supplementing the base zoning regulations with tailored building and design standards.

Section 4.2.2 - Applicable Adaptive Reuse Projects

- A. Any structures, buildings, or combination thereof within the Central Business District boundaries that was/were constructed in accordance with building and zoning codes in effect prior to January 1, 1970, are considered by this Overlay to be Historically Significant Buildings. To be considered an Adaptive Reuse Project, a minimum of 75 percent of the floor area of the entire project shall not consist of new construction or additions. This percentage does not preclude interior alterations within those areas. The retention of a minimum of 75 percent of each previously existing exterior wall is required to include a structure in the previously existing floor area calculation.
- B. *Exclusions.* Any buildings or structures not considered to be a part of a defined Adaptive Reuse Project are required to comply with all the regulations of this Zoning Ordinance and may not follow the relaxed provisions of Adaptive Reuse Projects.
- C. Adaptive Reuse Projects located within the Central Business District boundaries, as defined on the Zoning Map, shall be exempt from **Division 3.2- Central Business District**, unless identified herein.
- D. In no case shall any existing characteristics be made more deficient than previously existed prior to the redevelopment.

Section 4.2.3 - Dimensional Standards

- A. *Applicable Standards.* The following outlines the regulations that apply to Adaptive Reuse Projects as stated or amended herein. If a regulation of this Chapter is not identified, it does not apply to any existing structures.
- B. The following dimensions of **Table 4.2.3 - Dimensional Standards** states the required dimensions for Adaptive Reuse Projects, as opposed to those identified by zoning district:

Table 4.2.3 - Dimensional Standards	
Regulation	AROD
Maximum lot coverage ¹	95%
Minimum Open Space	None
Max building height ¹	45'
Lot size (min. in square feet)	None
Lot width (min. in feet)	None
Front yard	None
Side yard (min. in feet)	None
Rear yard (min. in feet)	None

¹Or not to exceed existing.

- C. **General Provisions.** Section 1.1.3 - Applicability applies.
- D. **Streetscape Design.** All developments shall comply with the minimum zone requirements as outlined in Section 3.2.8.E - Streetscapes, with the exception of the supplemental zone, if the applicant is able to verify that there is not enough room between the existing building and back of curb to accommodate it. To the extent practicable, walkways shall be constructed on the site to tie building entrances and/or pedestrian pathway systems into existing or proposed public sidewalk systems.
- E. **Exterior Finish Materials.** Any new construction or additions shall comply with the building material requirements of Section 3.2.10.C. Unaltered portions of the existing structure are exempt from finish material requirements.
- F. **Uses.** The applicable use regulations of Article 5 - Uses and allowable uses in Table 5.2.4 - Table of Permitted Uses shall apply.
- G. **Off-street Parking & Loading.** Parking shall comply with Division 6.2- Parking and Access.
 - 1. If the parking for each use or combination of uses in accordance with Section 9.1.10 - Method for Calculating Minimum Motor Vehicle Parking is deficient, the existing quantity of spaces shall be maintained, but the configuration may be altered as necessary.
- H. **Fences and Walls.** All new retaining walls and fences shall comply with Division 6.5 - Fences and Walls.
- I. All new dumpsters shall comply with Section 6.6.1 - Dumpsters.
- J. **Sustainable Certification.** Adaptive Reuse Projects shall comply with sustainable certification requirements as outlined in Division 6.8 - Resiliency Requirements.
- K. **Outdoor Lighting.** All lighting shall comply with Division 6.7 - Outdoor Lighting, including requirements to bring existing lighting into compliance.
- L. **Nonconforming Situations.** Developments shall comply with Division 8.3 - Nonconformities, but Adaptive Reuse Projects are exempt from Section 8.3.9 - Improvements Required for Redevelopment.
- M. **Procedures.** Adaptive Reuse Projects shall comply with Article 7 - Review and Approval Procedures.
- N. **Signs.** Any signs shall conform to Chapter 5 - Sign Regulations.

ARTICLE 5 | USES

Division 5.1 - Permitted Use Regulations

Section 5.1.1 - Use Table

Principal uses are allowed in accordance with Table 5.2.4 - Table of Permitted Uses.

Section 5.1.2 - Interpreting the Use Table

- A. **Use Classification System.** Uses are listed in the first column of Table 5.2.4 - Table of Permitted Uses. This Zoning Ordinance classifies uses into categories and sub-categories, as explained in Division 5.2 - Use Classifications. In some cases, specific use types are listed in addition to the use categories and

sub-categories.

B. Permitted Uses.

1. Uses identified with a "P" are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable regulations of this Zoning Ordinance.

C. Conditional Uses.

1. Uses identified with a "C" are allowed only if reviewed and approved in accordance with the conditional use procedures of **Division 7.5 - Amendments and Conditional Uses**.

D. Supplemental Use Regulations.

1. Uses identified with an "S" are permitted in the subject zoning district, subject to compliance with any supplemental regulations and all other applicable regulations of this Zoning Ordinance. Unless otherwise expressly stated, compliance with such regulations is required regardless of whether the use is permitted as a supplemental use or requires any form of conditional use approval.

E. Prohibited Uses.

1. Uses identified with an "-" are expressly prohibited. Uses that are not listed in the table or that cannot be reasonably interpreted, as stated in **Section 5.2.3 - Determination of Use Categories and Sub-categories**, to fall within any defined use category or subcategory are also prohibited.
2. In addition, the following uses of land and buildings are incompatible with existing and future development within the City limits and are prohibited in all districts. In addition, neither the City Manager, nor the Board of Mayor and Commissioners shall have the authority to grant variances or exceptions for these prohibited uses:
 - a. Meat packing, slaughtering, eviscerating and skinning;
 - b. Poultry killing, plucking, and dressing;
 - c. Rendering of byproducts of slaughtering and killing animals or poultry;
 - d. Fabrication and production, limited and general;
 - e. Yards for the sale, transfer, or temporary holding of livestock;
 - f. Use of equipment which causes off-site radio or television interference and interferes with airport operations;
 - g. Landfills and junkyards;
 - h. Smoking Lounges;
 - i. Impound lots for the temporary storage of seized vehicles;
 - j. Drive-in and drive thru uses as primary or accessory uses;
 - k. Truck and Transportation Terminals;
 - l. Outside storage on any property that is not customarily incidental and subordinate to the principal building or is not otherwise permitted by this Section;
 - m. Those uses that emit obnoxious, injurious, loud, or offensive noise, vibrations, smoke, dust, gas fumes or odors or create fire or explosion hazards or other objectionable conditions shall be prohibited.

Division 5.2 - Use Classifications

Section 5.2.1 - General

This Division contains a description of the use classification system used to classify principal uses in this Zoning Ordinance.

Section 5.2.2 - Use categories

- A. This Zoning Ordinance classifies principal land uses into right (8) major groupings, which are referred to as use categories:

1. Residential;
 2. Institutional;
 3. Commercial;
 4. Industrial;
 5. Agricultural;
 6. Wireless Communications;
 7. Accessory Uses;
 8. Temporary Uses.
- B.** Each use category is further divided into more specific "sub-categories." Use sub-categories classify principal land uses and activities based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.
- C.** Some use sub-categories are further broken down to identify specific use, business, or activity types that are regulated differently than the parent sub-category as a whole.

Section 5.2.3 - Determination of Use Categories and Sub-categories

- A.** The City Manager is authorized to classify uses on the basis of the use category and subcategory descriptions of this Section.
- B.** When a use cannot be readily classified into a use category/sub-category or appears to fit into multiple categories/sub-categories, the City Manager is authorized to determine the most similar, and thus most appropriate, use category/subcategory based on the actual or projected characteristics of the principal use or activity in relationship to the use category and subcategory descriptions provided in this Section. In making such determinations, the City Manager shall consider all of the following:
1. The types of activities that will occur in conjunction with the use;
 2. The types of equipment and processes to be used;
 3. The existence, number and frequency of residents, customers or employees;
 4. Parking demands associated with the use; and
 5. Other factors deemed relevant to a use determination.
- C.** If a use can reasonably be classified in multiple categories, sub-categories, or specific use types, the City Manager shall categorize the use in the category, sub-category or specific use type that provides the most exact, narrowest, and appropriate match.
- D.** If the City Manager is unable to determine the appropriate use category for a proposed use, the City Manager is authorized to deny the request that necessitated the use determination.

Section 5.2.4 - Use Table

The following apply to the uses outlined in this Section. Refer to **Table 5.2.4 - Table of Permitted Uses**.

- A. *Use Permissions Categories.*** Each use may be permitted as of right (P), with supplemental regulations (S), as a conditional use (C), or not permitted (-). Where C and S are used together (C/S), the Conditional use is required to comply with the supplemental use regulations in addition to any additional conditions imposed by the conditional use permit approval.
- B. *Number of Uses.*** A lot may contain more than one (1) use and is required to do so, in some cases.
- C. *Principal or Accessory Uses.*** Each use identified in any of the first six (6) use categories: residential, institutional, commercial, industrial, or agricultural, may function either as a principal use or accessory use on a lot, unless otherwise specified.

Table 5.2.4 - Table of Permitted Uses	R-24	R-12	MFR	O-I	GC	CBD	Reference
P = Permitted S = Supplemental Use C = Conditional Use - = Not Permitted							
Residential							
Household Living							
Single-Family Detached	P	P	-	-	-	-	Section 5.3.2.A
Single-Family Attached	-	-	S	S	S	S	Section 5.3.2.B
Multi-unit Building	-	-	S	S	S	S	Section 5.3.2.C
Live-Work	-	-	S	S	S	S	Section 5.3.3
Group Living							
Assisted Living Facility	-	-	S	S	S	-	Section 5.3.4.A and G
Convent or Monastery	-	-	S	S	S	-	Section 5.3.4.B and G
Nursing Home	-	-	S	S	S	-	Section 5.3.4.C and G
Personal Care Home (4-6 residents)	C	C	C	C	C	C	Section 5.3.4.D
Personal Care Home (7+ residents)	-	-	C/S	C/S	C/S	C/S	Section 5.3.4.D
Temporary Shelter	-	-	-	-	C/S	-	Section 5.3.4.E and G
Transitional Housing	-	-	-	C/S	C/S	-	Section 5.3.4.F and G
Group Living not otherwise classified	-	-	-	C/S	C/S	-	Section 5.3.4.G
Institutional							
Cemetery	-	-	-	C	C	-	Section 5.4.2
Club or Lodge	-	-	-	C	P	P	Section 5.4.3
Daycare							
Small	C/S	C/S	-	S	S	S	Section 5.4.4
Large	-	-	-	S	S	S	Section 5.4.4
Educational Services							
School	-	-	-	S	S	S	Section 5.4.5.A and E
Business or Trade School	-	-	-	P	P	P	Section 5.4.5.B
College or University	-	-	-	S	S	S	Section 5.4.5.C and E
Tutoring	-	-	-	P	P	P	Section 5.4.5.D
Hospital	-	-	-	C/S	C/S	-	Section 5.4.6
Library or Cultural Exhibit	-	-	-	P	P	P	Section 5.4.7
Place of Worship							
Small (occupancy load less than 100)	-	-	-	P	P	P	Section 5.4.8
Large (occupancy load greater than 100)	-	-	-	S	S	S	Section 5.4.8
Utility Facility	-	-	-	C	C	-	Section 5.4.9
Commercial							
Animal Services							
Boarding	-	-	-	S	S	-	Section 5.5.2.A
Grooming	-	-	-	S	S	S	Section 5.5.2.B
Veterinary	-	-	-	S	S	S	Section 5.5.2.C

Table 5.2.4 - Table of Permitted Uses	R-24	R-12	MFR	O-I	GC	CBD	Reference
P = Permitted S = Supplemental Use C = Conditional Use - = Not Permitted							
Drive-Thru Facility							
Primary use	-	-	-	-	-	-	Section 5.5.3
Accessory to any use	-	-	-	-	-	-	Section 5.5.3
Eating and Drinking Establishments							
Restaurant	-	-	-	P	P	P	Section 5.5.4.A
Bar	-	-	-	-	P	P	Section 5.5.4.B
Brewpub	-	-	-	S	S	S	Section 5.5.4.C
Craft Brewery/Distillery	-	-	-	S	S	S	Section 5.5.4.D
Entertainment and Spectator Event Space							
Small (occupancy load less than 100)	-	-	-	P	P	P	Section 5.5.5.A
Large (occupancy load greater than 100)	-	-	-	S	S	S	Section 5.5.5.B
Financial Services							
Banks, credit unions, brokerage, and investment services	-	-	-	P	P	P	Section 5.5.6.A
All Other Financial Services (check cashing, precious metal, pawnshop, other)	-	-	-	-	-	-	Sections 5.5.6.B
Funeral and Mortuary Services	-	-	-	C	C	-	Section 5.5.7
Lodging							
Bed and Breakfast	C/S	C/S	-	S	S	S	Section 5.5.8.A
Hotel	-	-	-	S	S	P	Section 5.5.8.B
Motel	-	-	-	-	S	-	Section 5.5.8.C
Extended Stay Motel/Hotel	-	-	-	-	-	-	Section 5.5.8.D
Short-term Rental	-	-	P	P	P	P	Section 5.5.8.E
Medical Service	-	-	P	P	P	P	Section 5.5.9
Office	-	-	P	P	P	P	Section 5.5.10
Parking, Non-accessory	-	-	-	-	C/S	C/S	Section 5.5.11
Consumer Service							
Consumer Maintenance and Repair Service	-	-	P	P	P	P	Section 5.5.12
Personal Service	-	-	P	P	P	P	Section 5.5.12
Studio or Instructional Service	-	-	P	P	P	P	Section 5.5.12
Retail Sales							
General Retail Sales	-	-	-	P	P	P	Section 5.5.13.A
Fireworks Sales	-	-	-	-	C/S	-	Section 5.5.13.B
Liquor Store	-	-	-	-	C/S	-	Section 5.5.13.C
Vape Shop or Other Tobacco Store	-	-	-	-	C/S	-	Section 5.5.13.D
Smoking Lounge	-	-	-	-	-	-	Section 5.5.13.E

Table 5.2.4 - Table of Permitted Uses	R-24	R-12	MFR	O-I	GC	CBD	Reference
P = Permitted S = Supplemental Use C = Conditional Use - = Not Permitted							
Sexually Oriented Business	-	-	-	-	S	-	Section 5.5.14
Sports and Recreation, Participant							
Indoor	-	-	-	P	P	P	Section 5.5.15.A
Outdoor	-	-	-	P	P	P	Section 5.5.15.B
Vehicle Equipment Sales, and Service							
Fuel Station	-	-	-	-	C/S	-	Section 5.5.16.A and F
Vehicle Sales	-	-	-	-	C/S	-	Section 5.5.16.B and F
Vehicle Rentals	-	-	-	-	C/S	-	Section 5.5.16.C and F
Vehicle Maintenance and Repair, Minor	-	-	-	-	C/S	-	Section 5.5.16.D and F
Vehicle Maintenance and Repair, Major	-	-	-	-	C/S	-	Section 5.5.16.E and F
Industrial							
Fabrication and Production							
Artisan	-	-	P	P	P	P	Section 5.6.2.A
Limited	-	-	-	-	-	-	Section 5.6.2.B
General	-	-	-	-	-	-	Section 5.6.2.C
Industrial Service	-	-	-	-	C	-	Section 5.6.3
Storage, Distribution, and Wholesaling							
Equipment and Material Storage	-	-	-	-	C	-	Section 5.6.4.A
Self-Service Storage	-	-	-	-	-	-	Section 5.6.4.B
Trucking and Transportation Terminal	-	-	-	-	-	-	Section 5.6.4.C
Warehouse	-	-	-	-	C	-	Section 5.6.4.D
Wholesale Sales and Distribution	-	-	-	-	P	-	Section 5.6.4.E
Junk or Salvage Yard	-	-	-	-	-	-	Section 5.6.5
Agricultural							
Community Garden	S	S	S	S	S	S	Section 5.7.2
Wireless Communications							
Wireless Communication Facilities							
COW/Co-location/Concealed Wireless Facility	S	S	S	S	S	S	Division 5.8
All Other Wireless Comm. Facilities	C/S	C/S	C/S	C/S	C/S	C/S	Division 5.8
Wireless Support Structure	-	-	-	C/S	C/S	-	Division 5.8
Accessory Uses							
Accessory Buildings and Structures	S	S	-	-	-	-	Section 5.9.2
Accessory Dwelling Units (ADU)	S	S	-	-	-	-	Section 5.9.3
Amateur Radio Service Antennas	-	-	S	S	S	S	Section 5.9.4
Backyard Chickens	S	S	-	-	-	-	Section 5.9.5
Collection Bins	-	-	-	S	S	-	Section 5.9.6

Table 5.2.4 - Table of Permitted Uses	R-24	R-12	MFR	O-I	GC	CBD	Reference
P = Permitted S = Supplemental Use C = Conditional Use - = Not Permitted							
EV Charging Stations	S	S	S	S	S	S	Section 5.9.7
Geothermal Energy Systems	S	S	S	S	S	S	Section 5.9.8
Home Occupations							
Type A	S	S	S	S	S	S	Section 5.9.9
Type B	C/S	C/S	C/S	S	S	S	Section 5.9.9
Mobile Food Units	S	S	S	S	S	S	Section 5.9.10
Outdoor Storage	-	-	-	-	S	-	Section 5.9.11
Residential Composting	S	S	S	-	-	-	Section 5.9.12
Satellite Dish Antennas	S	S	S	S	S	S	Section 5.9.13
Solar Energy Systems	S	S	S	S	S	S	Section 5.9.14
Swimming Pools	S	S	S	S	S	S	Section 5.9.15
Unmanned Retail Structures	-	-	-	S	S	S	Section 5.9.16
Temporary Uses							
Temporary Construction Structures	S	S	S	S	S	S	Section 5.10.1
All Other Temporary Uses	-	-	-	S	S	S	Section 5.10.2 and 3

Division 5.3 - Residential Uses

Section 5.3.1 - General

The residential use category includes definitions and, in some cases, supplemental use regulations, for uses that provide for long-term residential occupancy by individual households or by groups of people.

The Fair Housing Act (42 U.S.C. Section 3604(f)(3)) makes it unlawful to make a dwelling unavailable to a person because of race, color, national origin, sex, familial status, handicap or disability. No policy or practice of this ordinance is intended to have a disparate impact on a protected class.

Section 5.3.2 - Household Living

Household living is the residential occupancy of a dwelling unit by a single household, including, single-family detached, single-family attached, multi-unit building, and live-work uses.

- A. **Single-Family Detached.** One principal dwelling unit on a single lot, which may also include an accessory dwelling unit in the form of a secondary suite or backyard cottage, if allowed by the subject zoning district and in accordance with **Section 5.9.3 - Accessory Dwelling Units.**
- B. **Single-Family Attached.** A building that accommodates two (2) or more dwelling units, where each unit is separated by a common wall.
 1. Minimum lot width: 14 ft.
 2. Maximum lot coverage: per zoning district, applied to the entire development, not the individual lot.
 3. Interior lot setbacks: none, except there must be a minimum of five (5) feet between the end of a single-family attached unit and any internal adjacent sidewalk, alley, or street.
 4. Each single-family attached unit shall have a minimum of 200 sq. ft. of private yard space in either the front or rear, not including driveways and alleys.
 5. A minimum 20 percent (20%) of the lot shall be provided in open space in accordance with **Section 6.3.5 - Open Space.**

6. Garage doors shall be offset from the front façade a minimum of five (5) feet.
7. All single-family attached buildings shall include a continuous street/sidewalk no less than six (6) feet in width connecting front entrances of all dwellings.
8. At least 50 percent (50%) of townhouse façades that face public streets shall be constructed of brick, stone, or textured masonry units.
9. The front façades of single-family attached units shall have architectural modulation and detail that includes features such as varied materials and wall planes, varied roof forms and roof lines, balconies, porches, bay windows, varied window sizes and shapes, shutters, entrance doors, sidelights, pilasters, varied garage door designs, and other features to provide visual interest.
10. Single-family attached developments shall have a mandatory homeowner's association that shall own and maintain all common areas.
11. Utilities:
 - a. Individual systems for water, sewer, and HVAC shall be required for each unit.
 - b. Individual metering shall be provided for all utilities.
 - c. Easements for utility lines shall be provided in the common ownership area where lateral service connections shall take place.

C. Multi-Unit Building. Four (4) or more principal dwelling units on a single lot.

1. A minimum 20 percent (20%) of the lot, whichever is greater, shall be provided in open space in accordance with **Section 6.3.5 - Open Space**.
2. Buildings shall conform to the following design standards:
 - a. Sixty percent (60%) of exterior building materials on façades visible from the public right-of-way or an adjacent R-zoned lot shall be brick or stone. Masonry shall wrap corners to avoid appearance of being applied.
 - b. Façades shall be broken up, both vertically and horizontally, through building materials and offsets.
 - c. Roof line shall be varied.
 - d. Building shall utilize a variety of materials to create visual interest.
 - e. Building entrances shall be well-marked and identifiable from the building form.
 - f. Common walls and common floors ceiling between units shall be constructed to meet a sound transmission coefficient (STC) rating of 50 or higher.

Section 5.3.3 - Live-Work

A building or space within a building used jointly for residential and non-residential uses allowed within the subject zoning district.

- A. Live-work units shall be mixed-use dwellings that are fire separated from adjacent units as attached dwellings such as single family attached units or as part of a larger mixed-use building.
- B. An occupational tax certificate shall be required for operation of a business. The business shall not be considered a home occupation.

Section 5.3.4 - Group Living

Group living is residential occupancy of a building or any portion of a building by a group other than a household. Tenancy is arranged on a long-term (at least 30-day) basis. Buildings or spaces occupied by group living uses contain individual rooms with private or shared bathroom facilities and may also contain shared kitchen facilities, and/or common dining and living areas for residents. Residents may or may not receive any combination of care, training, or treatment, but those receiving such services shall reside at the site. The following describe the sub-categories of group living uses:

- A. **Assisted Living.** An establishment registered with the State of Georgia as an assisted living home.
- B. **Convent or Monastery.** Group dwellings for members of religious orders.

- C. **Nursing Home.** An establishment providing inpatient, skilled nursing and rehabilitative services to patients who require health care but not hospital services. Care is ordered by and under the direction of a physician.
- D. **Personal Care Home.** The use of a dwelling unit to provide or arrange for the provision of housing, food service, and one or more personal services, including watchful oversight, for two (2) or more adults who are not related to the owner or administrator by blood or marriage. "Personal services" include assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, and dressing. Personal care homes do not provide skilled nursing or other medical services or admit and retain residents who need continuous medical or nursing care.
 - 1. The personal care home must be operated in a manner compatible with the neighborhood and must not be detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities.
 - 2. In residential districts, the resident manager or caretaker is counted as part of any limit on persons.
 - 3. For all building permitting procedures, personal care homes will be considered commercial uses.
 - 4. To prevent the institutional atmosphere created by concentrating or clustering of personal care homes, thereby defeating the goal of integrating individuals into the community, each personal care home must be located a minimum of ¼-mile from any other personal care home when located in an R-zoned district.
- E. **Temporary Shelter.** The provision of overnight housing and sleeping accommodations for persons who have no permanent residence and are in need of temporary, short-term housing assistance, and in which may also be provided meals and social services including counseling services.
- F. **Transitional Housing.** The provision of long-term but not permanent living accommodations for persons who have no permanent residence and are in need of long-term housing assistance.
- G. The following regulations apply to all Group Living and their accessory uses, except Personal Care Homes (4-6 residents):
 - 1. Applicable Group Living uses are allowed only on lots with frontage on an arterial or collector street.
 - 2. Uses require a minimum lot area of three (3) acres, with a minimum public street frontage of 100 feet.

Division 5.4 - Institutional Uses

Section 5.4.1 - General

The institutional use category includes definitions and, in some cases, supplemental use regulations, for public, quasi-public, civic and institutional uses.

Section 5.4.2 - Cemetery

Lands and facilities for the interment of humans or domestic household pets, including columbariums, and mausoleums.

Section 5.4.3 - Club or Lodge

The use of a building or lot by a membership-based organization that restricts access to its facility to bona fide, dues-paying members and their occasional guests and in which the primary activity is a service not carried on as a business enterprise. Private clubs and lodges are characterized by definite membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws. Examples include country clubs and fraternal organizations.

Section 5.4.4 - Daycare

Uses providing care and supervision for children or adults away from their primary residence for less than 24 hours per day. The following describe the sub-categories of daycare uses:

- A. **Small Daycare.** A daycare use for six (6) or fewer individuals.

- B. *Large Daycare.*** A daycare use for seven (7) or more individuals.
- C.** The following regulations apply to all daycares as noted and their accessory uses:
 1. All small daycare uses shall provide at least 30 square feet of indoor activity area and at least 100 square feet of outdoor activity area per enrollee, based on maximum capacity. No more than 50 percent (50%) of the floor area of a dwelling unit may be used for an allowed day care use.
 2. All required outdoor activity areas for all daycare uses shall be enclosed by a fence or wall at least four (4) feet in height.
 3. No dwelling unit in which a daycare use is conducted may be modified to alter its appearance as a residential building.
 4. All daycare uses shall comply with applicable off-street parking regulations and provide safe vehicle turnaround areas on the subject lot.
 5. No permit allowing the operation of a daycare use may be issued until the applicant has provided proof that all required state permits have been obtained.

Section 5.4.5 - Educational Services

The following describe the sub-categories of educational service uses:

- A. *School.*** Public and private schools at the primary, elementary, middle school, or high school level that provide basic, compulsory, state-mandated education.
- B. *Business or Trade School.*** Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses. Schools and other training facilities that involve outdoor work or training activities are classified as industrial services.
- C. *College or University.*** Academic institutions of higher learning that are accredited or recognized by the state and offer courses of general or specialized study.
- D. *Tutoring.*** Uses that focus on instruction for personal or professional enrichment
- E.** The following regulations apply to school and college or university educational services and their accessory uses when **Table 5.2.4 - Table of Permitted Uses** indicates supplemental regulations apply:
 1. Applicable educational services are allowed only on lots with frontage on an arterial or collector street.
 2. Uses require a minimum lot area of three (3) acres, with a minimum public street frontage of 100 feet.

Section 5.4.6 - Hospital

Uses providing medical or surgical care to patients and offering inpatient (overnight) care. The following regulations apply to Hospitals and their accessory uses:

- A.** Hospitals are allowed only on lots with frontage on an arterial or collector street.
- B.** Hospitals require a minimum lot area of three (3) acres, with a minimum public street frontage of 100 feet.

Section 5.4.7 - Library or Cultural Exhibit

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials operated by a public or quasi-public agency.

Section 5.4.8 - Place of Worship

Buildings used for conducting organized religious services. Examples include synagogues, temples, mosques and churches. The following describe the sub-categories of place of worship uses:

- A. *Small.*** Place of worship uses with a seating or occupant capacity of no more than 100 persons.

- B. **Large.** Place of worship uses with a seating or occupant capacity of more than 100 persons.
- C. The following regulations apply to places of worship and their accessory uses when **Table 5.2.4 - Table of Permitted Uses** indicates supplemental regulations apply:
 1. Places of worship are allowed only on lots with frontage on an arterial or collector street.
 2. Places of worship require a minimum lot area of three (3) acres, with a minimum public street frontage of 100 feet.

Section 5.4.9 - Utility Facility

Infrastructure services that typically have substantial visual or operational impacts on nearby areas. Typical uses include high-voltage electric substations, utility-scale power generation facilities and utility-scale water storage facilities, such as water towers and reservoirs.

Division 5.5 - Commercial Uses

Section 5.5.1 - General

The commercial use category includes definitions and, in some cases, supplemental use regulations, for uses that provide a business service or involve the selling, leasing, or renting of merchandise to the general public. The commercial use sub-categories are as follows:

Section 5.5.2 - Animal Service

The following describe the sub-categories of animal service uses:

- A. **General.** When located within a planned center these uses shall comply with the following:
 1. Adequate sound and odor control shall be provided so the use does not create a nuisance.
 2. No outside runs or kennels shall be allowed.
- B. **Boarding.** The keeping of and care for any number of companion animals for remuneration or profit. Typical uses include boarding kennels, pet resorts/hotels, doggy or pet day care facilities, dog training centers, and animal rescue shelters.
 1. Any building or structure in which animals are kept or exercised shall be set back at least 100 feet from any R-zoned lot.
- C. **Grooming.** Salons and pet grooming shops for the bathing and clipping of companion animals.
 1. No outside animal runs or kennels are allowed unless located in a zoning district that permits boarding, in which case, the regulations that apply to animal boarding shall be met.
- D. **Veterinary.** Animal hospitals and veterinary clinics staffed by veterinarians.
 1. No outside animal runs or kennels are allowed unless located in a zoning district that permits boarding, in which case the regulations that apply to animal boarding shall be met.

Section 5.5.3 - Drive-thru Facility

A primary or accessory use that offers service directly to occupants of motor vehicles. Such uses are typically associated with restaurants, banks, and pharmacies. Establishment, alteration, movement, or expansion of any new drive-thru uses shall be prohibited.

Section 5.5.4 - Eating and Drinking Establishments

An establishment that serves food or beverages for on- or off-premise consumption as its principal business. The following describe the sub-categories of eating and drinking establishment uses:

- A. **Restaurant.** An establishment that serves food or beverages for on- or off-premise consumption as its principal business. Typical examples of restaurant uses include principal use restaurants, cafés, cafeterias, ice cream/yogurt shops, donut shops and coffee shops.
- B. **Bar.** Uses that cater primarily to adults, 21 years of age and older, and that sell and serve beer, wine, or alcoholic liquor for on-premise consumption as their principal business. Typical uses include bars, taverns, and nightclubs.

- C. **Brew pubs.** Any eating establishment with the sale of prepared meals and food and in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law. Brewing activities shall be:
1. Accessory to sales and consumption of food and beverages on-premises.
 2. Shall be located in a wholly enclosed building.
 3. Production space shall be limited subject to state law.
 4. No outdoor equipment or outdoor storage is permitted.
- D. **Craft Brewery or Distillery.** An establishment where malt or distilled spirits are manufactured (brewed, distilled, rectified, or blended), bottled, packaged, and distributed for wholesale and/or retail distribution.
1. Production space shall be limited subject to state law.
 2. Storage tanks shall comply with screening requirements of **Section 6.6.2 - Screening**.
 3. Craft breweries/distilleries shall be allowed the following accessory uses:
 - a. Guided tours.
 - b. Concerts.
 - c. Tasting rooms.
 - d. Special events.
 - e. Distribution between 7 a.m. and 7 p.m.
 4. Craft breweries/distilleries shall not:
 - a. Produce more than 2 million gallons of spirits annually.
 - b. Exceed 15,000 square feet.
 - c. Produce noxious odors.

Section 5.5.5 - Entertainment and Spectator Event Space

Buildings and other facilities that accommodate public assembly for spectator-oriented sports, amusement, or entertainment events. Typical uses include event centers, theaters, and cinemas. The following describe the sub-categories of entertainment and spectator event space uses:

- A. **Small.** Assembly and entertainment uses with a seating or occupant capacity of no more than 100 persons.
- B. **Large.** Assembly and entertainment uses with a seating or occupant capacity of more than 100 persons.
- C. The following regulations apply to entertainment and spectator event space and their accessory uses when **Table 5.2.4 - Table of Permitted Uses** indicates supplemental regulations apply:
 1. Assembly and entertainment uses are allowed only on lots with frontage on an arterial or collector street.
 2. Assembly and entertainment uses require a minimum lot area of three (3) acres, with a minimum public street frontage of 100 feet.

Section 5.5.6 - Financial Services

Uses related to the exchange, lending, borrowing and safe keeping of money. Automatic teller machines, kiosks, and similar facilities that do not have on-site employees or amplified sound are not classified as financial service uses if they meet the criteria for classification as a drive-thru or accessory use (see **Section 5.5.3 - Drive-thru Facility or Division 5.9 - Accessory Uses**). Typical examples of financial service use types are federally chartered banks, credit unions, convenient cash businesses, and pawnshops. The following describe the sub-categories of financial service uses:

- A. **Banks, credit unions, brokerage, and investment services.** Financial institutions, including, but not limited to banks and trust companies, credit agencies, holding (but not primarily operating) companies, and other investment companies.

B. *All Other Financial Services*

1. Types:
 - a. ***Check Cashing Establishment.*** An establishment licensed by the State of Georgia pursuant to O.C.G.A. § 7-1-700 et seq. Check cashing establishments are subject to the following supplemental regulations:
 - b. ***Precious Metal Broker.*** An establishment engaged in whole or in part in the business of buying gold, precious metals or jewelry.
 - c. ***Pawnshop.*** An entity engaged in whole or in part in the business of lending money on the security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or in the business of purchasing tangible personal property on a condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as part of or in conjunction with the business activities described in this definition.
2. Lots on which Other Financial Services are located shall have frontage on an arterial street.
3. All Other Financial Services are prohibited within 1,000 feet of an existing check cashing establishment, precious metal broker, or pawnshop.
4. Check cashing establishments shall operate as an independent principal use and not be combined with any other use.

Section 5.5.7 - Funeral and Mortuary Service

Uses that provide services related to the death of a human or companion animal, including funeral homes and mortuaries. Alkaline hydrolysis, or water cremation, is considered a Funeral and Mortuary Service.

Section 5.5.8 - Lodging

Uses that provide temporary overnight sleeping accommodations or lodging for guests paying a fee or other form of compensation for a period of less than 30 consecutive days. Lodging uses sometimes provide food or entertainment, primarily to registered guests. Lodging use types include: bed and breakfasts, hotels, motels, and short-term rentals. The following describe the sub-categories of lodging uses:

- C. ***Bed and Breakfast.*** A lodging establishment in a detached house in which the resident owner/operator offers accommodations and meal service to overnight guests for compensation. The following supplemental regulations apply to bed and breakfasts:
 1. The length of stay for guests in a bed and breakfast may not exceed 14 continuous days, and guests may not re-register for at least 30 days from the termination of their previous stay.
 2. The bed and breakfast shall be occupied by the owner or renter of the principal dwelling unit.
 3. The minimum lot area required for a bed and breakfast use is 20,000 square feet. The detached house in which the use is located shall have floor area of at least 2,500 square feet.
 4. No separate kitchen facilities are allowed.
 5. At least one off-street parking space shall be provided for each bedroom.
 6. The residential character of the dwelling shall be maintained.
 7. An occupational tax certificate is required to operate a Bed and Breakfast.
- D. ***Hotel:*** A building in which lodging or boarding and lodging facilities are provided for transient guests and offered to the public for compensation. Ingress and egress to and from all rooms are through an inside lobby or office supervised by a person in charge at all hours.
- E. ***Motel:*** One or more buildings in which board and/or lodging are provided for transient guests for compensation. Ingress and egress to and from all rooms are made primarily directly from an exterior walkway rather than from an inside lobby.
- F. ***Extended-stay Motel/Hotel:*** Any building which are used, rented, or hired out to be occupied for sleeping purposes for guests and contain kitchen facilities for food preparation, including but not limited to such facilities as refrigerators, stoves, and ovens. May also be known as "apartment hotels."

- G. **Short-term Rental.** The use of an owner-occupied residential dwelling unit or portion of such dwelling unit for lodging.

Section 5.5.9 - Medical Service

Personal health services including prevention, diagnosis and treatment services for humans, as provided by physicians, dentists, nurses and other health personnel. Medical service uses are performed in an office setting with no overnight care. Typical uses include offices of physicians, dentists, psychiatrists, psychologists, physical therapists and chiropractors. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this use subcategory, as are medical and dental laboratories, blood banks, and kidney dialysis centers, unless otherwise expressly indicated.

Section 5.5.10 - Office

Uses that focus on providing executive, management, administrative and professional services other than those included in the medical service use subcategory. Also includes broadcast and recording studios and uses engaged in scientific research and testing services leading to the development of new products and processes that do not involve the mass production, distribution or sale of such products.

Section 5.5.11 - Parking, Non-Accessory

Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A facility that provides both accessory parking and non-accessory parking is classified as non-accessory parking.

- A. All landscaping and site development standards applying to parking lots in **Division 6.3 - Landscaping and Other Site Features** shall apply.
- B. Non-accessory parking uses shall be separated from other non-accessory parking uses by a minimum distance of 1,500 feet.

Section 5.5.12 - Consumer Service

Uses that provide low-impact repair, maintenance, and improvement services to individual consumers and small businesses. The following describe the sub-categories of consumer service uses:

- A. **Consumer Maintenance and Repair Service.** Uses that provide maintenance, cleaning, and repair services for consumer goods on a site (i.e., customers bring goods to the site of the repair/maintenance business). Typical uses include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, copy shops, locksmiths, vacuum repair shops, electronics repair shops and similar establishments. Businesses that offer repair and maintenance service for large equipment or technicians who visit customers' homes or places of business are classified as an "industrial service."
- B. **Personal Service.** Uses that provide personal support and improvement services. Typical uses include barbers, hair and nail salons, tanning salons, travel agencies, and day spas. Also includes uses involved in providing tattoos, piercing, and similar forms of body art.
- C. **Studio or Instructional Service.** Uses that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities. Also includes dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, photography studios and other studios for artists that do not involve the use of power tools or power machinery.

Section 5.5.13 - Retail Sales

Uses involving the sale, lease, or rental of new or used goods to the ultimate consumer. Examples of specific retail use types include retail sales of convenience goods, consumer shopping goods, and building supplies, and equipment. The following describe the sub-categories of retail sales uses:

- A. **General Retail Sales.** Typical uses include drug stores, department stores, florists, quick-service copy shops, TV and electronics stores, jewelry stores, camera shops, bike shops, sporting goods stores, office supply stores, furniture stores, and apparel stores.
- B. **Fireworks Store.** Use primarily for the retail display and sale of consumer fireworks to the public that does not include a tent, canopy, or membrane structure. The term primarily in this sub-section means that 80% or greater of the Fireworks Store is used for the retail display and sale of consumer fireworks to

the public.

1. No more than 25 percent (25%) of such retail display space is used for consumer fireworks and items or products as provided under O.C.G.A. § 25-10-1(b)(2)1; and
 2. A fireworks retail facility must be located at least 200 feet from any R or MF-zoned districts.
- C. **Liquor Store.** A store primarily engaged in the off-sale of general alcohol, including beer, wine, and distilled spirits, and where other items (e.g., dry goods and food products) may also be sold. Liquor stores are subject to all requirements of **Chapter 3 - Alcoholic Beverages**.
- D. **Vape Shop or Other Tobacco Store.** Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes, or tobacco as an ancillary sale shall not be defined as a "vape shop or other tobacco store" and shall not be subject to the restrictions in this subsection:
1. No smoking shall be permitted on the premises at any time.
 2. No sales may be solicited or conducted on the premises by minors.
 3. No self-service tobacco, tobacco product, or tobacco paraphernalia displays shall be permitted.
 4. No distribution of free or low-cost tobacco, tobacco products, or tobacco paraphernalia, as well as coupons for said items, shall be permitted.
 5. Vape shops or other tobacco stores shall not be located within 300 feet, measured property line to property line, from a school (public or private), day care, community center, recreational facility, park, place of worship, hospital, or other similar uses where children regularly gather.
 6. Vape shops or other tobacco stores shall not be located within 500 feet, measured property line to property line, from another vape shop or other tobacco store.
 7. It is unlawful for a vape shop or other tobacco store to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any vape shop or other tobacco store.
- E. **Smoking Lounge.** o An establishment which sells tobacco and/or promotes the smoking of tobacco products or other any other substance on its premises. The term "smoking lounge" includes but, is not limited to: cigar lounges, hookah cafes, tobacco lounges, tobacco clubs, or tobacco bars.

Section 5.5.14 - Sexually Oriented Businesses

Sexually oriented businesses are adult bookstores, adult video stores, adult dancing establishments, adult mini-motion picture theaters, adult motion picture arcade, adult video store, erotic dance establishment, or escort service, as those terms are defined in **Section 14-262** of the Municipal Code.

- A. It is a purpose of this Chapter to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material.
- B. **Findings and Rationale.**
1. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Board of Mayor and Commissioners, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and *Flanigan's Enters., Inc. v. Fulton County*,

596 F.3d 1265 (11th Cir. 2010); Peek-a-Boo Lounge v. Manatee County, 630 F.3d 1346 (11th Cir. 2011); Daytona Grand, Inc. v. City of Daytona Beach, 490 F.3d 860 (11th Cir. 2007); Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville, 635 F.3d 1266 (11th Cir. 2011); Artistic Entertainment, Inc. v. City of Warner Robins, 331 F.3d 1196 (11th Cir. 2003); Artistic Entertainment, Inc. v. City of Warner Robins, 223 F.3d 1306 (11th Cir. 2000); Williams v. Pryor, 240 F.3d 944 (11th Cir. 2001); Williams v. A.G. of Alabama, 378 F.3d 1232 (11th Cir. 2004); Williams v. Morgan, 478 F.3d 1316 (11th Cir. 2007); Gary v. City of Warner Robins, 311 F.3d 1334 (11th Cir. 2002); Ward v. County of Orange, 217 F.3d 1350 (11th Cir. 2002); Boss Capital, Inc. v. City of Casselberry, 187 F.3d 1251 (11th Cir. 1999); David Vincent, Inc. v. Broward County, 200 F.3d 1325 (11th Cir. 2000); Sammy's of Mobile, Ltd. v. City of Mobile, 140 F.3d 993 (11th Cir. 1998); Lady J. Lingerie, Inc. v. City of Jacksonville, 176 F.3d 1358 (11th Cir. 1999); This That And The Other Gift and Tobacco, Inc. v. Cobb County, 285 F.3d 1319 (11th Cir. 2002); DLS, Inc. v. City of Chattanooga, 107 F.3d 403 (6th Cir. 1997); Grand Faloan Tavern, Inc. v. Wicker, 670 F.2d 943 (11th Cir. 1982); International Food & Beverage Systems v. Ft. Lauderdale, 794 F.2d 1520 (11th Cir. 1986); 5634 E. Hillsborough Ave., Inc. v. Hillsborough County, 2007 WL 2936211 (M.D. Fla. Oct. 4, 2007), aff'd, 2008 WL 4276370 (11th Cir. Sept. 18, 2008) (per curiam); Fairfax MK, Inc. v. City of Clarkston, 274 Ga. 520 (2001); Morrison v. State, 272 Ga. 129 (2000); Flippen Alliance for Community Empowerment, Inc. v. Brannan, 601 S.E.2d 106 (Ga. Ct. App. 2004); Oasis Goodtime Emporium I, Inc. v. DeKalb County, 272 Ga. 887 (2000); Chamblee Visuals, LLC v. City of Chamblee, 270 Ga. 33 (1998); World Famous Dudley's Food & Spirits, Inc. v. City of College Park, 265 Ga. 618 (1995); Airport Bookstore, Inc. v. Jackson, 242 Ga. 214 (1978); Imaginary Images, Inc. v. Evans, 612 F.3d 736 (4th Cir. 2010); LLEH, Inc. v. Wichita County, 289 F.3d 358 (5th Cir. 2002); Ocello v. Koster, 354 S.W.3d 187 (Mo. 2011); 84 Video/Newsstand, Inc. v. Sartini, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); Plaza Group Properties, LLC v. Spencer County Plan Commission, 877 N.E.2d 877 (Ind. Ct. App. 2007); East Brooks Books, Inc. v. Shelby County, 588 F.3d 360 (6th Cir. 2009); Entm't Prods., Inc. v. Shelby County, 588 F.3d 372 (6th Cir. 2009); Sensations, Inc. v. City of Grand Rapids, 526 F.3d 291 (6th Cir.); World Wide Video of Washington, Inc. v. City of Spokane, 368 F.3d 1186 (9th Cir. 2004); Ben's Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003); H&A Land Corp. v. City of Kennedale, 480 F.3d 336 (5th Cir. 2007); Hang On, Inc. v. City of Arlington, 65 F.3d 1248 (5th Cir. 1995); Fantasy Ranch, Inc. v. City of Arlington, 459 F.3d 546 (5th Cir. 2006); Illinois One News, Inc. v. City of Marshall, 477 F.3d 461 (7th Cir. 2007); G.M. Enterprises, Inc. v. Town of St. Joseph, 350 F.3d 631 (7th Cir. 2003); Richland Bookmart, Inc. v. Knox County, 555 F.3d 512 (6th Cir. 2009); Big Wolf Discount Video Movie Sales, Inc. v. Montgomery County, 256 F. Supp. 2d 385 (D. Md. 2003); Richland Bookmart, Inc. v. Nichols, 137 F.3d 435 (6th Cir. 1998); Spokane Arcade, Inc. v. City of Spokane, 75 F.3d 663 (9th Cir. 1996); DCR, Inc. v. Pierce County, 964 P.2d 380 (Wash. Ct. App. 1998); City of New York v. Hommes, 724 N.E.2d 368 (N.Y. 1999); Taylor v. State, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); Fantasyland Video, Inc. v. County of San Diego, 505 F.3d 996 (9th Cir. 2007); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); Starship Enters. of Atlanta, Inc. v. Coweta County, No. 3:09-CV-123, R. 41 (N.D. Ga. Feb. 28, 2011); High Five Investments, LLC v. Floyd County, No. 4:06-CV-190, R. 128 (N.D. Ga. Mar. 14, 2008); 10950 Retail, LLC v. Fulton County, No. 1:06-CV-1923, R. 62 Order (N.D. Ga. Dec. 21, 2006); 10950 Retail, LLC v. Fulton County, No. 1:06-CV-1923, R. 84 Contempt Order (N.D. Ga. Jan. 4, 2007); Z.J. Gifts D-4, L.L.C. v. City of Littleton, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); People ex rel. Deters v. The Lion's Den, Inc., Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); Reliable Consultants, Inc. v. City of Kennedale, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); Goldrush II v. City of Marietta, 267 Ga. 683 (1997); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," Journal of Urban Health (2011); "Does the Presence of Sexually Oriented Businesses elate to Increased Levels of Crime?" Crime & Delinquency (2012) (Louisville, KY); Metropolis, Illinois - 2011-12; Manatee County, Florida - 2007; Hillsborough County, Florida - 2006; Clarksville, Indiana - 2009; El Paso, Texas - 2008; Memphis, Tennessee - 2006; New Albany, Indiana - 2009; Louisville, Kentucky - 2004; Fulton County, GA - 2001; Chattanooga, Tennessee - 1999-2003; Jackson County, Missouri - 2008; Ft. Worth, Texas - 2004; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Dallas, Texas - 1997; Houston, Texas - 1997, 1983; Phoenix, Arizona - 1995-98, 1979; Tucson, Arizona - 1990; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Oklahoma City, Oklahoma - 1986; New York, New York Times Square - 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas - 2007; "Rural Hotspots: The Case of

Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Law Enforcement and Private Investigator Affidavits (Pink Pony South, Forest Park, GA, and Adult Cabarets in Sandy Springs, GA), the Board of Mayor and Commissioners finds:

2. Sexually oriented businesses, as a subcategory of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
3. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
4. Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this Section, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the City's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the City. The City finds that the cases and documentation relied on in this Section are reasonably believed to be relevant to said secondary effects.
5. The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

C. *Prohibited Locations.* It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the City that is located:

1. Within 300 feet, measured property line to property line, from a school (public or private), day care, community center, recreational facility, park, place of worship, hospital, or other similar uses where children regularly gather.
2. Within 500 feet, measured property line to property line, from another sexually oriented business.

D. *Measurements.*

1. Measurement of the required spacing between sexually oriented businesses shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two (2) sexually oriented businesses.
2. Measurement of the required spacing between a sexually oriented business and a residential district, place of worship, park, or public library shall be made in a straight line without regard to intervening structures or objects, from the closest part of the structure containing the sexually oriented business to the closest point on the boundary line of the residential district or the closest point on the property line of the place of worship, park, or public library.

Section 5.5.15 - Sports and Recreation, Participant

Provision of sports or recreation primarily by and for participants. Spectators are incidental. Examples include bowling alleys, health clubs, skating rinks, billiard parlors, miniature golf courses, batting cages, and go-cart tracks. The following describe the sub-categories of sports and recreation, participation uses:

- A. *Indoor.*** Participant sports and recreation uses conducted entirely within buildings.
- B. *Outdoor.*** Participant sports and recreation uses conducted wholly or partially outside of buildings.

Section 5.5.16 - Vehicle Equipment Sales, and Service.

The following describe the sub-categories of vehicle equipment sales and service uses:

- A. **Fuel Station.** A use engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops, which are regulated as industrial service uses. In addition to the general requirements, fuel stations require the following:
1. Any new fuel station shall be located at least 2,500 feet from any existing fuel station.
 2. Any pavement associated with vehicles shall be screened from view, except for drive entrances, using landscaping (see **Division 6.3 - Landscaping and Other Site Features**).
 3. No fuel station may be located within 50 feet of the lot line of an R-zoned district.
 4. *Measurements.* Measurements shall be taken without regard to the City limits of Avondale Estates and is measured to the property line, regardless of where the fuel pumps are located on the site.
- B. **Vehicle Sales.** Uses primarily engaged in the sales of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. The sale of large trucks, construction equipment, agricultural equipment, aircraft or similar large vehicles are regulated as trucking and transportation terminals.
- C. **Vehicle Rentals.** Uses primarily engaged in the rental of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. The rental of large trucks, construction equipment, agricultural equipment, aircraft or similar large vehicles are regulated as trucking and transportation terminals.
- D. **Vehicle Maintenance and Repair, Minor.** Uses that repair, install, or maintain the mechanical components of automobiles, trucks, vans, trailers or motorcycles or that wash, clean or otherwise protect the exterior or interior surfaces of such vehicles. Typical examples include oil-change shops, muffler shops, tire shops, and auto repair shops providing motor and mechanical repair services.
- E. **Vehicle Maintenance and Repair, Major.** Uses that primarily conduct motor vehicle body work and repairs or that apply paint to the exterior or interior surfaces of motor vehicles by spraying, dipping, flow-coating or other similar means. Typical examples include body and paint shops.
- F. **General Requirements.** These requirements apply to all motor vehicle equipment sales and service uses:
1. No trailer or mobile building is permitted on the property (other than a temporary construction office).
 2. No part of any service buildings or equipment may be located between a primary structure and the street.
 3. Vehicles shall not be displayed on elevated platforms. All exterior display areas shall be located at ground level.
 4. Vehicles must be parked in orderly fashion similar to a regular parking lot.
 5. Outdoor display of tires is prohibited.
 6. Outdoor washing and detailing of vehicles is prohibited. All vehicle service must be conducted inside a building.

Division 5.6 - Industrial Uses

Section 5.6.1 - General

The industrial use category includes definitions and, in some cases, supplemental use regulations, for uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. It also includes uses that store or distribute materials or goods in large quantities and uses involved in basic industrial processes.

Section 5.6.2 - Fabrication and Production

Uses primarily involved in the manufacturing, processing, fabrication, packaging, or assembly of goods made for the wholesale market, for transfer to other plants, or for firms or consumers. The following describe the sub-categories of fabrication and production uses:

- A. **Artisan.** Uses involved in the creation of art works or custom goods by hand manufacturing involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations, storage or regular commercial truck parking/loading, but which may include retail sales of goods produced on on-site.
- B. **Limited.** Uses that process, fabricate, assemble, treat, or package finished parts or products without the use of explosive or petroleum materials. This subcategory does not include the assembly of large equipment and machinery and has very limited external impacts in terms of noise, vibration, odor, hours of operation, and traffic. Common examples include apparel manufacturing, bakery products manufacturing, bottling plants, ice manufacturing, mattress manufacturing and assembly, musical instrument manufacturing, newspaper printing and binderies.
- C. **General.** Uses that process, fabricate, assemble, or treat materials for the production of large equipment and machines as well as fabrication and production uses that because of their scale or method of operation regularly produce odors, dust, noise, vibration, truck traffic or other external impacts that are detectable beyond the property lines of the subject property. Common examples include dairy products manufacturing, foundries, chrome plating, crematoriums, electroplating, fiberglass manufacturing, flour mills and paper products manufacturing. Uses that regularly use hazardous chemicals or procedures or produce hazardous byproducts are prohibited.

Section 5.6.3 - Industrial Service

Uses engaged in the maintenance, repair or servicing of industrial, business or consumer machinery. Examples include janitorial, carpet cleaning, extermination, plumbing, electrical, window cleaning and similar building maintenance services; welding shops; machine shops; heavy truck servicing and repair; publishing and lithography; redemption centers; laundry, dry cleaning and carpet cleaning plants; photofinishing laboratories, and maintenance and repair services that are not otherwise classified.

Section 5.6.4 - Storage, Distribution, and Wholesaling

Uses involved in the storage or movement of goods for themselves or other firms or the sale, lease, or rental of goods primarily intended for industrial, institutional, or commercial businesses. The following describe the sub-categories of storage, distribution, and wholesaling uses:

- A. **Equipment and Materials Storage.** Outdoor uses related to outdoor storage of equipment, products, or materials, whether or not stored in containers.
- B. **Self-service Storage.** An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designed and used to accommodate interior access to storage lockers or drive-up access from passenger vehicles.
- C. **Trucking and Transportation Terminals.** Uses engaged in the sales, rental, dispatching or long-term or short-term storage of large trucks, buses, fleet fueling facilities and truck stops, construction equipment agricultural equipment and similar large vehicles, including parcel service delivery vehicles, taxis and limousines. Also includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.
- D. **Warehouse.** Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of "self-service storage" use or a "trucking and transportation terminal."
- E. **Wholesale Sales and Distribution.** Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms. Expressly includes the following uses: bottled gas and fuel oil sales, monument sales, and portable storage building sales.

Section 5.6.5 - Junk or Salvage Yard

A use where waste, scrap, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, processed, or handled for reclamation, disposal or other similar purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.

Division 5.7 - Agricultural Uses

Section 5.7.1 - General

The agricultural use category includes definitions and, in some cases, supplemental use regulations, for uses

that involve the preparation of plant and animal products.

Section 5.7.2 - Community Garden

Areas that are managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers). A community garden area may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group. Community gardens may be principal or accessory uses and are subject to the following supplemental use regulations:

- A. On-site sales of community garden food products is permitted as an accessory use.
- B. The community garden site shall be designed and maintained to prevent any chemical pesticide, fertilizer, or other garden waste from draining onto adjacent properties.
- C. On-site trash, recycle, and compost containers shall be located and maintained as far as practicable from residential dwelling units located on other lots.
- D. The property shall be maintained free of tall weeds and debris. Dead garden plants shall be regularly removed and, in any instance, no later than December 1 of each year.
- E. The perimeter of all community gardens shall be fenced in accordance with **Division 6.5 - Fences and Walls**.

Division 5.8 - Wireless Communications

Section 5.8.1 - General

The supplemental wireless communication facility regulations of this Section shall be applied within the constraints of state and federal law, the federal Telecommunications Act of 1996 and Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, as well as all applicable rulings of the FCC and the Streamlining Wireless Facilities and Antennas Act of 2019, as codified in title 36, chapters 66B and 66C.

Section 5.8.2 - Wireless Communication Types

The wireless communication use category includes definitions and, in some cases, supplemental use regulations, for wireless communication facilities and wireless support structures. The location of wireless communication facilities/structures may be permitted under the provision of this Section. The intent of this Section is to provide for the appropriate location and development of communication towers to serve the residents and businesses of the City; minimize adverse visual impacts of towers through careful design, siting, landscape and innovative camouflaging techniques; and to encourage and concentrate the location of new communication towers in areas which are not zoned for residential use. The following are regulations for wireless communication facilities:

- A. **Wireless Communication Facility.** The equipment and network components necessary to provide wireless communications service, excluding the underlying wireless support structure. The term includes antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling and associated equipment necessary to provide wireless communications services.
 - 1. **Carrier on Wheels (COW).** A portable, self-contained wireless facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.
 - 2. **Co-location.** The placement or installation of wireless communication facilities on existing structures, including electrical transmission towers, water towers, buildings and other structures customarily used for and capable of structurally supporting the attachment of wireless communication facilities in compliance with all applicable codes and regulations.
 - 3. **Concealed Wireless Facility.** Any wireless communication facility that is integrated as an architectural feature of an existing structure or any new wireless support structure designed to camouflage or conceal the presence of antennas or towers so that the purpose of the facility or wireless support structure is not apparent to a casual observer.
- B. **Wireless Support Structure.** A freestanding structure, such as a monopole or tower, designed to support wireless communication facilities.

Section 5.8.3 - Standards Applying to All Wireless Communications Uses

- A. **Wireless communication facilities** are allowed in accordance with **Table 5.2.4 - Table of Permitted Uses**. In addition, the following activities are permitted as of right in all districts:
1. Removal or replacement of transmission equipment on an existing wireless support structure that does not result in a substantial modification of the wireless communication facility;
 2. Ordinary maintenance of existing wireless communication facilities and wireless support structures; and
 3. Distributed antenna systems when located within a building or on the exterior of a building.
- B. **Removal of Abandoned Antenna and Towers.** Any wireless support structure that is not actively used by wireless carriers for a continuous period of six (6) consecutive months will be considered abandoned, and the owner of the wireless support structure shall remove it within 60 days of receiving written notice from the City. The City shall ensure and enforce removal by means of its existing regulatory authority, with costs of removal charged to the owner.
- C. **Existing Towers and Antennas.** Wireless telecommunication facilities lawfully existing on or before the effective date specified in **Section 1.1.4 - Effective Date** are allowed to remain in place and continue in use and operation. Ordinary maintenance and co-location is permitted, provided that any substantial modification requires review and approval in accordance with the conditional use procedures of **Division 7.5 - Amendments and Conditional Uses**.
- D. **Safety standards.** To ensure the structural integrity of communication structures, the owner of a structure shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Tower owners shall conduct periodic inspections of communication towers at least once every three years to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in the State.
- E. **Regulatory compliance.** All structures and facilities shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate communications towers and antennas. If such standards and regulations are changed then the owners of the communications towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
- F. **Lighting.** No illumination is permitted on an antenna or tower unless required by the FCC, FAA, or other State or federal agency of jurisdiction, in which case the City Manager shall review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.
- G. **Signage.** No signage is permitted on a facility or structure.
- H. **Visual impact.**
1. Structures shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA or other applicable federal or state agency, or be painted a neutral color, so as to reduce visual obtrusiveness.
 2. At a structure site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
- I. **Decisions.**
1. The environmental effects of radio frequency emissions may not serve as a basis to approve, deny or otherwise regulate a telecommunication facility to the extent that emissions comply with Federal Communications Commission regulations.
 2. All decisions denying a request to place, construct, or modify a wireless communication use must be in writing and be supported by a written record documenting the reasons for the denial and the evidence in support of the decision.
- J. The placement of additional buildings or other supporting equipment necessarily required in connection with an otherwise authorized wireless communication use is specifically authorized.

Section 5.8.4 - Co-locations and Concealed Wireless Facilities

The requirements of this Section apply to installments on existing buildings and structures on private property.

- A. Antennas that are attached or affixed to existing wireless support structures or alternative telecommunication support structures are permitted as of right in all zoning districts, provided that the antenna does not substantially change the physical dimensions of such structure.
- B. Co-locations and concealed facilities in R-zoned districts shall be visually screened from view of all abutting lots. Facilities in other zoning districts must be screened or designed and installed so as to make the antenna and related-equipment as visually unobtrusive as possible.
- C. If a facility is installed on a structure other than a tower, the facility and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- D. Co-location antennas or concealed facilities that substantially change the physical dimensions of such structure require conditional use permit approval in accordance with **Division 7.5 - Amendments and Conditional Uses**. For the purpose of this Section, "substantial change" shall mean:
 - 1. Increases height by more than ten percent (10%) or 20 feet, whichever is greater, as measured from facility as it existed prior to enactment of this Section.
 - 2. Appurtenances added protrude from body of structure more than 20 feet in width.
 - 3. If it involves installing more than the standard number of cabinets for the technology involved, not to exceed four cabinets; or if it involves installation of any cabinets if there are no pre-existing cabinets, or involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other associated ground cabinets.
 - 4. Involves excavation or deployment outside the current "site." "Site" shall be defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements.
 - 5. For concealed or stealth-designed facilities, if a modification would defeat the concealment elements of the wireless tower or base station.
 - 6. The modification would not comply with other conditions imposed on the applicable wireless support structure or base station, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the above thresholds.

Section 5.8.5 - Wireless Support Structures

The requirements of this Section apply to stand-alone towers and structures.

- A. Height requirements.
 - 1. For a single user, maximum height is 70 feet;
 - 2. For two users, maximum height is 100 feet;
 - 3. For three users, maximum height is 150 feet; and
 - 4. Towers clustered at the same site shall be of similar height and design.
- B. Towers shall be erected a minimum height necessary to provide parity with existing similar tower supported antenna, and shall be freestanding where the negative visual effect is less than would be created by use of a guyed tower.
- C. *Setbacks*. Wireless support structures shall be set back from all property lines a distance that is at least equal to its engineered fall zone.
- D. *Security*. Communication towers shall be enclosed by decay-resistant security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device that meets the requirements of **Division 6.5 - Fences and walls**.
- E. *Landscaping*. Landscaping shall be used to effectively screen the view of the tower compound from adjacent public rights-of-way, public property, and residential property and shall be as follows:

1. A buffer area no less than six (6) feet wide shall commence at the base of the tower.
2. The buffer zone is to consist of materials of a variety and spacing which can be expected to grow to form a continuous hedge at least five (5) feet in height within two (2) years of planting.
3. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities staff and maintenance.
4. Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be replanted to replace that lost.
5. In lieu of these standards, the City Manager may allow use of an alternate detailed plan and specifications for landscape and screening, including plantings, fences, walls, and other features designed to screen and buffer towers and accessory uses. The plan shall accomplish the same degree of screening achieved by the provisions above, except as lesser requirements are desirable for adequate visibility for security purposes.

Section 5.8.6 - Application Requirements

In the case where a conditional use permit is required, the information required herein shall be required for the conditional use review process. Regardless, the information shall be provided with a permit for the construction of a facility or support structure.

- A. Each applicant requesting approval of a wireless communication use must provide to the City Manager, as a part of the application, an inventory of its existing facilities that are either within the City and/or within one-quarter mile of the City boundaries, including information regarding the location, height, and design of each facility.
- B. No new wireless support structure may be permitted unless the applicant demonstrates that no existing facility or structure can accommodate the applicant's proposed antenna. Evidence must be submitted at the time of application demonstrating that no existing facility or structure can accommodate the applicant's proposed antenna and may consist of one or more of the following:
 1. No existing facilities or structures are located within the geographic area required to meet applicant's engineering requirements;
 2. Existing facilities or structures are not of sufficient height to meet applicant's engineering requirements;
 3. Existing facilities or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing facilities or structures, or the antenna on the existing facilities or structures would cause interference with the applicant's proposed antenna;
 5. The fees, costs, or contractual provisions required by the owner in order to share an existing or structure or to adapt an existing facility or structure for sharing are unreasonable; or
 6. There are other limiting factors that render existing facilities and structures unsuitable.

Section 5.8.7 - Small Wireless Facilities

Small wireless facilities are regulated by **Chapter 17, Article IV** of the Municipal Code.

Division 5.9 - Accessory Uses

Section 5.9.1 - Accessory Uses Allowed

The accessory use category includes definitions and, in some cases, supplemental use regulations, for accessory uses allowed only in connection with lawfully established principal uses.

- A. **Allowed Uses.** Allowed accessory uses are limited to those expressly regulated in this Section, as well as those that, in the determination of the City Manager, satisfy all of the following criteria:
 1. They are customarily found in conjunction with the principal use of the subject property;

2. They are subordinate and clearly incidental to the principal use of the property; and
 3. They serve a necessary function for or contribute to the comfort, safety, or convenience of occupants of the principal use.
- B. *Time of Construction and Establishment.*** Accessory uses may be established only after the principal use of the property is established.
- C. *Location.*** Accessory uses shall be located on the same lot as the principal use to which they are accessory, unless otherwise expressly stated.

Section 5.9.2 - Accessory Buildings and Structures

- A.** Accessory buildings and structures are subject to the same regulations that apply to principal uses and structures on the subject lot, unless otherwise expressly stated.
- B.** An accessory building or structure shall be clearly subordinate to the primary structure in all dimensional aspects.
- C.** Accessory buildings attached to the principal building by conditioned spaces are considered part of the primary structure and are subject to the lot and building regulations that apply to the principal building.
- D.** Accessory buildings attached by breezeways, passageways, or similar means are not considered part of the primary structure and are subject to accessory building and structure regulations.
- E.** Accessory buildings shall be located in the rear yard.
- F.** A maximum of two (2) accessory structures shall be permitted per lot.
- G.** Accessory buildings or structures are prohibited to be accessory to any single-family attached use.
- H. *Building Separation.*** Accessory buildings shall be separated by a minimum distance of ten (10) feet from the principal building on the lot, unless the accessory building is located entirely within the principal building setbacks, in which case, no separation is required. Structures less than 30 inches in height are not subject to building separation requirements.
- I. *Maximum Area.*** In all R-zoned districts, the total of all accessory structures shall have a gross square footage of no greater than 50 percent (50%) of the gross square footage of the principal building with a maximum of 1,200 square feet per lot.
- J.** See Section 6.1.1 - Setbacks and Section 2.1.3 - Dimensional Standards for additional restrictions applying to residential zoning districts.

Section 5.9.3 - Accessory Dwelling Units (ADU)

- A.** An Accessory Dwelling Unit is a smaller, secondary home on the same lot as a primary, single-family detached dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two (2) types of ADUs:
1. ***Garden Cottages.*** Detached structures where examples include converted garages, second story garage apartments, or new construction.
 2. ***Accessory Suites.*** Portions of structures or buildings attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.
- B. *Eligibility.*** ADUs can be established in the following circumstances:
1. An ADU may be added to any R-12 or R-24-zoned lot.
- C. *Accessory Structures.*** ADUs are considered accessory structures and shall comply with all accessory structure regulations Section 5.9.2 - Accessory Buildings and Structures in addition to those dedicated specifically to ADUs in this Section.
- D. *Quantity.*** One (1) ADU is permitted per single-family detached residentially zoned lot or dwelling.
- E. *Creation.*** An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to a garden cottage while simultaneously constructing a new primary dwelling on the site.
- F. *Occupancy and Use.*** Occupancy and use standards for an ADU shall be the same as those applicable to

a primary dwelling on the same site. Short-term rental of an ADU is prohibited.

G. Design. Design standards for ADUs are stated in this Section. If not addressed in this Section, base zoning district standards apply.

1. All ADUs (accessory suites and garden cottages) shall meet the following requirements:
 - a. *Size.* An ADU shall be no more than 1,200 square feet or the 50 percent (50%) the size of the primary dwelling, whichever is less.
 - b. *Parking.* No additional parking is required for an ADU. Existing required parking for the primary dwelling shall be maintained or replaced on-site.
 - c. *Building standards.* ADUs shall comply with all building and lot regulations for primary and accessory structures, as applicable based on the type of ADU.
2. Accessory suites shall meet the following additional requirements:
 - a. *Location of entrances.* Only one (1) entrance may be located on the façade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory suite was created. An exception to this regulation is entrances that do not have access from the ground, such as entrances serving balconies or decks.
 - b. *Exterior stairs.* Fire escapes or exterior stairs for access to an upper level accessory suite shall not be located on the front of the primary dwelling and shall be setback a minimum of five (5) feet from the front building façade.
3. Garden cottages shall meet the following additional requirements:
 - a. *Height.* The maximum height allowed for a garden cottage is the lesser of 24 feet or the height of the primary dwelling.
 - b. *Building coverage.* The building coverage of a garden cottage shall not exceed 575 square feet.
 - c. *Exterior finish materials.* Exterior finish materials shall visually match in type, size, and placement of the exterior finish materials of the primary dwelling.
 - d. *Roof pitch.* The roof pitch shall be the same as the predominant roof pitch of the primary dwelling.
 - e. *Windows.* If the street-facing façade of the ADU is visible from the street, its windows shall match, in proportion and orientation, the windows of the primary dwelling.
 - f. *Eaves.* If the primary dwelling has eaves, the ADU shall have eaves that project from the building. If the primary dwelling does not have eaves, no eaves are required for the ADU.

H. Exemptions. Garden cottages are eligible for either of the following exemptions:

1. *Design compatibility.* Exceptions to **Section 5.9.3.G.3.** are granted for garden cottages that:
 - a. Are under 300 square feet and under 18' average height, or
 - b. Meet Historic Design Standards, defined elsewhere in the Municipal Code.
2. *Alteration.*
 - a. If a garden cottage is proposed for an existing detached accessory structure that does not meet one or more of the standards of **Sections 5.9.3.G.3.**, the structure is exempt from the standard(s) it does not meet.
 - b. Alterations that would move the structure out of conformance with standards it does meet are not allowed. This includes the vertical expansion of an accessory structure that does not meet the requirements of this Section (i.e.: An accessory structure that encroaches setbacks may not have a second story added to accommodate an accessory dwelling unit).
 - c. If any floor area is added to a detached accessory structure, the entire structure shall meet the standards of **Sections 5.9.3.G.3.**

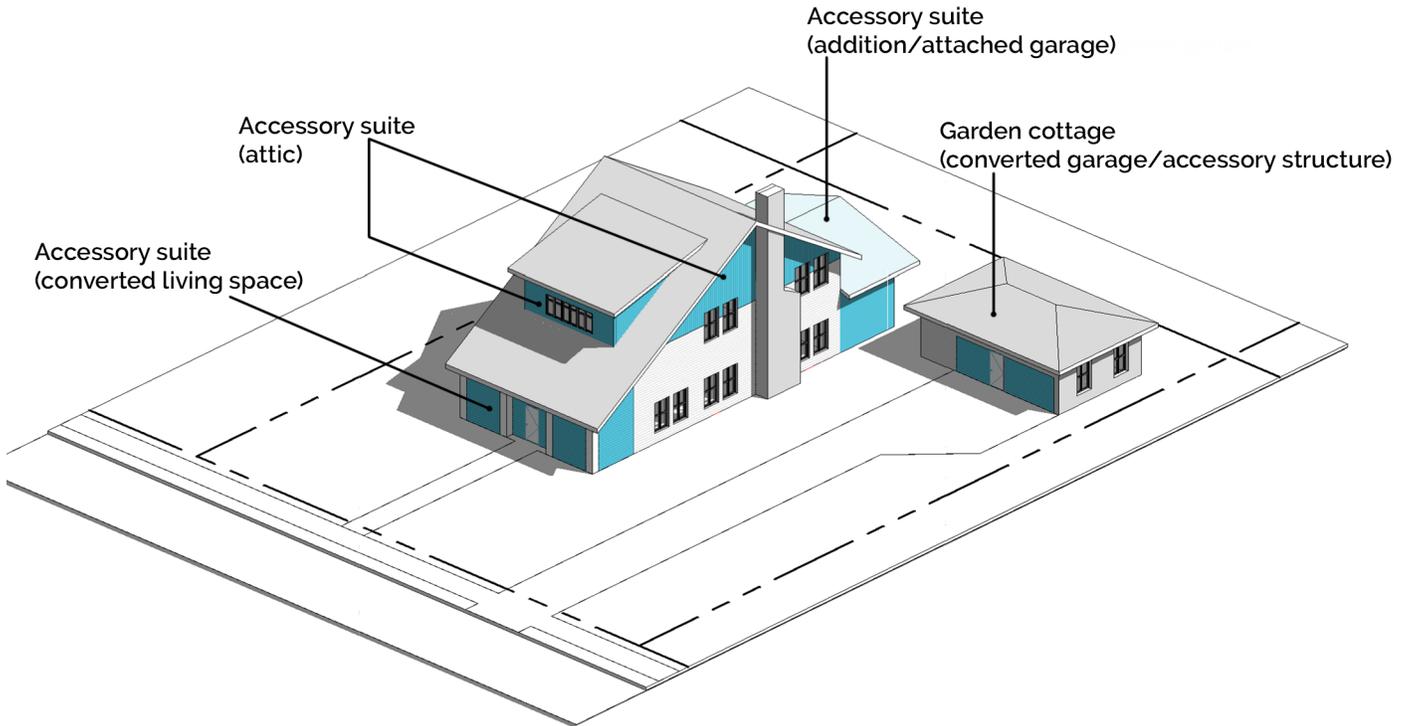


Figure 5.9.3.A - Accessory Dwelling Units

Section 5.9.4- Amateur Radio Service Antennas

- A. Amateur radio service antennas and supporting towers, including any support upon which it is mounted, shall not exceed a combined height of 70 feet. Amateur radio service antennas exceeding 70 feet in height may be approved through the conditional use permit procedures of **Division 7.5 - Amendments and Conditional Uses**.
- B. All amateur radio service antenna structures shall be set back a distance of at least one-half the height of the tower structure from all property lines.

Section 5.9.5 - Backyard Chickens

Backyard chickens involves the keeping of hens for the health, convenience, and personal enjoyment benefits afforded by such use within single-family residential districts, provided that:

- A. No more than six (6) chickens are permitted on lots less than one (1) acre in size. Up to twelve (12) chickens are permitted on lots greater than one (1) acres in size.
- B. Roosters are prohibited.
- C. Associated structures (chicken coop, run, etc.) shall be considered accessory structures and shall comply with **Section 5.9.2 - Accessory Buildings and Structures**.

Section 5.9.6 - Collection Bins

Any bin, container, storage unit, or structure, other than an accessory building or shed, that can or is used for the holding of donated items, including but not limited to, clothing, toys, books, and newspapers, with the collection of those donated items made at a later date or time and which is located for such purposes outside an enclosed building.

- A. A maximum of one collection bin may be located on each lot.
- B. Bins shall be permitted only on lots that also contains a principal building that contains at least one (1) operating business.
- C. Bins shall be located as follows:
 - 1. Shall not be located within 1,000 feet of any other collection bin.

2. Shall not be located within 100 feet of any residentially zoned parcel.
3. Shall not be located within 20 feet of any public right-of-way.
4. Shall only be permitted in the rear or side yard and shall be located at least five (5) feet from any property line.
5. Shall not be permitted to obstruct pedestrian or vehicular circulation, nor be located in any public right-of-way, zoning buffer, front yard setback, street side yard setback, landscape zone, landscape island or strip, supplemental zone, parking space, fire lane, or loading zone.
6. Shall not be located between a building and a street.

D. Collection bins shall be designed and positioned as follows:

1. Be fabricated of durable and waterproof materials, not including wood.
2. Be placed on a surface that is paved with durable concrete.
3. Have a collection opening that has a tamper-resistant locking mechanism.
4. Be no more than 84 inches high, 60 inches wide and 50 inches deep.
5. Bins shall only be permitted to display signage on one side.
6. Bins shall be clearly visible from the principal building and be no more than ten feet from a continually operating light source of at least one foot-candle.

Section 5.9.7 - Electric Vehicle Charging Stations

- A. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.
- B. Vehicle charging equipment shall be designed and located so as to not impede pedestrian, bicycle, or wheelchair movement or create safety hazards on sidewalks.
- C. Electric vehicle charging stations shall be posted with signage indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.
- D. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning, or other problems are encountered.
- E. Electric vehicle charging stations in R-zoned districts shall be prohibited within five (5) feet of the front façade, unless it is contained in a structure.

Section 5.9.8 - Geothermal Energy Systems

- A. Geothermal energy systems shall be located entirely within the lot lines of the subject property or within appropriate easements.
- B. No portion of a geothermal energy system may be located within a stream or stream buffer.

Section 5.9.9 - Home Occupations

- A. The home occupation regulations of this Section are intended to allow residents to engage in customary home-based work activities, while also helping to ensure that neighboring residents are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential uses.
- B. Two types of home occupations are defined and regulated under this section:
 1. **Type A Home Occupation.** Type A home occupations are those in which household residents use their home as a place of work, with two (2) or fewer visits from employees, customers, or clients coming to the site per week.
 2. **Type B Home Occupations.** Type B home occupation are those in which household residents use their home as a place of work with more than two (2) visits from employees, customers, or clients coming to the site per week.

C. **Exclusions.** The following uses are not considered home occupations and are not subject to the home occupation regulations of this section. Each use is allowed as indicated in **Table 5.2.4 - Table of Permitted Uses.**

1. Personal Care Homes.
2. Day Care.
3. Bed and Breakfast.
4. Short-Term Rentals.

D. **Prohibited Home Occupations.** The following uses are expressly prohibited as home occupations:

1. Any type of assembly, cleaning, maintenance, or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
2. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
3. Equipment or supply rental businesses;
4. Taxi, limo, van, or bus services;
5. Tow truck services;
6. Firearms sales establishment;
7. Eating or drinking places;
8. Funeral or interment services;
9. Animal care, grooming, or boarding businesses; and
10. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building.

E. **Type A Home Occupations.**

1. Type A home occupations are permitted as of right as an accessory use to a principal use in the household living use category. Type A home occupations are subject to the general regulations of this Section and all other applicable regulations of this Section.
2. More than one (1) Type A home occupation is allowed as an accessory use, but the general regulations of sub-section G apply to the combined home occupation uses.

F. **Type B Home Occupations.**

1. Type B home occupations may be approved as an accessory use to a principal use in the household living use category only as expressly stated in this Section
2. Type B home occupations are subject to the general regulations of sub-section G and H, and all other applicable regulations of this Section.
3. Multiple Type B home occupations are prohibited as an accessory use to a household living use, and a Type A home occupation may not be conducted in conjunction with a Type B home occupation.

G. All Type A and Type B home occupations are subject to the following general regulations:

1. Home occupations shall be accessory and secondary to the use of a dwelling unit for residential purposes. They may not change the character of the residential building they occupy or adversely affect the character of the surrounding neighborhood. Home occupations shall not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts to that are not typical of a residential neighborhood in Avondale Estates. Home occupations shall be operated so as not to create or cause a nuisance.
2. Any tools or equipment used as part of a home occupation shall be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
3. External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations

include construction of parking lots, the addition of commercial-like exterior lighting or the addition of a separate building entrance that is visible from abutting streets.

4. Home occupations and all related activities, including storage (other than the lawful parking or storage of vehicles), shall be conducted entirely within the dwelling unit or accessory building or structure, as permitted.
5. The area devoted to all home occupations present on the property is limited to 25 percent (25%) of the dwelling unit's floor area or 650 square feet, whichever is less.
6. No window display or other public display of any material or merchandise is allowed.
7. The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Section 171.8.
8. Only passenger automobiles, passenger vans, and passenger trucks may be used in the conduct of a home occupation. No other types of vehicles may be parked or stored on the premises. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, Fed Ex, et al.) of the type typically used in residential neighborhoods.
9. Home occupations complying with the regulations of this section are permitted to operate in accessory dwelling units or other accessory structures or buildings.

H. Type B Procedures.

1. *Review and Approval.*
 - a. Type B home occupations are allowed only if reviewed and approved in accordance with the conditional use permit procedures of **Division 7.5 - Amendments and Conditional Uses**.
 - b. Instruction, teaching, or tutoring of no more than three (3) students at one time does not require approval of a Conditional Use permit, but instead requires the same procedures for operating a Type A Home Occupation.
2. *Supplemental Regulations for Type B.*
 - a. One nonresident employee is allowed with Type B home occupation if no customers come to the site at any time.
 - b. Home occupations that have clients, customers, or students coming to the site at any time may not have nonresident employees.
 - c. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site four (4) days or more per week as part of the home occupation.

Section 5.9.10 - Mobile Food Unit

- A. Any person conducting business from a mobile food unit shall apply for and receive an occupational tax certificate.
- B. Mobile food units are required to own or lease a commissary kitchen (base of operation) and provide that information to the City in order to receive an occupational tax certificate.
- C. Mobile food units are required to obtain and maintain a permit from the Department of Agriculture and/or DeKalb County Board of Health - Division of Environmental Health as required and to abide by their regulations for operation. Mobile food units must display such permit on demand by the City.

Section 5.9.11 - Outdoor Storage

- A. The outdoor storage regulations of this Section apply to the storage of goods, materials, and equipment as an accessory use to commercial or industrial use types when located outside of enclosed buildings, including:
 1. Material in boxes, in crates, or on pallets;
 2. Overnight storage of vehicles awaiting repair (not including new vehicles for sale); construction

- and contractor's equipment, including lawnmowers;
 - 3. Fleet vehicles;
 - 4. Construction material such as lumber, pipe, steel and unpackaged soil, mulch, recycled material, or similar items; or
 - 5. Other items like appliances, merchandise, equipment, garbage, landscape waste, glass, and rubbish.
- B.** Storage shall be fully enclosed by a fence not less than six (6) feet in height containing opaque material to provide visual screening. Fencing shall comply with **Division 6.5 - Fences and Walls**. Fleet vehicles do not require screening.

Section 5.9.12 - Residential Composting

The composting of landscape waste (including grass clippings, leaves, and chipped brush) and food waste (including discarded fruits, vegetables, and grains) is an allowed accessory use in residential zoning districts, subject to the regulations of this Section.

- A.** Only landscape waste generated from plants grown and maintained on the subject lot may be composted. This provision is not intended to prohibit property owners from adding "outside" materials or ingredients to speed or enhance decomposition.
- B.** Meat products are prohibited in residential compost bins.
- C.** All food waste shall be placed within rodent-resistant compost bins, which are prohibited in front yards, and shall be set back at least ten (10) feet from all lot lines.
- D.** Landscape waste compost bins and piles may not exceed 125 cubic feet in volume and may not exceed five (5) feet in height.
- E.** Only animal waste from herbivores is allowed within compost bins.
- F.** Burning of compost piles is prohibited.

Section 5.9.13 - Satellite Dish Antennas

Satellite dish antennas are subject to compliance with the regulations of this Section.

- A.** In R-zoned districts, satellite dish antennas shall be located in the rear yard or on the rear of the principal building. If usable communication signals cannot be obtained from the rear location, the satellite dish antenna may be located in the side yard or on the side of the principal building. If usable satellite television communication signals cannot be received by locating the antenna to the rear or side of the principal building, the antenna may be placed in the front yard or on the front-facing roof of the principal building, provided that:
 - 1. The dish diameter does not exceed 18 inches.
 - 2. The City Manager is authorized to approve a front yard location only upon a showing by the applicant that usable communication signals are not receivable from any location on the property other than the location selected by the applicant.
- B.** In all districts other than R-zoned districts, satellite dish antennas may be located anywhere upon a building or within the buildable area of the lot, subject to applicable zoning district setback regulations.
- C. *Other Regulations.***
 - 1. In all R-zoned districts, satellite dish antennas shall not exceed 36 inches in diameter.
 - 2. A ground-mounted satellite dish antenna shall not exceed 20 feet in height including any platform or structure upon which the antenna is mounted or affixed.
 - 3. Roof-mounted satellite dish antenna shall not exceed the height of the elevation of the ridge line of the principal structure.
 - 4. If usable satellite signals cannot be obtained from an antenna installed in compliance with the height limitations imposed by this Section, such satellite dish antennas may be installed at a greater height, provided that the height is approved by the City Manager. The City Manager is authorized to approve a greater height upon a showing by the applicant that installation at a

height greater is necessary for the reception of usable communication signals.

5. All satellite dish antennas shall comply with all manufacturers' specifications, be located on non-combustible and corrosion-resistant material, and be erected in a secure, wind-resistant manner.
6. All satellite dish antennas shall be adequately grounded for protection against a direct strike of lightning pursuant to the requirements of the City Electrical Code.

Section 5.9.14 - Solar Energy Systems

- A. Owners of accessory solar energy systems are solely responsible for negotiating with other property owners for any desired solar easements to protect access to sunlight. Any such easements shall be recorded with the Clerk of Superior Court, and a copy of the recorded document provided to the City Manager.
- B. *Building-Mounted Solar Energy Systems.*
 1. Building-mounted solar energy systems may be mounted on principal and accessory structures.
 2. All applicable setback regulations apply to building-mounted solar energy systems.
 3. Only building-integrated and/or flush-mounted solar energy system may be installed on street-facing building elevations.
 4. Solar energy systems may not extend more than three (3) feet above the applicable maximum building height limit or more than four (4) feet above the highest point of the roof line, whichever is less.
- C. *Ground-Mounted Solar Energy Systems.*
 1. In R-zoned districts, ground-mounted solar energy systems shall not be located in a required street setback or street yard.
 2. Ground-mounted solar energy systems may be located within required interior side and rear setbacks in accordance with **Table 6.1.1 - Setbacks**.
 3. Ground-mounted solar energy systems are subject to applicable accessory structure height and lot coverage regulations.

Section 5.9.15 - Swimming Pools

- A. Swimming pools considered accessory structures and shall comply with all accessory structure regulations **Section 5.9.2 - Accessory Buildings and Structures** in addition to those dedicated specifically to swimming pools in this Section.
- B. Pool heaters and pumps shall not be located in a front yard and shall be least ten (10) feet from any property line.
- C. Swimming pools shall be located in the rear yard and shall be setback a minimum of ten (10) feet from rear lot lines and twelve (12) feet from side lot lines. Setbacks are measured from the outermost edge of the pool decking to the nearest the applicable lot line.
- D. Commercial accessory swimming pools shall be approved only after receipt of written approval from the DeKalb County Board of Health.

Section 5.9.16 - Unmanned Retail Structures

Retail structures store or dispense items for sale, rent, or customer pick-up/drop-off that are accessible from the exterior of a building. This use includes the outdoor placement of soft drink or similar vending machines, propane gas storage racks, ice storage bins, automated teller machines (ATMs), and other similar machines. The use may be freestanding or attached to a principal structure. Collection bins are regulated separately in **Section 5.9.6 - Collection Bins**.

- A. General
 1. Up to three (3) unmanned retail structures are allowed per lot.
 2. An unmanned retail structure may not exceed a footprint of 150 square feet and 14 feet in height.
 3. The unmanned retail structure is not allowed in any required setback area.

4. Structure shall provide a paved area a minimum of three (3) feet deep.
 5. Structure may not encroach on any required site elements such as landscaping, buffers, required parking, or pedestrian access.
- B.** Building signs may be applied to the unmanned retail structure, provided that they follow the sign requirements in **Chapter 5 - Sign Regulations** and do not cause the lot to exceed its allocation of sign area.

Division 5.10 - Temporary Uses

Section 5.10.1 - Temporary Construction Structures

- A. *Construction Dumpsters.*** Temporary refuse containers to store trash and recycling during affiliated construction activities, which are not enclosed.
- B. *Portable Storage Containers.*** Designed for the temporary storage of fixtures, furnishings, equipment, or other household goods and materials. Portable storage containers exclude structures designed for the occupancy by any individual or domestic animal or used as a place of business.
1. When not associated with a valid permit, portable storage containers may not be parked or stored in R-zoned districts for more than 15 consecutive days or a total of more than 30 days during any calendar year.
- C. *Temporary Construction Trailers.*** Occupiable structures used for temporary management of construction activities and related services.
- D. Standards applying to all Temporary Construction Structures:**
1. Temporary Construction Structures may be parked or stored on any lot when used in conjunction with a valid, unexpired building or land development permit.
 2. All Temporary Construction Structures shall be completely removed from the premises within 30 days of issuance of the final Certificate of Occupancy or project close-out pertaining to the building(s)/land development associated with the construction.

Section 5.10.2 - Temporary Outdoor Sales of Merchandise

- A.** Any applicant for a permit for temporary outdoor sales of merchandise shall demonstrate compliance with the regulations of this Section through an annual permit obtained by the City Planning and Community Development Department as an occupational tax certificate.
- B.** Temporary sales activities are subject to the following regulations:
1. No such temporary outdoor sales of merchandise may be conducted on public property, within any public right-of-way, and no display or sales area may block safe pedestrian movement.
 2. Tents may be used in conjunction with temporary sales activities for a maximum of five (5) days over a one (1)-month period.
 3. No operator, employee, or representative may solicit directly to the motoring public.
 4. No temporary outdoor sales may be located within or encroach upon any drainage easement, public sidewalk or right-of-way, required parking spaces, fire lanes, designated loading areas, driveways, maneuvering aisles, or ADA minimum sidewalk width within private sidewalks or other areas intended for pedestrian movement.

Section 5.10.3 - Temporary Stage or Tent

- A.** Temporary stages require the review and approval of a building permit.
- B.** Tents over 400 square feet require the review and approval of a building permit.

Section 5.10.4 - Temporary Buildings

Unless otherwise expressly stated in this Zoning Ordinance, temporary buildings are prohibited in all zoning districts.

ARTICLE 6 | SITE DEVELOPMENT FEATURES

Division 6.1 - General Lot and Building Regulations

Section 6.1.1 - Setbacks

- A. **Permitted obstructions.** Setbacks shall be unobstructed and unoccupied from the ground to the sky except as expressly allowed in sub-section B.
- B. Features allowed to encroach in required setbacks. Building and site features are allowed to obstruct or encroach into required setbacks to the extent indicated in the following table. *If no distance is specified, the feature is allowed to extend up to two (2) feet from the applicable property line(s):*

Table 6.1.1 - Obstruction/Projection into Required Setback	Street	Side	Rear
Air conditioning units	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings, canopies, light shelves, and architecturally integrated solar shading devices projecting no more than three (3) feet into the setback	Yes	Yes	Yes
Bay windows that project no more three (3) feet into the setback	Yes	Yes	Yes
Chimneys and flues that project up to three (3) feet into the setback	Yes	Yes	Yes
Clotheslines	No	No	Yes
Decks, patios, and other features and structures less than 30 inches in height above grade	Yes	Yes	Yes
Eaves and gutters that project up to three (3) feet into the setback	Yes	Yes	Yes
Electric vehicle charging stations	Yes	Yes	Yes
Fences and walls (see also Division 6.5 - Fences and Walls)	Yes	Yes	Yes
Fire escapes that project up to three (3) feet into the setback	Yes	Yes	Yes
Flagpoles and similar features	Yes	Yes	Yes
Geothermal heat pumps and geothermal heat exchange system equipment up to four (4) feet in height above grade	No	Yes	Yes
Green houses and hoop houses	No	Yes	Yes
Plants and cold frames	Yes	Yes	Yes
Recreational equipment (e.g., swing sets and playground equipment)	No	Yes	Yes
Satellite dish antennas, not exceeding one (1) meter (39.37 inches) in diameter	Yes	Yes	Yes
Satellite dish antennas, over one (1) meter but not exceeding 2.4 meters (94.49 inches) in diameter	No	No	Yes
Sills, belt courses, cornices, buttresses and similar architectural features that project up to three (3) feet into the setback	Yes	Yes	Yes
Solar or wind energy systems, building-mounted	No	Yes	Yes
Solar or wind energy systems, ground-mounted	No	Yes	Yes
Swimming pools and tennis courts	No	No	Yes
Water collection cisterns that project no more than three (3) feet into a front or side setback	Yes	Yes	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes

Section 6.1.2- Building Height

- A. Building height is regulated by zoning district in **Section 2.1.3** and **Section 2.2.3 - Dimensional Standards** for residential and commercial districts and **Table 3.2.9 - Façade Types** for the Central Business District..

B. Exceptions.

1. Farm buildings and farm-related structures are not subject to building height limits when located on bona fide farms.
2. Belfries, clock towers, cupolas, domes, flag poles and spires may exceed maximum building limits, provided they are not intended for human occupancy.
3. Bulkheads, elevator and equipment penthouses, chimneys, water tanks and similar structures may exceed maximum height limits, provided they do not cover more than 25 percent (25%) of the total roof area of the building on which they are located.
4. Telecommunications towers and antennas are subject to their own special height limits (see **Division 5.8 - Wireless Communications**).
5. Building-mounted solar energy systems shall not extend more than three (3) feet above the roof line (see also **Section 5.9.14 - Solar Energy Systems**) and shall comply with maximum building height.

Section 6.1.3 - Building Design Standards

A. Intent. These criteria are intended to address a building's appearance and integration into commercial districts. The criteria are intended to elicit high quality materials, enhanced pedestrian experience, an appropriate scale, and a development pattern that effectively implements the City's planning and visioning documents.

B. Applicability. The building design regulations of this Section apply to all buildings in the O-I and GC Districts, unless otherwise expressly stated.

1. **Applicable Façades.** The Building Design Standards apply to all façades visible from the street, facing streets, facing main parking lots, and adjacent to or visible from required open spaces, unless otherwise noted.

C. Exterior Finish Materials. :

1. Primary building materials shall be used on at least 70 percent (70%) of any building façade,
2. Secondary building materials may be used on up to 30 percent (30%) of any exterior building façade, calculated on the basis of each individual façade.
3. Building materials, other than those expressly identified in this Section, may be used on up to ten percent (10%) of any exterior building façade, provided they have not been prohibited by this section.
4. Material proportion calculations shall not include building foundations, window systems, and doors. Proportions are calculated on the basis of each individual façade.
5. Materials shall continue around the corner of the building onto façades not visible from the public street a minimum depth of one (1) architectural bay.
6. **Prohibited Materials.** Synthetic stucco, concrete masonry units (CMU), and vinyl are not permitted as exterior finish materials.
7. Building façades shall be constructed of no more than three (3) primary materials and/or colors. Additional materials may be used as secondary, trim, or accent materials.
8. **Awnings.** Plastic and vinyl awnings are prohibited. Materials repurposed into textiles for use on an awning is permitted.
9. Exterior wall finish materials are required, as follows:
 - a. **Primary:** Brick, including full-depth and half-depth masonry brick; stone, including unpainted natural stone, unpainted cast stone having the appearance of natural stone; and unpainted terracotta.
 - b. **Secondary:** Metal panels and siding; wood, including natural wood or cement-based artificial wood siding.

D. Building Articulation.

1. In order to avoid large expanses of flat (one-dimensional) exterior walls along sidewalks, building façades over 50 feet in length along a street, including abutting attached houses, shall incorporate wall projections or recesses a minimum of 12 inches in depth. The combined length of such recesses and projections shall constitute at least 20 percent (20%) of the total façade length along the public street.
1. One of the following articulations is required to divide the façade into vertical divisions at increments no greater than 100 feet, as measured along the base of the façade:
 - a. A change of façade material and window system from grade to roof; or
 - b. Change of building height of at least one story; or
 - c. A change in façade composition and/or architectural style from grade to roof; or
 - d. An open space or pedestrian passage with a minimum width of 15 feet and a minimum depth of 30 feet.
 - e. Similar means intended to convey the impression of separate buildings.
 - f. Change in color alone, window system alone, or setback alone, may not be used to satisfy this requirement.
2. Building roof lines along street-facing façades shall change at least once every 200 feet of façade length. This change shall occur for a minimum length of 20 feet and be accomplished through at least one of the following:
 - a. A change of roof parapet wall height and material;
 - b. A change of roof cornice design;
 - c. A change in the number of stories;
 - d. A change in roof-shape.

E. Blank Walls. Blank wall area applies to ground and upper story façades visible from a street (not including an alley) or open space.

1. There shall be no more than 20 feet of blank wall area.
2. Blank wall area can be broken up or interrupted to meet these provisions with any one of the following interventions:
 - a. Fenestration; or
 - b. Substantial material change. Paint color alone does not constitute a material change; or
 - c. Façade articulation greater than 12 inches in depth; or
 - d. Patterns and designs articulated with building materials.
 - e. Vertical green walls.
 - f. Signage and murals as permitted in **Chapter 5 - Sign Regulations**.
3. Blank wall area is measured in linear feet applied in both vertical and horizontal directions. See **Figure 6.1.3.E - Blank Wall Area**.

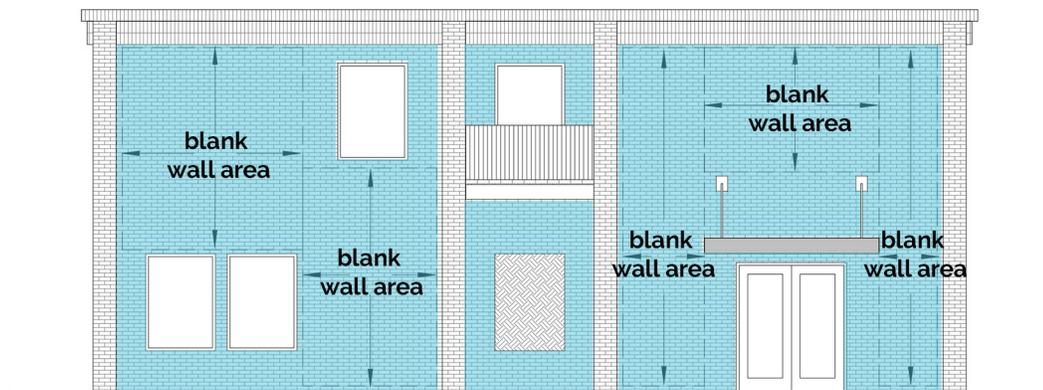


Figure 6.1.3.E - Blank Wall Area

F. Residential Balconies.

1. Where balconies are incorporated into building design, they shall be integral to the façade.
2. Balconies on stepped-back stories may be independently secured, extending from the façade as a cantilever.
3. Juliet balconies are prohibited.

G. Window Systems.

1. Façades on commercial and MF-zoned lots shall provide a minimum ground floor fenestration of 40 percent (40%) on the ground story and 25 percent (25%) on upper stories.
2. Fenestration is the minimum percentage of window and door glass that must cover a façade. It is calculated based façade area and by floor. The façade area used to determine fenestration is measured from the top of the finished door to the top of the finished floor above or top of a roof parapet.
3. Fenestration requirements apply to façades that abut a public or private street (not including an alley), or a required open space.
4. Glass used to satisfy fenestration requirements shall be unpainted, shall have a transparency (visible light transmission) higher than 70 percent (70%) and shall have an external reflectance of less than 15 percent (15%). Transparency and external light reflectance shall be established using the manufacturer's specifications.
5. Window frames, sashes, mullions, and similar features that are integral to the window system count towards fenestration requirements. Opaque doors and windows do not.
6. No shades, blinds, or other coverings are permitted on the ground floor fenestration of any non-residential building.
7. Grilles, inoperable shutters, and other faux window treatments are prohibited.
8. Window systems shall be recessed from the façade of the building a minimum of three (3) inches. This reveal shall be accomplished through the design of the window casing reveals and frames.

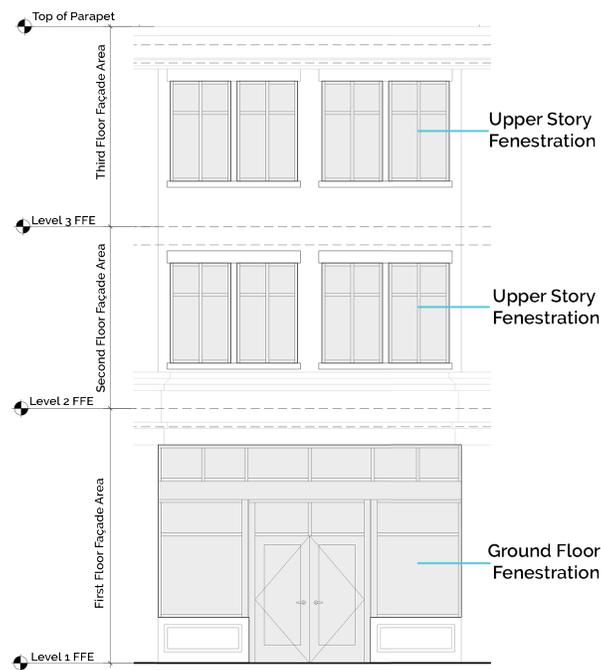


Figure 6.13.G - Fenestration Calculation Area

H. Pedestrian Access. The pedestrian access regulations of **Section 6.2.13 - Pedestrian Access and Circulation** apply.

Section 6.1.4 - Lot Standards

- A. Development shall conform to minimum lot standards in **Article 2 - Base Zoning Districts**, as applicable.
- B. The term "lot" shall not include any portion of a dedicated right-of-way.
- C. Lot size square footage calculations shall also exclude any areas reserved for easements or rights-of-way upon which, by the nature thereof, construction is prohibited (i.e., easements for ingress and egress to other lots or properties, major power line transmission easements, etc.).
- D. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- E. **Dimension, size, and shape orientation.** The lot area, width, shape, and orientation in subdivisions shall be in accordance with requirements of the City zoning and land development ordinances.
- F. **Creation of regular lots.** Side lot lines shall be substantially at right angles or radial to street lines as they extend from the front lot line to the front building line.

- G. **Frontage.** Each lot shall front upon a paved private or public street. For single-family attached uses, this requirement shall apply to the parent lot so as to not require fee simple ownership. All buildings in the Central Business District (CBD) shall front on a paved public or private street.
- H. **Buildable area.** Lots shall contain adequate buildable area that is suitable for the intended use.
- I. **Corner lots.** Corner lots shall provide extra width of not less than fifteen (15) feet to meet the minimum street front and street side yard requirements on the lot edges adjacent to all streets. The street side yard of a corner lot shall be along the street frontage having the greatest dimension; therefore, the other frontage shall be considered the street front yard.
- J. **Through lots.** Through lots are discouraged in subdivisions except along limited access highways, such as interstate highways. Where it is necessary to provide separation of residential development from arterials or to overcome specific disadvantages of topography and orientation, lots fronting such features may be platted in greater depth so that dwellings may be set back an additional distance from the arterial or other feature. Such lots may obtain vehicular access from a rear alley or internal subdivision streets and do not constitute prohibited through lots.
- K. **Spite strips.** The creation of spite strips is prohibited.
- L. **Flag lots.** The creation of flag lots is prohibited.

Section 6.1.5 - Underground Electric and Communication Utilities

- A. **Undergrounding Utilities.** Utilities, including telephone, electric power, and cable television in both public and private rights-of-way shall be placed underground for all new developments with total floor areas 50,000 sf or over. This requirement does not apply to high voltage power lines.
- B. **Fee in lieu.** Except when extreme conditions of underlying rock, the expense to bury overhead utilities is deemed to be unreasonably costly due to the complexity of the work, or other conditions prevent this requirement from being met, the developer may request approval from the City Manager for a fee in lieu arrangement meeting the following:
 - 1. A City fund, known as the "The City of Avondale Estates Utility Conversion Fund" is hereby created. The purpose of said fund is to accept deposits as described herein, along with other funds or grants apportioned by the Board of Mayor and Commissioners, and the use of such funds shall be restricted for the sole purpose of offsetting the cost of projects undertaken by the City that bury or relocate power lines from streets and sidewalks.
 - 2. Developer shall contribute toward the City's Utility Conversion Fund in lieu of requiring burial of the utilities. Such fee in lieu arrangement shall be based on a cost per linear foot of such underground relocation of utilities established by the Board of Mayor and Commissioners, and it may be adjusted from time to time by City Ordinance
- C. **Sequencing.** Fee in lieu or burial of utilities shall be done prior to issuance of any Certificate of Occupancy being issued for structures in any phase abutting the right-of-way within which the overhead utilities are situated.

Division 6.2 - Parking and Access

Section 6.2.1 - Purpose

- A. The parking regulations of this Division are intended to ensure that off-street parking facilities are provided to meet the basic day-to-day needs of shoppers, employees, visitors and residents while also avoiding the negative impacts that can result from requiring excessive quantities of off-street parking.
- B. The provisions of this article are also intended to help protect the public health, safety, and general welfare by:
 - 1. Promoting economically viable and beneficial use of land; and
 - 2. Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the City.

Section 6.2.2 - Applicability

- A. **General.** Off-street parking shall be provided and maintained in accordance with the provisions of this article. Unless otherwise expressly stated, the regulations apply to all zoning districts and uses.

- B. **New Uses and Development.** The parking regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.
- C. **Change of Use.** If a new use of a building or structure requires more off-street parking than the use that most recently occupied the building or structure, the new use shall comply with the parking requirements of this Division-that includes the addition of all parking requirements for the added spaces, including landscaping. There is no requirement to address parking deficits associated with existing, lawfully established buildings or uses.
- D. **Enlargements and Expansions.** The parking regulations of this article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, or other units of measurement used in establishing off-street parking requirements. Additional spaces are required only to serve the enlarged or expanded area, not the entire building or use-that includes the addition of all parking requirements for the added spaces, including landscaping. There is no requirement to address parking deficits associated with existing, lawfully established buildings or uses.
- E. **Maintenance.** Off-street parking spaces required by this Zoning Ordinance shall be maintained for the life of the principal use.
- F. **Damage or Destruction.** When a use that has been damaged or destroyed is re-established, off-street parking or loading facilities shall also be re-established or continued in operation in an amount equal to the number maintained at the time of such damage or destruction. It is not necessary, however, to restore or maintain parking or loading facilities in accordance with those required by this Zoning Ordinance.

Section 6.2.3 - Parking Requirements

Unless otherwise expressly stated in this Zoning Ordinance, off-street motor vehicle and bicycle parking spaces shall be provided in accordance with the maximum (motor vehicle) and minimum (bicycle) ratios in **Table 6.2.3 - Parking Requirements**.

Table 6.2.3 - Parking Requirements	Maximum Ratio	Minimum Ratio	
DU = dwelling unit KSF = 1,000 square feet	Motor Vehicle Spaces	Short-Term Bicycle Spaces	Long-Term Bicycle Spaces
Residential			
Household Living			
Single-Family Detached/Attached	None	None	None
Multi-unit Building/Live-work	1.5 per bedroom	0.1 per DU	0.2 per DU
Group Living	0.5 per bed	None	None
Institutional			
Cemetery	None	None	None
Club or Lodge	10 per KSF (minimum of 7 per KSF)	0.5 per KSF	0.05 per KSF
Daycare			
Small (1 to 6 enrollees)	None	None	None
Large (7 or more enrollees)	3.5 per KSF	None	0.05 per KSF
Educational Services			
School	2.5 per classroom	2 per classroom	0.25 per classroom
Business or Trade School	6.5 per classroom	2 per classroom	None
College or University	6.5 per classroom	2 per classroom	None
Tutoring	3 per KSF	0.02 per KSF	0.1 per KSF
Hospital	1 per bed	0.1 per bed	0.025 per KSF

Library or Cultural Exhibit	3 per KSF	0.5 per KSF	0.05 per KSF
Place of Worship			
Fixed Seating	0.5 per seat	0.1 per seat	None
Without Fixed Seating	6 per KSF	2 per KSF	None
Utility or Wireless Communication Facility	None	None	None
Commercial			
Animal Services	3 per KSF	None	0.1 per KSF
Drive-thru Facility	See primary use	See primary use	See primary use
Eating and Drinking Establishments	9 per KSF	0.5 per KSF; min. 2	0.1 per KSF
Entertainment and Spectator Event Space			
Fixed Seating	0.5 per seat	0.1 per seat	None
Without Fixed Seating	6 per KSF	2 per KSF	None
Financial Services	3 per KSF	0.5 per KSF	0.1 per KSF
Funeral or Mortuary Service	0.5 per seat	None	None
Lodging	1.5 per guest room	0.025 per guest room	0.025 per guest room
Medical Service	3.5 per KSF	0.5 per KSF	0.1 per KSF
Office	3 per KSF	0.02 per KSF	0.1 per KSF
Parking, Non-accessory	None	1 per 10 motor vehicle spaces	None
Consumer Service	3 per KSF	0.25 per KSF	0.1 per KSF
Retail Sales	3 per KSF	0.5 per KSF	0.05 per KSF
Sexually Oriented Business	3 per KSF	0.5 per KSF	0.1 per KSF
Sports & Recreation, Participant			
Fixed Seating	0.5 per seat	0.1 per seat	None
Without Fixed Seating	6 per KSF	2 per KSF	None
Vehicle Equipment, Sales and Service			
Gasoline Sales	2.5 per fuel pump	None	None
Vehicle Sales	2 per KSF	None	None
Vehicle Rental	2 per KSF	None	None
Vehicle Repair (minor and major)	3.5 per KSF	None	None
INDUSTRIAL			
Fabrication and Production	1 per KSF	None	0.1 per KSF
Industrial Service	1 per KSF	None	0.1 per KSF
Storage, Distribution & Wholesaling	1per KSF	None	0.1 per KSF

Section 6.2.4 - Location and Use of Off-Street Parking

- A. **General.** Except as otherwise expressly stated in this Division, required off-street parking areas shall be located on the same lot as the use they are required to serve.
- B. **Front Façade.** Motor vehicle parking shall not be located between a public street and a principal building's front façade for any commercial, mixed-use, or multi-unit building uses.
- C. **Parking in Setbacks and Yards.** Motor vehicle parking is prohibited in front setbacks, except on a driveway, or in a roofed carport or enclosed garage for on R-zoned lots.

Section 6.2.5 - Parking Layout and Design

- A. **Applicability.** The parking layout and design regulations of this Section apply to all off-street parking lots. **Table 6.2.3 - Parking Requirements** enumerates parking requirements, whether they are provided in a parking lot, driveway, parking pad, or otherwise.
- B. **Subdivision Regulations.** Each parking space and parking lot, including all internal circulation driveways, shall comply with the requirements of **Appendix B - Subdivision Regulations**, except as otherwise expressly stated.
- C. **Access Drives.**
 - 1. All off-street parking lots shall have access to a public or private street and be served by a paved access drive.
 - 2. All vehicular access gates shall be prohibited, unless approved as a conditional use pursuant to **Division 7.5 - Amendments and Conditional Uses**.
 - 3. **Interparcel Access.** For any commercial, mixed-use, and MF-zoned districts, the property owner shall grant a vehicular and pedestrian access easement to each adjoining property. This easement shall be submitted to the City Manager and recorded by the applicant or property owner with the DeKalb County Superior Court Clerk. Physical connections shall be developed concurrent with the site development process and shall provide paved vehicular and pedestrian access.

D. **Parking Lot Geometrics.**

Parking lots shall comply with the geometric design standards of the Institute of Traffic Engineers (ITE) and in accordance with the following:

- 4. **Parking Stall Size.**
 - a. **Compact Spaces.** In parking lots containing 20 or more parking spaces, up to 40 percent (40%) of the spaces may be designated and designed as compact parking spaces.
 - i. Compact parking spaces shall be at least eight (8) feet in width and 15 feet in depth.
 - ii. Spaces shall be identified as a compact car with paint at the front of each space.
 - b. **Standard Spaces.** All standard (non-compact) parking spaces shall be at least 8.5 feet in width and 18 feet in depth.
- 5. **Wheel Bumpers.**
 - a. Shall be placed at the head of all parking spaces that do not abut a curb and any spaces that abut a sidewalk.
 - b. Shall be made of concrete and securely fastened to the pavement by steel re-bars or steel anchors.
 - c. Individual wheel bumpers shall be placed a minimum of 24 inches from the end of each required parking space.
- E. **Marking.** In parking areas with more than four (4) parking spaces, the location of each parking space shall be identified by surface markings or other effective means and be maintained so as to be readily visible at all times.
- F. **Surfacing.** All off-street parking areas and access drives shall be surfaced and maintained with an asphaltic or Portland cement binder concrete or other dustless, all-weather surface approved by the City Manager. This is not intended to prohibit engineered pervious pavement.
- G. **Vertical Clearance.** All required parking spaces shall have overhead vertical clearance of at least ten (10) feet.
- H. **Lighting.** All lighting used to illuminate off-street parking areas shall comply with **Division 6.7 - Outdoor Lighting**.
- I. **Landscaping.** See **Division 6.3 - Landscaping and Other Site Features** for landscape regulations.
- J. **Parking Garages.** The following supplemental requirements apply to parking garages:
 - 1. **Vehicular Access.**

- a. Vehicular access shall be designed in a manner that minimizes disruption to motorized travel, non-motorized travel and the streetscape.
 - b. Vehicular ingress and egress shall be provided from an alley or secondary street. When alley access or side-street access is not possible, then vehicular ingress and egress shall be permitted from the primary street.
 - c. Free-flow parking garage entries (i.e., without attendants, gates or ticket-dispensing machines) shall provide at least one off-street vehicle stacking space per entry lane.
 - d. Parking garage entries that include automatic ticket-dispensing machines or automatic key readers at entries shall provide at least two (2) off-street vehicle stacking spaces per entry lane.
 - e. Parking garage entries that include manual ticket-dispensing machines at entries shall provide at least three (3) off-street vehicle stacking spaces per entry lane.
 - f. Required vehicle stacking spaces at entries shall be located so that they do not obstruct sidewalks.
2. **Design.**
- a. Ramps and sloping floors shall be located so as not to be visible from the front-street facing sides of the parking garage.
 - b. In order to de-emphasize the horizontal nature of the parking garage, vertical divisions at least two (2) feet in width and extending the full height of the parking garage structure are required at least every 30 feet (measured horizontally).
 - c. A parking garage shall not span more than 200 feet on any block face, unless fully lined and concealed by habitable/occupiable spaces on all floors.
 - d. All parking garages shall provide pedestrian access from the ground level parking to the public sidewalk or building entrance.
 - e. Perimeter landscaping is required pursuant to **Section 6.3.4 - Landscaping for Parking Garages**.
 - f. **Table 6.2.5 - Design Standards for Parking Garages** illustrates the required design standards for garages based on street frontage types and adjacency to City Open Spaces.

Table 6.2.5 - Design Standards for Parking Garages

Adjacent Street Type or Use	Design Standard		
	Lined with ground floor habitable/occupiable floor space	Similar architectural materials to match the primary building	Ornamental grillwork, artwork, or similar architectural features to conceal the deck openings
● = Required ○ = Permitted			
Type A/City Open Spaces	●	○ (only for upper stories)	-
Type B	○	●	-
All other street types	○	○	●

Section 6.2.6 - EV Readiness

All new developments in any commercial, mixed-use, and MF-zoned districts are required to provide Electric Vehicle Supply Equipment (EVSE) infrastructure to accommodate the future installation of Electric Vehicle Supply Equipment. The infrastructure shall be provided per this section.

- A. The EVSE infrastructure shall be installed per the requirements of the current edition of the National Electrical Code (NFPA 70), as adopted and amended by the State of Georgia.
 1. The off-street parking provided shall have EVSE infrastructure installed at the parking spaces dedicated for the use of the building.

2. The ratio of electric vehicle parking spaces to non-electrical vehicle parking spaces shall be 1:5, and only applies to the total new parking spaces.
- B. All new off-street parking, or the expansion of existing off-street parking for buildings shall include EVSE infrastructure based on the total number of parking spaces established in **Section 6.2.6.A.2**.
 - C. The EVSE infrastructure shall include a raceway, which is continuous from the branch circuit/feeder panel location to the future PHEV/EV parking space. The raceway shall be sized and installed per the National Electrical Code; however, in no case, shall the EVSE infrastructure raceway be less than 1" (one inch) in size. The EVSE infrastructure raceway shall include a pull rope or line installed for future conductor installation, with the raceway sealed and labeled for future use.
 - D. The electrical equipment room, shall have a dedicated space for the future installation of EVSE. This space shall be identified on all construction documents submitted for review, and the dedicated space shall not allow for violation of the National Electrical Code prescriptive requirements regulating working space clearances around equipment, or violation of the National Electrical Code prescriptive requirements governing the entrance to and egress from electrical equipment working space.
 - E. During construction of the electrical equipment room, all raceways installed for the EVSE infrastructure shall terminate at the space dedicated for the future EVSE installation.
 - F. Prior to the final electrical inspection approval, the space dedicated within the electrical equipment room for the future EVSE installation shall have the wall stenciled or marked legibly with the following text: "Future electric vehicle charging equipment and panels."
 - G. The placement of EVSE shall not create a trip hazard or violation of the accessible path of travel when the cord is connected to an EV or PHEV.

Section 6.2.7 - Parking Credits

Exceptions to the off-street motor parking ratios can be accommodated as follows:

A. *Electric Vehicle Charging Stations.*

1. Electric vehicle charging stations are permitted in all off-street surface parking lots and multi-level parking structures in the City.
2. Each parking space equipped with electric vehicle charging equipment shall not count against the parking maximums of **Table 6.2.3 - Parking Requirements**. To receive credit, each electric vehicle charging station-equipped parking space shall have unobstructed access.
3. Spaces for electric vehicle charging shall be identified by pavement markings and by appropriate signage. Signage shall not count against the maximum aggregate sign area permitted on a lot.
4. Any commercial, mixed-use, and MF-zoned projects requiring compliance with **Division 6.8 - Resiliency Requirements** and that has a parking lot of 20 parking spaces or greater shall equip at least two (2) parking spaces on its property with electric vehicle charging stations prior to receiving a Certificate of Occupancy. EV spaces shall not count against the parking maximums.
5. The owner of the property shall be responsible for the installation, maintenance, and operation of electric vehicle charging stations.

B. *Motorcycle and Scooter Parking.* Motorcycle or scooter parking spaces shall not count against the parking maximums. Space shall be provided on concrete or other paved surface and dimensioned four (4) feet by eight (8) feet.

C. *On-street Parking.*

1. Development of on-street parking shall not count against the parking maximums.
2. The spaces shall be dedicated to the City and shall be used as public parking that shall not be signed or assigned to a single site once in use.
3. Parallel-parking on-street parking stalls shall be marked and shall measure a minimum of 8 feet in width and 22.5 feet in length.

D. *Transfer of Parking Rights.*

1. The purpose of the transfer of parking rights program is to transfer quantities from eligible sending sites to eligible receiving sites through a voluntary process that supports market-driven

parking solutions lot by lot without compromising overall parking ratios necessary for public benefit and economic development.

2. ***Sending Site.***

- a. Sending site means the entire parcel or lot qualified to send parking from the subject lot to a receiving site.
- b. Qualification of a sending site shall demonstrate the amount of parking proposed on the site is not required for the current use. Only the difference between the number of existing or proposed spaces and the maximum number of spaces on the sending site may be transferred to an eligible receiving site.
- c. For instance, if a sending site currently has 10 spaces, and the maximum number of spaces on the sending site is 20 spaces, the sending site may transfer up to 10 spaces to an eligible receiving site.

3. ***Receiving Site.***

- a. Receiving site means the entire parcel or lot qualified to receive parking rights from an eligible sending site,
- b. Qualification of a receiving site shall demonstrate the amount of parking proposed on the site is necessary for the proposed use. The receiving site may exceed the stated parking maximums of this Division, provided all requirements of the transfer of parking rights are met.

4. ***Submittal Requirements and Methodology.***

- a. Applicants proposing to use transfer of parking rights as a means of reducing overall motor vehicle parking requirements shall submit:
 - i. The names and addresses of the uses and of the owners or tenants that are transferring or receiving the parking rights;
 - ii. The location and number of parking spaces that are being transferred;
 - iii. A parking analysis;
 - iv. A legal instrument such as an easement or deed restriction guaranteeing access to the parking for the parking users.
- b. The required parking analysis shall be based on the latest edition of the Urban Land Institute (ULI) parking model or be prepared by an engineer who is registered in the State of Georgia and who has expertise in parking and transportation.
- c. The parking analysis shall demonstrate that the peak parking demands of the subject uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses.
- d. ***Recordation of 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 parking agreement shall be canceled except with the prior approval by staff after review of the change of conditions that render the agreement unnecessary.
- e. ***Change in use.*** Any subsequent change in land uses within the participating developments shall require proof that adequate and not excessive parking below maximums will be available. Prior to any change in use, the owner shall apply to the City Manager for an evaluation and confirmation of the change. If the City Manager finds that the parking arrangement is no longer justified, the City Manager shall notify the owner to construct or demolish the number of parking spaces necessary to meet the difference in the required parking between the proposed and previous uses.

Section 6.2.8 - Minimum Bicycle Parking Requirements

- A. ***Minimum Parking Ratios.*** Short-term and long-term bicycle parking spaces shall be provided in accordance with the minimum ratios established in **Table 6.2.3 - Parking Requirements.**

B. Design and Location.

1. General.

- a. All bicycle parking spaces are subject to the general design and location requirements of this section.
- b. Bicycle parking spaces shall be illuminated if accessible to users after dark.
- c. Bicycle parking spaces shall be located to be readily visible by the public or by building users, except in the case of long-term parking spaces located in secure areas accessible only to employees, staff, or residents;
- d. Bicycle parking spaces shall be accessible without climbing stairs, going up or down a slope of more than 12% and via a route on the property that is designed to minimize conflicts with motor vehicles and pedestrians.
- e. All bike racks shall be located at least two (2) feet in all directions from any obstruction, including pedestrian zones, other bike racks, walls, doors, posts, or columns.
- f. All required bicycle parking spaces shall have minimum dimensions of two (2) feet in width by six (6) feet in length, with a minimum overhead vertical clearance of seven (7) feet.

2. Long-term Bicycle Parking. In addition to the general bicycle parking design and location requirements of **Section 6.2.6.C.1 - General**, all required long-term bicycle parking shall meet the following requirements:

- a. Long-term bicycle parking spaces may not be in dwelling units or on dwelling unit balconies.
- b. Unless clearly visible from the main building entrance, a sign indicating the location of all long-term bicycle parking spaces shall be prominently displayed near the main entrance to the building or facility, and additional signs shall be provided as necessary to ensure easy way-finding. A "bicycle parking" sign shall also be displayed on or adjacent to any indoor room or area designated for bicycle parking.
- c. Long-term bicycle parking spaces shall protect the entire bicycle, its components, and accessories against theft and inclement weather, including wind-driven rain and snow. Acceptable forms of protection include:
 - i. Individual bicycle lockers;
 - ii. Attended parking areas;
 - iii. Video-monitored parking areas;
 - iv. Restricted-access parking areas; or
 - v. Other comparable arrangements as proved by the City Manager.
- d. Except in the case of bicycle lockers with a separate access door for each bike or attended facilities, all long-term bicycle parking spaces shall be designed to allow bicycles to be securely locked to a bicycle rack.

3. Short-term Bicycle Parking. In addition to the general bicycle parking design and location requirements of **Section 6.2.6.C.1 - General**, all required short-term bicycle parking shall meet the following requirements:

- a. Short-term bicycle parking shall be visible from the main public building entrance and be at least as conveniently located as the most convenient non-disabled motor vehicle parking space serving the subject use. If no motor vehicle parking is provided, short-term bicycle parking spaces shall be located within 75 feet of a building entrance.
- b. Short-term bicycle parking spaces shall be located on private property unless the City Manager approves a location within the public right-of-way.
- c. No primary structure, other than single-family residential uses, shall have fewer than three (3) bicycle parking spaces nor be required to exceed 30 spaces.
- d. Racks or other spaces shall not intrude on sidewalk zones, or other pedestrian walkways or trails.

Section 6.2.9 - Stacking Spaces

- A. This Section applies only to existing drive-thru uses undergoing redevelopment that will maintain the nonconforming status as identified in **Division 8.3 - Nonconformities**. All new drive-thru uses are prohibited.
- B. **Spaces Required.** In addition to the parking required for each use, establishments with drive-thru facilities shall provide stacking spaces for each drive-thru station as indicated in **Table 6.2.3 - Parking Requirements**.
- C. **Dimensions.** Each lane of stacking spaces shall be at least 9 feet in width and at least 18 feet in length. Edges of stacking lanes shall be delineated with pavement markings.
- D. **Bypass Lane.** Drive-thru restaurants shall include a bypass lane adjacent to the required stacking lane. The bypass lane shall have minimum width of ten (10) feet and be designed to allow vehicles to circumvent or leave the stacking lane without waiting for other queuing vehicles to exit.
- E. **Location and Design.** Stacking lanes shall be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street. Stacking lanes and drive-thru windows may not be located between the principal building and the front street unless approved in accordance with the conditional use process of **Division 7.5 - Amendments and Conditional Uses**.
- F. **Pedestrian Access.** The principal pedestrian access to the entrance of the use from a public sidewalk shall not cross the drive-thru facility stacking lane.
- G. **Noise.** Speakers associated with drive-thru facilities shall not be audible from abutting R-zoned lots. Sound attenuation walls, landscaping or other mitigation measures may be required to ensure that the facility will not have adverse noise-related impacts on nearby residential uses.

Section 6.2.10 - Recreational and Commercial Vehicles

- A. **Commercial Motor Vehicles.** The parking of commercial motor vehicles (as defined in O.C.G.A § 40-1-1) is prohibited on R-zoned lots. This prohibition does not apply to:
 - 1. Law enforcement vehicles;
 - 2. Vehicles actively engaged in construction, or contractor services on the subject property;
 - 3. Vehicles within a completely enclosed building;
 - 4. The temporary parking of vehicles for the purpose of active loading/unloading; or
 - 5. When the subject lot is occupied by an allowed non-residential use.
- B. **Recreational Vehicles.**
 - 1. The parking and storage of trailers and recreational vehicles is prohibited outside of an enclosed building in the following areas on R-zoned lots:
 - a. The front or street side yard;
 - b. Within ten (10) feet of an interior side lot line; or
 - c. Within 20 feet of the rear lot line.
 - 2. Recreational vehicles and trailers may not be parked on an R-zoned lot that does not contain a permanent dwelling unit or other structure intended for permanent human habitation.
 - 3. Recreational vehicles and trailers may be parked, for the limited purpose of storage between travel, on unpaved surfaces including gravel or a similar material that prevents the vehicle's or trailer's tires from making direct contact with the earth, soil, sod or mud so long as the unpaved surface prevents tracking of earth, soil, sod or mud onto public streets when the vehicle or trailer is moved from the property.
 - 4. Recreational vehicles may only be occupied for human habitation in the O-I district. Habitation may occur for a maximum of 14 days in any 30 day period.
- C. **Exemptions.** Restrictions on vehicles regulated by this Section shall not apply when:
 - 1. Vehicle/trailer is located within a completely enclosed building or structure;

2. Vehicle/trailer is temporarily parked for the purpose of active loading/unloading;
3. The subject lot is occupied by a permitted non-residential use.
4. Vehicle is designed or intended for the transport of the physically impaired; or
5. Vehicle is being used for active construction, or other professional service being performed on the subject property.

Section 6.2.11 - Loading

- A. **General.** All uses that regularly receive materials or merchandise carried by delivery vehicles shall provide off- street loading facilities.
- B. **Regulations.**
 1. Off-street loading areas shall be designed so that all vehicle maneuvering and loading/unloading operations will occur on private property and not interfere with or create safety hazards for motorized or non-motorized circulation.
 2. Unenclosed off-street loading areas may not be located within 25 feet of any abutting R-zoned properties.
 3. Loading spaces are prohibited in the front yard.
 4. A loading space shall have minimum dimensions of 12 feet wide and 35 feet deep.
 5. The loading space shall maintain overhead clearance of 14 feet.
 6. All off-street loading spaces shall have access from an alley, or if there is no alley, from a street.
 7. All loading spaces shall be posted with "No Idling" signs.
 8. All loading areas and access drives shall be surfaced and maintained with an asphaltic or Portland cement binder concrete or other dustless, all-weather surface approved by the City Engineer.
 9. Loading docks shall be located a minimum of ten (10) feet from any adjacent sidewalk or supplemental zone.
 10. 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.
 11. Prohibited Hours.
 - a. On-street loading shall be prohibited between the hours of 11 pm and 7 am.
 - b. All loading within 200 feet of any R-zoned lot shall be prohibited between the hours of 11 pm and 7 am.
 12. See **Division 6.3 - Landscaping and Other Site Features** for landscape and screening regulations.
 13. Minimum loading space requirements for commercial, mixed-use, and multi-unit building uses:
 - a. One (1) loading space required for every 50,000 square feet of gross floor area, or fraction thereof.
 - a. A minimum of one (1) loading space is required based on the calculation above.

Section 6.2.12 - Street and Driveway Standards

- A. **General Standards for Streets.**
 1. Public and private streets shall comply with the requirements for public streets found in **Appendix B - Subdivision Regulations**, and other applicable sections of the City code.
 2. All improvements shall be constructed and dedicated by the developer.
- B. **Curbing.** The maximum allowed curb radius at any intersection or curb is 20 feet.
- C. **Access.**
 1. Curb cuts may not exceed 24 feet in width.
 2. Access driveways shall be perpendicular to the abutting street.

3. Gates and security arms are prohibited on public and private streets.
4. 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.
5. 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.
6. Two (2) curb cuts serving two (2) one-way driveways shall only be counted as one (1) curb cut, provided that each curb cut does not exceed one (1) lane and 12 feet in width.
7. Entrances to garages and carports that serve R-zoned lots, 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.

D. External Agency Reviews.

1. Should the DeKalb County Fire Marshal requirements herein conflict, the Fire Marshal requirements shall govern without the need for additional relief from the code.
2. The following provisions apply to lots that abut a right-of-way controlled by the Georgia Department of Transportation (GDOT):
 - a. Should any of the requirements herein conflict, the GDOT requirements shall govern without the need for additional relief from the Code.
 - b. An approved permit for proposed access or improvements is required from GDOT and shall be incorporated into the construction drawings for the project before the issuance of a land disturbance permit.

Section 6.2.13 - Pedestrian Access and Circulation

- A. **Applicability.** An on-site circulation system for pedestrian and non-motorized travel shall be provided in accordance with the regulations of this Section. Lots occupied by fewer than four (4) residential dwelling units are not subject to these regulations.
- B. **Connection to the Street or other Rights of Way.** The on-site pedestrian circulation system shall connect all adjacent public rights-of-way to the main building entrance. The connection shall follow a direct route and not involve significant out-of-direction travel for system users.
- C. **Multi-Use Paths.**
 1. Every property located within 400 feet of the PATH Foundation's Stone Mountain Trail shall provide means to access the Trail via a paved sidewalk or path a minimum of eight (8) feet in width.
 2. Any trail or path identified in a master plan adopted by the Board of Mayor and Commissioners, whether on-street or off, shall be designed and constructed by the applicant.
- D. **Internal Connections.** The on-site pedestrian circulation system shall connect all buildings on the site and provide connections to other areas of the site likely to be used by pedestrians and non-motorized travel, such as parking areas, bicycle parking, open space and recreation areas, and similar amenity features.
- E. **Design.** Unless otherwise specified, required on-site pedestrian circulation facilities shall be designed and constructed in accordance with the regulations of this Section.
 1. The on-site pedestrian circulation system shall be paved and be at least six (6) feet in width.
 2. When the on-site pedestrian circulation system crosses drive aisles, it shall be clearly differentiated through the use of elevation changes, different paving material or other equally effective methods of safely accommodating non-motorized travel, as approved by the City Manager. Striping alone does not meet this requirement.
 3. 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.

4. When the on-site pedestrian circulation system is parallel and adjacent to a motor vehicle travel lane, it shall be a raised path at least eight (8) inches above the vehicle travel lane surface or be separated from the vehicle travel lane by a raised curb, bollards, landscaping or another physical barrier. If a raised path is used, the ends of the raised portions shall be equipped with accessible curb ramps.
5. The on-site pedestrian circulation system shall be illuminated to ensure that it can be used safely at night by employees, residents, and customers. Lighting shall be at height appropriate to a pedestrian pathway system.

F. Relationship of building to street.

1. The primary pedestrian access to all sidewalk-level uses and business establishments with public or private street frontage:
 - a. Shall face and be visible from the street when located adjacent to such street.
 - b. Shall be directly accessible and visible from the sidewalk adjacent to such street
 - c. Shall remain unlocked during business hours for non-residential uses.
2. Storage, utility rooms, restrooms, or other accessory service uses shall not be located adjacent to the pedestrian or supplemental zones. Uses adjacent to these zones shall be occupied by active components of the building program open to general members of the public.
3. Buildings with more than four (4) residential units at the street level shall have front-facing entrances that are directly connected to the street-facing sidewalk with a pedestrian walkway a minimum of five (5) feet wide. Such access shall be perpendicular to the street, unless topography prohibits, and shall be permitted to share said walkway with one adjacent unit.
4. An entrance providing both ingress and egress, operable to residents at all times or customers during business hours, is required. Additional entrances off another street, pedestrian area, or internal parking area are permitted and encouraged.
5. Required walkways must be paved surfaces that connect the pedestrian entrance to the closest street-facing sidewalk.

Division 6.3 - Landscaping and Other Site Features

Section 6.3.1 - Purpose and Requirements

- A. The landscaping and screening regulations of this Division are intended to advance the general purposes of this Zoning Ordinance and to help:
 1. Maintain and enhance the City's appearance;
 2. Maintain and improve air quality;
 3. Protect surface water quality and reduce the negative impacts of stormwater run-off by reducing impervious surface area and providing vegetated areas that filter and retain greater amounts of stormwater on site;
 4. Moderate heat by providing shade;
 5. Encourage preservation and replacement of existing trees and landscaping; and
 6. Augment the tree protection and preservation requirements of **Chapter 5, Article X**.
- B. **Submittal of Landscape Plan.** The location and description of landscape materials, treatments, decorative paving, amenities, sidewalk furniture or other decorative elements, if any, shall be indicated on a landscape plan to demonstrate compliance with all required provisions.

Section 6.3.2 - Parking Lot Perimeter Landscape

- A. The parking lot perimeter landscape regulations of this Section are intended to help mitigate the visual and operational impacts of surface parking lots when such areas are adjacent to public streets or R-zoned districts.
- B. Unless otherwise expressly stated, the parking lot perimeter landscape regulations of this Section apply to the construction or expansion of any surface parking area except those on lots occupied by

residential buildings containing fewer than four (4) dwelling units.

- C. In meeting the requirements of this Section, reference **Section 6.3.6 - Plant and Landscape Materials** and **Section 6.3.7 - Maintenance**.
- D. Parking lots subject to these regulations shall be screened from view of public streets using buildings, landscaping, or a combination of buildings and landscaping. Landscaping provided to meet this requirement shall include comply with one of the following options:
 - 1. A landscape strip at least five (5) feet wide containing shrubs planted to provide a solid visual screen at least three (3) feet in height at the end of the first growing season, with the remainder of the landscape strip covered with groundcover plants or annual or perennial vegetation; or
 - 2. A landscape strip at least three (3) feet in width containing a solid masonry or stone wall at least two (2) feet in height, with the remainder of the landscape strip covered with groundcover plants, sod, or annual or perennial vegetation; or
 - 3. A strip at least three (3) feet wide containing paving for an expanded sidewalk zone with tree wells bounded by seat walls at least two (2) feet in height. Tree wells shall have a minimum area of 25 square feet.
- E. Shade trees shall be provided within required parking lot perimeter landscape strips at the rate of at least one tree per 30 feet on center of parking lot frontage adjacent to a street or sidewalk. A minimum of one tree is required if the length of the frontage is less than 30 feet. Rate can be increased to 60 feet on center for overstory trees.
- F. In addition to the requirements of **Division 6.4 - Transitional Buffers**, parking lots shall be screened from any adjacent or abutting R-zoned lots using buildings or one of the following options:
 - 1. An opaque fence at least 6 feet in height and at least one tree per 30 linear feet of fence;
 - 2. A masonry wall with a minimum height of six (6) feet;
 - 3. A dense evergreen hedge with a minimum height of five (5) feet at the time of planting; or
 - 4. A row of evergreen trees with a minimum height of six (6) feet at the time of planting;

Section 6.3.3 - Interior Parking Lot Landscape

- A. Unless otherwise expressly stated, the parking lot interior landscape regulations of this Section apply to the construction or expansion of any surface parking area containing more than 20 motor vehicle parking spaces. In the case of a parking lot expansion triggering compliance with these regulations, the minimum requirements for landscape area and plant material are calculated solely on the expanded area.
- B. In meeting the requirements of this Section, reference **Section 6.3.6 - Plant and landscape materials** and **Section 6.3.7 - Maintenance**.
- C. Parking lots subject to these interior parking lot landscape regulations shall include at least 35 square feet of landscape area per motor vehicle parking space within the parking lot. When at least 50% of interior parking lot landscape area consists of depressed bioretention areas used for stormwater management, the minimum interior parking lot landscape requirement is reduced from 35 square feet per parking space to 25 square feet per parking space. To receive this bioretention credit, the ponding area shall be at least 6 inches and not more than 18 inches in depth and planted with native wildflowers/herbs, grasses, shrubs, or other appropriate plant material.
- D. Plant material shall be provided within the interior of parking lots in accordance with **Table 6.6.3**.

Table 6.3.3 - Interior Parking Lot Planting Requirements

Type	Minimum Required
Shade Trees	1 per 8 motor vehicle spaces
Shrubs	3 per 10 motor vehicle spaces
Ground Cover	Complete coverage of required landscape areas

- E. Interior parking lot landscaping shall be reasonably distributed throughout the parking lot and provided in landscape islands or medians that comply with all of the following requirements:

1. Each island shall be at least 200 square feet in area, not including any curb and gutter;
 2. Each island shall include at least one shade tree per island and be covered with ground cover plants or mulch;
 3. Each island shall be protected by curbs or other barriers, which may include breaks or inlets to allow stormwater runoff to enter the landscape island; and
 4. Parking rows that end abutting a paved driving surface shall have a landscape terminal island (end cap) at that end of the parking row. All other parking lot landscape islands shall be located to comply with all applicable regulations of this Section.
- F. The City Manager is expressly authorized to approve landscape plans that do not provide terminal islands at the end of each parking row or that otherwise provide for reduced dispersal of interior parking lot landscape areas when proposed landscape planting areas are combined to form functional bioretention areas or to preserve existing trees and vegetation.

Section 6.3.4 - Landscaping for Parking Garages

- A. A landscape strip at least ten (10) feet in width shall be provided around the immediate perimeter of all parking garages, except along sides lined by habitable/occupiable floor space. Such required landscape strips shall contain at least one tree and 10 shrubs per 20 linear feet, with the remainder of the landscape strip covered with groundcover plants, sod, or annual or perennial vegetation (See also the parking garage design regulations of **Section 6.2.5.J - Parking Garages**)
- B. In meeting the requirements of this Section, reference **Section 6.3.6 - Plant and Landscape Materials** and **Section 6.3.7 - Maintenance**.

Section 6.3.5 - Open Space

- A. **Intent.** To provide open space as an amenity that promotes physical and environmental health and access to a variety of active and passive recreation options in support of the vision for the character of Avondale Estates.
- B. **Applicability.**
 1. On-site open space shall be provided for all development sites except single-family detached dwellings that are single-lot developments.
 2. Single-family attached and detached projects do not have to comply with the amenity requirements in **Section 6.3.5.E.6**.
- C. In meeting the requirements of this Section, reference **Section 6.3.6 - Plant and Landscape Materials** and **Section 6.3.7 - Maintenance**.
- D. **Minimum Open Space Ratio.** A minimum of ten percent (10%) on-site open space shall be provided for each applicable development site, unless more is required by the supplemental use regulations of **Division 5.3 - Residential Uses**.
- E. **General Requirements.** On-site open space shall be provided on all sites in accordance with these regulations:
 1. **Access.**
 - a. Open spaces shall have unobstructed access from the nearest right-of-way or adjacent building.
 - b. Each open space shall be adjacent to a public sidewalk, or other public space, or directly accessible with a connected path.
 - c. When a building or individual ground-story commercial establishment adjoins an open space, pedestrian access (both ingress and egress), operable to residents or customers, shall be provided.
 2. **Private Open Space.** Rooftop patios, rooftop decks, shared tenant amenity spaces, green roofs, or any other controlled access or private open spaces are permitted and encouraged but shall not be used to satisfy open space requirements.
 3. **Landscape Requirements.** Other landscape requirements of this code (e.g.: parking lot landscaping) shall not be counted to meet minimum open space requirements.

4. **Supplemental Zones.** The area of supplemental zones may be counted toward minimum open space requirements, provided the following are met:
 - a. Where a development site provides more than the minimum width of a supplemental zone, the additional area may be counted toward required open space, provided the width does not exceed the maximum permitted for a supplemental zone.
 - b. All other requirements of open spaces shall be met for the area being counted in this subsection. The 50-foot dimension shall be required only on the edge most parallel to the street, and the minimum area identified in **Table 6.3.5.G - Open Space Dimensions** is not required for any supplemental zone counted toward open space.
5. **Measuring Size.** The size of the open space is measured to include all landscape and paving, not including required streetscape sidewalks or other non-pedestrian paving surfaces.
6. **Required Amenities.**
 - a. Each required open space shall accommodate seating for a minimum of three (3) people per 2,500 sf of open space area.
 - b. One additional amenity from the following list shall be provided for every 10,000 sf of open space area:
 - i. Public art installation identified from a list maintained by the City Manager.
 - ii. Incorporation of tree planting, to include a minimum of six (6) caliper inches per 2,500 square feet of open space. The tree density used for this credit shall not count toward any other minimum planting requirements.
 - iii. Bioretention facilities engineered to store and treat stormwater with the combination of soils and plant material and designed to be dry within 24 hours of storm event.
 - iv. Decorative water feature.
 - v. Community garden.
 - vi. Playground/recreational equipment.
 - vii. Plaza.
 - viii. Putting green.
 - ix. Climbing wall.
 - x. Picnic shelter.
 - xi. Fire pit.
 - xii. Public outdoor dining area.
 - xiii. Other amenity approved by the City Manager.
7. **Stormwater.** Stormwater management practices, such as normally dry storage and retention facilities or ponds that retain water, may be integrated into open spaces, subject to the following:
 - a. Stormwater features in required open spaces shall be designed by a qualified professional as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a permanent pond or pool as part of the landscape design.
 - b. Stormwater features may not be fenced or enclosed by retaining walls over 24 inches in height. Any walls shall be a minimum of ten (10) feet apart for terraces.
8. **Tree Planting.** Required tree plantings used to satisfy minimum Open Space Requirements shall be in accordance with **Section 6.3.6 - Plant and Landscape Materials** and **Section 6.3.7 - Maintenance**.
9. **Certificate of Occupancy.** All open space requirements shall be fully met before issuance of a Certificate of Occupancy for the development. Bonds may be submitted in lieu of a landscape installation per **Division 6.9 - Guarantees and Sureties**.
10. **Open Space Minimum Dimensional Standards.** The following description and illustrations in **Table 6.3.5.G - Open Space Dimensions** describe the open space dimensional standards required by this Code.



Table 6.3.5.G - Open Space Dimensions

Measurements	
Minimum Size	2,500 sq ft
Minimum Length	50 ft
Open Space Coverage Maximum	
Impervious Surfaces	50%
Decorative Water Feature	25%

F. Alternative Compliance. Requirements of this Section shall be met by open space provided on the subject development site, unless an off-site open space provision is approved in accordance with these standards:

1. **Off-Site.** In lieu of open space dedication on site, a developer or property owner may transfer the required land area to be dedicated to open space to a receiving site.
 - a. The purpose of the off-site open space program is to transfer required quantities of open space area from eligible sending sites (subject lots) to eligible receiving sites through a voluntary process that supports usable greenspaces of adequate scale and spacing without compromising efficient and sound land planning practices. This alternative compliance is anticipated to be used primarily in multi-lot projects being developed on similar construction schedules.
 - b. To count toward the subject site's required open space, the following shall be met:
 - i. The area counted toward the subject lot's open space shall be newly planned. It may not be already planned, under permit review, permitted, under construction, or completed at the time the open space is requested to be counted to the off-site alternative compliance provisions.
 - ii. The area on the receiving site shall be under construction within six (6) months of the sending site (subject lot) receiving a Certificate of Occupancy.
 - iii. If the previous standard is not met, the sending site (subject lot) shall submit a bond equal to 150% of the value of the open space. The bond shall not be released until such a time that the open space is completed on the receiving site.
 - iv. The receiving site shall be located within 1,500 feet of the sending site.
 - v. All other Open Space standards shall be met for the combined open space.
2. **Maximum Area.** A maximum of 50 percent (50%) of the required open space is permitted to be fulfilled by this Alternative Compliance Section. However, if the subject lot is less than one (1) acre, 90 percent (90%) of the open space may be fulfilled by this Alternative Compliance Section.

Section 6.3.6 - Plant and Landscape Material

- A. Deciduous trees used to satisfy the landscaping and screening regulations of this ordinance shall have a minimum caliper size of three (3) inches at time of planting. Evergreen trees shall have minimum height of six (6) feet at time of planting. Trees shall have a minimum mature height of 30 feet. Tree varieties shall be selected from **Division 10.1 - Landscaping Specifications**.
 1. Required street tree plantings and landscape zones shall not count toward the minimum open space tree plantings and vice versa.
 2. On-site tree plantings shall be spaced a minimum of 30 feet on-center for understory trees and 60 feet on center for overstory trees.
- B. Shrubs used to satisfy the landscaping and screening regulations of this Division shall have a minimum

container size of three (3) gallons. Shrubs shall have a minimum mature height of two (2) feet.

- C. Ground cover plants or landscape material shall consist of shrubs, pine straw, mulch, or other similar landscape material.
- D. Preserved trees shall be credited toward satisfying the tree planting requirements of this Ordinance on the following basis:
 - 1. Preserved trees larger than six (6) inches DBH, up to 12 inches DBH will be credited as two (2) trees;
 - 2. Preserved trees that are more than 12 inches DBH up to 24 inches DBH will be credited as five (5) trees; and
 - 3. Preserved trees that are more than 24 inches DBH will be credited as ten (10) trees.
- E. **Landscaped Areas.**
 - 1. All landscaped areas shall be protected by wheel stops, curbs, or other physical barriers where adjacent to vehicle use areas and shall be covered with grass, organic mulch or low maintenance ground cover.
 - 2. Landscaped bioretention areas are encouraged for natural drainage channels to reduce runoff and increase infiltration of water into the soil.

Section 6.3.7 - Maintenance

- A. Required landscaping and screening shall be continuously maintained, including necessary watering; weeding; pruning; pest control; litter and debris clean-up; and replacement of dead, diseased or damaged plant material.
- B. Trees shall be limbed to at least ten (10) feet in height above the sidewalk or any transportation route.
- C. Failure to comply with an approved landscaping plan, including failure to maintain required landscaping and screening and failure to replace dead, diseased or damaged landscaping, constitutes a violation of this Zoning Ordinance and is subject to penalties and enforcement under **Division 8.2 - Enforcement**.

Section 6.3.8- Design Alternatives

- A. **Design Alternatives.** To accommodate creativity in landscape and screening design and to allow for flexibility in addressing atypical, site-specific development/ redevelopment challenges, the City Manager is authorized to approve alternative compliance landscape plans prepared by a landscape architect licensed to practice in the State of Georgia. In order to approve such alternative designs, the City Manager shall determine that the proposed landscape plans will provide an equal or better means of meeting the intent of the landscaping and screening regulations of this Division or that one or more of the following conditions or opportunities are present:
 - 1. The site has space limitations or an unusual shape that makes strict compliance with the regulations of this division impossible or impractical;
 - 2. Physical conditions on or adjacent to the site such as topography, soils, vegetation or existing structures or utilities are such that strict compliance is impossible, impractical or of no value in terms of advancing the general purposes of this division; or
 - 3. Safety considerations such as intersection visibility, utility locations, etc., make alternative compliance necessary.

Division 6.4 - Transitional Buffers

Section 6.4.1 - Applicability

When a commercial, CBD, or MF-zoned lot abuts any R-zoned lot, a transitional buffer shall be provided on the subject lot to help ensure effective buffering and visual screening of more intensive uses.

Section 6.4.2 - Location and Width of Transitional Buffers

- A. The following Buffer Specification Table states the minimum buffer specifications required for each proposed zoning district or use.
- B. The required buffer strip shall be permitted to be included in the minimum yard area as specified in the

appropriate zoning district in the **Table 6.4.2 - Buffer Specifications**.

- C. In meeting the requirements of this Section, reference **Section 6.3.6 - Plant and Landscape Materials** and **Section 6.3.7 - Maintenance**.

Contiguous Zoning District or Existing Land Use	Proposed Use			
	Single-family detached use	Single-family attached use	All other uses	Industrial uses
R-12 or R-24 Zoning District	None	20 feet	30 feet	50 feet
Single-family residential uses in all other zoning districts	None	None	20 feet	40 feet
Multi-unit Building uses	None	None	10 feet	30 feet
All other uses/districts	None	None	None	None

Section 6.4.3 - Regulations

A. Required Transitional Buffers.

1. Shall comply with the minimum buffer depth requirement established for the proposed and adjacent uses and be left undisturbed except as expressly stated in this Section;
 2. Shall not be paved or otherwise covered with impervious surfaces; and
 3. Shall not be used for parking, loading, storage, stormwater detention, or any other use, except that the City Manager is authorized to permit the placement of utilities within areas when the applicant shows that it is impractical to place such utilities outside required transition buffers.
- B. Trees and existing vegetation shall not be removed from required transition buffer areas unless such trees are dead or diseased, as determined by a certified arborist. The City Manager is authorized to require the installation of new trees and plants when necessary to provide buffering and visual screening that is equivalent to that provided by the buffer before the dead or diseased trees were removed.
- C. The natural topography of the land within required transition buffer areas shall be preserved except that a slope easement may be cleared and graded when approved by the City Manager to prevent soil erosion. Such easements may not cover more than 20 percent (20%) of the required transitional buffer area and shall be immediately replanted upon completion of easement improvements. Such work shall be conducted to avoid disturbance of the soil within the dripline of trees within the transition buffer zone. The City Manager is authorized to require the installation of new trees, and landscape screening material, including plants and fences, when determined to be necessary to provide an effective visual screen and sound buffer within transition buffer areas.
- D. Any grading or construction adjacent to the transitional buffer shall avoid disturbance of or encroachment upon the transition buffer.
- E. Access shall be provided as required for utilities and to ensure adequacy of fire protection services.

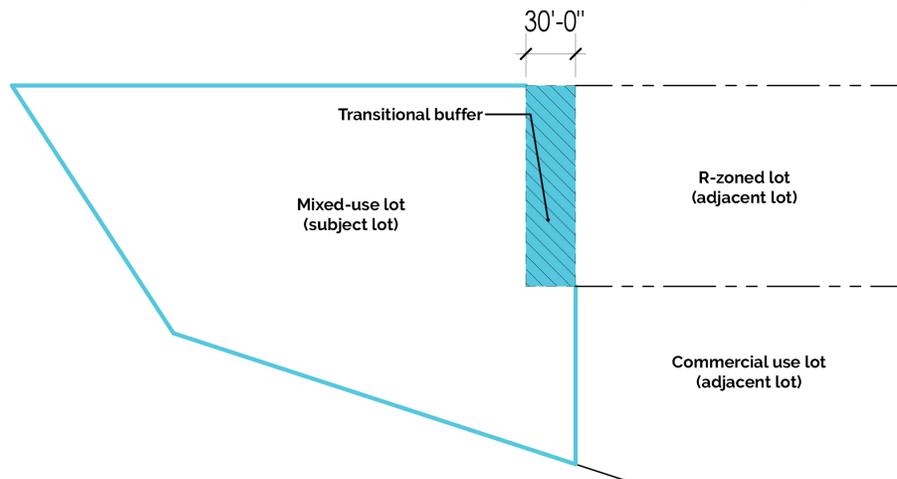


Figure 6.4.3 - Transitional Buffers

Division 6.5 - Fences and Walls

Section 6.5.1 - General Conditions

Provisions of this Section shall pertain to fences and walls in any district.

A. Height.

1. Wall and fence heights are measured from finished grade at the base of the fence or wall to the highest point of the fence or wall.
2. 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.
3. 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.
4. Greater fence or wall height achieved through filling or mounding on a site shall not be permitted.

B. Design.

1. The finished side of all fences shall face the abutting property and public right-of-way.
2. Fence and wall columns, posts, and ornaments are permitted to exceed maximum allowed fence and wall heights by up to one (1) foot.
3. Fences and walls over three (3) feet in height shall include a column or decorative element at least every 20 linear feet (measured horizontally) to provide architectural variations and eliminate large expanses of blank area.

C. Materials.

1. Chain link fences are prohibited in any commercial, mixed-use, or multi-unit building districts.
2. Vinyl fencing is prohibited in any district.
3. Fences are not permitted to contain barbed wire, spikes, or similar devices, or an electric charge.

D. Prohibited Fences.

1. Fences and walls surrounding entire developments are prohibited. For the purposes of this subsection, the term, "entire development" does not refer to an individually developed single-family lot.
2. Vehicular gates are prohibited, unless a conditional use permit is secured through the conditional use process outlined in **Division 7.5 - Amendments and Conditional Uses**.

E. Other Provisions.

1. When this Zoning Ordinance or a condition of zoning approval requires a wall or fence to be constructed, the wall or fence shall be in place before issuance of a certificate of occupancy/ completion for the principal structure.
2. Lawfully established existing retaining walls that do not comply with this Section (height materials, location, etc) may be repaired and replaced as long as the repair or replacement does not increase the degree of nonconformity. The footprint of the existing retaining wall is allowed to increase by up to ten percent (10%) as a function of the replacement to accommodate structure or other conforming materials.

Section 6.5.2 - Residential Fences and Walls

- A. Fences and all walls other than retaining walls are prohibited in the front yard of any R-zoned lot.
- B. Retaining walls shall not exceed 2.5 feet in height when located in the front yard of any R-zoned lot.
- C. Residential fences and walls shall not exceed six (6) feet in height when located in any other (non-front) yard.
- D. Retaining walls on R-zoned lots shall be set back from side and rear property lines a distance of at least three (3) feet.

Section 6.5.3 - Non-residential Fences and Walls

- A. Fences and walls shall not exceed three (3) feet in height when located in the front yard or six (6) feet in height when located in any other (non-front) yard for any commercial, mixed-use, or multi-unit building use.
- B. Gates may be up to four (4) feet in height in front yards.

Section 6.5.4 - Intersection Visibility

Fences, walls, parking of vehicles (including on-street parking), and other visual obstructions over three (3) feet in height shall not be placed or maintained on corner lots within the triangular area formed by two lines that begin at the point of intersection of the street right-of-way lines and extend for a distance of 20 feet along each intersecting street right-of-way line and a third connecting line that forms the triangle.

Division 6.6 - Service Areas

Section 6.6.1 - Dumpsters

- A. A solid fence on three sides shall enclose all dumpsters.
 - 1. The height of the fence shall be a minimum of six (6) feet in height and in accordance with **Division 6.5 - Fences and Walls**.
 - 2. The visible materials of the fence shall be made up of brick, stucco, wood, or stone.
- B. The operable side of the dumpster shall be concealed with a gate equal to the height of the dumpster. The gate shall be opaque and constructed of durable materials.
- C. Dumpsters shall be placed in the rear yard and shall be located a minimum of five (5) feet from property lines.
- D. In no case, shall loading activities hinder or obstruct the free movement of vehicles, and pedestrians over a street, sidewalk, alley, or to interrupt parking lot circulation.
- E. Service activities within 300 feet of residential uses, including single-family detached, single-family attached, multifamily and mixed-use development with a residential component shall only be permitted Monday through Saturday from 7:00 a.m.—11:00 p.m. and prohibited on Sundays. This measurement shall be the shortest distance between the dumpster or dumpster enclosure and any point on the property line of the residentially used property. These restrictions shall also apply to any service activities within a mixed-use development located within 300 feet of any residential unit within that development. In this case, the measurement shall be the shortest distance between the dumpster or dumpster enclosure to the exterior wall of a residential unit.
- F. Access to dumpsters shall be provided via a paved, dust-free surface.
- G. Temporary construction trash and recycling dumpsters are regulated in **Section 5.10.1 - Temporary Construction Structures**.

Section 6.6.2 - Screening

A. *Building Mechanical and Accessory Features.*

The provisions of this Section apply to any commercial, mixed-use, or MF-zoned districts.

- 1. All equipment shall be located to the side or rear of the principal structure or on the roof and shall be in the location of least visible from the public right-of-way.
- 2. Screening with plant or fence materials shall be required if the equipment is otherwise visible from any public space or public right-of-way.
- 3. 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.
- 4. Equipment shall not be permitted between the building and any public street.

Division 6.7 - Outdoor Lighting

Section 6.7.1 - Purpose

The regulations of this Division are intended to:

- A. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce;
- B. Curtail and reverse the degradation of the nighttime visual environment and the night sky;
- C. Preserve the dark night sky for astronomy;
- D. Minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary;
- E. Conserve energy and resources to the greatest extent possible; and
- F. Help protect the natural environment from the damaging effects of night lighting from human-made sources.

Section 6.7.2 - Applicability

- A. Unless otherwise exempted in **Section 6.7.3 - Exempt Lighting**, the regulations of this Section apply:
 1. To all new developments and new buildings that require a permit;
 2. When a development or building project exceeds the 70 percent (70%) redevelopment threshold as indicated in **Table 8.3.9 - Redevelopment Improvements**.
 3. Whenever existing outdoor lighting constituting 60 percent (60%) or more of the permitted lumens for the parcel is modified or replaced, no matter the actual amount of lighting already on the site.
 4. To all new fixture additions or replacements. In such case, any new fixtures shall comply with the fixture requirements of this Division. Full plans described in **Section 6.7.6 - Plans** may not be required.

Section 6.7.3 - Exempt lighting

The following luminaries and lighting systems are expressly exempt from the regulations of this division:

- A. Underwater lighting used for the illumination of swimming pools and fountains;
- B. Temporary holiday lighting;
- C. Lighting required and regulated by the Federal Aviation Administration, or other authorized federal, state or local government agency;
- D. Emergency lighting used by police, fire, or medical personnel, or at their direction;
- E. All outdoor light fixtures producing light directly from the combustion of fossil fuels, such as kerosene and gasoline;
- F. Signage that conforms with the standards of **Chapter 5 - Sign Regulations**.
- G. Streetscape lights authorized by the City.

Section 6.7.4 - Prohibited lighting

The following are expressly prohibited:

- A. Aerial lasers;
- B. Searchlight-style lights;
- C. Light sources that exceed 200,000 lumens or intensity in any direction of 2,000,000 candelas or more;
- D. Mercury vapor lamps;
- E. Low-sodium vapor lamps;
- F. Visually exposed neon lighting;
- G. LED light strips; and
- H. Light directed onto neighboring properties or onto roadways as to adversely impact reasonable use and enjoyment of the property or driver safety.

Section 6.7.5 - Regulations

A. General Regulations.

1. Outdoor lighting fixtures shall be full cutoff and placed so as to allow no light above the horizontal as measured at the luminaire, except as herein noted in this Section (as in the case of period fixtures, cutoff fixtures may be used).
2. Outdoor lighting fixtures shall be located, aimed or shielded to minimize glare and stray light trespassing across lot lines and into the public right-of-way.
3. Flood or spot lamps must be positioned no higher than 45 degrees above straight down (half-way between the vertical and the horizontal) when the source is visible from any off-site residential property or public roadway but even lower than 45 degrees, if necessary, in order to facilitate compliance with **Section 6.7.5.D.2**.
4. All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described herein for fully shielded fixtures.
5. Lighting on sites consisting of multiple uses shall conform to the standards of the respective uses, and where a conflict exists, with the more restrictive provisions.
6. Illumination levels are measured from any height and orientation of the measuring device at any location along the property line except the lighting of parking lots must be measured at grade with the meter sensor held horizontally at the surface.
7. Maximum illuminance levels on a subject property shall meet the standards in **Table 6.7.5.A.(7) - Maximum Perimeter Illuminance** in accordance with the use adjacent to the subject property.
8. Parking lot illuminance levels on a subject property shall meet the standards in **Table 6.7.5.A.(8) - Parking Lot Illuminance Standards** in accordance with the use adjacent to the subject property.

Table 6.7.5.A.(7) - Maximum Perimeter Illuminance	
Adjacent Use	Maximum Foot-candles
At property line abutting a residential or an agricultural use	0.5
At property line abutting an institutional use	1.0
At property line abutting a commercial or industrial use	1.5

Table 6.7.5.A(8) - Parking Lot Illuminance Standards			
Use of Subject Lot	Minimum Foot-candles	Average Foot-candles	Maximum Foot-candles
Residential uses	0.5	2.0–3.0	4.0
Institutional and Agricultural uses	1.0	3.0–4.0	6.0
Commercial uses	2.0	6.0–7.0	12.0
Industrial uses	1.0	4.0–5.0	8.0

B. Specific Uses and Activities. This subsection establishes supplemental lighting regulations for specific types of uses and activities. All lighting not directly associated with the special use areas designated below shall comply with all other applicable regulations of this Division.

1. Outdoor sports, recreation fields and performance areas. Lighting of outdoor recreational facilities (public or private), such as, but not limited to, outdoor athletic fields, courts, tracks, special event or show areas shall comply with **Table 6.7.5.B - Light Trespass Limitations for Sports Lighting** and the following regulations:
 - a. Facilities designed for municipal leagues, elementary to high school levels of play and training fields for recreational or social levels of play, college play, semi-professional, professional or national levels of play shall utilize luminaries with minimal up light consistent with the illumination constraints of the design. Where fully shielded fixtures are not utilized, acceptable luminaries include only those that:
 - i. Are provided with internal and/or external glare control louvers or lenses, and are installed so as to minimize up light and off-site light trespass and glare, and

- ii. All lighting installations shall be designed to achieve the illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6).
- 2. All events shall be scheduled so as to complete all activity no later than 10:30 p.m. Illumination of the playing field, court or track is permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances. Field lighting for these facilities must be turned off within 30 minutes of completion of the last event of the night.
- 3. All light poles shall be set back a minimum 60 feet from any residential property line or right-of-way.

Table 6.7.5.B - Light Trespass Limitations for Sports Lighting

Environmental Zone	Pre-Curfew Limit	Post-Curfew Limit	Degrees Above Nadir (not to exceed 12,000 candelas from a single fixture)
E1	Not allowed	0.0 max vertical	Not allowed
E2	0.25 max horizontal 1.0 max vertical	0.10 max vertical	82 degrees
E3	0.5 max horizontal 2.0 max vertical	0.30 max vertical	85 degrees
E4	0.75 max horizontal 3.0 max vertical	0.60 max vertical	88 degrees

E1 = Areas with intrinsically dark landscapes, such as national parks, areas of outstanding natural beauty, etc.

E2 = Areas of low ambient brightness, including sensitive residential areas.

E3 = Areas of medium ambient brightness, generally being urban residential areas.

E4 = Areas of high ambient brightness, which would include dense urban areas with mixed residential and commercial use with high levels of nighttime activity.

C. Service Station Canopies and Parking Garages.

- 1. All luminaries mounted on or recessed into the lower surface or service station canopies and parking structures shall be fully shielded and utilize flat lenses.
- 2. The total light output of luminaries mounted on the lower surface, or recessed into the lower surface of the canopy, and any lighting within signage or illuminated panels over the pumps, shall not exceed 50 foot-candles. The total light output of other illuminated areas of a service station shall not exceed 15 foot-candles.
- 3. Illuminance levels for the interior of parking structures, where interior lighting is visible from outside the structure, shall conform to IESNA recommendation RP-20.
- 4. Lights shall not be mounted on the top or sides of a canopy, and the sides of the canopy shall not be illuminated.

D. Security Lighting.

- 1. Security lighting shall be directed towards the targeted area and shall not be on poles taller than 20 feet.
- 2. Security lighting shall be maintained in such a manner as to prevent glare and lighting into properties of others or into a public right-of-way, and the system also shall be designed and maintained so that lights are not activated by activity off of the subject property.

E. Pedestrian Path Lighting. Lighting posts for pedestrian path lighting shall not exceed 16 feet in height from finished grade.

F. Architectural accent lighting.

- 1. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping,

or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded to minimize light spill into the dark night sky in conformance with the luminaire standards.

2. Lighting fixtures shall not generate glare, or direct light beyond the façade onto a neighboring property, streets or into the night sky.

G. Parking Areas (including decks).

1. All lighting fixtures servicing parking areas shall be directed downward and not towards buildings or other areas.
2. Parking areas shall be illuminated to a minimum illumination level of 0.4 foot-candles at grade level, and the ratio of the average illumination to the minimum illumination shall not exceed 4:1.
3. Light poles used in parking areas with 100 parking spaces or less shall not exceed 20 feet in height, including the base. Light poles used in parking lots with more than 100 parking spaces shall not exceed 30 feet in height, including the base.

H. Temporary lighting permits. The City Manager may grant permits for temporary lighting if the total output from the luminaries does not exceed 50 foot-candles, subject to the following regulations:

1. The lighting shall not remain for more than 30 days, except that permits for a major construction project may extend to completion.
2. The lighting shall be designed in such a manner as to minimize light trespass and glare.
3. Temporary recreational lighting allowed by permit shall be extinguished by 10:30 p.m.

Section 6.7.6 - Plans

A. Applicants for any permit for any R-zoned property required by any provision of the ordinances of the City involving outdoor lighting fixtures shall submit evidence that the proposed work will comply with the outdoor lighting regulations of this division.

1. The submission shall include the following information with the application for the required permit:
 - a. Description, count, and location of all proposed outdoor illuminating devices, fixtures, lamps, supports, reflectors. The description may include, but is not limited to, catalog cuts and illustrations by manufacturers.

B. Applicants for any permit for any non-R-zoned property required by any provision of the ordinances of the City involving outdoor lighting fixtures shall submit evidence that the proposed work will comply with the outdoor lighting regulations of this Section.

1. The submission shall include the following information with the application for the required permit:
 - a. Plans indicating the location on the premises of each outdoor illuminating device, both proposed and any already existing on the site.
 - b. Description of all proposed illuminating devices, fixtures, lamps, supports, reflectors. The description shall include, but is not limited to, catalog cuts, and illustrations by manufacturers.
 - c. Photometric data, such as that furnished by manufacturers or similar, showing the angle of cut-off of light emissions.
 - d. Photometric plans shall include the maximum and average light layout.
2. The above-required plans, descriptions, and data shall be complete and accurate so that the City Planning and Community Development Department is able to readily determine whether the proposal will comply with the standards of this division.

Division 6.8 - Resiliency Requirements

Section 6.8.1. - Applicability

The resiliency measures in this Section shall be addressed by all new developments and redevelopments that exceed the 40 percent (40%) thresholds of **Table 8.3.9 - Redevelopment Improvements**.

Section 6.8.2. - Calculation and Evaluation.

A. *Minimum Points Required.*

1. Commercial, mixed-use, and MF-zoned projects.
 - a. Projects shall achieve a minimum of six (6) points from any combination of the resiliency measures as valued in **Table 6.8.3 - Resiliency Measures and Values**.
 - b. Points shall be obtained by implementing measures from a minimum of two (2) different parent "categories" identified in **Table 6.8.3 - Resiliency Measures and Values**. Categories include: tree canopy, energy, water, transportation, public health, arts, and alternate. For PUDs enabled in **Division 3.3 - Planned Unit Development (PUD) District**, a minimum of three (3) categories shall be utilized. Implementation of only one (1) measure from the arts category may count toward the minimum points required.
 - c. Projects with parking lots of 20 spaces or greater are required to provide EV charging spaces in accordance with **Section 6.2.7.A - Electric Vehicle Charging Stations**.
2. Each lot for single-family development shall achieve a minimum of three (3) points from any combination of measures as valued in **Table 6.8.3 - Resiliency Measures and Values** (i.e.: each lot in a project).

B. *Minimum Requirements.* All points shall be awarded based on meeting the minimum requirements of each resiliency measure, as indicated in this Division.

C. *Newly Constructed Measures.* Measures count only if they are part of the new development application; measures already in place at the time of application do not count, unless otherwise approved by the City Manager.

D. *Required Documentation.* The following documentation is required:

1. Documentation of which measures and total number of points the applicant will achieve shall be indicated on the development or building permit application submitted to the City.
2. Documentation is required to clearly illustrate the extent to which the minimum requirements of each of the selected measures is to be met through permanent construction or policies.

Section 6.8.3 - Resiliency Measures

A. *Tree Canopy Category Measures.*

1. *Full-Site Preservation.* Preserve all existing trees over six (6) inches DBH on the development site.
2. *Surplus Tree Planting.* Addition of ten percent (10%) improvement over the tree canopy requirements above any City regulations, provided the additional tree canopy is advisable and will not impact overall survivability or health of existing or added trees. Tree varieties shall be large deciduous shade trees from Parks and Greenspace trees from Official Tree Species List provided in **Section 17-46**.
3. *Specimen Tree Preservation.* Preservation of a minimum of two (2) specimen trees on the property.
4. *Specimen Stand Preservation.* Preservation of a contiguous grouping of specimen trees and other high-value trees. Determination is based upon the following criteria:
 - a. A relatively mature, even-aged stand.
 - b. A stand with purity of species composition or of a rare or unusual nature.
 - c. A stand of historical significance.
 - d. A stand with exceptional aesthetic quality.

B. *Energy Category Measures.*

1. *Energy Efficiency.* Newly constructed buildings demonstrate an average ten percent (10%) improvement over the energy code currently in effect in the city.
2. *Renewable Energy.* Incorporate renewable energy generation on-site with production capacity of at least five (5) percent of the building's annual electric or thermal energy, established through an accepted building energy performance simulation tool. The following renewable energy

generation sources are applicable: solar thermal or photovoltaics, ground-sourced heating or cooling. Fuel cells or microturbines using non-fossil fuel, wind energy conversion. Other means of generating electricity without using a fuel, such as kinetic, heat exchange, approved by the City Manager.

3. *Green Roof.* Install a vegetated roof for at least 50 percent (50%) of any building roof area or roof deck. Green roofs used to satisfy this resiliency measure shall not count toward any other open space requirement. A minimum of 2,500 square feet is required to receive credit.
4. *Heat Island Reduction.* Use of any combination of the following strategies for 35 percent (35%) of all on-site, non-roof hardscape areas, including sidewalks, plazas, courtyards, parking lots, parking structure, and driveway: coverage of the surface canopy tree maturity in 15 years, and/or solar reflective paving and roofing with a solar reflectance of greater than 0.25.
5. *Energy Efficient Fixtures.* Installation of ENERGY STAR appliances and LED light bulbs for a minimum of 80 percent (80%) of the fixtures and equipment. If there is not an ENERGY STAR option available in the market, those fixtures do not need to be included in the calculation.

C. Water Category Measures.

1. *Building Water Efficiency.* Installation of WaterSense plumbing fixtures with the following minimum efficient rates:
 - a. Toilets: 1.1 gpf
 - b. Urinal: 0.125 gpf 3
 - c. Faucets/aerator: 1.0 gpm, unless a higher flow rate is dictated by sink use (e.g., kitchen prep sink).
2. *Water-Efficient Landscaping.* Reduce potable water used for landscape irrigation by 50 percent (50%) from a calculated midsummer baseline case by using either one of the following methods: utilizing all xeriscape plant materials and providing no permanent irrigation system or using only captured rainwater with an irrigation system.
3. *Green Infrastructure.* Install bioswales or other green infrastructure in lieu of a minimum of 10 percent (10%) traditional stormwater facilities. Easements shall be recorded at DeKalb Superior Court with a minimum radius extending five (5) feet out from the bioswale boundaries to ensure installments are maintained in perpetuity.
4. *Pervious Pavement.* Install an open grid or pervious pavement system on 65 percent (65%) of all hardscape surface areas, including sidewalks, plazas, courtyards, parking lots, and driveways. The water shall be directed into the groundwater or other acceptable storm accommodation per the City Manager. To receive credit for this measure, the installation shall be accompanied by a maintenance schedule to ensure the pavement maintains its designed performance.
5. *Water Reclamation.* Install a water collection device to be used in lieu of potable water for irrigation, water features, etc.

D. Transportation Category Measures.

1. *Bicycle Repair Center.* Provide a designated bicycle repair center open to the public and consisting of, at least one air pump, water, and basic tools for minor repairs.
2. *Electric Vehicle Parking with Charging.* Provide a minimum of five percent (5%) of parking spaces dedicated to electric vehicle charging, with not less than 2 spaces provided. Spaces shall be equipped with at least Level 2 chargers and shall be signed accordingly. Spaces used to satisfy this resiliency measure shall not count toward any other EV parking requirement.
3. *Rideshare Drop-off.* Construct a turnout on development property and dedicate curb space for a minimum of two (2) rideshare drop-off locations adjacent to street right-of way. Spaces shall be signed accordingly.

E. Public Health Category Measures.

1. *Health Impact Assessment.* Commission a health impact assessment and address a minimum of ten percent (10%) of the design-related recommendations.
2. *Walkability.* Increase the width of any required sidewalk so the dimension of the unimpeded

sidewalk is a minimum of either nine (9) feet (small) or eleven (11) feet (large) wide. If the minimum sidewalk width is greater than this walkability standard, it shall not be counted toward minimum resiliency requirements.

3. *Physical Activity.* Provide graded and grassed lawns to support running and active play. Physical activity measures will receive credit for providing lawns that are a minimum of either 100 feet wide by 50 feet deep (small) or 150 feet wide by 75 feet deep (large). Credit will only be given if the space allocated for physical activity is above and beyond the minimum requirements of **Section 6.3.5 - Open Space.**

F. Arts Measures.

1. *Visual Public Art.* Incorporate public art into the design of the project. The City Manager shall maintain a list of public art installations that are approved for purposes of this Section. By incorporating approved public art into the design of the project, credit will be given per this Section. However, a single art installation may not be used for credit under this Section and be used concurrently to satisfy the amenity requirements of **Section 6.3.5 - Open Space.**
2. *Outdoor Performing Arts Facility.* Provide a stage or other surface for the use or rental of the community to perform outdoor concerts and performances. The venue shall allow for space for an audience of at least 30 people standing to experience the performances.
3. *Open Air Market.* Provide facilities for a minimum of five (5) booths at least 100 square feet in size a piece in an open air market. Facilities shall be equipped with access to power, loading areas, and shall provide visibility and pedestrian access for patrons when the space is activated.
4. *Arts Space or Venue.* Allocate and program a minimum of 2,000 square feet or 10 percent (10%) of the building area, whichever is less, to an arts use. Examples of art uses include museums, galleries, classroom and/or production space, and performing arts venues. To receive credit for this measure, the space shall be deed restricted until such a time that redevelopment occurs or an alternate resiliency measure is fulfilled.

G. Sustainable Certification. Certification through EarthCraft, LEED, Green Globes (three (3) globes minimum to receive credit for this measure), National Green Building Standard (NGBS) (silver minimum to receive credit for this measure), or another comparable third party certification program approved by the City Manager.

H. Alternative Measures. The applicant may submit an alternative resiliency development measure for approval by the City Manager. The measure shall further a resiliency goal and shall not be considered standard practice for current developments. The measure shall be unrelated to any of the other measures defined in this Section. Based upon their review, the City Manager shall approve for the number of points to be awarded. Required documentation shall clearly illustrate that the measure furthers a resiliency goal.

Table 6.8.3 - Resiliency Measures and Values

Category	Measure	Value
TREE CANOPY	Full-Site Preservation	3 points
	Surplus Tree Planting	2 points
	Specimen Tree Preservation	1 point
	Specimen Stand Preservation	2 points
ENERGY	Energy Efficiency	3 points
	Renewable Energy	4 points
	Green Roof	3 points
	Heat Island Reduction	2 points
	Energy Efficient Fixtures	1 point

WATER	Building Water Efficiency	2 points
	Water Efficient Landscaping	1 point
	Green Infrastructure	2 points
	Pervious Pavement	3 points
	Water Reclamation	1 point
TRANSPORTATION	Bicycle Repair Center	1 point
	Electric Vehicle Parking with Charging	2 points
	Rideshare Drop-off	1 point
PUBLIC HEALTH	Health Impact Assessment	4 points
	Walkability - Small	2 points
	Walkability - Large	3 points
	Physical Activity - Small	3 points
	Physical Activity - Large	4 points
ARTS	Visual Public Art	1 point
	Outdoor Performing Arts Venue	1 point
	Open Air Market	2 points
	Arts Space or Venue	4 points
ALTERNATIVE	Sustainable Certification	5 points
	Alternative Measures	1 to 3 points

Division 6.9 - Guarantees and Sureties

Section 6.9.1 - General

Before plat recordation, land disturbance permit, building permit, or other project close-out, the City Manager shall certify that the developer/subdivider has obtained the necessary bonds, other sureties, and/or agreements that ensure completion of all required public and private improvements on the subject property. Three types of guarantees and sureties may be provided for as a part of the final plat approval and development permitting process:

- (a) Performance guarantees.
- (b) Maintenance guarantees.
- (c) Maintenance agreements/inspections.

Section 6.9.2 - Performance Guarantees

Performance guarantees shall be allowed for required site improvements (public or private) not yet completed. In lieu of requiring the completion, installation, and dedication of any and all improvements (e.g., water, sewer, street lights, landscaping, sidewalks, etc.) prior to approval of a final plat or certificate of occupancy/completion (CC/CO), the City may enter into a written agreement with the developer or subdivider whereby the developer or subdivider shall agree to complete all required improvements prior to the release of the performance guarantee.

- (a) The performance guarantee shall be payable to the City and shall be in an amount equal to 1.5 times the entire cost, as estimated by the developer or subdivider and verified by the City, of installing all outstanding required improvements.
- (b) The duration of the guarantee shall be for no longer than twelve (12) months, or until such lesser time that the improvements are accepted by the City. Guarantee funds are forfeited if the improvements are not completed and accepted within 12 months.

Section 6.9.3 - Maintenance Guarantees

Maintenance guarantees shall be provided for all improvements to be publicly dedicated and/or maintained

(e.g.: streets, sidewalks, landscaping) to guarantee the quality and ongoing performance of the installations. Prior to approval of a final plat or final certificate of occupancy/completion (CC/CO), the City may enter into a written agreement with the developer or subdivider whereby the developer or subdivider shall agree to maintain in good repair and living condition all applicable improvements prior to the release of the maintenance guarantee.

- (a) The maintenance guarantee shall be payable to the City and shall be in an amount equal to 60 percent of the construction value for all public improvements, as estimated by the developer or subdivider and verified by the City.
- (b) The duration of the surety shall be for a period of 24 months following the date of approval of development conformance, marked by the approval of a final plat or final certificate of occupancy/completion (CC/CO).

Section 6.9.4. - Maintenance Guarantees (stormwater)

Stormwater maintenance guarantees shall be provided as required in Chapter 20 for the ongoing maintenance of stormwater management facilities and features. Prior to approval of a final plat or final certificate of occupancy/completion (CC/CO), the City may enter into a written agreement with the developer or subdivider whereby the developer or subdivider shall agree to maintain in good repair and working order all applicable improvements prior to the release of the maintenance guarantee.

- (a) The stormwater maintenance guarantee shall be payable to the City and shall be in an amount equal to \$5.00/cubic foot of storage provided by the stormwater management facility, as estimated by the developer or subdivider and verified by the City.
- (b) The duration of the surety shall be for a period of 24 months following the date of approval of development conformance, marked by the approval of a final plat or final certificate of occupancy/completion (CC/CO).
- (c) The guarantee shall be accompanied by the appropriate agreements outlined in Section 6.9.5 - Maintenance Agreements/Inspections (stormwater).

Section 6.9.5 - Maintenance Agreements/Inspections (stormwater)

Prior to the issuance of any project close-out, final plat, or certificate of completion/occupancy requiring a stormwater management facility or practice hereunder and for which the City requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the City, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.

- (a) The inspection and maintenance agreement, if applicable, must be approved by the City prior to approval, and recorded in the deed records of the office of the Clerk of the Superior Court of DeKalb County, Georgia. The inspection and maintenance agreement shall identify, by name or official title, the person(s) responsible for carrying out the inspection and maintenance.
- (b) Unless the City accepts ownership or an easement as provided for by Chapter 20 of the City Code, responsibility for the operation and maintenance of a stormwater management facility or practice shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.
- (c) As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice, including their associated landscaping measures. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.
- (d) In addition to enforcing the terms of the inspection and maintenance agreement, the City may also enforce all of the provisions for ongoing inspection and maintenance in Chapter 20.
- (e) The City, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the

requirements of this Ordinance and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Section 6.9.6 - Guarantee Specifications

The developer or subdivider shall provide either one, or a combination, of the following guarantees in the amounts and durations specified in this division. Any expenses associated with the cost verification by the City shall be paid entirely by the applicant.

- (a) Bond. Bond(s) shall be secured from a surety bonding company authorized to do business in the state. The bond shall be payable to the City.
- (b) Cash or equivalent security. The developer or subdivider shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution designated as an official depository of the City.
- (c) If cash or other instrument is deposited in escrow with a financial institution as provided above, then the applicant shall file with the City of Avondale Estates an agreement between the financial institution and the applicant guaranteeing the following:
 - (1) That said escrow amount will be held in trust until released by the City Manager and may not be used or pledged by the applicant in any other transaction during the term of the escrow; and
 - (2) That in case of a failure on the part of the developer or subdivider to complete said improvements/maintenance, the financial institution shall, upon notification of the City to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to the City the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.

Section 6.9.7 - Default

Upon default, meaning failure on the part of the applicant to complete the required improvements in the time allowed by this Chapter or as spelled out in the performance or maintenance bond or escrow agreement, then the surety, or financial institution holding the escrow account, shall, if requested by the City, pay all or any portion of the bond or escrow fund to the City up to the amount needed to complete the improvements or maintenance based on an estimate by the City. Notification may take place following abandonment of the project for more than 90 continuous days. Upon payment, the City, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The City shall return to the applicant any funds not spent in completing the improvements.

Section 6.9.8 - Release of Guarantee Security

The City may release a portion of any security posted as the improvements are completed or maintenance period completed and approved by the City Manager. When the City Manager approves said improvements, the City Manager shall inspect the premises, and if work is found to be completed and satisfactory in accordance with ordinance regulations and approved plans, the City Manager shall release the portion of the security posted which covers the approved cost of the improvements and maintenance of satisfactorily completed work that was subject to the security. It shall be the responsibility of the applicant to petition the City for release of guarantees and sureties and to warrant that all improvements subject to the guarantee or surety have been completed to fulfill the requirements of this ordinance.

Division 6.10 - Sidewalk, Street, and Other Construction Standards

Section 6.10.1 - General

- A. Pathways shall form a logical, safe and convenient system for pedestrian or bike access to all dwelling units and other buildings and facilities.
- B. Pathways shall be so located and safeguarded as to minimize contacts with automotive traffic.
- C. Pathways that are appropriately located, designed and constructed may be combined with other easements and used by emergency and service vehicles, but shall not be used by other automotive traffic.
- D. Sidewalks shall be located along both sides of all streets and shall have minimum widths as specified in

Table 3.2.8.E - Streetscape Dimensions for the CBD, or a five (5)-foot landscape strip, 7-10-foot sidewalk, and 5-10-foot supplemental zone for all other streetscapes.

Section 6.10.2 - Sidewalk Installation and Timing

- A. Residential subdivision projects. Sidewalks shall be installed on new internal streets (both sides including "eyebrow" turnarounds, culs-de-sac, and hammerheads) and on adjacent external streets prior to the recordation of the final plat, unless a performance bond is secured pursuant to Division 6.9 - Guarantees and Sureties.
- B. Nonresidential subdivision projects. Sidewalks shall be installed on new internal streets (both sides including cul-de-sac, hammerheads, and "eyebrow" turnarounds) and on adjacent external streets prior to the recordation of the final plat, unless a performance bond is secured pursuant to Division 6.9 - Guarantees and Sureties.
- C. Nonsubdivision projects. Required sidewalks shall be installed prior to the issuance of a Certificate of Occupancy/Completion, unless a performance bond is secured pursuant to Division 6.9 - Guarantees and Sureties.

Section 6.10.3 - Sidewalk Site Preparation and Material Standards

- A. Cross slope. Sidewalks shall be constructed with a cross slope of 0.25 inch per foot. Sidewalks shall maintain this cross slope at driveway crossings or transition the sidewalk to a driveway with ramps and detectable warnings.
- B. Material. Class "B" (as defined by Georgia Department of Transportation) with a minimum strength of 2,200 PSI at 28 days.
- C. Final stabilization. Disturbed areas resulting from sidewalk construction shall be backfilled, stabilized, and grassed or landscaped.
- D. Sidewalk curb ramp construction standards. Intersection radius curb ramps shall be provided at street intersections. Straight ramps may be provided at intersections of curbed driveways and at streets without sidewalks. Curb ramps shall meet the requirements of DeKalb County.
- E. Damage repair. Damage to sidewalks and ramps caused by construction or development activity shall be repaired at no cost to the City within 30 days, or prior to issuance of a Certificate of Occupancy, whichever is earlier.

Section 6.10.4 - Street Preparation and Material Standards

Streets shall be designed and constructed in accordance with the DeKalb County standards for new street construction.

Section 6.10.5 - Deferral and Fee in Lieu of Improvements

The City Manager may grant a deferral and/or allow payment of a fee in lieu of improvements for some or all of the street and streetscape-related improvements required pursuant to this Chapter, provided that dedication of necessary right-of-way may not be deferred or satisfied through payment of a fee in lieu.

- A. The City Manager's decision regarding deferral or payment of a fee in lieu must take into account the best interest of the City and, among other considerations, the following criteria:
 - 1. Proximity to similar improvements or lack thereof, within the roadway corridor;
 - 2. Continuity of infrastructure improvements within the public right-of-way;
 - 3. Pending projects programmed within the corridor that may impact the street frontage of the subject property;
 - 4. Safety considerations;
 - 5. Traffic volumes and travel patterns;
 - 6. Storm drainage needs;
 - 7. Any input received from City departments and service providers.
- B. For those improvements either deferred or for which a fee in lieu is paid, the City shall require that the applicant do one or more of the following:

1. Execute and record an agreement to defer completion of the required improvements by the applicant until such time as the city determines the improvements are needed; or
 2. Pay a fee in lieu of improvements based on the City's estimated costs to complete the required improvements; or
 3. Execute a combination of a deferral and payment of a fee in lieu of improvements, provided that the applicant's combined obligation does not exceed the extent of the total requirements for such improvements.
- C. For those improvements that are deferred, the design and construction standards in effect at the time improvements are made shall apply.

ARTICLE 7 | REVIEW AND APPROVAL PROCEDURES

Division 7.1 - Common Provisions

Section 7.1.1 - Applicability

The common provisions of this Division apply to all of the review and approval procedures of this Zoning Ordinance unless otherwise expressly stated.

Section 7.1.2 - Georgia Zoning Procedures Law

When applicable, the notice, hearing, review, and approval procedures of this Zoning Ordinance are intended to comply with the provisions of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., which is incorporated by reference in its entirety. If any provision of this Zoning Ordinance is in conflict with any provision of the zoning procedures law or if this Zoning Ordinance fails to incorporate a provision required for the implementation of the zoning procedures law, the zoning procedures law controls. These procedures apply to Sign Ordinance review outlined in Chapter 5 - Sign Regulations, as referenced within that Chapter.

Section 7.1.3 - Developments of Regional Impact

If a proposed development qualifies as a Development of Regional Impact (DRI) pursuant to O.C.G.A. § 50-8-7.1, no action may be taken by the administrative bodies detailed in this Chapter until such DRI report is received from the Atlanta Regional Commission and comments, if any, are addressed to the satisfaction of the City Manager.

Section 7.1.4 - Brownfield Sites

Properties suspected of environmental contamination shall be disclosed at the time of application to the City.

Section 7.1.5 - Planning, Architecture, Zoning Board (PAZB)

A. Membership

1. There shall be seven (7) members of the Planning, Architecture, 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.
2. Where practicable, at least two (2) members of the PAZB, shall be appointed from among professionals in the disciplines of architecture, landscape architecture, urban planning, or an applicable design field and shall have demonstrated special interest, competence, or knowledge in urban design and city planning.

B. Powers and Duties of the Planning, Architecture, Zoning Board

1. Whenever this ordinance calls for review by the Planning, Architecture, 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 PAZB's decision shall be submitted to the Board of Mayor and Commissioners.
2. The PAZB may defer the application once for one (1) period of up to 30 days, or one (1) zoning cycle, whichever is longer, with the subsequent hearing date based upon the next available hearing on the approved hearing calendar.

3. Upon receipt of the Planning, Architecture, Zoning Board recommendation, or at the expiration of the deferral period, the Board of Mayor and Commissioners of the City of Avondale Estates may proceed to review the subject application.

C. Adoption of Rules and Standards

1. The Planning, Architecture, 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 PAZB shall have the flexibility to adopt rules and standards without amendment to this Section.
2. The Planning, Architecture, 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, Architecture, 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 PAZB.
3. Should a member fail to attend three (3) consecutive meetings, the Planning, Architecture, Zoning Board Secretary, with the concurrence of a majority of the entire PAZB, 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.

D. Secretary

1. The City Clerk or other designated City staff shall be the secretary of the Planning, Architecture, Zoning Board.

E. Records of meetings

1. The secretary of the Planning, Architecture, Zoning Board shall maintain a public record of all resolutions and formal actions of the Planning, Architecture, Zoning Board.

Section 7.1.6 - Procedures Summary

Table 7.1.6 - Procedures Summary Table provides a summary of review and decision-making authority under this Zoning ordinance. In the event of conflict between Table 7.1.6 - Procedures Summary Table and the detailed procedures identified in this Zoning Ordinance, the detailed procedures govern.

Table 7.1.6 - Procedures Summary Table			
Procedure	Review and Decision-Making Body		
	City Manager	Planning, Architecture, Zoning Board	Board of Mayor and Commissioners
R = Review/Recommendation DM=Decision-Making Body			
Variance	R	R	DM
Administrative Variance	DM	--	--
Tier 1 Waiver	DM	--	--
Tier 2 Waiver	R	R	DM
Amendment	R	R	DM
Conditional Use Permit	R	--	DM
Developments of Community Impact	R	R	DM
Concurrent Variance	R	R	DM
Appeals of Administrative Decisions	--	--	DM

Section 7.1.7 - Application and Fees

A. *Form of Application.*

1. Applications required under this Zoning Ordinance shall be submitted on such forms as required by the City Manager.
2. The City Manager may develop checklists of application submittal requirements and make those checklists available to the public.

B. *Application Filing Fees.* Applications shall be accompanied by the fee amount indicated in the fee schedule that has been approved by Board of Mayor and Commissioners. Application filing fees are nonrefundable once the application has been accepted and determined to be complete.

C. *Application Completeness.*

1. An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and supporting documentation, and is accompanied by the required application filing fee.
2. The City Manager shall make a determination of application completeness.
3. If an application is determined to be incomplete, the City Manager shall provide written notice to the applicant along with an explanation of the application's deficiencies.
4. No further processing of incomplete applications will occur, and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle.
5. Applications deemed complete by the City Manager will be considered to be in the processing cycle and will be reviewed by City staff, affected agencies, and other review and decision-making bodies in accordance with applicable review and approval procedures of this Zoning Ordinance.

Section 7.1.8 - Pre-application Meetings

Pre-application meetings provide an early opportunity for City staff and applicants to discuss the procedures, standards and regulations required for development approval under this Zoning Ordinance. Pre-application meetings are required whenever the provisions of this Zoning Ordinance expressly state that they are required. They are encouraged in all cases. Conceptual plans for both horizontal and vertical designs are required for all commercial, mixed-use, and multi-unit dwelling projects. They are encouraged for all other projects.

Section 7.1.9 - Application Processing Cycles

The City Manager is authorized to promulgate reasonable application processing cycles and schedules for processing applications under this Zoning Ordinance. Processing cycles may establish:

- A. Deadlines for receipt of complete applications;
- B. Timeframes for determination of application completeness;
- C. Dates of regular meetings;
- D. Timing of staff reviews and reports;
- E. Estimated timeframes for completion of reviews and decision-making;
- F. Timelines for consideration of Comprehensive Plan Amendments (e.g., annual or semi-annual); and
- G. Other information regarding administrative practices and customs that will assist applicants and the general public.

Section 7.1.10 - Withdrawal and Hold of Applications

A. *Withdrawal of Applications.*

1. Applications may be withdrawn at the discretion of the applicant and with approval by the property owner without prejudice at any time before the legal advertising. The applicant is required to submit the request to withdraw in writing to the City Manager.
2. Applications may be withdrawn without prejudice after the legal advertising but before a public hearing at the discretion of the applicant. The applicant/property owner shall not be entitled to a

refund and is required to submit the request to withdraw in writing to the City Manager.

3. Applications may only be withdrawn after a public hearing by majority vote of the Board of Mayor and Commissioners.

B. Administrative Hold.

1. Applications may be placed on an administrative hold by the City Manager and deferred to a later meeting if new information has become available about a request or additional information is needed related to the request.

Section 7.1.11 - Conditions of Approval

- A. When decision-making bodies approve applications with conditions, the conditions shall relate to a situation created or aggravated by the proposed use or development and must be roughly proportional to the impacts of the use or development. No condition in the form of a development exaction for other than a project improvement may be imposed within the meaning of the Georgia Development Impact Fee Act. Any conditions imposed shall comply with the following:
1. Conditions may be imposed to mitigate any possible adverse impacts of the proposal on neighboring persons or properties, consistent with the purposes of this Zoning Ordinance, the goals and objectives of the Comprehensive Plan, and State Law.
 2. Once imposed, conditions run with land and will be enforced on all present and future property owners and successors in interest.
 3. Except as otherwise expressly stated, Amendments, changes to approved conditions, or Conditional Uses may be approved only by following the same procedures as the original approval.

Section 7.1.12 - Public Notice Summary

Table 7.1.12 - Public Notice Summary Table provides a summary of required public notifications by application type under this Zoning ordinance. In the event of conflict between Table 7.1.11 - Public Notice Summary Table and the detailed procedures identified in this Zoning Ordinance, the detailed procedures govern.

Table 7.1.12 - Public Notice Summary				
Notice	Process			
	Variance/Amend./CUP/Concurrent Variance	Admin. Variance/Tier 1 Waiver	Tier 2 Waiver/DCI	Appeal of Admin. Decision
● = Mandatory notice method				
Newspaper	●	-	●	-
Mailed	●	-	-	●
Posted (sign)	●	●	●	-
Posted (City Hall)	-	●	-	-

Section 7.1.13 - Procedure for public hearings required by the Zoning Procedures Law

- A. **Applicability.** The procedures in this Section shall be observed whenever the Board of Mayor and Commissioners conducts a public hearing in connection with a zoning decision, as required by O.C.G.A. § 36-66-4. Examples of zoning decisions include:
1. Amending the text of the Zoning Ordinance,
 2. Rezoning one or more parcels from one zoning designation to another,
 3. Zoning property to be annexed into the City, or
 4. Approving a Conditional Use Permit.

B. Zoning Public Hearing Procedures.

1. *Total time allotted for public hearing.* Before the public hearing is opened for public comments, the Mayor (or presiding officer) shall announce a total time allotted for the public hearing. The total time allotted shall be no less than twenty minutes (ten minutes per side) and no longer than one hour (thirty minutes per side). At all zoning public hearings, the proponents and opponents of the application shall collectively be allotted equal time to present their views to the Board of Mayor and Commissioners.
2. *Time allotted to each speaker.* Except for the applicant, each speaker shall initially be limited to a maximum of three minutes to speak. In the event that all individuals desiring to speak on one side of an application have had an opportunity to speak and a portion of the total time for that side (proponents or opponents) remains unused, speakers will have an opportunity to speak again within the total time allotted for their side.
3. *Order of public comment at hearing.*
 - a. *Proponents.* The Board shall first hear from the proponents of the application. The applicant will have the first opportunity to speak. Then individuals that desire to speak in support of the application shall have the opportunity to speak, in the order that they are recognized by the Mayor (or presiding officer).
 - b. *Opponents.* After the proponents' comments are complete, the opponents shall have the opportunity to speak. Individuals desiring to speak in opposition to the application shall have the opportunity to speak in the order that they are recognized by the Mayor (or presiding officer).
4. *Public hearing not an opportunity for dialogue.* The public hearing is strictly for proponents and opponents to express their opinions regarding the application to the Board. Speakers shall not direct questions to the applicant, Mayor, Commissioners or City staff during the public hearing. Board members may wish to question the applicant and/or proponent(s) and/or opponent(s) of the application as part of the Board's consideration of the application. However, any such dialogue will be conducted outside of the public hearing portion of the meeting.

Division 7.2 - Variances

Section 7.2.1 - Applicability

Except as expressly authorized under the administrative variance procedures of **Division 7.3 - Administrative Variances**, waiver requests of **Division 7.4 - Waivers**, and concurrent variance procedures of **Division 7.7 - Concurrent Variances**, all requests for relief from strict compliance with the regulations of this Zoning Ordinance require review and approval by the Board of Mayor and Commissioners in accordance with the Variance procedures of this Division.

Section 7.2.2 - Prohibited Variances

The Variance procedures of this division shall not be used to:

- A. Allow a structure or use not authorized in the subject zoning district;
- B. Allow an increase in maximum building height;
- C. Waive, vary, modify or otherwise override a condition of approval attached to an amendment, conditional use, Developments of Community Impact, or other development approval under this Zoning Ordinance;
- D. Reduce, waive, or modify in any manner the minimum lot area or lot width required for any lot;
- E. Allow the reestablishment of any nonconforming use that has been abandoned or lost its nonconforming rights; or
- F. Allow the expansion or enlargement of any non-conforming use.

Section 7.2.3 - Authority to File

Applications for variances may be filed by the owner of the subject property or the property owner's authorized agent.

Section 7.2.4 - Pre-application Meeting

A pre-application meeting with the City Planning and Community Development Department is recommended for all variance requests.

Section 7.2.5 - Application Filing

Variance applications shall be filed with the City Planning and Community Development Department.

Section 7.2.6 - Public Hearing Notices

Notice of required public hearings shall be provided as follows:

- A. Each notice shall provide the following information:
 1. Time of hearing
 2. Place of hearing
 3. Purpose of request
 4. Location of property
 5. Present zoning
- B. **Newspaper Notice.** Newspaper notice shall be provided at least 15 days before but not more than 45 days before the date of the public hearing.
- C. **Mailed Notice.** Mailed notice shall be mailed or emailed to all owners of property within 250 feet of the subject property at least 15 days before the date of the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners public hearings.
- D. **Posted Notice.** Posted notice (signs) shall be posted at least 15 days but not more than 45 days before the date of the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners public hearings.

Section 7.2.7 - Staff Review

Upon receipt of a complete variance application, the City Planning and Community Development Department shall review the proposal and prepare an analysis and recommendation for consideration by the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners. This review and analysis shall be transmitted to the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners before their public hearing on the matter. The staff report shall also be made available to the applicant and the general public.

Section 7.2.8 - Planning, Architecture, Zoning Board (PAZB) Hearing and Recommendation

- A. The PAZB shall hold a public hearing on the variance application. Following the close of the hearing, the Planning, Architecture, Zoning Board shall act to recommend that the variance be approved, approved with conditions, or denied based on the applicable review and approval criteria of **Section 7.2.10 - Review and Approval Criteria**. The PAZB may also recommend deferral of the application, or, upon request of the applicant, withdraw of the application without prejudice.
- B. The PAZB may defer the application once for one (1) period of up to 30 days, or one (1) zoning cycle, whichever is longer, with the subsequent hearing date based upon the next available hearing on the approved hearing calendar.
- C. The PAZB's recommendation shall be transmitted to the Board of Mayor and Commissioners.

Section 7.2.9 - Board of Mayor and Commissioners Public Hearing and Decision

- A. The Board of Mayor and Commissioners shall hold a public hearing to consider all variance applications. At the public hearing, the City Planning and Community Development Department shall introduce the variance request and outline its recommendation based on the criteria of **Section 7.2.10 - Review and Approval Criteria**. The applicant for variance shall have the right to present testimony and other evidence in support of the variance request. Proponents and opponents of the variance request shall each be permitted a minimum of 10 minutes per side to present their testimony and any documentary evidence. The applicant shall have the right to refute by rebuttal any evidence presented by the other

side, such rebuttal being limited to five minutes. The Board of Mayor and Commissioners may ask questions and seek clarification of any testimony or evidence presented.

- B. Following the close of the hearing and consideration of all testimony, documentary evidence, and matters of record, the Board of Mayor and Commissioners shall act to approve the variance, approve the variance with conditions, or deny the requested variance. The Board of Mayor and Commissioners is also authorized to defer action on the variance or allow the applicant to withdraw the variance without prejudice. The Board's final decision shall be made within a reasonable period of time, but in no event, more than 60 days from the date of the close of the hearing.

Section 7.2.10 - Review and Approval Criteria

- A. The Board of Mayor and Commissioners may authorize variances from the provisions of this Zoning Ordinance based on consideration of the following criteria:
 - 1. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, topography, or a mature tree or tree stands; and
 - 2. The application of this ordinance to the particular piece of property would create an unnecessary hardship; and
 - 3. Such conditions are peculiar to the particular piece of property involved; and
 - 4. Such conditions are not the result of actions of the property owner; and
 - 5. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this Zoning Ordinance or be in conflict with an adopted master plan.

Section 7.2.11 - Successive Applications

If a variance application is denied, an application to vary the same Zoning Ordinance provision for the same portion of the subject property may not be resubmitted for one (1) year from the date of the denial.

Section 7.2.12 - Appeals

See Division 7.9- Appeals.

Section 7.2.13 - Transfer of Variances

Approved variances, and any attached conditions, run with the land and are not affected by changes in tenancy or ownership.

Section 7.2.14 - Amending Conditions of Approval

A request for changes in conditions of approval attached to an approved variance shall be processed as a new variance application in accordance with the procedures of this Division, including the requirements for fees, notices, and hearings.

Division 7.3 - Administrative Variances

Section 7.3.1 - Applicability

- A. The City Manager is authorized to approve the following administrative variances:
 - 1. Allow the increase in maximum lot coverage by up to ten percent (10%).
 - 2. Allow the increase in maximum parking by up to ten percent (10%).
 - 3. Allow the decrease in minimum setback by up to 10 percent (10%), but not including any transitional buffer.
 - 4. Allow the increase in maximum wall height by up to one (1) foot.
 - 5. Allow the increase in maximum fence height by up to two (2) feet.

Section 7.3.2 - Authority to File

Applications for approval of administrative variances may be filed by the owner of the subject property or the property owner's authorized agent.

Section 7.3.3 - Application Filing

Administrative variance applications shall be filed with the City Planning and Community Development Department.

Section 7.3.4 - Posted Notice

- A. Posted notice (City Hall) shall be posted for a minimum of ten (10) days before a decision is rendered and in a conspicuous place at City Hall to notify the public of a request for an administrative variance.
- B. Posted notice (signs) shall be posted for a minimum of ten (10) days before a decision is rendered and in a conspicuous place on the subject property to notify the public of a request for an administrative variance.
- C. Each notice shall provide the following information:
 - 1. Purpose of request
 - 2. Location of property
- D. Members of the public wishing to support or oppose a request for administrative variance shall file their comments in writing with City Planning and Community Development Department. The deadline for acceptance of comments is ten (10) days after notice was posted.

Section 7.3.5 - City Manager's Decision

- A. The City Manager shall review each application for an administrative variance and act to approve the application, approve the application with conditions, or deny the application.
- B. The City Manager shall not take final action to approve or deny an administrative variance until at least 15 days after the notice was posted. Any comments received with respect to the administrative variance request shall be taken into account prior to the City Manager reaching his or her decision. All decisions shall be made in writing within 30 days of the date the application was filed, unless the applicant agrees to an extension of time for the decision.

Section 7.3.6 - Review and Approval Criteria

The City Manager's decision to approve or deny an administrative variance shall be based on consideration of the following criteria:

- A. The strict application of the requirements of this zoning ordinance would cause undue and unnecessary hardship to the property owner or authorized agent; and
- B. The intent and continued integrity of the zoning ordinance can be achieved with equal performance and protection of public interests through grant of the administrative variance.

Section 7.3.7 - Appeals

Final decisions on administrative variances may be appealed by any person aggrieved by the decision in accordance with the appeal procedures of **Division 7.8 - Appeals of Administrative Decisions**.

Section 7.3.8 - Transfer

Approved administrative variances and any attached conditions run with the land and are not affected by changes in tenancy or ownership.

Section 7.3.9 - Amending Conditions of Approval

A request for changes in conditions of approval attached to an approved administrative variance shall be processed as a new application in accordance with the procedures of this Division.

Division 7.4 - Waivers

Section 7.4.1 - Applicability

The Waiver permits specified minor deviations from the Zoning Ordinances, as provided in the various articles of this Code and as consistent with the guiding principles of this Code. Waivers are intended to relieve practical difficulties in complying with the strict requirements of this Code. Waivers are not intended to relieve specific

cases of financial hardship, nor to allow circumventing of the intent of this Code. There are two tiers of waiver requests defined herein.

Section 7.4.2 - Authorized Waiver Requests

- A. Waivers provide relief for departure from **Sections 3.2.8 - Streets and Blocks**, **3.2.9 - Façade Types**, and **3.2.10 - Building Design Standards** of the Central Business District (CBD) Code, all of **Division 6.1 - General Lot and Building Regulations**, and **Division 6.10 - Sidewalk, Street, and Other Construction Standards**.
1. *Tier 1*: Tier 1 waivers are minor in nature and intended to solve minor issues that arise from the application of the code during building and site design and development.
 - a. Reduce width of any dimensional standard for any street type by up to 20 percent (20%), but in no case shall the sidewalk zone be reduced to less than four (4) feet wide.
 - b. Reorder the landscape, sidewalk, and supplemental zones in **Section 3.2.8.E - Streetscapes** or relocate improvements and amenities among them (e.g.: relocate streetlights to supplemental zone).
 - c. Allow changes in frequency of improvements in the landscape, sidewalk, and supplemental zones in **Section 3.2.8.E - Streetscapes** by up to 20 percent (20%) (e.g.: increase the separation of understory street trees from 30 to 36 feet).
 - d. Allow an increase in block perimeter/length by up to 20 percent (20%) in the CBD in accordance with **Section 3.2.8.B - Block Requirements**
 - e. Reduce or alter any dimensional standards in **Sections 3.2.10** and **6.1.3 - Building Design Standards** by up to 20 percent (20%).
 - f. Reorder the landscape, sidewalk, and supplemental zone in **Division 6.10 - Sidewalk, Street, and Other Construction Standards**.
 2. *Tier 2*: Tier 2 waivers are more significant requests that would result in a more substantial departure from the code requirements.
 - a. Reduce width of any dimensional standard for any street type any amount.
 - b. Reduce, alter, or eliminate any standards in **Section 3.2.8 - Streets and Blocks**.
 - c. Reduce, alter, or eliminate any standards in **Section 3.2.9 - Façade Types**.
 - d. Reduce, alter, or eliminate any standards in **Section 3.2.10 - Building Design Standards**.
 - e. Reduce, alter, or eliminate any standards in **Division 6.1 - General Lot and Building Regulations**.
 - f. Reduce, alter, or eliminate any standards in **Division 6.10 - Sidewalk, Street, and Other Construction Standards**.
 - g. Reduce, alter, or eliminate any supplemental use standards in **Divisions 5.3 - 5.10**, unless a different review process is outlined in the respective Division.

Section 7.4.4 - Authority to File

Applications for waivers may be filed by the owner of the subject property or the property owner's authorized agent.

Section 7.4.5 - Pre-application Meeting

A pre-application meeting with the City Planning and Community Development Department is required for all waiver requests.

Section 7.4.6 - Application Filing

Waiver applications shall be filed with the City Planning and Community Development Department.

Section 7.4.7 - Tier 1 and Tier 2 Notice

- A. *Tier 1 Waivers*.

1. Posted notice (City Hall) shall be posted for a minimum of ten (10) days before a decision is rendered and in a conspicuous place at City Hall to notify the public of a request for a Tier 1 waiver.
2. Posted notice (signs) shall be posted for a minimum of (10) days before a decision is rendered and in a conspicuous place on the subject property to notify the public of a request for a Tier 1 waiver.
3. Each notice shall provide the following information:
 - a. Purpose of request
 - b. Location of property
4. Members of the public wishing to support or oppose a request for Tier 1 waiver shall file their comments in writing with City Planning and Community Development Department. The deadline for acceptance of comments is ten (10) days after notice was posted.

B. Tier 2 Waivers.

Notice of public hearings shall be provided as follows:

1. Each notice shall provide the following information:
 - a. Time of hearing
 - b. Place of hearing
 - c. Purpose of request
 - d. Location of property
 - e. Present zoning
2. **Newspaper Notice.** Newspaper notice shall be published at least 15 days but not more than 45 days before the date of the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners public hearings.
3. **Posted Notice.** Posted notice (signs) shall be posted at least 15 days but not more than 45 days before the date of the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners public hearings.

Section 7.4.7 - Decision-Making Process

A. Tier 1 Waivers.

1. For all Tier 1 waivers, staff shall accept and process applications in accordance with this Division. Upon receipt of a complete Tier 1 waiver application, the City Planning and Community Development Department shall review the proposal and prepare an analysis.
2. The City Manager shall act to approve the Tier 1 waiver, approve the Tier 1 waiver with conditions, or deny the Tier 1 waiver based on the applicable review and approval criteria of **Section 7.4.8 - Review and Approval Criteria**. The City Manager is also authorized to allow the applicant to withdraw the Tier 1 waiver without prejudice.

B. Tier 2 Waivers.

1. *Staff Review.*
 - a. Upon receipt of a complete Tier 2 waiver application, the City Planning and Community Development Department shall review the proposal and prepare an analysis and recommendation for consideration by the Planning, Architecture, Zoning Board. This review and analysis shall be transmitted to the Planning, Architecture, Zoning Board before their public hearing on the matter. The staff report shall also be made available to the applicant and the general public.
2. *Planning, Architecture, Zoning Board (PAZB) Hearing and Recommendation.*
 - a. The PAZB shall hold a public hearing on the Tier 2 waiver application. Following the close of the hearing, the Planning, Architecture, Zoning Board shall act to recommend that the Tier 2 waiver be approved, approved with conditions, or denied based on the applicable review and approval criteria of **Section 7.4.8 - Review and Approval Criteria**. The PAZB may also

recommend deferral of the application, or, upon request of the applicant, withdraw of the application without prejudice.

- b. The PAZB may defer the application once for one (1) period of up to 30 days, or one (1) zoning cycle, whichever is longer, with the subsequent hearing date based upon the next available hearing on the approved hearing calendar.
 - c. The PAZB's recommendation shall be transmitted to the Board of Mayor and Commissioners.
3. *Board of Mayor and Commissioners Decision.*
- a. The recommendation of the PAZB is not binding on the Board of Mayor and Commissioners.
 - b. Upon receipt of a recommendation from the PAZB, the Board of Mayor and Commissioners shall review the Tier 2 waiver application. The Board of Mayor and Commissioners shall act to approve the Tier 2 waiver, approve the Tier 2 waiver with conditions, or deny the Tier 2 waiver based on the applicable review and approval criteria of **Section 7.4.8 - Review and Approval Criteria**. The Board of Mayor and Commissioners is also authorized to to withdraw the Tier 2 waiver without prejudice.

Section 7.4.8 - Review and Approval Criteria

- A. The City Manager may authorize Tier 1 waivers, and the Board may authorize Tier 2 waivers from the provisions of this Zoning Ordinance based on consideration of the following criteria:
1. Features such as topography, high frequency transmission lines, existing trees of specimen or significant quality, underlying rock, or other condition outside the owner's control to the extent that strict adherence to said requirements would be unreasonable and not consistent with the purposes and goals of this code;
 2. Alternative streetscape or building/façade design configurations are provided; and
 3. Proposal will not result in any detriment to the public good, including without limitation, detriment to the interest of the public, and will not result in any harm to the health, safety or general welfare of the City and its citizens.

Section 7.4.9 - Successive Applications

If a waiver application is denied, an application to waive the same Zoning Ordinance provision for the same portion of the subject property may not be resubmitted for one (1) year from the date of the denial.

Section 7.4.10 - Appeals

See Division 7.8 - Appeals of Administrative Decisions for Tier 1 waivers and Division 7.9- Appeals for Tier 2 waivers.

Section 7.4.11 - Transfer of Waivers

Approved waivers, and any attached conditions, run with the land and are not affected by changes in tenancy or ownership.

Section 7.4.12 - Amending Conditions of Approval

A request for changes in conditions of approval attached to an approved waiver shall be processed as a new waiver application in accordance with the procedures of this division, including the requirements for fees, notices, and hearings.

Division 7.5 - Amendments and Conditional Uses

Section 7.5.1 - Applicability

- A. The procedures of this division apply to all Amendments (Zoning Map, Comprehensive Plan/Future Development Map, changes to conditions of zoning, and Text) and Conditional Uses required under this Zoning Ordinance. If referenced generally as "Amendments" herein this Division, the regulations are referring to all amendments and conditional use processes.
- B. **Concurrency with Zoning Map Amendments.** In accordance with **Section 1.2.7 - Relationship to Comprehensive Plan and Future Development Map**, No Zoning Map amendment shall be considered

if it is not consistent with the Future Development Map. Pursuant to the Future Development Map, an applicant may submit an amendment to the map, either separately or concurrently with a proposed Zoning Map amendment. If the applications are submitted concurrently, the Board of Mayor and Commissioners shall consider the requests in a manner such that a decision on the application for a Future Development Map amendment shall be rendered prior to the decision on the application for a Zoning Map amendment.

Section 7.5.2 - Authority to Initiate

- A. Amendments to the Future Development Map, the Zoning Map, modifications of conditions of approval, and the text of this Zoning Ordinance may be initiated by the Mayor following a motion and a second, any member of the Board of Mayor and Commissioners following a motion and a second, or by the City Manager acting on behalf of the Board of Mayor and Commissioners.
- B. Amendments to the Future Development Map and the Zoning Map or modifications to conditions of approval may be initiated upon application by the owner of the subject property or the subject property owner's authorized agent.
- C. Applications for Conditional Use approval may be filed by the owner of the subject property or the property owner's authorized agent.

Section 7.5.3 - Pre-application Meeting

A pre-application meeting is required for all Amendments (see the pre-application provisions of **Section 7.1.8 - Pre-application Meetings**).

Section 7.5.4 - Application Filing

- A. Owner-initiated applications for Amendments shall be filed with the City Planning and Community Development Department.
- B. No particular format is required to initiate Amendments by the Board of Mayor and Commissioners or City Manager, but they shall follow the process of any owner-initiated application except for the Pre-application Meeting in **Section 7.5.3 - Pre-application Meeting**.

Section 7.5.5 - Public Hearing Notices

Notice of required public hearings shall be provided as follows. Where a public hearing and review by the Planning, Architecture, Zoning Board is not required by the procedures outlined herein, notice for that public hearing is also not required:

- A. Each notice shall provide the following information:
 - 1. Time of hearing
 - 2. Place of hearing
 - 3. Purpose of request
 - 4. Location of property
 - 5. Present zoning
 - 6. Proposed zoning
- B. **Newspaper Notice.** Newspaper notice shall be published at least 15 days before but not more than 45 days before the date of the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners public hearings.
- C. If a proposed Zoning Map amendment, change of conditions, or major site plan modification is initiated by a party other than the Mayor and City Council, then the following additional notices are required:
 - 1. **Mailed Notice.** Mailed notice shall be mailed to all owners of property included within the area included in the proposed amendment or conditional use and all owners of property within 250 feet of the subject property. Notices shall be deposited in the mail at least 15 days before but not more than 45 days before the date of the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners public hearing.
 - 2. **Posted Notice.** Posted notice (signs) shall be posted at least 15 days but not more than 45

days before the date of the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners public hearings.

Section 7.5.6 - Staff Review

Upon receipt of a complete Amendment application, the City Planning and Community Development Department shall review the proposal and prepare an analysis and recommendation for consideration by the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners, where applicable. This review and analysis shall be transmitted to the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners before their public hearings on the matter. The staff report shall also be made available to the applicant and the general public.

Section 7.5.7 - Planning, Architecture, Zoning Board (PAZB) Public Hearing and Recommendation

- A. The PAZB shall hold a public hearing to consider all amendment applications, except conditional use permits, which are heard only by the Board of Mayor and Commissioners. At the public hearing, City staff shall introduce the amendment request and outline its recommendation based on the criteria of **Section 7.5.9 - Review and Approval Criteria**. The applicant for the amendment shall have the right to present testimony and other evidence in support of the amendment request. Proponents and opponents of the amendment request shall each be permitted a minimum of ten (10) minutes per side to present their testimony and any documentary evidence. The applicant shall have the right to refute by rebuttal any evidence presented by the other side, such rebuttal being limited to five (5) minutes. The PAZB may ask questions and seek clarification of any testimony or evidence presented.
- B. Following the close of the hearing and consideration of all testimony, documentary evidence, and matters of record, the PAZB shall act to recommend that the amendment be approved, approved with conditions, or denied based on the applicable review and approval criteria of **Section 7.5.9 - Review and Approval Criteria**. The PAZB may also recommend deferral of the application, or, upon request of the applicant, withdrawal of the application without prejudice.
- C. The PAZB may defer the application once for one (1) period of up to 30 days, or one (1) zoning cycle, whichever is longer, with the subsequent hearing date based upon the next available hearing on the approved hearing calendar.
- D. The PAZB's recommendation shall be transmitted to the BOMC. Neither the recommendation of the staff or the PAZB is binding on the BOMC.

Section 7.5.8- Board of Mayor and Commissioners (BOMC) Public Hearing and Decision

- A. The BOMC shall hold a public hearing to consider all amendment applications. At the public hearing, City staff shall introduce the amendment request and outline its recommendation based on the criteria of **Section 7.5.9 - Review and Approval Criteria**. The applicant for the amendment shall have the right to present testimony and other evidence in support of the amendment request. The hearing shall be conducted in accordance with the procedures set forth in **Section 7.1.13 - Procedure for public hearings required by the Zoning Procedures Law** of this Zoning Ordinance.
- B. Following the close of the hearing and consideration of all testimony, documentary evidence, and matters of record, the BOMC shall act to approve the amendment, approve the amendment with conditions, or deny the requested amendment. The BOMC is also authorized to defer action on the amendment, refer the application back to the PAZB for reconsideration, or allow the applicant to withdraw the amendment without prejudice.
- C. The BOMC's final decision shall be made within a reasonable period of time, but in no event, more than 60 days from the date of the close of the hearing.

Section 7.5.9 - Review and Approval Criteria

The review and approval criteria shall be used in reviewing and taking action on all Amendment applications. No application for an Amendment may be granted by the BOMC unless satisfactory provisions and arrangements have been made concerning each of the following considerations:

- A. **Zoning Map Amendments**. The following review and approval criteria shall be used in reviewing and acting on Zoning Map Amendments, including changing conditions to existing zoning:
 1. The existing uses and zoning of nearby property;

2. The extent to which property values are diminished by the zoning restrictions;
3. The extent to which the proposed amendment promotes the health, safety, morals or general welfare of the public;
4. The relative harm to the public as compared to the hardship imposed upon the individual property owner;
5. The suitability of the subject property for the proposed zoning;
6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property;
7. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
8. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
9. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
10. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;
11. Whether the zoning proposal is in conformity with the policy, goals, and intent of the Comprehensive Plan;
12. Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the Comprehensive Plan, the character area, and all applicable Zoning Ordinance regulations
13. Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal; and
14. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of:
 - a. Noise, smoke, odor, dust or vibration generated by the proposed use;
 - b. Hours or manner of operation of the proposed use; and
 - c. Traffic volumes or patterns generated by the proposed use.

B. *Comprehensive Plan and Future Development Map Amendments.* The following review and approval criteria shall be used in reviewing and acting on all Comprehensive Plan and Future Development Map Amendments:

1. Whether the Comprehensive Plan amendment proposal is compatible with the surrounding future land uses as identified in the Future Development Map.
2. Whether the Comprehensive Plan amendment proposal can be adequately served by existing transportation facilities and other infrastructure, such as schools, water and sewer, or stormwater systems.
3. Whether the Comprehensive Plan amendment proposal negatively impacts natural and historic resources identified by the City.
4. Whether the Comprehensive Plan amendment proposal is in the best interest of the City and the public good and whether the proposal protects the health and welfare of its citizens.
5. Whether the property to be affected by the Comprehensive Plan amendment proposal has a reasonable economic use as currently designated on the Future Development Map.
6. Whether the land use amendment proposal meets the policies and intent established in the Comprehensive Plan.

C. *Text Amendments.* The following review and approval criteria shall be used in reviewing and acting on all Text Amendments:

1. Whether the amendment is in conformity with the policy and intent of the Comprehensive Plan; and

2. Whether the proposed Zoning Ordinance text amendment corrects an error or inconsistency in the Zoning Ordinance, meets the challenge of a changing condition, or is necessary to implement established policy.

D. Conditional Use Permits. The following review and approval criteria shall be used in reviewing and acting on all Conditional Use permits:

- (1) Whether the subject property under the proposed conditional use is in conformity with the policies and intent of the adopted Comprehensive Plan for the City of Avondale Estates, as amended;
- (2) 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;
- (3) Whether the change requested is out of scale with the needs of the City as a whole or the immediate neighborhood;
- (4) Whether the proposed conditional use permit, if approved, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, stormwater systems, or other utilities;
- (5) Whether the establishment of the conditional use would impede the normal and orderly development of surrounding property for uses predominant in the area;
- (6) Whether the location and character of the proposed conditional use would be consistent with a desirable pattern of development for the locality in general;
- (7) Whether the property has been vacant as used, and the length of time it has been vacant, if so; and
- (8) Whether there are other conditions or transitional patterns affecting the use and development of the subject property, if applicable, which give grounds for either approval or disapproval of the proposed conditional use.

Section 7.5.10 - Successive Applications

If an amendment application is denied, an application for an amendment affecting all or a portion of the same property may not be resubmitted for one (1) year from the date of the denial.

Section 7.5.11 - Transfer

Approved amendments and conditional use permits and any attached conditions run with the land and are not affected by changes in tenancy or ownership.

Section 7.5.12 - Modifying Conditions of Approval

Conditions attached to previously approved amendments may be modified in accordance with the following:

A. Minor Modification.

1. Modification of any of the following site plan characteristics, if attached as a condition of approval to an approved amendment, constitute a "Minor Modification" for purposes of interpreting this Section. For the purposes of this Section, a minor modification in the approved amendment means a slight alteration or change in layout, such as, but not limited to, small shifts in the location of buildings, streets, driveways, sidewalks, trails, utilities, easements or other similar features that do not negatively impact adjacent property, the public health and safety, the quality of materials, the appearance of the project, or the health and quality of the natural environment, including:
 - a. The movement of any building or structure within the site, provided the movement of the structure is not closer to a property line or into a required buffer, landscape area, streetscape, or supplemental zone;
 - b. Any increase in the minimum size of residential units;
 - c. Any increase in the size of a required buffer or sidewalk;
 - d. Any decrease in building or structure height;

- e. Any change in the proportion of floor space devoted to different authorized uses by less than 5 percent;
 - f. Decrease in the land area of the subject property or project; or
 - g. Relocation of site features that do not exceed any other minor site modification thresholds.
2. The City Manager is authorized to approve Minor Modifications.
 3. Any request for Minor Modification shall be made in writing to the City Manager. If an approved site plan exists, the request for Minor Modification shall be accompanied by copies of the revised site plan.
 4. Modification of conditions attached to an approved amendment that are not classified as a Minor Modification constitute a "Major Modification" for purposes of interpreting this Section.

B. Major Modification.

1. Any modification request that exceeds the thresholds for a Minor Modification, or any modification the City Manager determines to be substantial enough to require Board of Mayor and Commissioners review, is considered a Major Modification.
2. Any Major Modification, as well as requests to approved Amendments shall be processed as a new amendment application in accordance with the procedures of this article, including the requirement for fees, notices, and hearings.
3. Any future alterations of conditions attached to an approved amendment shall be processed as a new amendment application in accordance with the procedures of this article, including the requirement for fees, notices, and hearings.

Division 7.6 - Developments of Community Impact

Section 7.6.1 - Applicability

Any development or building project on a site consisting of two (2) acres or more that is not seeking an amendment or conditional use shall proceed through the Developments of Community Impact (DCI) process. These requirements shall also apply to common plans of development that take place on different parcels, at different times, or on different schedules within a 24-month period.

Section 7.6.2 - Purpose

A. The purpose of the DCI shall be to:

1. Provide for unified approaches to the development of land;
2. Provide for the development of stable environments that are compatible with surrounding areas of the community; and
3. Provide for architectural review and approval for individual large-scale projects not subject to other legislative review.

Section 7.6.3- Authority to File

Applications for DCIs may be filed by the owner of the subject property or the property owner's authorized agent.

Section 7.6.4- Pre-application Meeting

A pre-application meeting is required for all DCIs.

Section 7.6.5- Application Filing

A. At a minimum, the application shall be completed on forms provided by the City Planning and City Planning and Community Development Department and shall be accompanied by:

1. Table of contents for the application and supporting materials;
2. Location map;
3. Narrative description of the nature and intent of the application, characteristics of the site, and

a quantitative and qualitative description of the uses, buildings, and structures included in the proposed development;

4. Development plans as described in **Section 7.6.5.B**.
5. Justification for criteria in **Section 7.6.10 - Review and Approval Criteria**;
6. Variances and waivers shall be submitted in accordance with the concurrent variance process outlined in **Division 7.7 - Concurrent Variances**.

B. The following development plans drawn, stamped, and sealed by a state-registered professional surveyor, civil engineer, landscape architect, or land planner:

1. *Existing Site Conditions*. An analysis of existing site conditions, including a boundary survey and topographic map of the site shall include information on all existing manmade and natural features, utilities, all streams and easements, and features to be retained, moved or altered. The existing shape and dimensions of the lot to be built upon, including the size, measurement and location of any existing buildings or structures on the lot shall be included.
2. *Master Plan*. A master plan showing compliance with all regulations and calculations required by the Zoning Ordinance which shall include, but not be limited to, information on all proposed improvements, proposed building footprints, densities, parking ratios, open space, height, sidewalks, yards, under and over-head utilities, internal circulation and parking, landscaping, grading, lighting, drainage, amenities, and similar details including their respective measurements.
3. *Landscape Plan*. A site plan showing compliance with all regulations and calculations required by the Zoning Ordinance, which shall include, but not be limited to, information on landscaping, grading, tree species, and the number of all plantings and open space including the landscaping that is being preserved, removed and that which is replacing the landscaping that is removed.
4. *Architectural Design*. Preliminary architectural plans and all elevations with sufficient detail to demonstrate compliance with all design criteria of this Chapter, as well as the regulations and calculations required by the Zoning Ordinance shall include, but not be limited to, scaled floor plans and elevation drawings of proposed buildings and structures and information on building materials, features, exterior finish legend, windows, doors, colors, and items affecting exterior appearance, such as signs, air conditioning, grills, compressors, dumpsters, transformers, and similar details including their respective measurements.
5. *Site Planning*. Site planning in the proposed DCI shall consider the topography, the location of structures, buffers, screening, stream buffers, floodplains, wetlands, setbacks, transit, pedestrian and bike access, and street design that demonstrates multi-modal access and connectivity of the development with its surrounding areas that includes bicycle/pedestrian connections to schools, retails, and parks adjacent to the project boundary.
6. *Service and Emergency Access*. Access and circulation shall adequately provide for firefighting and other emergency equipment, service deliveries and refuse collection.
7. *Utilities*. Provision shall be made for acceptable design and construction of electric and natural gas utilities, water supply, wastewater collection, and stormwater management facilities, as required by **Appendix B - Subdivision Regulations**.
8. *Phasing Plan*. Should a DCI be expected to require five years or longer to complete, a phasing plan shall be provided by the applicant that indicates the timeframe for construction and development of each phase of the DCI.

Section 7.6.6 - Public Hearing Notices

Notice of public hearings shall be provided as follows:

A. Each notice shall provide the following information:

1. Time of hearing
2. Place of hearing
3. Purpose of request
4. Location of property

5. Present zoning

- B. **Newspaper Notice.** Newspaper notice shall be published at least 15 days but not more than 45 days before the date of the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners public hearings.
- C. **Posted Notice.** Posted notice (signs) shall be posted at least 15 days but not more than 45 days before the date of the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners public hearings.

Section 7.6.7 - Staff Review

Upon receipt of a complete DCI application, the City Planning and Community Development Department shall review the proposal and prepare an analysis and recommendation for consideration by the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners. This review and analysis shall be transmitted to the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners before their public hearings on the matter. The staff report shall also be made available to the applicant and the general public.

Section 7.6.8 - Planning, Architecture, Zoning Board (PAZB) Public Hearing and Recommendation

- A. The PAZB shall hold a public hearing to consider all DCI applications. At the public hearing, City staff shall introduce the DCI request and outline its recommendation based on the criteria of **Section 7.6.10 - Review and Approval Criteria**. The applicant for the DCI shall have the right to present testimony and other evidence in support of the DCI request. Proponents and opponents of the DCI request shall each be permitted a minimum of ten (10) minutes per side to present their testimony and any documentary evidence. The applicant shall have the right to refute by rebuttal any evidence presented by the other side, such rebuttal being limited to five (5) minutes. The PAZB may ask questions and seek clarification of any testimony or evidence presented.
- B. Following the close of the hearing and consideration of all testimony, documentary evidence, and matters of record, the PAZB shall act to recommend that the DCI be approved, approved with conditions, or denied based on the applicable review and approval criteria of **Section 7.6.10 - Review and Approval Criteria**. The PAZB may also recommend deferral of the application, or, upon request of the applicant, withdrawal of the application without prejudice.
- C. The PAZB may defer the application once for one (1) period of up to 30 days, or one (1) zoning cycle, whichever is longer, with the subsequent hearing date based upon the next available hearing on the approved hearing calendar.
- D. The PAZB's recommendation shall be transmitted to the BOMC. Neither the recommendation of the staff or the PAZB is binding on the BOMC.

Section 7.6.9 - Board of Mayor and Commissioners (BOMC) Public Hearing and Decision

- A. The BOMC shall hold a public hearing to consider all DCI applications. At the public hearing, City staff shall introduce the DCI request and outline its recommendation based on the criteria of **Section 7.6.10 - Review and Approval Criteria**. The applicant for the DCI shall have the right to present testimony and other evidence in support of the DCI request. Proponents and opponents of the DCI request shall each be permitted a minimum of ten (10) minutes per side to present their testimony and any documentary evidence. The applicant shall have the right to refute by rebuttal any evidence presented by the other side, such rebuttal being limited to five (5) minutes. The BOMC may ask questions and seek clarification of any testimony or evidence presented.
- B. Following the close of the hearing and consideration of all testimony, documentary evidence, and matters of record, the BOMC shall act to approve the DCI, approve the DCI with conditions, or deny the requested DCI. The BOMC is also authorized to defer action on the DCI, refer the application back to the PAZB for reconsideration, or allow the applicant to withdraw the DCI without prejudice.
- C. The BOMC's final decision shall be made within a reasonable period of time, but in no event, more than 60 days from the date of the close of the hearing.

Section 7.6.10 - Review and Approval Criteria

The review and approval criteria shall be used in reviewing and taking action on all DCI applications. No

application for a DCI may be granted by the BOMC unless satisfactory provisions and arrangements have been made concerning each of the following considerations:

- A. Design shall be in harmony with the general character of the neighborhood and surrounding area, considering factors such as mass, placement, height, changing land use patterns, and consistency of exterior architectural treatment, especially in areas of historic and special design interest.
- B. Design components shall be planned such that they are physically and aesthetically related and coordinated with other elements of the project and surrounding environment to ensure visual continuity of design.
- C. Design shall protect scenic views, particularly those of open space, and utilize natural features of the site.
- D. Design shall protect adjacent properties from negative visual and functional impacts.
- E. Design shall respect the historical character of the immediate area as integral parts of community life in the City and shall protect and preserve structures and spaces which provide a significant link within these areas.
- F. All exterior forms, attached to buildings or not, shall be in conformity with, and secondary to, the building.
- G. The proposed development is suitable in view of the use and development of adjacent and nearby property.
- H. The proposed development does not adversely affect the existing use or usability of adjacent or nearby property.
- I. The proposed development does not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- J. The proposed development is in conformance with the applicable zoning district.
- K. The proposed development is in conformance with the provisions of the future development plan articulated in the City's Comprehensive Plan and any sub-area plan.

Section 7.6.11 - Expiration

- A. A plan approved for a DCI shall expire two (2) years from date of approval. Unless a land disturbance permit or building permit for the principal structure has been granted by the City Planning and Community Development Department. A one-year extension may be granted by the City Manager.
- B. Notwithstanding the foregoing, a plan approved for a DCI shall expire five (5) years from the date of approval of the Board of Mayor and Commissioners. An extension may be granted by action of the City Manager. A DCI may extend beyond the five years, without the need for an extension, if accompanied by a phasing plan established pursuant to **Section 7.6.5 - Application Filing**.
- C. DCI plans that expire pursuant to this Section shall be null and void.

Division 7.7 - Concurrent Variances

Section 7.7.1 - Authority

The Board of Mayor and Commissioners is authorized to consider and approve, approve with conditions, or deny variances that would otherwise require approval under **Division 7.2 - Variances** simultaneously with an amendment, conditional use permit, or DCI application. In such instances, the notices published and posted as provided by **Section 7.6.2 - Public Hearing Notices** shall also include notice that concurrent variances are being sought.

Section 7.7.2 - Process

- A. The concurrent variance process shall follow the general procedures outlined in **Division 7.2 - Variances**.
- B. The staff and PAZB shall make a recommendation on the requested concurrent variance in addition to its recommendation on the companion application. The PAZB shall make its recommendation, and the BOMC shall take action on the concurrent variance request in a separate motion after acting on the companion application.

- C. Any application for a variance that is not processed simultaneously with an amendment, conditional use permit, or DCI application shall be processed as a separate variance request in accordance with the procedures of **Division 7.2 - Variances**.

Section 7.7.3 - Review and Approval Criteria

In taking action on concurrent variance requests, the PAZB and BOMC shall apply the variance review and approval criteria of **Section 7.2. - Review and Approval Criteria**.

Section 7.7.4 - Appeals

See **Division 7.9 - Appeals**.

Division 7.8 - Appeals of Administrative Decisions

Section 7.8.1 - Applicability

The procedures of this Division apply to provide for appeals of final administrative decisions and interpretations of this Zoning Ordinance, unless otherwise specifically addressed elsewhere in this Zoning Ordinance.

Section 7.8.2 - Authority to File

Appeals of administrative decisions may be filed by any person aggrieved by, or by any City official, department, board or agency affected by any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this Zoning Ordinance. A person may be considered aggrieved for purposes of this Section only if they are the applicant, the owner of the property that is the subject of the administrative official's decision.

Section 7.8.3 - Application Filing

Applications for appeals of administrative decisions shall be filed with the City Planning and Community Development Department within 30 days of the date of the order, requirement, or decision being appealed. Failure to act is not an order, requirement, or decision within the meaning of this division. The appeal shall be scheduled to be heard at the next regularly scheduled Board of Mayor and Commissioners meeting for which required hearing notice can be provided, unless the applicant agrees to a later hearing date.

Section 7.8.4 - Effect of Appeal

The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the Board of Mayor and Commissioners, after the appeal is filed, that, because of facts stated in the certification, a stay would cause imminent peril to life or property. In such a case, proceedings may be stayed only by a restraining order granted by the superior court on notice to the official whose decision is being appealed and on due cause shown.

Section 7.8.5 - Record of Decision

Upon receipt of a complete application of appeal, the City Manager or other administrative official whose decision is being appealed shall transmit to the Board of Mayor and Commissioners all papers constituting the record upon which the action appeal is taken.

Section 7.8.6 - Hearing Notice

Mailed notice of the Board of Mayor and Commissioners hearing shall be provided to the appellant at least 15 days before the date of the Board of Mayor and Commissioners hearing. If the applicant was not the original applicant for relief, the original applicant shall also receive notice.

Section 7.8.7 - Hearing and Decision

- A. The Board of Mayor and Commissioners shall hold a hearing to consider all appeals of administrative decisions. The hearing is not a public hearing. The only participants are the appellant, the original applicant if other than the appellant, and the City Manager or other administrative official whose decision is being appealed. Participants in the hearing may present testimony, produce documentary evidence and may cross examine testimony and evidence provided by another participant. The Board of Mayor and Commissioners may ask questions or seek clarification from any participant in the hearing.

- B. Following the close of the hearing and consideration of all testimony, documentary evidence, and matters of record, the Board of Mayor and Commissioners shall make a decision. The decision shall be made within a reasonable period of time, but in no event, no more than 60 days from the date of the close of the hearing.
- C. In exercising its powers, the Board of Mayor and Commissioners may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. To that end, the Board of Mayor and Commissioners has all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by all other applicable laws are met.

Section 7.8.8 - Review and Approval Criteria

An appeal may be sustained only upon a finding by the Board of Mayor and Commissioners that the administrative official's action was based on an erroneous finding of a material fact or that the administrative official acted in an arbitrary manner.

Section 7.8.9 - Appeals

See Division 7.9 - Appeals.

Division 7.9 - Appeals

Section 7.9.1 - Applicability

The procedures of this Division apply to final decisions made by the Board of Mayor and Commissioners made pursuant to this Zoning Ordinance.

Section 7.9.2 - Authority to file.

- A. Any person aggrieved by a final decision of the BOMC may seek review in the Superior Court of DeKalb County within 30 days of the date of decision by filing a petition for a writ of certiorari.
- B. A person is considered aggrieved for purposes of this Section only if the person or their property was the subject of the action appealed from, or the person has a substantial interest in the action being appealed that is in danger of suffering special damage or injury not common to all property owners similarly situated.

Section 7.9.3 - Application filing.

Appeals of final quasi-judicial decisions of the Board of Mayor and Commissioners (BOMC), as categorized by Georgia law, shall be by way of a writ of certiorari to the DeKalb County Superior Court, with the writ of certiorari obtained within 30 days of the decision, and following the statutory procedures for obtaining the writ of certiorari and pursuing such appeals. All other final decisions of the BOMC, shall be appealed to the DeKalb County Superior Court within 30 days of the date of the decision and in accordance with the procedures established by Georgia law.

ARTICLE 8 | ADMINISTRATION AND ENFORCEMENT

Division 8.1 - Inspections

Section 8.1.1 - Right of Entry

- A. Upon presentation of City identification to the developer, contractor, owner, owner's agent, operator or occupants, City employees authorized by the City Manager shall be permitted to enter during all reasonable hours, or outside reasonable hours in the event of any emergency threatening life or property, any public or private property for the purpose of making inspections to determine compliance with the provisions of this Zoning Ordinance during the open period of any development plan or permit.
- B. Upon presentation of City identification to the developer, contractor, owner, owner's agent, operator or occupants, City employees authorized by the City Manager may seek to enter, during all reasonable hours, or outside reasonable hours in the event of any emergency threatening life or property, any public or private property for the purpose of making inspections to determine compliance with the provisions of this Zoning Ordinance following issuance of a Certificate of Occupancy. Where consent is not given to entry, such City employees may seek a warrant pursuant to **Section 8.1.2** secure entry to the

premises.

- C. If a property or facility has security measures in force, which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to the City Manager.
- D. The owner or operator shall allow the City Manager ready access to all parts of the premises for the purposes of inspection, investigation, observation, monitoring, measurement, recording, enforcement, sampling and testing, photography and videotaping for ensuring compliance with the provisions of this Zoning Ordinance. The owner or operator shall allow the City Manager to examine and copy any records that are required under the conditions of any permit granted under this Zoning Ordinance.
- E. The City Manager shall have the right to set up on any premises, property or facility such devices as are necessary to conduct any monitoring and/or sampling procedures.
- F. The City Manager may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the Department. The owner shall maintain this sampling and monitoring equipment at all times in a safe and proper operating condition or operator at his/her own expense.
- G. Any temporary or permanent obstruction to safe and easy access to the premises, property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the City Manager and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- H. Unreasonable delays in allowing the City Manager access to a facility, property or premises shall constitute a violation of this Zoning Ordinance.
- I. If the City Manager has been refused access to any part of a premises, property, or facility and the City Manager is able to demonstrate probable cause to believe that there may be a violation of this Zoning Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Zoning Ordinance or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the City Planning and Community Development Department may seek issuance of an inspection warrant from the municipal court.
- J. The City Manager may establish inspection schedules necessary to enforce the provisions of this Zoning Ordinance.

Section 8.1.2 - Inspection Warrants

- A. The Department, in addition to other procedures provided, may obtain an inspection warrant for the purpose of inspection or investigation of conditions relating to the enforcement of this Zoning Ordinance or observation, measurement, sampling or testing with respect to the provisions of this Zoning Ordinance.
- B. Inspection warrants may be issued by the municipal court when the issuing judge is satisfied that the department has established by oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection that includes the property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of the property.
- C. An inspection warrant shall be issued only if it meets the following requirements:
 - 1. The warrant is attached to the affidavit required to be made in order to obtain the warrant;
 - 2. The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or occupant of the property or discharger can reasonably determine from it the property for which the warrant authorizes an inspection;
 - 3. The warrant indicates the conditions, objects, activities or circumstances which the inspection is intended to check or reveal; and
 - 4. The warrant refers, in general terms, to the code provisions sought to be enforced.

Division 8.2 - Enforcement

Section 8.2.1 - Responsibility for Enforcement

- A. If the City Manager determines that any violation of this Zoning Ordinance is taking place, or that a condition of Zoning, DCI, variance, or other permit or administrative approvals are not complied with, the City Manager shall present to the owner, owner's agent, occupier, or party responsible for such use or activity, a notice of violation and order the use or activity to cease immediately.
- B. The notice shall at least contain the following information:
 - 1. The name and address of the owner or responsible person;
 - 2. The address or other description of the site upon which the violation is occurring;
 - 3. A description of the nature of the violation;
 - 4. A description of the remedial actions or measures necessary to bring an action or inaction into compliance with a permit, approved plan or this Zoning Ordinance;
 - 5. The deadline or completion date of any such remedial actions or measures, to consist of not less than ten days, except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient; and
 - 6. A statement of the penalty or penalties that may be assessed against the owner or responsible person to whom the Notice of Violation is directed.
- C. If the violation has not been corrected within a reasonable length of time provided for in the notice of violation, the owner of the property on which such violation has occurred, or the owner's agent, property occupant, or other party responsible for the violation, shall be issued a citation and be subject to the penalties set forth in this Chapter, as may be imposed by the Municipal Court. However, the City Manager may, at his/her discretion, extend the time for compliance with a notice of violation for good cause.

Section 8.2.2 - Stop Work Orders and Revocations

The City Manager may issue a Stop Work Order, which shall be served on the applicant or other responsible person. The Stop Work Order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the Stop Work Order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

Section 8.2.3 - Other enforcement

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of, any one or more of the following actions may be taken against the person to whom the notice of violation was directed. Before taking any of the following actions, the City Planning and Community Development Department shall first notify the applicant or other responsible person in writing of its intended action as provided in **Section 7.2.6 - Public Hearing Notices**. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City Planning and Community Development Department may take any one or more of the following actions or impose any one or more of the penalties provided in **Section 8.2.4 - Penalties for Violations**:

- A. Withhold certificate of occupancy/completion. The City Planning and Community Development Department may refuse to issue a certificate of occupancy/completion for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- B. Suspension, revocation or modification of permit. The City Planning and Community Development Department may suspend, revoke or modify the permit authorizing the project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the City Planning and Community Development Department may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

Section 8.2.4 - Penalties for Violations

- A. **Civil Penalties.** Where authorized by statute, in the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described by the specified deadline or completion date, the City may impose a penalty not to exceed \$1,000.00 (for each day the violation is not remedied after the specified deadline or completion date).
- B. **Criminal Penalties.** The Police Department or Code Enforcement Officer may issue a citation to the applicant or other responsible person, requiring such person to appear in the municipal court of the City to answer charges for such violation. Upon conviction, a fine not to exceed \$1,000.00 or imprisonment for 60 days or both shall punish such person. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Division 8.3 - Nonconformities

Section 8.3.1 - Purpose

Within the districts established by the Avondale Estates Zoning Ordinance (Zoning Ordinance) and in other provisions and Amendments thereto, there exist lots, uses of land, structures, and development features that were lawfully established before the Zoning Ordinance was adopted or amended, but that would be prohibited under the terms of this Ordinance or future amendment. They are collectively referred to herein as "nonconforming situations."

Section 8.3.2 - Determination of Nonconforming Situations

- A. Nonconforming structures include nonconforming buildings. An example of a nonconforming structure would be a building that was legally permitted prior to the enactment of this ordinance or prior to annexation that now fails to meet the regulations established in this Zoning Ordinance.
- B. An example of a nonconforming use of land would be a food processing plant that is located in a CBD district. It was legally permitted in the GC district in 1982; however, the use is not permitted in the current CBD district.
- C. Common examples of nonconforming development features are off-street parking or loading areas that contain fewer spaces (or more, in the case of parking maximums) than required by current regulations and sites that do not comply with current landscaping or screening requirements.
- D. Such nonconforming situations are hereby declared to be incompatible with authorized and permitted uses and regulations within the district(s) involved. It is the intent of the City to require the cessation of certain of these nonconforming situations and to allow others to continue on a limited basis until they are otherwise removed or cease. Furthermore, the City intends that nonconforming situations not be used as grounds for adding other buildings, structures, or uses of land prohibited by this Zoning Ordinance, and that such nonconforming situations not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.
- E. The ability to maintain nonconforming situations pursuant to this Division shall only apply to existing features. For any new development features or building additions, the provisions of each applicable Section of this code apply, regardless of whether they are triggered by the thresholds in **Table 8.3.9 - Redevelopment Improvements**. For example, additional parking spaces shall comply with all parking lot landscaping requirements, and a new dumpster shall comply with all dumpster setback and screening requirements, regardless of whether any of the thresholds is exceeded.

Section 8.3.3 - Increase of Nonconformity Prohibited

Unless otherwise specifically authorized, no nonconforming situation shall be enlarged, expanded, moved or otherwise altered in any manner that increases any aspect of the existing degree of nonconformity.

Section 8.3.4 - Burden of Nonconforming Status

- A. The burden of proving a nonconformity was lawfully established rests entirely with the subject landowner.
- B. A preponderance of evidence shall be provided by the subject landowner and be sufficient to show that the nonconformity was lawfully established before adoption of the subject regulations. Evidence shall also indicate that the nonconformity has been continuous and that the situation has not lost its nonconforming status. Examples of reliable evidence include: occupational tax certificates; building permits; zoning compliance permits; County billing records; utility billing records; assessment, tax or

rent records; and directory listings.

- C. The City Manager shall determine whether adequate proof of nonconforming status has been provided by the subject landowner.

Section 8.3.5 - Nonconforming Lots of Record

- A. An undeveloped lot that has an area, frontage, or other characteristic that does not conform to the requirements of the district in which it is located but was legally subdivided as a lot of record at the time it was permitted may be used for any use allowed in the zoning district in which it is now located; however, any use or structure built on this lot subsequent to the enactment of this Zoning Ordinance and any further subdivision of this lot or combination of this lot with another lot shall conform to all other standards of this Zoning Ordinance.
- B. Where land is taken for public purposes from a lot of record that was conforming at the time of such taking but becomes nonconforming due to said taking, the lot remaining shall be construed as a nonconforming lot of record.

Section 8.3.6 - Nonconforming Uses

- A. A nonconforming use of land may be continued so long as it is and remains otherwise lawful, subject to the following provisions:
 - 1. No nonconforming use of land shall be enlarged or increased, nor extended to occupy a greater area of land or floor area than was occupied prior to the date of adoption or amendment of the Zoning Ordinance making such use nonconforming.
 - 2. Unless otherwise specifically authorized, no nonconforming use of land shall be moved, enlarged, or extended, in whole or in part, onto any portion of the lot or parcel other than that portion occupied by such use prior to the date of adoption or amendment of the Zoning Ordinance making such use nonconforming.
 - 3. If any nonconforming use of land is discontinued for any reason for six (6) months, any subsequent use of land shall conform to the regulations specified by this Zoning Ordinance for the district in which such land is located.
 - 4. Vacancy or non-use shall constitute discontinuance regardless of the intent of the owner, tenant, or lessee. Such restriction shall not apply for any period of time that such cessation is a direct result of governmental action impeding access to the premises.

Section 8.3.7 - Nonconforming Structures

- A. A nonconforming structure may be continued so long as it is and remains otherwise lawful subject to the following provisions:
 - 1. No nonconforming structure may be enlarged or altered in a way which increases any aspect of its existing degree of nonconformity, but any structure or portion thereof may be enlarged or altered if the degree of its nonconformity remains the same or is decreased, provided such structure is used for a permitted use.
 - 2. Should any nonconforming structure or nonconforming portion of structure be destroyed by any means except through a willful act of the owner or tenant, to an extent of more than 50 percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Ordinance. Should such structure or portion thereof be so destroyed to an extent of 50 percent or less of its replacement cost at the time of destruction, it may be reconstructed, provided said reconstruction does not increase any aspect of the previously existing aspect of nonconformity; said reconstructed structure is used for a permitted use.
 - 3. A nonconforming structure may be moved on its own lot only if such movement reduces the degree of nonconformity or eliminates such nonconformity.
 - 4. Where a nonconforming structure is moved off its previous lot, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
 - 5. In cases where land is taken for public purposes from lots of record that are conforming at the time of such taking in such manner as to reduce setback(s) previously provided in relation to a

portion of a structure below setback requirements applicable within the district, the portion of the structure involved shall be construed to be nonconforming.

- B. Unsafe buildings. Nothing in this Zoning Ordinance shall prevent the maintenance, strengthening, or restoring to a safe condition of any part of any building or structure declared unsafe by the City Manager or other proper authority.

Section 8.3.8 - Nonconforming Development Features

- A. Nonconforming development features may remain except as otherwise expressly stated in this Zoning Ordinance, but the nature and extent of nonconforming site features may not be increased except as otherwise expressly stated in this Zoning Ordinance.
- B. No change to any nonconforming development feature shall be made which increases the degree of nonconformity with the requirements of the Zoning Ordinance, but changes may be made which result in the same or a lesser degree of nonconformity. In cases where land is taken for public purposes in such a manner as to reduce existing off-street parking, loading or other development features that is required by the regulations for the current district, the deficiency thus created shall be construed as a nonconforming development feature.

Section 8.3.9 - Improvements Required for Redevelopment

A. Applicability

1. Renovations, alterations, adaptations, additions, restorations, repairs, or other redevelopment of a structure, or portions of a structure or site, that was in existence prior to the adoption of this Zoning Ordinance, shall be subject to the this Section.
2. Redevelopment projects require compliance with standards for new construction in the Zoning Ordinance when the value of the proposed improvements exceeds the thresholds in **Table 8.3.9 - Redevelopment Improvements**.
3. Notwithstanding the above applicability, the added cost to construct the improvements shall not exceed 125 percent (125%) of the fair market value of the structure immediately prior to such redevelopment or \$20,000.00, whichever is greater. In such cases, the provisions requiring completion shall be applied in the order listed in the table below until the 125 percent (125%) cap is met.

B. Exemptions

This Section shall not apply to single-family attached or detached uses or projects developed in accordance with the standards in **Division 4.2 - Adaptive Reuse Overlay District**.

C. Method of Calculating Thresholds.

1. Fair market value of a structure or site shall be determined by the DeKalb County Tax Assessor.
2. The phrase "construction costs" in this Section shall encompass all costs, including phased project costs, for a cumulative period of 36 months after the date of the initial redevelopment application.
3. Construction costs shall be calculated based on uses listed in the ICC Building Valuation Data Construction Cost Table (latest published edition).

Table 8.3.9 - Redevelopment Improvements

Applicable Standard	Construction costs as a percentage of the fair market value of the structure		
	40%-60%	61%-80%	81% or more
● = Mandatory compliance with the indicated Section			
Streetscapes (Section 3.2.8.E)	●	●	●
Bicycle Parking (Section 6.2.3)	●	●	●

Pedestrian Access (Section 6.2.13.E)	-	●	●
Activated Streets (Section 6.2.13.F)	-	●	●
Resiliency Requirements (Division 6.8)	-	●	●
Standards for new construction (remainder of Chapter 21)	-	-	●

Division 8.4 - Permits

Section 8.4.1 - Permits Required

A. Required permits include but are not limited to the following:

1. **Building Permit.** A building permit, to indicate and ensure compliance with all provisions of this Chapter, shall be required for any proposed use of lands or building before any improvements or grading of lands or any alteration or construction of buildings commences.
2. **Land Disturbance Permit.** Before any improvements or grading of the land commences, a land disturbance permit shall be required.

B. *Site Plan Requirements.*

All applications for development and building permits shall be made to the City. Site plans shall include all of the following information, unless determined to be unnecessary by the City Manager based on the scale and scope of the project:

1. Name. Name of the proposed development, names, addresses, and phone number of the owners, and the designer of the site plan and his seal.
2. Date and scale. Date, north arrow, and graphic scale.
3. Survey boundaries. Surveyed boundaries of the entire tract and their relationship to adjoining properties, public rights-of-way, and easements.
4. Location map. A general location map, indicating existing zoning on or adjacent to the site, adjoining roads, and the adjacent areas.
5. Building locations. Location of all proposed buildings, their shape, size, and set back in appropriate scale.
6. Parking and loading. All required parking and loading facilities for non-residential uses.
7. Right-of-way. Show the location, with lengths and widths, and the name or purpose of all rights-of-way of streets, roads, alleys, railroads, public crosswalks, and applicable easements.
8. Buffers. Show the location and design of proposed and required buffers and landscaping.
9. Environmentally sensitive areas. Show building or development proximity to water supply watershed protection district, wetlands protection district, mountain protection district and the boundary and elevation of the 100-year floodplain as determined by the past history of flooding or the best available data.
10. Proposed improvements. The names, where appropriate, and locations and dimensions of proposed streets, alleys, sidewalks, easements, buildings, parking and loading, dumpsters, recreation areas and facilities, yards, landscaping, and other open spaces.
11. Adjacent developments. All other information concerning the lot or adjoining lots as may be essential to determine whether the proposed development meets the provisions of this Chapter shall be included in the sketch plan.
12. Additional information requested by staff to adequately determine if all conditions of the City Manager or other approvals have been met.

C. *Duration of Plan Validity/Expiration.*

1. In the event the building or site development plans are denied because revisions are required,

the applicant may submit revised plans. If the applicant fails to submit revisions within 180 days of filing the completed application, the application and site plans shall be deemed withdrawn. If revised plans are not approved within 180 days of filing the completed application, the plan(s) shall be deemed denied. The plans will not expire within 180 if the inactivity is a result of a pending review from an external agency outside the City or applicant's control.

2. In the event that a permit has not been issued for approved plans, building and development plans shall expire within 180 days of notice of plan approval.

D. Issuance of Permits.

If the proposed building or development activity as set forth in the application are in conformity with the provisions of this Chapter, then the City Manager shall issue a permit upon payment of the required fee. If a permit is denied, the City Manager shall state such refusal, in writing, with cause. The City Manager shall not issue any permit if the land or building as proposed to be used, constructed, or altered would be in violation to any provisions of this Chapter or any codes and laws of the City, state, or federal government, except as provided herein.

E. Duration of Permit Validity/Expiration.

1. If the work authorized in any permit has not begun within 180 days from the date of permit issuance, the permit expires and has no further effect.
2. If the work described in any permit has not been substantially completed within two (2) years of the date of permit issuance, the permit expires and has no further effect.

F. Certificate of Occupancy Required.

1. A certificate of occupancy/completion issued by the City Manager is required in advance of the occupancy or use of:
 - a. Any building, structure, land, or premises.
 - b. Any building or structure hereafter erected or moved.
 - c. Any building hereafter altered, so as to affect the front, side, or rear yards thereof, or its height.
 - d. Any building, structure, or premises in which there is a change of occupancy or use.
2. The City Manager shall sign and issue a certificate of occupancy/completion if the proposed use of land or building, as stated on the certificate of occupancy/completion, is found to conform to the applicable provisions of this Chapter, and if the building, as finally constructed, complies with the plans submitted for the building and/or development permits.

ARTICLE 9 | TERMINOLOGY AND MEASUREMENTS

Division 9.1 - Language of Interpretation

Section 9.1.1 - Meanings and Intent

The language of the Zoning Ordinance shall be read literally. Regulations are no more or less strict than stated. Words and terms expressly defined in this Zoning Ordinance have the specific meanings assigned, unless the context clearly indicates another meaning.

Section 9.1.2 - Tenses and Usage

- A. Words used in the singular include the plural. The reverse is also true.
- B. Words used in the present tense include the future tense. The reverse is also true.
- C. The words "must," "will," "shall" and "may not" are mandatory.
- D. The word "may" is permissive, and "should" is advisory, not mandatory or required.
- E. When used with numbers, "up to x," "not more than x" and "a maximum of x" all include "x."
- F. The word "lot" includes the word "plot."
- G. The word "used" is deemed to also include "designed, intended, or arranged to be used."

- H. The word "erected" is deemed to also include "constructed," "reconstructed," "altered," "placed," "relocated" or "removed."
- I. The terms "land use" and "use of land" are deemed to also include "building use" and "use of building."
- J. The term "adjacent" shall mean to be separated by common property lines, lot lines, or a street or alley; abutting, adjoining, contiguous, or touching.
- K. The term "Planning, Architecture, Zoning Board," (PAZB) shall mean the Avondale Estates Planning, Architecture, Zoning Board.
- L. 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.
- M. The term "Subdivision Regulations" shall mean Appendix B of the Code of Ordinances Subdivision Regulations of the City of Avondale Estates, 1989, as amended.
- N. The term "Downtown Master Plan" shall mean the 2014 Downtown Master Plan adopted and amended by the Board of Mayor and Commissioners.
- O. The term "Comprehensive Plan" shall mean the current comprehensive plan adopted by the Board of Mayor and Commissioners.

Section 9.1.3 - Conjunctions

Unless the context otherwise clearly indicates, conjunctions have the following meanings:

- A. "And" indicates that all connected items or provisions apply; and
- B. "Or" indicates that the connected items or provisions may apply singularly or in combination.

Section 9.1.3 - Computation of Time

- A. References to "days" are to calendar days unless otherwise expressly stated. References to "business days" are references to regular City government working days, excluding Saturdays, Sundays, and holidays observed by the City.
- B. The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by the City, that day is excluded.
- C. A day concludes at the close of business of City hall, and any materials received after that time will be considered to have been received the following day.

Section 9.1.4 - Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this Zoning Ordinance. In case of any difference of meaning or implication between the text of this Zoning Ordinance and any heading, drawing, table, figure, or illustration, the text governs.

Section 9.1.5 - References to Other Regulations

All references in this Zoning Ordinance to other City, state or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of state or federal regulations.

Section 9.1.6 - Current Versions and Citations

All references to other City, state or federal regulations in this Zoning Ordinance refer to the most current version and citation for those regulations, unless otherwise expressly indicated.

Section 9.1.7 - Lists and Examples

Lists of items or examples that use "including," "such as" or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

Section 9.1.8 - Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that department head, officer or employee is authorized to delegate the assigned

responsibility to other individuals over whom they have authority. This includes the identification of the City Manager or other position throughout the Chapter.

Section 9.1.9 - Public Officials and Agencies

All employees, public officials, bodies, and agencies to which references are made are those of the City of Avondale Estates unless otherwise expressly stated.

Section 9.1.10 - Method for Calculating Minimum Motor Vehicle Parking

Unless otherwise expressly stated in this Zoning Ordinance, off-street motor vehicle parking spaces shall be provided in accordance with the minimum ratios established in **Section 6.2.3 - Parking Requirements**.

- A. **Floor Area.** Parking requirements based on floor area shall be calculated on the basis of gross floor area, minus parking and loading areas and areas of a building occupied exclusively by mechanical equipment, utilities, and service areas that are not intended for human occupancy (e.g., dumpsters and recycling bins).
- B. **Multiple Uses.** Lots containing more than one (1) use or tenant may provide parking in an amount equal to the total aggregate maximum number of spaces for each use or tenant on the lot in accordance with **Section 6.2.3 - Parking Requirements**.
- C. **Calculations.** In calculating the maximum number of parking spaces for uses subject to a parking ratio of "x" spaces per 1,000 square feet, first divide the floor area of the subject use by 1,000 and then multiply the result by "x." If, for example, a maximum parking ratio of 2.5 spaces per 1,000 square feet is applied to a use occupying 1,500 square feet of floor area, the maximum parking requirement for that use is calculated as follows: $(1,500 \text{ sq. ft.} \div 1,000) \times 2.5 = 3.75$, which is rounded up to 4 spaces.
- D. **Occupancy-based Standards.** For the purpose of computing parking maximums based on staff, students, members, residents or occupants, calculations shall be based on the average number of persons working on any single shift, the average enrollment or membership or the area's code-rated capacity, whichever is applicable.
- E. **Establishment of Other Ratios.** Upon receiving a development or permit application for a use not specifically listed, the City Manager is authorized to apply the off-street parking ratio specified for the listed use that the City Manager deems most similar to the proposed use or establish a parking requirement for the proposed use in accordance with **Section 5.2.6 - Determination of Use Categories and Sub-categories**. The City Manager is authorized to establish required parking ratios for unlisted uses and in those instances where authority to establish the parking requirement is expressly provided established on the basis of:
 - 1. A similar use/parking determination (as described in **Section 5.2.6 - Determination of Use Categories and Sub-categories**).
 - 2. On parking data provided by the applicant. Parking data and studies provided by applicants shall include estimates of parking demand based on reliable data collected from comparable local uses or on external data from credible research organizations, such as the Urban Land Institute (ULI) and the Institute of Transportation Engineers (ITE). Comparability will be determined by density, scale, bulk, area, type of activity and location. Such parking studies shall document the source of all data used to develop proposed requirements.
 - 3. Other information available to the City Manager.

Division 9.2 -Terminology and Definitions

Section 9.2.1 - Terms Defined

Except as defined herein, all other words used in this Zoning Ordinance shall be defined in accordance with the American Planning Association (APA) *A Planners Dictionary*, published April 1, 2004, as interpreted by the City Manager. For terms not found in *A Planners Dictionary*, words used shall be defined in accordance with *Merriam-Webster's Collegiate Dictionary, 11 th Edition*, as interpreted by the City Manager.

Accessory Structure: Any structure of secondary importance or function on a site. Generally, the primary use of the site is not carried on in an accessory structure. These may be detached or attached from the primary structure. Examples: car ports, car garages, decks, fences, trellises, barns, swimming pools, gazebos, TV antenna structures. Mobile examples include truck campers.

Accessory Use: A use or activity which is a subordinate part and clearly incidental to the primary use of a site. Accessory uses generally operate out of the same building as the primary use.

Alley: A right-of-way that provides vehicle access to the side or rear of a lot or to a shared parking area. Generally, alleys provide secondary vehicle access; however, where access from a street is not allowed or not possible, the alley may provide primary vehicle access.

Applicant: An owner of land or legally appointed owner(s) representative, such as a developer, engineer or architect, who proposes to subdivide, develop, or otherwise alter or change the use of such land.

Arcade: A succession of arches or openings, 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.

Architectural Bay: The space between windows, posts, columns, or buttresses along the length of a building; or a recess in a wall.

Avenue: A thoroughfare designed for high vehicular capacity at low to moderate speed, acting as a connector between short distances; and usually equipped with a landscaped median.

Balcony: An external extension of an upper floor of a building, enclosed up to a height of about three feet by a solid or pierced screen, or by balusters or railings. Balconies serve to enlarge the living space and range of activities possible in a dwelling without a garden or lawn.

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 shared by bicycles and automobiles moving at low speeds.

Bicycle Trail: A bicycle path running independently of a vehicular thoroughfare.

Bioswales: A shallow channel made of grass, rocks, or other types of vegetation with gently sloped sides designed to slow and capture water by efficiently spreading it horizontally across the landscape, facilitating water infiltration into the soil. Bioswales improve water quality and can be used as alternative to storm sewers, or to convey waters to sewers or surface waters.

Blank wall area: A portion of the exterior façade of the building that does not include: windows or doors; columns, pilasters or other articulation greater than 12 inches in depth; or a substantial material change (paint color is not considered a substantial change).

Block: Property, which may consist of contiguous lots, that are bounded by streets, rights-of-way, or improved open spaces, but not alleys.

Boats: 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.

Brick: A masonry building or paving material made from clay molded into blocks and baked that is laid individually in rows and held in place with mortar.

Buffer: The portion of a lot reserved as a landscaped area and used to separate different zoning districts or different uses of property, to protect the health of water resources such as rivers or streams, and/or to abate the impacts of public rights-of-way.

Buildable Lot: Any platted lot, parcel, or tract of land that is a lot of record and of sufficient area and adequate configuration to comply with the building setbacks, floor area, and lot size requirements 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 purpose 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 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.

Building Height: For single family attached and detached dwellings, building height measures the vertical distance from the front door threshold elevation to the highest point of the roof. For all other dwelling types and structures, building height measures the vertical distance from the average grade of the curb adjacent the lot to the highest point of the highest roof beams or ridgeline.

Building Official: The Building Official of the City of Avondale Estates established pursuant to Chapter 5 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: The building in which the principal use of the lot is conducted.

Building, Setback: The distance, at street level, between a right of way line or front, side, or rear lot line (as determined appropriate by zoning district) to the closest point of the principal building or structure on site, except for those projections allowed in required yards.

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

Bulkhead: The lower panels or platform on which traditional display windows rest, often made of wood, brick, or tile. May also be referred to as kickplates.

Bus: Motor vehicles designed or used to transport 10 or more unrelated passengers in exchange for compensation, and that may or may not display commercial identification.

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, Georgia.

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

City: The City of Avondale Estates, Georgia.

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

Companion Animal: Animals that are commonly kept by persons as a pet or for companionship. Companion animals have the following characteristics: have a special and close relationship with humans; are partially or totally dependent on people; commonly live inside a residence in proximity with humans; form bonds with people; and interact with their human companions. Dogs and cats are common companion animals

Comprehensive Plan: A formal document adopted by the Board of Mayor and Commissioners, amended from time to time and 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 reference in administering the Zoning Ordinance.

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 **Division 7.5 - Amendments and Conditional Uses** of this Ordinance.

Construction: Any earth disturbing site preparation including, but not limited to, demolition, mining, dredging,

drilling, filling, clearing, grubbing, grading, paving, impervious cover installation sufficient to significantly change the quantity or direction of water/run-off flows across the property, or vertical assembly of any structure. See Development.

Cornice: Projecting moldings that sit on brackets located on the roofline of some buildings. Used to protect the structure's wall by directing rainwater away from the building, although its traditional function is also decorative.

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

Development: A man-made physical change to a structure or site. Includes changes made to buildings, other structures, parking and loading areas, landscaping, and improved open spaces such as parks or plazas. Includes construction activities but not normal maintenance or repair. See Normal Maintenance and Repair.

Display Window: Large plate glass windows at the street level of a façade and used to display merchandise. A key feature of traditional storefronts of the late 19th and early to mid-20th centuries.

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.

Driveway: A vehicular lane within a lot, often leading to a garage or other parking area.

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

Electric Vehicle (EV): An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current which is charged by being plugged into an electrical source.

Electric Vehicle Supply Equipment (EVSE): The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

Electric Vehicle Supply Equipment (EVSE) Infrastructure: The equipment, as defined by the National Electrical Code, which is provided to support future electric vehicle charging. This shall include, but not be limited to: the design load placed on electrical panels and service equipment to support the additional electrical demand, the panel capacity to support additional feeder / branch circuits, the installation of raceways, both underground and surface mounted, to support the electrical vehicle supply equipment.

Plug-In Hybrid Electric Vehicle (PHEV): An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current which is charged by being plugged into an electrical source, and having a second source of motive power such as gasoline or diesel.

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 each 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.

EV Chargers (DC Fast, Level 1, Level 2):

1. For Level 1 and Level 2, electronics on board the car transform regular household power consisting of alternating current into the direct current form used by batteries.
 - a. A Level 1 station simply means to plug into a regular household outlet which on average

offers 120 volts and 1.4 kilowatts, resulting in a range of four (4) miles per hour of charge.

- b. A Level 2 station requires use of a special box holds up to 240 volts and up to 7.6 kilowatts, increasing range to 25 miles per hour of charge.
2. DC Fast Chargers convert AC power into DC power inside a freestanding station before releasing to the vehicle, bypassing the electronics on board the car, thus allowing for direct battery recharge. Their use requires more power than available at a normal home, so these stations most commonly installed at public or commercial locations. DC Fast Chargers offer a 40-mile range per 10-minutes of charge.

Exterior Finish Materials: Materials which form part of or are situated on the outermost, weather bearing façades of a building or structure.

Façade: The exterior wall of a building that fronts or is visible from a street or open space.

Family: One (1) or more persons related by blood, marriage, domestic partnership, legal adoption or guardianship, who live together in one dwelling unit, provided that such family shall contain no more than four (4) individuals not related by one of the means above.

Fence: A structure designed to provide separation and security, constructed of materials including chain link, wire, metal, artistic wrought iron, masonry, or other similar building material.

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

Finished Floor Area: The total square footage of enclosed space within the exterior walls of a building. Finished floor area calculations should not include the square footage of basements whose floor sits lower than eight feet above the adjacent grade of the exterior wall; or, (2) attic spaces having a ceiling to floor height of less than eight feet; or, (3) any spaces intended for the parking of vehicles.

Floor Area Ratio (FAR): Calculated by dividing the total floor area of all buildings on a lot by total area of the lot on which the buildings are located.

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 street or right-of-way. Façades facing frontage lines define the public realm and are therefore more regulated than the elevations facing other lot lines.

Green Roof: A roof system in which a vegetated area includes grass, trees, shrubs, flowers, and similar plant materials.

Grilles (fake muntins): A group of fake muntins which does not actually separate anything but creates a decorative pattern that simulates traditional muntins.

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

Ground Story: The floor with a primary pedestrian access at or nearest to finished street grade.

Health Department: The Health Department of DeKalb County, Georgia.

High Efficiency Appliances: Must meet or exceed EnergyStar ratings and may comply with Super-Efficient Appliance Initiative (SEHA).

Horizontal Façade Divisions: The use of a horizontally oriented expression line or form to divide portions of the façade into horizontal divisions at locations designated. Elements may include a cornice, belt course, molding, string courses, or other continuous horizontal ornamentation a minimum of 1.5 inches in depth.

Impervious Surface: Any surface which impedes the natural filtration of water into soil. Mainly consists of artificial structures such as pavements (roads, sidewalks, driveways, and parking lots) that are covered by water resistant materials such as asphalt, concrete, brick, stone, or roof tops. Highly compacted soils, decks, swimming pools, and fountains are also considered impervious surfaces.

Improvements: Sidewalks, streets, utilities, or other facilities installed, or required to be installed, by a developer.

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.

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.

Loading Space, Off-Street: Paved space logically and conveniently situated for pick-up 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 the 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 Unit 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 Area: Lot area is a measure of the total ground-level surface area contained within the property lines of a lot.

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

Lot Coverage: Lot coverage is measured as the area or percentage of a lot that is covered by buildings, structures, swimming pools, streets, sidewalks, patios, decks, driveways, parking areas and other impervious surfaces, often expressed as impervious surface ratio (ISR). Trail improvements that are part of a Board of Mayor and Commissioners-approved plan are not counted as part of a site's impervious surface area for purposes of site development-related calculations and regulations. Lot coverage is used synonymously with impervious coverage.

Lot, Flag: A lot that sits behind lots which face directly onto a street with access provided to the bulk of the lot by means of a narrow corridor, whether providing the minimum amount of street frontage and width or not.

Lot, Through: 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 Frontage: Lot frontage is measured along the front property line adjacent to the street. On a corner lot the side of the lot having the least amount of street frontage is the front property line. For purposes of measuring lot frontage on corner lots with a radius return, the measurement must be taken from the point of intersection of an imaginary extension of the street property lines. For lots with other irregular geometric shapes, lot frontage is measured along an imaginary line located at the building line or the required street setback line, whichever is closer to the street.

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 shorter lot boundary along a public right-of-way.

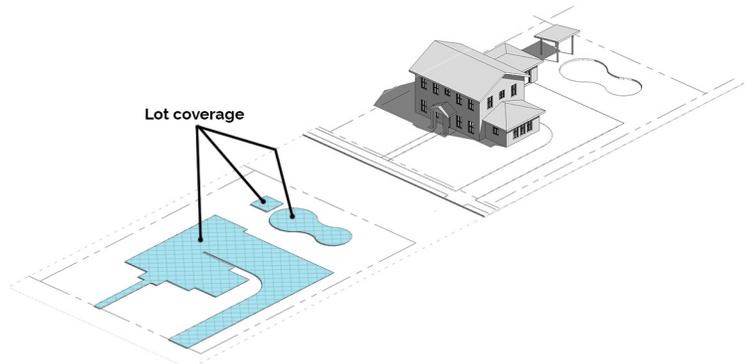


Figure 9.2.1.A - Lot Coverage

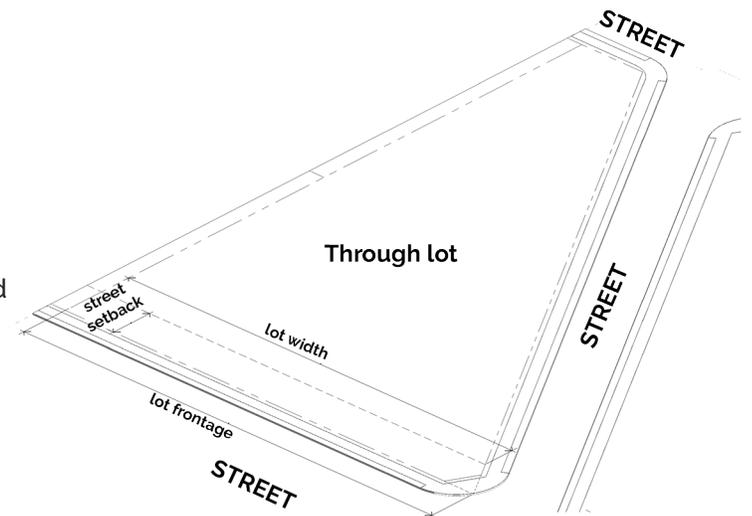


Figure 9.2.1.B - Through Lot

Lot Line, Rear: The boundary opposite and more or less parallel for 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.

Lot Width: Lot width is measured as the distance between the side lot lines, measured along a line drawn parallel to the front lot line at a distance from

the front lot line equal to the minimum street yard setback. For lots with curvilinear frontage and setback lines (e.g.: cul-de-sac lots), the width shall be measured as a straight line through the points that intersect the side lot lines at a distance from the front lot line equal to the minimum street yard setback.

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.

Muntin: A dividing bar between panes of glass.

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

Neighborhood: A geographically defined area comprised of all single-family dwellings (detached or attached) located outside of the Avondale Estates Historic District.

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.

Normal Maintenance and Repair: Actions taken to mend or stabilize a damaged or deteriorated component of a structure or site, using same or similar code-complaint materials, as needed to prevent further disrepair or to bring a property into closer compliance with current zoning regulations. Examples include repainting a painted surface a solid color, re-roofing a damaged roof, or resurfacing paved areas. Does not include construction or redevelopment projects.

Open Space: That portion of a lot, not including required yards, established pursuant to the requirements of this Chapter as open space, which is open and unobstructed from ground level to the sky, with the exception of natural foliage or accessory recreational facilities or walkways, which is accessible to all persons occupying a building on the lot.

Owner: Any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to or sufficient proprietary interests 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 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.

Parking Structure / Parking Deck: A multi-level structure providing one or more stories of parking above or below the finished grade of the street.

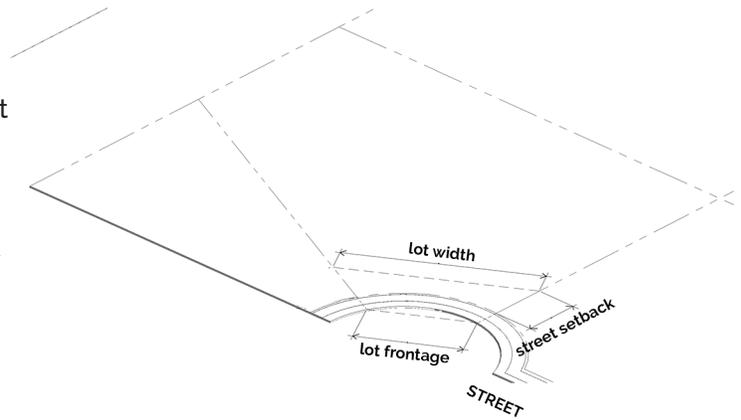


Figure 9.2.1.C - Frontage and width - cul du sac

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

Pilaster: A flat surface that protrudes beyond the wall into which it is built and designed to give the appearance of a supporting column. Pilasters often appear on the sides of a door frame or widow opening on the façade of a building and are sometimes paired with weight bearing columns or pillars set directly in front of them. Commonly used for decoration, pilasters can also be used to thicken a wall to accommodate a structural load.

Planned Center, Office, Commercial or Industrial: A grouping of rental stores, service establishments, offices, industries, or other businesses offering goods or services to the public for compensation. Planned Office, Commercial, or Industrial Centers are held in common or condominium ownership.

Planned Unit Development (PUD): A method of using land under unified control. Planned Developments are 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.

Planning, Architecture, Zoning Board (PAZB): The appointed Planning, Architecture, Zoning Board of the City of Avondale Estates, Georgia established to make recommendations to staff and the Board of Mayor and Commissioners on decisions like Tier 2 Waivers and Amendments.

Principal Entrance: The main point of access for pedestrians into a building, usually located on a primary street.

Public Area: Any space made accessible to the public through an easement, right-of-way, or consent issued from the property owner(s) or property owner(s)' legal representative.

Public Notice: The posting of a sign in a conspicuous place on the frontage of the property in question, so that the posted sign that is clearly visible and legible from the street, as required by this ordinance. Public notice shall also mean publication of such notice in a newspaper of local circulation and letters mailed to adjoining property owners.

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

Recessed Entry: An entry that is not flush with the façade plane, but instead set closer towards the interior space of a building.

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

Redevelopment: Projects which increase gross floor area by 50% or more, or projects where the cost of remodeling is greater than the assessed value of the existing site improvements as shown on the applicable county assessment and taxation records for the current year.

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

Retaining Wall: A structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

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, visual, or general nuisance protection or abatement. Frequently used to separate of incompatible land uses.

Seating: Furnishing that is designed for sitting and which may have added features for comfort, such as a back, arm rests, or head supports.

Seat Wall: A masonry wall 12 to 18 inches from grade on at least one side designed for sitting.

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.

Short-term Bicycle Parking: A device to which bicycles may be securely attached and left unattended for less than 2 hours. Also called bike racks or bike stands, these devices may be free standing or attached to a stationary object such as building or sidewalk.

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.

Sign Board: Area on front façade in Central Business District dedicated to wall signage.

Solar Reflectance: A material's ability to reflect the sun's solar energy back into the atmosphere.

Solar Reflectance Index (SRI): SRI is a measure of the solar reflectance and emissivity of materials that can be used as an indicator of how hot they are likely to become when solar radiation falls on their surface. The lower the SRI, the hotter the material is likely to become in the sunshine.

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

Spite Strip: A piece of land used to separate a street or road rights-of-way from adjoining property to preclude access to such rights-of-way.

Square: An open space type designed for unstructured recreation and civic purposes, spatially defined by building frontages or public rights-of-way and consisting of paths, lawns, patios, and trees, formally disposed.

Stoop: A frontage wherein the façade 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 included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling above. Excludes basement(s) having a height of less than eight (8) feet above the adjacent grade.

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:

1. 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.
2. 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.
3. 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, and may enter or traverse identifiable neighborhoods, and rarely serve significant volumes of through traffic.
4. Local Streets: Streets comprising all facilities not classified as arterials or collectors. Local streets provide property access with service to through traffic being activity discouraged.

Street, Right-of-Way Line: The limit of publicly owned land or easement encompassing a street.

Structure: Anything arranged, built, installed, or erected in an ordered way. Structures have a permanent

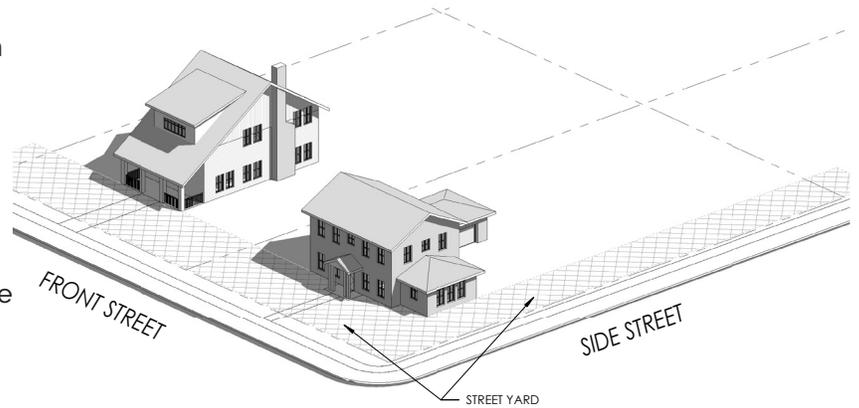


Figure 9.2.1.D - Setbacks

location on the ground or are attached to something having a permanent location on the ground. Examples include, but are 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 also 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 rights-of-way.

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

Travel Trailer: A recreational vehicle built on a chassis and designed to be hitched to and drawn by a passenger automobile. Used as temporary dwelling for travel, recreational, and/or vacation uses. Travel Trailers, when equipped for the road, have a body width not exceeding twelve (12) feet and a body length not exceeding sixty (60) feet.

Transom: A window, glass pane, or decorative wood block above a door, whether rectangular or arched, but still in the door frame.

Truck Camper: A demountable recreational vehicle that is loaded and unloaded from the bed of a full size or mid-size pick-up truck. The common feature is the ability to demount the camper from the truck. Used as a temporary dwelling, office, or commercial space during travel. Can be a pop-up or hard-side walls.

Utility Trailer: A type of recreational vehicle designed or constructed as to permit the hauling of various items normally towed by a personal vehicle.

Vertical Façade Divisions: The use of a vertically oriented expression line or form to divide the façade into vertical divisions at increments, as measured along the base of a façade. Elements may include a column, pilaster or other continuous vertical ornamentation a minimum of 1.5 inch in depth.

Waiver: Where, because of conditions peculiar to the site, strict adherence to the provisions of the ordinance would cause an undesired outcome, an alternate solution may be reviewed for a site or building feature that would still meet the spirit of the ordinance. There are two tiers for this process.

Wall: A solid retaining or security barrier constructed of materials including brick, stone, concrete, concrete block, ceramic tile, or other aggregate materials.

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 10 | APPENDICES

Division 10.1 - Landscaping Specifications

Section 10.1.1 - Allowable tree species list

Refer to the Official Tree Species List provided in Section 17-46 for tree species selection for any trees required by this Chapter.