

ORDINANCE NUMBER \_\_\_\_-20\_\_

**AN ORDINANCE AMENDING CHAPTER II (DEFINITIONS) and VII (DISTRICT DEVELOPMENT STANDARDS) OF THE LAND DEVELOPMENT CODE FOR THE CITY OF WOODSTOCK, GEORGIA.**

**Whereas**, the City of Woodstock, Georgia (hereinafter sometimes referred to as the “City”) is a municipality duly formed and existing pursuant to Georgia law; and

**Whereas**, the 1983 Constitution of the State of Georgia provides for the self-government of municipalities without the necessity of action by the General Assembly<sup>1</sup>; and

**Whereas**, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws or which are expressly allowed by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto<sup>2</sup>; and

**Whereas**, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

**NOW THEREFORE BE IT RESOLVED, THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA HEREBY ORDAINS:**

Section 1. That Chapter II (Definitions) of the LDO is hereby amended as follows:

Delete:

~~*Downtown District* The area approved on the accompanying Downtown District Subarea Map, which includes areas surrounding the intersection of Towne Lake Parkway and Arnold Mill Road and Main Street.~~

Replace with:

*Downtown District* The area approved on the Downtown District Map, found on the Official Woodstock Zoning Map.

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<sup>1</sup> Ga Const , 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows

“The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly “

<sup>2</sup>O C G A § 36-35-3 (a) provides as follows

“(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6”

Delete:

~~*Open Space* Private Open Space and Public Open Space appropriately improved for pedestrian use and amenity and not including areas used for vehicles, except for incidental service, maintenance or emergency actions only. Open Space shall be exterior and computed as the total square footage of said spaces.~~

- ~~1. *Private Open Space* Open Space that is private courtyards, lawns, gardens, terraces, or balconies, which restrict access to residents of adjacent development.~~
- ~~2. *Public Open Space* Park, Plaza, or Greenway Trail that is open to the public during normal City of Woodstock park hours and Sidewalk Area requirements located on private property.~~
- ~~3. *Park* A Public Open Space that provides recreation amenities and gathering places. A Park shall have streets along a minimum of fifty (50) percent of its perimeter and shall have no more than twenty (20) percent of its area covered with impervious surfaces, with the exception of Greenway Trails.~~
- ~~4. *Plaza* A Public Open Space that is available for civic and commercial activities, but may have access limited for the purposes of providing outdoor dining areas. A Plaza shall have streets along a minimum of fifty (50) percent of its perimeter and a landscape consisting of durable pavement, trees and other plant materials.~~

Replace with:

*Open Space*: Private Open Space and Public Open Space appropriately improved for pedestrian use and amenity not including detention ponds and stream buffers without Greenway Trails or areas used for vehicles, except for incidental service, maintenance or emergency actions only. Open Space shall be exterior and computed as the total square footage of said spaces.

1. *Private Open Space*: Open Space that is private courtyards, lawns, gardens, terraces, or balconies, which restrict access to residents of adjacent development.
2. *Public Open Space*: Park, Plaza, or Greenway Trail that is open to the public during normal City of Woodstock park hours and Sidewalk Area requirements.
3. *Park*: A Public Open Space that provides recreation amenities and gathering places. A Park shall have streets along a minimum of fifty (50) percent of its perimeter and shall have no more than twenty (20) percent of its area covered with impervious surfaces, with the exception of Greenway Trails.
4. *Plaza*: A Public Open Space that is available for civic and commercial activities, but may have access limited for the purposes of providing outdoor dining areas. A Plaza shall have streets along a minimum of fifty (50) percent of its perimeter and a landscape consisting of durable pavement, trees and other plant materials.

Delete:

~~*Storefront Treatment*. An architectural treatment that:~~

- ~~1. Is provided on the sidewalk level of a Street Facade.~~
- ~~2. Provides Habitable Space for a minimum of the first twenty (20) feet in depth behind the Street Facade.~~

3. ~~Provides a display window area consisting of~~
  - a. ~~A non-glass base or knee wall beginning at grade and extending to a point no less than eight (8) inches but not more than twenty-four (24) inches above the Sidewalk Area at the Build-To-Line.~~
  - b. ~~A glass display window a minimum of seventy-five (75) percent of the length of the built portion of the Build-To-Line beginning at the top of the bulkhead or knee wall, to a height not less than ten (10) feet and not more than twelve (12) feet above said Sidewalk Area at the Build-To-Line below the base of the window. Such glass shall provide views into display windows that have a minimum depth of two and one-half (2½) feet into and are accessible from the building interior.~~
  - c. ~~Primary pedestrian entrances on the Street Façade recessed a maximum of seven (7) feet from the exterior façade, remain unlocked during normal business hours, and have a surface area that is a minimum of seventy (70) percent glass.~~
  - d. ~~A glass transom located along the Street Façade of a structure above the glass display window and entry door shall have a minimum height of twenty-four (24) inches and a maximum height of thirty-six (36) inches.~~
  - e. ~~Provides no length of façade exceeding twenty (20) feet without intervening glass display windows or glass doors.~~
4. ~~A non-glass sign band located above the glass transom having a minimum height of thirty-six (36) inches.~~
5. ~~A cornice line above the sign band a minimum height of eight (8) inches.~~
6. ~~Street address numbers, a minimum of six (6) inches in height located above the primary pedestrian entrance.~~
7. ~~Recesses any sidewalk level drop ceiling a minimum of eighteen (18) inches from the display window opening.~~
8. ~~Finished floor to ceiling slab shall be a minimum of eighteen (18) feet. Finished ceiling height shall be a minimum of fourteen (14) feet.~~

Replace with:

*Storefront Treatment.* An architectural treatment that:

1. Is provided on the sidewalk level of a Street Façade of flat roofed buildings. Buildings with gabled roofs shall use RESIDENTIAL TREATMENT.
2. Provides Habitable Space for a minimum of the first twenty (20) feet in depth behind the Street Façade.
3. *Provides a street level façade consisting of.*
  - a. A non-glass base or knee wall below all windows beginning at grade and extending to a point no less than eight (8) inches but not more than twenty-four (24) inches above the Sidewalk Area at the Build-To-Line. Knee wall may be waived when directly abutting a private patio.
  - b. A combination of glass display windows and doors covering a minimum of seventy-five (75) percent of the length of the built portion of the Build-To-Line beginning at the top of the bulkhead or knee wall, to a height not less than ten (10) feet and not more than twelve (12) feet above said Sidewalk Area at the Build-To-Line below the base of the window. Such glass shall provide views into display

- windows that have a minimum depth of two and one-half (2½) feet into and are accessible from the building interior for retail uses only.
- c. Primary pedestrian entrances on the Street Facade recessed a maximum of seven (7) feet from the exterior facade, remain unlocked during normal business hours, and have a surface area that is a minimum of seventy (70) percent glass. All other doors located along street frontage shall be of a character that matches with the surrounding downtown area.
  - d. A glass transom located along the Street Facade of a structure above the glass display window and entry door shall have a minimum height of twenty-four (24) inches and a maximum height of thirty-six (36) inches.
  - e. Provides no length of facade exceeding twenty (20) feet without intervening glass display windows or glass doors.
4. A non-glass sign band area located above the glass transom having a minimum height of thirty-six (36) inches. The sign band area is the area between the top of the transom window and cornice line.
  5. A cornice line above the sign band a minimum height of eight (8) inches.
  6. Street address numbers, a minimum of six (6) inches in height located above the primary pedestrian entrance.
  7. Sidewalk level drop ceiling, if at a lower elevation than the top of the window, shall recess a minimum of eighteen (18) inches from the window opening for retail uses.
  8. Finished ceiling height shall be a minimum of fourteen (14) feet. Exterior height of single story buildings shall be a minimum of eighteen (18) feet as measured at top of parapet. Parapet must enclose all sides of the roof.

Section 3. That Chapter II (Definitions) is hereby amended by inserting alphabetically the following definitions:

*Greenway Trail* A concrete or asphalt trail with a width capable of accommodating pedestrians and non-motorized vehicles. The minimum width required is 10ft, unless otherwise determined by the city engineer. Boardwalks, bridges, and pervious concrete are permitted within the floodplain and stream buffers.

*Multifamily* A building containing more than one residential unit, excluding townhouses.

Section 4. That Section 7.505 is hereby amended deleting Downtown Districts and replacing Downtown Districts as follows:

	Downtown Districts					
	DT- CBD	DT- CMU	DT- GC	DT- RO	DT- MRA/ B	DT- LR/ VLR
Advertising Display Sales						
Agricultural Business, Cooperative						
Ambulance Service			P			
Amusement Park						
Animal Boarding, Daycare Facility			P			
Animal Hospital, Clinic	P	P	P			
Appliance Sales, Repair Shop			P			
Assembly Hall, Auditorium, Civic Center	P	P	P			
Athletic Club and Facilities	P*6	P	P	P*2 P*6		
Auto Racetrack						

Automotive Repair Facility - Major						
Automotive Repair Facility - Minor			P			
Automotive/Truck - Sales, Service, Parts			C			
Automotive/Truck - Salvage, Scrap Parts						
Bakery - Production, Distribution			P			
Bakery - Retail	P	P	P	P*1		
Bank, Financial Institution	P	P	P	P*3		
Bar/Tavern	P*1	P	P			
Barber Shop, Beauty Salon, Spa	P	P	P	P*1		
Bed and Breakfast Inn	P	P		P		
Bottled Gas - Storage, Distribution						
Bottling Plant						
Bowling Alley		P	P			
Broadcast Station - With antenna						
Broadcast Studio - No antenna or visible communication device	P	P	P			

Builder Supply - Distribution or Warehouse						
Builder Supply - Retail	P	P	P			
Car Wash			P			
Cemetery			C			
Check Cashing/Title Pawn/Bail Bond						
Child/Day Care Center		P	P	P		
Church, Place of Worship	C	C	P	C		
Club, Lodge	P	P	P	P*1		
Communication, Cellular, Microwave Tower			C			
Concrete/Paving - Batch Plant						
Consumer Fireworks Retail Sales Facility- Permanent						
Consumer Fireworks Retail Stands- Temporary						
Customary Home Occupation (ref: Section 7.507—7.508)	P	P	P	P	P	P
Designated Recycling Collection Location			C			
Dry Cleaning/Laundry - Drop Off, Pick Up Only				P*1		

Dry Cleaning/Laundry - On Premise			P			
Family Care Facility					C	
Firearm Dealer (R)			C*9			
Florist - Production, Distribution			P			
Florist - Retail	P	P	P	P*1		
Funeral Home	P		P			
Funeral Home - With crematory			C			
Garden/Landscape Supply - Distribution or Warehouse						
Garden/Landscape Supply - Retail			P			
Gas/Fuel Station		C	C			
Go kart/Motorbike Track						
Golf Facility - Public or Private						
Government Buildings	P	P	P	P		
Gravel, Mineral Excavation and Processing						
Group Care Facility					C	
Heavy Equipment - Sales, Service, Storage, Rental						

Hospital			P			
Hotel (R)	P*10	P*10	P*10			
Ice Manufacturing, Sales						
Innovator Space	P*16	P*16	P*16	P*16		
Instructional Studios - Dance, Gymnastics, Martial Arts	P*6	P	P			
Junk, Salvage Yard						
Laboratory			P			
Limited Accessory Use - Commercial (R)					P*11	
Liquor, Package Store			P			
Machine Shop, Fabrication Facility						
Manufacturing Facility						
Manufacturing Facility - Limited (R)			P*5 P*12			
Meat Processing Facility						
Mobile Home Sales						
Movie/Performance Theater	P*1	P*1	P*1			
Museum/Historical Display	P	P	P			
Office - Common Business, Medical, Professional Service	P*6	P	P	P		

Office - Contractor (R)	P*6 P*13	P*13	P*13	P*13		
Office - Real Estate Sales/Associated Services	P*6	P	P	P		
Parking - Commercial (R)	P*14	P*14	P*14			
Park/Open Space - Public	P	P	P	P	P	P
Pawn Shop/Precious Metal, Gem Dealer (R)						
Petroleum Products - Storage						
Printing/Publishing/Engraving - Production Facility						
Printing/Publishing/Engraving - Retail			P			
Recreation Center/Facility - Commercial		C	P			
Recreational Vehicle - Sales, Service, Parts			C			
Recreational Vehicle - Salvage, Scrap Parts						
Residential - Accessory Dwelling Unit	P			P	P	P
Residential - Assisted Senior Living			C		C	
Residential - Independent Senior Living			C		C	

Residential - Live/Work Unit	P*8			P*8	P*8	
Residential - Multi-Family, Fee Simple	P*8	P*8	P*8	P*8	P	
Residential - Multi-Family, Rental	C*8	C*8	C*8	C*8	C	
Residential - Single Family Attached	P*8	P*8	P*8	P*8	P	
Residential - Single Family Detached	P*8			P*8	P	P
Restaurant - Drive-In			P			
Restaurant - Drive-Thru	P*4	P*4	P*4			
Restaurant - Full Service	P*1	P	P	P*1		
Retail Store - Common Merchandise	P*1	P	P	P*1		
Sawmill, Lumberyard						
Schools - Public or Private	C	P	P	C		
Self-Storage, Mini Warehouse						
Sexually Oriented Businesses						
Skating Rink			P			
Storage Yard						
Tattoo Parlor/Body Piercing (R)	P*9		P*9			

Vehicle for Hire - Dispatch Office, No Standing			P			
Vehicle for Hire - Storage/Standing						
Tobacco Specialty Shop	C	C	C			
Trade Shop, Skilled Tradesperson - Production Facility				P		
Trade Shop, Skilled Tradesperson - Retail	P*2	P*2	P			
Truck Terminal						
Utilities			C			
Warehouse - Storage			P*5			
Warehouse - Distribution			P*5			
Waste Transfer Station						

Section 5. That Section 7.506 is hereby deleted and replaced as follows:

7.506. - Additional Development Regulations Required.

Where a use is conditional or permitted in section 7.505, but is marked by a "\*" and corresponding number, there are additional development regulations required as noted below:

1. P\*1 - Uses marked by this designation are limited to a maximum floor area of eight thousand (8,000) square feet. Bar/Tavern uses shall be prohibited in any zoning classification with the Historic Overlay (HO) applied to it.
2. P\*2 - Uses marked by this designation are limited to a maximum floor area of eight thousand (8,000) square feet and shall have no outdoor storage or sales areas associated with the use.
3. P\*3 - Uses marked by this designation shall have no drive-thru facility.

4. P\*4 - Uses marked by this designation shall have no drive-thru facility visible from any public street.
5. P\*5 - Uses marked are limited to a maximum floor area of fifteen thousand (15,000) square feet. Any such use in excess of fifteen thousand (15,000) square feet shall have the ability to receive a Conditional Use Permit for the use in an existing building.
6. P\*6 - Uses Permitted by Right by this designation are required to be located on a floor of a building which is not directly adjacent to a publicly accessible street (i.e.: these uses may be allowed on upper floors of a building or in the basement of a building which fronts onto an alleyway). In the DT-CBD category, this restriction is limited to those buildings which front directly on Main Street between Noonday/Fowler Street and Kyle Street, East Main Street, Chambers Street, Arnold Mill Road and Fowler Street. Uses marked by this designation shall be available on a floor of a building directly adjacent to a publicly accessible street through the issuance of a Conditional Use Permit.
7. P\*7 - Residential-Single Family Detached shall be permitted by right within the R3-A district only. Residential-Single Family Attached shall be permitted by right within the R3-B (Duplex) and R3-C (Townhome) districts only.
8. P/C\*8 – All residential uses (except Senior Living), as governed by the Use/Zoning District Matrix, Section 7.505, within the DT-CBD, DT-CMU, DT-GC, and DT-RO Districts shall not front or provide direct access to an A or C Street; except however within DT-HO. Residential uses are allowed on upper floors or in basements of a building fronting any street type. For DT-CBD and DT-CMU, the base density of 12 DU/ac can be increased up to 40 DU/ac maximum, using any combination of the following bonus incentive **procedures:**
  - A. Vertical-mixed use structure – 20% DU/ac increase;
  - B. Provision of open space above the 20% minimum requirement – 1% DU/ac increase per 1,000 sq. ft. of open space up to 20,000 sq. ft. maximum or 20% DU/ac increase maximum
  - C. Structured parking with parking spaces available to the public at no charge – 1% DU/ac increase per one (1) parking space;
  - D. Professional office space – 10% DU/ac increase per 10,000 sq. ft. of professional office space;
  - E. Mayor and City Council reserve the right to increase density above 40 DU/ac on a case by case basis, depending on the compatibility of the project with adopted plans, considering the following elements: economic impact, regional significance, amenities provided to the community, and public infrastructure improvements.
  - F. Once site plans are submitted to the Community Development Department utilizing any one of the above bonus incentives, the Community Development Director will brief the Mayor and City Council, reviewing the project plan at the next available City Council Meeting.
9. P/C\*9-The following uses: Sexually Oriented Businesses, Firearm Dealer, Pawn Shop/Dealer in Precious Metals and Gems, Tattoo Parlor/Body Piercing, have additional regulations and/or regulatory fees governed by The Code of Woodstock, Georgia. Tattoo Parlor/Body Piercing shall only be permitted as an ancillary use in DT-CBD and DT-GT.
10. P\*10-Hotels shall be required to provide main access to all guest rooms through a lobby of at least one thousand (1,000) square feet. Each guest room shall be accessed through an interior hallway and shall not have direct access to the exterior of the building unless it is required by fire safety regulations. Each hotel shall be required to provide staff or management on duty twenty-four (24) hours per day. Continental style dining for the guests of the facility is allowed in or near the lobby without providing additional parking. At a minimum provisions for weekly cleaning for each guest room shall be provided. Outside storage or long-term parking of heavy, construction or related equipment shall be prohibited. No facility permitted as a hotel shall be converted or used primarily as an apartment or condominium. No business license shall be issued for any business operating from a guest room within a hotel. Within any Downtown District (DT), this use excludes extended stay hotel or motels, which are advertised, designed, or utilized for weekly or monthly operation.

- 11 P\*11-Limited Accessory Use—Commercial—Shall include retail bakery, barber shop, beauty salon, cafeteria/dining facility, dry cleaning - drop off, pick up only, grocery with general merchandise, pharmacy, shoe repair, tailor
- 12 P\*12-Manufacturing Facility—Limited—Shall be limited to establishments that produce small consumer household products and does not emit noise in excess of the City's noise restrictions for commercial users, odor, dust, vibration or fumes beyond the building enclosure, where all process, fabricating, assembly or disassembly of items takes place wholly within an enclosed building
- 13 P\*13-Office—Contractor—Shall be limited to office space only No storage of materials, vehicles and/or equipment shall be permitted in categories not allowing storage-warehouse
- 14 P\*14-Parking—Commercial—Shall be required to be a parking structure in any of the permitted Downtown Districts
- 15 P\*15-Consumer Fireworks Retail Stands – Temporary – Shall include the following requirements
  - a) License Required A license shall be required in accordance with Chapter 22 of the Code of the City of Woodstock,
  - b) Permit Required A permit shall be required prior to the establishment of a Consumer Fireworks Retail Stands – Temporary use ("Stand") Said permit shall be posted on the site during the operation Upon expiration of the permit, the use shall cease,
  - c) Permit Term The permit is valid for no more than forty five (45) days, no more than two (2) times in a 12-month period The permit shall specify the first and last day of the permit term, beginning at 12 01 a m on the first day and expiring at 11 59 p m on the last day specified by the permit,
  - d) Permission Required The applicant shall provide a notarized written permission statement from the Property owner or lease holder of the subject site A twenty-four (24) hour contact number of the Property owner or lease holder shall be provided along with the permit application,
  - e) Location Only one (1) permit shall be issued per tax parcel Stands shall be located within one-thousand (1,000) feet of a fire hydrant, unless the chief Fire Chief or designee of the Woodstock Fire Department in writing authorizes operation in excess of one-thousand (1000) feet Stands shall maintain a minimum twenty-five (25) foot setback from the Right-of-Way and not be located within required landscaping or Buffer Stands shall also maintain a minimum setback of ten (10) feet from any driveway, and shall not be located within three-hundred (300) feet of nursing homes, hospitals, day care facilities, schools, or residential districts
  - f) Distance Shall not be located within fifteen-hundred (1,500) feet of another Consumer Fireworks Retail Sales Stand – Temporary or Consumer Fireworks Retail Sales Facility – Permanent, measured by the shortest distance between property lines,
  - g) Parking A minimum of six (6) Parking Spaces shall be provided adjacent to the Stand for the exclusive use of the operation,
  - h) Hours The hours of operation shall be limited to the hours of 8 00 a m to 9 00 p m

- i) Signage Shall be limited to the requirements set forth under Chapter XX
- j) Mobile Stand It shall be unlawful to sell consumer fireworks from any motor vehicle or from a trailer towed by a motor vehicle

16 P\*16-Innovator Space shall include the following requirements

- a) The maximum floor area in a building used for Innovator Space shall not exceed 10,000 square feet in DT-GC or DT-CMU or 4,000 square feet in DT-CBD or DTRO,
- b) An area of the building equal to a minimum of 20% of the total square footage of the Innovator Space shall be dedicated to the retail sale of product made on premises, merchandise associated with the products and/or education about the processes utilized in the space,
- c) Activities related to Innovator Space shall take place within an enclosed building and outdoor storage of materials, inventory, equipment, commercial vehicles or equipment is prohibited,
- d) Activities related to Innovator Space shall not result in emissions of noise, smoke, fumes, heat, or odors that leave the innovator space,
- e) No more than one (1) delivery or pick-up per day by vehicles exceeding 30 ft in length,
- f) Minimum parking requirement shall be one (1) space per employee plus one space per 300 sq ft of customer

Section 5. That Article VII of Chapter VII is hereby deleted and replaced by a new Article VII attached hereto as Exhibit "A".

Section 6. That Section 7.760 – 7.769, "Parking Performance Standards" of Chapter VII is hereby deleted in its entirety.

Section 7. That Section 7.511 of Section 7.506 of Chapter VII is hereby created as follows:

7.511. - Parking Performance Standards.

Off-street automobile parking shall be provided in accordance with all applicable provisions of this article

7 512. - Plans Required.

A parking plan for all but single-family residential uses shall be submitted to the City with the building plans or with the occupation tax license in case of a change in use. The City shall review the proposed parking plan to insure its conformance with all applicable provisions of this Ordinance.

#### 7 513. - Design Standards.

Except provisions for single-family residences, all parking facilities including entrances, exits and maneuvering areas, shall comply with the following provisions:

- 1 Shall have access to a street or alley,
- 2 Shall be graded and paved, and curbed, including access drive(s),
- 3 Shall have all spaces marked with paint lines, curb stone or other similar designations,
- 4 Standard vehicle parking spaces shall not be less than nine (9) feet wide and eighteen (18) feet deep, exclusive of interior drives,
- 5 Compact vehicle parking spaces may be provided up to twenty (20) percent of the total parking required. Compact vehicle parking shall be grouped together with no less than four (4) consecutive spaces in any one (1) location. The area(s) provided with compact vehicle parking shall be clearly identified by signage or other accepted marking. Compact vehicle spaces shall not be less than eight (8) feet wide and fifteen (15) feet deep, exclusive of interior drives.
- 6 There shall be adequate interior drives to connect each space with a street. The following standards apply to interior drives:
  - a) One-way drive shall be twenty (20) feet wide
  - b) Two-way drive with ninety-degree parking shall be twenty-four (24) feet wide
  - c) Two-way drive with sixty-degree parking shall be twenty-two (22) feet wide
  - d) Two-way drive with forty-five-degree parking shall be twenty (20) feet wide
- 7 Shall be drained so as to prevent damage to abutting properties of public streets,
- 8 Shall be separated from sidewalks and streets in public rights-of-way by wheel bumpers and an adequate planted reserve strip,
- 9 Parking Areas established for permitted non-residential uses shall be visually screened from adjacent residential uses, See Article IV, "Buffers" of this Ordinance for details,
- 10 The parking area including space and driveway arrangements shall conform to generally accepted geometric design standards,
- 11 Adequate lighting shall be provided if the facilities are to be used at night, such lighting shall be arranged and installed so as not to reflect nor cause glare on abutting properties,
- 12 Shall meet American Disabilities Act requirements for accessible parking facilities

#### 7.514 - Tree and Landscape Standards.

For Parking Lot Tree and Landscape standards, refer to Chapter IX of the Land Development Ordinance

#### 7.515. - Location.

All parking facilities required space shall be provided on the same plot with the use it serves, except as provided herein,

- 1 Where provision of the required parking spaces involves one (1) or more parcels or tracts of land that are not a part of the lot on which the principal use is located, the developer shall submit with his application for a permit, an instrument which subjects said parcels or tracts to parking uses for the principal use it serves. The developer shall pay the necessary fee and the Building Inspector shall have said instrument registered in the Office of the Clerk of the Superior Court
- 2 Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained at a distance not to exceed three hundred (300) feet from the non-residential building served

#### 7.516. - Joint Use of Parking Facilities.

Joint use of up to fifty (50) percent of the required spaces may be permitted for two (2) or more uses located in the same building, on the same parcel, or on adjacent parcels provided that the applicant or developer can demonstrate that the uses will not substantially overlap in hours of operation or in the demand of shared spaces. For shared parking on two or more adjacent parcels, a written agreement shall be provided for review by the Community Development Department, and when approved, an easement shall be recorded in the deed records and cross referenced to the owner's deeds for each affected property. Additionally, shared spaces serving uses on more than one parcel shall be clearly marked as such. If the easement is cancelled, expires or is otherwise voided, other parking shall be provided in accordance with this chapter. If the required parking is not provided for any use covered by the former agreement, such use shall be illegal.

#### 7.517. - Use of Area

No parking area may be used for the sale, repair, dismantling, and servicing or long term storage of any vehicle or equipment. No sales or the outdoor storage of items for sale shall be allowed within the parking areas required by the minimum standards within this Ordinance. Any outdoor storage of items for sale in areas abutting parking area as required under this Ordinance shall be separated and screened from view of the required public parking areas.

#### 7.518. - Required Spaces.

The number of parking spaces required for a particular use shall be as set forth in the table below. Each use has minimum parking space requirements. The maximum allowable number of parking spaces per use is 10% over the stated minimum number. Single family detached and single family attached have no maximum. In the event of exceeding the maximum allowable number, the parking spaces shall meet

parking coverage standards as set forth in Sec. 7.769. Standards for Parking Spaces Exceeding the Maximum.

Use	Parking Spaces
Automobile Repair, including Oil Change	1.5 spaces per service bay
Automobile Sales, not including service area and not including inventory storage	One space per 1,000 square feet gross sales floor area
Bank	3.33 spaces per 1,000 square feet gross floor area
Bed and Breakfast	One space per guest bedroom
Place of Assembly	3 spaces per 1000 square feet of main assembly area. Funeral homes must have a minimum of 15 spaces.
Day Care Center	Two spaces per 1,000 square feet gross floor area
Dance, Gymnastics or Martial Arts School	4 spaces per 1,000 square feet gross floor area
(consolidating retail)	
Independent Retirement Living	One space per dwelling unit
Furniture Store	One space per 1,000 square feet of gross floor area
Gas Station, including Convenience Store	4 spaces per 1,000 square feet gross floor area
Grocery Store	3.33 spaces per 1,000 square feet gross floor area
Golf Course	Four spaces per each golf hole
Golf Driving Range	One space per practice tee box
Health/Fitness Club	4 spaces per 1,000 square feet gross floor area
Hospital	Number to be determined by parking generation study funded by the applicant and approved by the Director of Community Development

Hotel/Motel	One space per rental unit. Banquet, assembly, meeting, and restaurant areas shall be calculated separately, but shared parking shall be allowed as stipulated in Sec. 7.765.
Library	One space per 1,000 square feet gross floor area
Manufacturing	One space per 2,000 square feet gross floor area, not including office functions
Museum	One space per 1,000 square feet gross floor area
Full Care Facilities	One space per three beds
Assisted Living Facilities	0.25 spaces per dwelling unit
Professional Office	3 spaces per 1,000 square feet gross floor area
Medical or Dental Office	3.33 spaces per 1,000 square feet gross floor area
Recreation and Amusement Centers without stadium seating or a spectator area including Swimming Pools, Miniature Golf, Skating Rink, Bowling Alley	One space per 250 square feet gross floor or ground area devoted to such use
Residential, Detached Single Family	2 spaces per unit
Residential, Attached Single Family	2 spaces per unit
Residential, Multi-Family	One space per studio or one bedroom unit, plus 0.5 space per additional bedroom
Full Service Restaurant, Bar, Tavern, Fast Casual Restaurant	7 spaces per 1,000 square feet gross floor area
Restaurant, Fast food	6 spaces per 1,000 square feet gross floor area
Retail Store	3.33 spaces per 1,000 square feet gross floor area
Elementary School	0.14 spaces per student of design capacity

Middle School	0.07 spaces per student of design capacity
High School	0.20 spaces per student of design capacity
Shopping Center over 30,000 square feet	3 spaces per 1,000 square feet gross floor area
Shopping Center 30,000 square feet or less,	4 spaces per 1,000 square feet gross floor area
Stadium or Arena	Number to be determined by parking generation study funded by the applicant and approved by the Director of Community Development
Storage Facility	0.25 spaces per 1,000 square feet gross floor area
Transit Terminals	Number of spaces to be determined by Community Development Staff
Warehouse (calculate any office spaces separately)	0.5 spaces per 1,000 square feet gross floor area

7.519. - Interpretation of Required Spaces.

1. The parking requirements in the chart do not limit other parking requirements contained in these regulations.
2. The parking requirements in the chart do not limit special requirements, which may be imposed.
3. Where fractional spaces result, the parking spaces required shall be constructed to be the next highest whole number.
4. The parking space requirements for a use not specifically listed on the chart shall be the same as for a listed use of similar characteristics of parking demand generation.
5. Where parking structures are utilized, only spaces on the top level of any exposed structure shall be counted towards parking requirements.

7.520. - Standards for Parking Spaces Exceeding the Maximum.

The maximum number of parking spaces may be exceeded by designing the parking to some of the standards set forth herein. The intent of these standards is to enhance the attractiveness and sustainability of the public realm by mitigating the effects of overparking. Each standard allows an extra percentage or number of parking spaces over the minimum number set forth in Sec. 7.767. More than one standard can be used together, but in no case shall the number of spaces exceed two hundred (200) percent of the minimum number of spaces allowed. In situations where fractional spaces result, the parking spaces

allowed shall be constructed to the next highest whole number, unless otherwise stated. Any standard employed shall be maintained by the property owner in perpetuity.

1. Install an electric vehicle charging station. One space over the minimum shall be permitted for each electric vehicle charging station installed. Parking spaces with charging stations shall be designated for electric vehicle parking only. This standard shall be used for no more than six (6) spaces.
2. Construct extra spaces in permeable pavement. The plan shall include an underdrain with connection to the stormwater management facility if site plan review staff determines it is necessary. One extra space allowed for each two (2) spaces constructed in permeable pavement (do not round up for fractional spaces).
3. Design the parking lot with bioretention areas, stormwater planters, or other alternative stormwater management techniques that handle the runoff from the entire parking lot surface area for the first 0.5" of rainfall during a storm event. The plan for this standard shall be reviewed and approved by the Development Process Committee. One hundred fifty (150) percent of the minimum number of spaces allowed.
4. Use paving materials with a three-year aged solar reflectance (SR) value of at least 0.28. If three-year aged value information is not available, use materials with an initial SR of at least 0.33 at installation. The paving material or coating must be maintained properly in perpetuity. One hundred twenty (120) percent of the minimum number of spaces allowed.
5. Employ a rainwater harvesting and storage system. This method will only be allowed after approval of a plan for the system by the Development Process Committee. The system should be sized based on the size of the contributing drainage area, local rainfall patterns, and the projected demand for the harvested rainwater. The plan should outline a dedicated use for the harvested rainwater. One parking space for each three hundred (300) square feet of area where rainwater is conveyed into the system. Extra spaces shall only be awarded for each full three hundred (300) square feet of area, with no fractional spaces being rounded up.
6. Build a solar parking canopy over at least one third of the parking spaces. Placement of structure and parking lot screening shall be reviewed and approved by the Director of Community Development. Two hundred (200) percent of the minimum number of spaces allowed.

#### 7.521 - Off-Street Loading Requirements

Off-street loading shall be established in accordance with all applicable provisions of this section.

1. *Design Standards* - One (1) or more off-street loading spaces shall be provided on the same or adjoining premises with the facility it serves, either inside or outside a building and shall
  - a) Have a minimum dimension of 13 and one-half (13.5) feet by sixty (60) feet by fourteen and one-half (14.5) feet overhead clearance,
  - b) Be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys, and surfaced with erosion resistant material.
  - c) Be located so as not to hinder the free movement of vehicles nor pedestrians over a street, sidewalk, or alley.
2. *Use of Area* - Loading space(s) shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or leasee and not be used for the sale, repair, dismantling nor servicing of any vehicles, equipment, and materials or supplies.
3. *Mixed Uses in a Building* - Where a building is used for more than one use or for different uses, and where the floor area used for each use for which loading space is required is below the minimum for

required loading spaces but the aggregate floor area used is greater than such minimum, than off-street loading spaces shall be provided as if the entire building were used for that use in the building for which the most spaces are required. In such cases, the Building Inspector may make reasonable requirements for the location of required loading spaces.

Section 8. That Article VIII of Chapter VII is hereby deleted and replaced by a new Article VIII attached hereto as Exhibit "B" and made a part hereof by reference.

Section 9. That Article IX of Chapter VII is hereby deleted and replaced by a new Article IX attached hereto as Exhibit "C" and made a part hereof by reference.

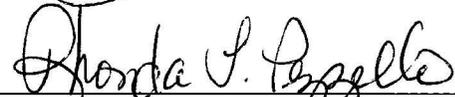
Section 10. Should any provisions of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any provision thereof other than the provisions specifically declare to be invalid. The Mayor and Council hereby declares that it would have passed this Ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared illegal, invalid or unconstitutional.

Section 10. This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS 12 DAY OF September 2016.

1st Reading: 8/22/16 2nd Reading: 9/12/16

  
\_\_\_\_\_  
DONNIE HENRIQUES, MAYOR

  
\_\_\_\_\_  
RHONDA L. PEZZELLO, CLERK

## Exhibit A

### Chapter VII. Downtown District Standards

#### 7.721. - Purpose and Intent of the Downtown District.

The regulations set forth in the DOWNTOWN DISTRICT are designed to:

1. Preserve, protect and enhance downtown's historic and future role as the civic and economic center of Woodstock.
2. Create an environment where residents and visitors can live, work, meet, and play.
3. Encourage a balanced mix of retail, professional, residential, civic, entertainment, and cultural uses.
4. Enhance the efficient utilization of parking facilities by encouraging shared, underground, and deck parking and alternative modes of transportation.
5. Provide safe and accessible parks and plazas.
6. Improve the aesthetics of street and built environments.
7. Promote pedestrian safety by ensuring sidewalk-oriented buildings and attractive street-facing facades that foster pedestrian activity and liveliness.
8. Provide accessible and sufficient parking in an unobtrusive manner.
9. Enhance Woodstock's historic quality by ensuring that new and rehabbed buildings are compatible with the character of buildings built between 1860 and 1920.
10. Provide increased vehicular and pedestrian access through a grid of streets that maximizes connections with and extensions of existing streets.

#### 7.722. – Definitions.

*Accessory Dwelling Unit:* A dwelling unit not greater than eight hundred fifty (850) square feet or forty (40) percent of the floor area of the primary dwelling unit, whichever is greater, located in an Outbuilding and located on the same lot with a single-family dwelling.

*Build-To Line:* The build-to line is the line along which the building Street Facade is permitted to be located. The distance between the Build-To Line and the nearest street curb is equal to the Sidewalk Area width requirements, except where Public or Private Open Space is adjacent to the Sidewalk Area. The Build-To Line shall extend to the perimeter of such Open Space including the minimum Street Facade Frontage of principal structures.

*Downtown District:* The area approved on the Downtown District Map found on the Official Woodstock Zoning Map.

*Greenway Trail:* A concrete or asphalt trail with a width capable of accommodating pedestrians and non-motorized vehicles. The minimum width required is 10ft, unless otherwise determined by the city engineer. Boardwalks, bridges, and pervious concrete are permitted within the floodplain and stream buffers.

*Historic Zone:* An area shown on the Official Woodstock Zoning Map, which has specific requirements that supersede certain other requirements of the Downtown District as amended.

*Multifamily:* A building containing more than one residential unit, excluding townhouses.



*Open Space* Private Open Space and Public Open Space appropriately improved for pedestrian use and amenity not including detention ponds and stream buffers without Greenway Trails or areas used for vehicles, except for incidental service, maintenance or emergency actions only Open Space shall be exterior and computed as the total square footage of said spaces

- 1 *Private Open Space* Open Space that is private courtyards, lawns, gardens, terraces, or balconies, which restrict access to residents of adjacent development
- 2 *Public Open Space* Park, Plaza, or Greenway Trail that is open to the public during normal City of Woodstock park hours and Sidewalk Area requirements
- 3 *Park* A Public Open Space that provides recreation amenities and gathering places A Park shall have streets along a minimum of fifty (50) percent of its perimeter and shall have no more than twenty (20) percent of its area covered with impervious surfaces, with the exception of Greenway Trails
- 4 *Plaza* A Public Open Space that is available for civic and commercial activities, but may have access limited for the purposes of providing outdoor dining areas A Plaza shall have streets along a minimum of fifty (50) percent of its perimeter and a landscape consisting of durable pavement, trees and other plant materials

*Residential Treatment* An architectural treatment that

- 1 Is provided on the sidewalk level of a Street Facade
- 2 Provides Habitable Space for a minimum of the first ten (10) feet in depth behind the Street Facade
- 3 On primary frontages, provides equally sized vertical windows where the top of which and the bottom of which shall be no higher and no lower than to the top of the door frame and the bottom of door frame
- 4 Provides windows for a minimum of thirty (30) percent and a maximum of sixty (60) percent of the length of the built portion of the Street Facade, with the facade of each unit being calculated independently
- 5 Provides an entry stoop or porch at a primary pedestrian Street Facade entrance

*Sidewalk Area* Begins at the street curb and consists of a contiguous Sidewalk Landscape Zone, Sidewalk Clear Zone, and Sidewalk Supplemental Zone including intervening driveways

- 1 *Sidewalk Landscape Zone* The portion of a Sidewalk Area adjacent to the street curb and reserved for the placement of trees, groundcover, and street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, traffic control boxes, tree grates, newspaper boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility
- 2 *Sidewalk Clear Zone* The portion of a Sidewalk Area that is reserved for pedestrian passage and is unobstructed by permanent objects to a height of eight (8) feet, including but not limited

to, steps and stoops, traffic control boxes, and utility structures. The Sidewalk Clear Zone shall be adjacent and between the Sidewalk Landscape Zone and the Sidewalk Supplemental Zone and shall have a consistent cross-slope not exceeding two (2) percent.

- 3 *Sidewalk Supplemental Zone*. The area between the back of the Sidewalk Clear Zone and the Build-To Line. Adjacent to Storefront Treatments, Sidewalk Supplemental Zones may be used for pedestrian amenity elements such as benches, merchandise display, potted plants, and decorative fountains. Outdoor dining is permitted only when adjacent to eating and drinking establishments. Elements that are prohibited in the Supplemental Zone include recreational areas and facilities such as swimming pools, tennis courts, fences and walls greater than forty (40) inches in height, service elements such as dumpsters, loading docks and similar elements, mechanical features, and parking. Public access may be restricted only for areas adjacent to Residential Treatment, and for outdoor dining areas when adjacent to Storefront Treatments. No element shall be attached to the Sidewalk Supplemental Zone in any way.

*Storefront Treatment*. An architectural treatment that

- 1 Is provided on the sidewalk level of a Street Façade of flat roofed buildings. Buildings with gabled roofs shall use RESIDENTIAL TREATMENT.
- 2 Provides Habitable Space for a minimum of the first twenty (20) feet in depth behind the Street Façade.
- 3 *Provides a street level façade consisting of*
  - a A non-glass base or knee wall below all windows beginning at grade and extending to a point no less than eight (8) inches but not more than twenty-four (24) inches above the Sidewalk Area at the Build-To Line. Knee Wall may be waived when directly abutting a private patio.
  - b A combination of glass display windows and doors covering a minimum of seventy-five (75) percent of the length of the built portion of the Build-To Line beginning at the top of the bulkhead or knee wall, to a height not less than ten (10) feet and not more than twelve (12) feet above said Sidewalk Area at the Build-To Line below the base of the window. Such glass shall provide views into display windows that have a minimum depth of two and one-half (2½) feet into and are accessible from the building interior for retail uses only.
  - c Primary pedestrian entrances on the Street Façade recessed a maximum of seven (7) feet from the exterior façade, remain unlocked during normal business hours, and have a surface area that is a minimum of seventy (70) percent glass. All other doors located along street frontage shall be of a character that matches with the surrounding downtown area.
  - d A glass transom located along the Street Façade of a structure above the glass display window and entry door shall have a minimum height of twenty-four (24) inches and a maximum height of thirty-six (36) inches.

- e Provides no length of facade exceeding twenty (20) feet without intervening glass display windows or glass doors
- 4 A non-glass sign band area located above the glass transom having a minimum height of thirty-six (36) inches. The sign band area is the area between the top of the transom window and cornice line
- 5 A cornice line above the sign band a minimum height of eight (8) inches
- 6 Street address numbers, a minimum of six (6) inches in height located above the primary pedestrian entrance
- 7 Sidewalk level drop ceiling, if at a lower elevation than the top of the window, shall recess a minimum of eighteen (18) inches from the window opening for retail uses
- 8 Finished ceiling height shall be a minimum of fourteen (14) feet. Exterior height of single story buildings shall be a minimum of eighteen (18) feet as measured at top of parapet. Parapet must enclose all sides of the roof

*Street Facade* The exterior wall of a building, not including extruding structures such as porches, stoops or bay windows, which is located along the Build-To Line or street without an intervening building or Street Wall

*Street Facade Frontage* The percent of Street Facade required along the Build-To Line

*Street Wall* A wall no less than seventy-five (75) percent opaque built along the Build-To Line and coplaner with the Street Facade, often for the purpose of masking a parking lot from the street. Street Walls shall be a minimum of three and one-half (3½) feet in height, and constructed of a material matching the adjacent Street Facade or dense evergreen hedge. Street Walls shall be discontinued no more than necessary to allow automobile and pedestrian access. The Street Wall shall have other individual openings not exceeding four (4) square feet in area at height of less than three and one-half (3½) feet

*Townhouse* Attached single-family residential structure in which no residential unit is directly above or below another residential unit

#### 7.723. - Code Compliance Certificate (CCC).

- 1 Code Compliance Certificate Required. In order to ensure compliance with the requirements set forth in this section, a Code Compliance Certificate (CCC) shall be required prior to approval of any building permit for any exterior and building façade additions, improvements, or renovations within any subarea of the DOWNTOWN DISTRICT. A CCC application shall include a site plan, building floor plans, and elevations, drawn to scale, and shall be approved by the Director of Community Development, or his designee, through the regular review process. In addition to building permit applications, a CCC is also required for the following in keeping with other requirements of the DOWNTOWN DISTRICT: OPEN SPACE development and maintenance agreements, paving in parking areas other than asphalt and concrete, off-site parking, shared parking, angled on-street parking, driveway curb cuts, new streets, SIDEWALK AREA requirements and improvements including special or decorative paving and plantings and street furniture location and type, and STREET WALL requirements
- 2 Grandfathered Buildings. Existing buildings and building facades are grandfathered in, until such time as changes are made to building facades elements that are cited in this section

- a Changes to elements cited in this section shall be permitted provided that the total improvement and construction costs will not exceed 50% of the total appraised building value as shown on the current tax record within any 36-month period
  - b All changes to elements cited in this section shall only be made in compliance with the requirements set forth for the Downtown District, as outlined in this Ordinance. In no case shall any grandfathered building or façade be expanded, extended, enlarged, or otherwise altered in any way which increases its nonconformity.
  - c Any changes to elements cited in this section which are not in compliance with the requirements for the Downtown District shall revoke the grandfathered status and all section requirements such as SIDEWALK AREA requirements shall be complied with. Internal renovations that do not alter the building façade or building footprint, and upgrades of building and construction materials, do not affect grandfathered status.
- 3 Individual Residential Lot Construction Construction proposed on a lot zoned for single family residential - detached use shall adhere to the provisions of this Chapter in addition to guidelines established by the "Individual Lot Standards Policy" adopted by Mayor and City Council with resolution

7.724 – Public Infrastructure and Standard Details.

In addition to Article III and XV of the LDO, all downtown development shall comply with Downtown Standards as outlined in the Downtown Standards Policy adopted by Mayor and City Council with resolution from time to time.

7.725. - Open Space Requirements.

All OPEN SPACE requirements shall be subject to a CCC. All developments shall be required to dedicate OPEN SPACE. Location of such OPEN SPACE shall be approved by the City either within the confines of the development or at a proximate location. Residential development shall provide either PUBLIC OPEN SPACE or PRIVATE OPEN SPACE. The minimum requirement for OPEN SPACE is twenty (20) percent of the parcel area.

In addition to the definition requirements, OPEN SPACE shall be dedicated, designed and constructed pursuant to the following regulations:

- 1 Detention ponds and required stream buffers shall not be used in OPEN SPACE calculations.
- 2 The owner shall submit a maintenance agreement establishing a mechanism for maintaining OPEN SPACE dedication located within subject development.
- 3 OPEN SPACE requirements shall be constructed or dedicated as part of the first phase of construction, in an amount equivalent to the first phase proportion of the total development.
- 4 OPEN SPACE dedication shall be guaranteed through bonds, conservation easements, land donation to the City or permanent deed restriction. In lieu of OPEN SPACE dedication, a cash value contribution shall be provided to the City's open space bank, which contribution shall be equivalent to the square footage value of subject land multiplied times the square footage of such OPEN SPACE requirement. The value of the subject land shall be equal to the land value as determined by the county assessor on the most recent property tax statement.
- 5 Non-residential development shall provide PUBLIC OPEN SPACE, which shall be open to the public during daylight hours and other hours as determined by the City.
- 6 Where GREENWAY TRAILS are required along streams, there shall be public access along such GREENWAY TRAILS and there shall be a minimum seventy-five (75) feet natural buffer along such streams measured from top of bank, which may include such GREENWAY TRAIL and such natural buffer shall be calculated towards OPEN SPACE requirements.

7.726. - Street and Sidewalk Area Requirements.

- 1 Whenever a development three (3) acres or greater is to be developed or redeveloped, maximum block sizes requirements shall apply in each subarea as indicated on the Downtown Site Limits Table. The right-of-way for such portion of said street shall be platted according to specified street requirements as indicated below and on the Street Type Tables. The owner is responsible for the dedication of the right-of-way in accordance with the provisions of the "The City of Woodstock Land Development Ordinance." The entire dedicated right-of-way shall be shown as such on a final survey plat that is submitted to and approved by the City. Measurements involving minimum lot standards shall be made at the edge of the full right-of-way. Prior to the issuance of an occupancy permit for any new development on such lot, either the street shall be constructed or guaranteed through bonds to the standards established herein. Development permission that would have otherwise been allowed within such dedicated street right-of-way shall be allowed to be developed elsewhere on the site.
- 2 New streets within DT-VLR (Very Low-density Residential) and DT-LR (Low-density Residential) shall be D1 (Local Residential) or D2 (GIVE-WAY Residential), within DT-MR-A (Medium-density Residential A), DT-MR-B (Medium-density Residential B), and DT-RO (Residential/Office) streets shall be D1 (Local Residential), D2 (GIVE-WAY Residential), or B (Local Mixed-Use), and within all other subareas shall be B (Local Mixed-Use) streets. See Street Type Tables.
- 3 Access streets shall be located adjacent to Towne Lake Parkway from Woodstock Parkway to Mill Street Extension and State Route 92 for any new development. Such access streets shall meet the requirements of B (Local Mixed-Use) streets.
- 4 A SIDEWALK AREA shall be located along all streets and shall consist of a SIDEWALK LANDSCAPE ZONE with street trees, an unobstructed SIDEWALK CLEAR ZONE, and a SUPPLEMENTAL ZONE with requirements as indicated on the Street Type Table - SIDEWALK AREA and GREENWAY TRAIL Requirements.
- 5 Any paving including concrete, special or decorative paving within the SIDEWALK LANDSCAPE ZONE, SIDEWALK CLEAR ZONE, or SIDEWALK SUPPLEMENTAL ZONE shall continue across any intervening driveway.
- 6 Dead-end and cul-de-sac streets are prohibited.
- 7 Within the SIDEWALK LANDSCAPE ZONE
  - a Street trees are required as indicated in the Street Type Table - SIDEWALK AREA and GREENWAY TRAIL Requirements. Street trees shall be planted a maximum of fifty (50) feet on center and spaced equal distance between streetlights and in line with stripes of parallel parking spaces. All newly planted trees shall be a minimum caliper of three and one-half (3 5) inches measured twelve (12) inches above ground, shall be limbed up to a minimum height of seven (7) feet and shall have a minimum mature height of forty (40) feet. Trees shall have a minimum planting area of forty (40) square feet.
  - b Within DT-VLR (Very Low-density Residential) and DT-LR (Low-density Residential) shall be continuous trees and groundcover with exception of intervening driveways. Within all other subareas shall be groundcover, decorative paving, or tree grates with exception of intervening driveways.
  - c All street furniture and pavers, where installed, shall have a location and type subject to approval including but not limited to the following: benches, waste receptacles, bicycle racks, newspaper stands, tree grates, and street lights. Tree grates shall be a minimum of eight (8) feet by five (5) feet. Decorative pedestrian lights shall be placed a maximum of one-hundred (100) feet on center and shall be spaced equal distance between required trees. All Downtown Standard details are on file with the Community Development Department.
  - d Street tree requirements within the SIDEWALK LANDSCAPE ZONE may be met through landscape bulb-outs between on-street parking spaces on Main Street Downtown, Local Mixed-

Use, and Local Residential streets that have on-street parking. The final placement of street or pedestrian lights shall be reviewed and approved by the Community Development Department.

- e. SIDEWALK AREA width requirements may be reduced for streets with entire total lengths of one hundred fifty (150) feet or less within DT-MR-A (Medium-density Residential A) and DT-MR-B (Medium-density Residential B).

8. Within the SIDEWALK SUPPLEMENTAL ZONE:

- a. Terraces, porches and stoops, shall encroach a maximum depth of sixty (60) percent of the total zone depth, and shall have a maximum finished floor height of twenty-four (24) inches above finished-grade. Such terraces, porches, and stoops shall not be considered STREET FAÇADE.
- b. Balconies, awnings and bay windows shall encroach a maximum depth of five (5) feet of the total zone width.
- c. DT-RO (Residential/Office), DT-MR-A (Medium-density Residential A), and DT-MR-B (Medium-density Residential B) shall provide landscaping for a minimum of forty (40) percent of the zone's horizontal area adjacent to sidewalk level RESIDENTIAL TREATMENTS.
- d. Hardscaping shall be provided for a minimum of seventy-five (75) percent of the zone's horizontal area adjacent to STOREFRONT TREATMENTS.
- e. DT-VLR (Very Low-density Residential) and DT-LR (Low-density Residential) shall provide a minimum of three (3) feet between the SIDEWALK CLEAR ZONE and any structure such as stairs, terraces, porches, and stoops.
- f. Buildings with no adjacent SIDEWALK SUPPLEMENTAL ZONE that exist before March 2005 may have outdoor dining areas encroach a maximum of two (2) feet into the SIDEWALK CLEAR ZONE, measured from the STREET FAÇADE.
- g. SIDEWALK SUPPLEMENTAL ZONE width requirements may be reduced where the SIDEWALK LANDSCAPE ZONE is increased to a minimum width of ten (10) feet for purposes of locating outdoor dining.

Street Type Table - SIDEWALK AREA and GREENWAY TRAIL Requirements (See Illustrations)					
Required new streets and the streets shown on the DOWNTOWN DISTRICT REGULATING PLAN shall be subject to the following requirements.					
	SIDEWALK LANDSCAPE ZONE Minimum Width	SIDEWALK CLEAR ZONE Minimum Width	SIDEWALK SUPPLEMENTAL ZONE Minimum Width	Street Trees in SIDEWALK LANDSCAPE ZONE	Total Width Minimum/Maximum*
A1 (Arterial with Median)	7 ft.	10 ft.	10 ft.	50 ft. o.c.	27 to 35 ft.
A2 (Arterial with Optional Parking)	7 ft.	10 ft.	10 ft.	50 ft. o.c.	27 to 35 ft.
A3 (Arterial)	7 ft.	10 ft.	10 ft.	50 ft. o.c.	27 to 35 ft.

A4 (Main Street Downtown)	7 ft.	10 ft. (8 ft. adjacent to railroad r.o.w.)	5 ft.	50 ft. o.c.	22 to 30 ft.
B (Local Mixed-Use)	7 ft.	10 ft.	5 ft.	50 ft. o.c.	22 to 30 ft.
C (Highway Commercial)	10 ft.	10 ft.	10 ft.	50 ft. o.c.	30 to 38 ft.
D1 (Local Residential)	7 ft.	5 ft.	5 to 20 ft	50 ft o.c.	17 to 32 ft.
D2 (GIVE-WAY Residential)	7 ft.	5 ft.	5 to 20 ft.	50 ft. o.c.	17 to 32 ft.
E (Commercial Service)	On-street parking bulb-outs	5 to 10 ft.	None	50 ft. o.c.	5 to 10 ft.
GW1 (GREENWAY TRAIL 1)	10 ft.	10 ft.	NA**	50 ft. o.c./3 ft. from trail	19 to 24 ft.
GW2 (GREENWAY TRAIL 2)	5 ft. both sides	10 ft.	NA**	50 ft. o.c./3 ft. from trail	22 ft.
*Total width includes SIDEWALK LANDSCAPE ZONE, SIDEWALK CLEAR ZONE, and SIDEWALK SUPPLEMENTAL ZONE. Measured from beginning of the SIDEWALK LANDSCAPE ZONE and ending at the STREET FAÇADE located along BUILD-TO LINE.					
**Where streets and GREENWAY TRAILS are adjacent, SIDEWALK SUPPLEMENTAL ZONE requirements shall be in addition to GW1 requirements.					

Street Type Table - Pavement Requirements (See Illustrations)					
Required new streets and the streets shown on the DOWNTOWN DISTRICT REGULATING PLAN shall be subject to the following requirements.					
	Number of Total Travel Lanes	Maximum Lane Width	On-Street Parking (Minimum Width)	Median Optional (Minimum Width)	Total Minimum Pavement Width (not including median if present)

A1 (Arterial with Median)	4	10 ft.	No	Yes (4 ft.)	40 ft.
A2 (Arterial with Optional Parking)	4	10 ft.	Optional (7.5 ft.)	Yes (4 ft.)	40 ft. (not including parking if present)
A3 (Arterial)	2 to 4*	10 ft.	No	No	24 ft.
A4 (Main Street Downtown)	4	10 ft.	Yes - east side only (30 degree angled 17 ft.)	No	57 ft.
B (Local Mixed-Use)	2 to 4*	10 ft.	Yes (7.5 ft.)	No	35 ft.
C (Highway Commercial)	4 to 6*	10 ft.	No	Yes (4 ft)	40 ft.
D1 (Local Residential)	2	9 ft.***	Yes (7 ft.)	No	32 ft.
D2 (GIVE-WAY Residential)	2	9 ft.***	Yes - GIVE-WAY	No	22 ft.
E** (Commercial Service)	2	9 ft.	Yes (7 ft.)	No	32 ft.
*Not including center turn lanes.					
**SIDEWALK AREA REQUIREMENTS do not apply to pedestrian alleys.					
***If the road is required to be fire dept. access, lanes must be 10'. GIVE-WAY streets are not allowed when streets are required to provide fire dept. access.					

Street Type Table - Alley Requirements (See Illustrations)					
Required new streets and the streets shown on the DOWNTOWN DISTRICT REGULATING PLAN shall be subject to the following requirements.					
	Pavement Width	Alley Shoulder Minimum width	R.O.W. Width	Setback Minimum from Alley	Right-of-Way Line Requirements
F1 (Mixed-Use Service)	18 to 20 ft.	4 ft.	26 to 28 ft.	None	None
F2 (Residential)	10 to 12 ft.	4 to 6 ft.	20 to 24 ft.	None	Garage wall or other wall
F3 (Residential)	10 ft.	5 ft.	20 ft.	18 to 20 ft. with parking pad	Continuous fence or wall along R.O.W. line between parking pads

7.727. - Parking, Garage, Driveway and Access Requirements.

- 1 No parking shall be permitted between a building and the street without an intervening building, except in DT-GC (General Commercial) where the STREET FAÇADE FRONTAGE requirements have been met
- 2 Developments are permitted a maximum of one (1) driveway curb cut per block face or one (1) curb cut per four hundred (400) linear feet of block face, whichever is greater For the purposes of this section, two (2) curb cuts serving two (2) one-way driveways shall only be counted as one (1) curb cut Curb cuts for a street and an alley may be installed closer than 400 linear feet, subject to final approval by the city engineer
- 3 No curb cuts, driveways or circular drives shall be permitted on Main Street, Towne Lake Parkway, or Arnold Mill Road when access can be provided from a side or rear street Circular drives are prohibited, with the exception of hotel and hospital uses, in the DT-CMU (Commercial Mixed-Use) and DT-GC (General Commercial) subareas
- 4 Driveway curb cuts on streets shall be limited to a one-way a maximum width of twelve (12) feet or a two-way maximum width of twenty-four (24) feet, alleyways are not included
- 5 Parking and loading requirements shall be as established in section 7 760, Parking Performance Standards, except that all MULTIFAMILY residential uses, such as apartments/duplexes and condominiums, shall be required to provide one (1) space per bedroom, but not more than two (2) spaces
- 6 Any parking not screened from the street by a building shall have a minimum seven-foot-wide landscaped area between such parking and the street Such landscaped area shall have a minimum of one (1) shade tree per fifty (50) linear feet, groundcover, and an evergreen hedge at a maximum of thirty-six (36) inches or decorative wall or fence with a minimum height of thirty (30) inches Trees shall be planted and street lighting placed in line with the stripes of adjacent parking spaces
- 7 Where the end of a parking space has a permanent concrete or masonry curb and abuts a landscaped area that is a minimum width of six (6) feet, the depth of such space may be reduced by two (2) feet
- 8 Commercial parking lots are not permitted except where individual businesses lease spaces under a shared parking arrangement
- 9 Paving materials used for parking and loading areas other than asphalt or concrete shall be subject to approval by administrative variance
- 10 Required parking may be provided off-site within one thousand (1,000) feet of use except in DT-LRV (Very Low-density Residential), DT-LR (Low-density Residential), DT-MR-A (Medium-density Residential A), and DT-MR-B (Medium-density Residential B) Public and on-street parking cannot be used to meet building requirements except for on-street parking directly adjacent to the subject property Using on-street parking to meet parking requirements is optional
- 11 Angled on street parking on both sides shall be permitted Forty-five-degree angled parking shall require parking space length of nineteen (19) feet and two (2) travel lanes width of ten (10) feet Sixty (60) degree angled parking shall require parking space length of twenty (20) feet and two (2) travel lanes width of eleven (11) feet Ninety (90) degree angled parking shall require parking space length of eighteen (18) feet and two (2) travel lanes width of twelve (12) feet
- 12 Reduction of parking requirements may be permitted, subject to a shared parking arrangement under the following criteria
  - a The minimum number of parking spaces for a development where shared parking is proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute (ULI) Shared Parking Report or Institute of Transportation Engineers (ITE) Shared Parking Guidelines The actual number of parking spaces required shall be based on well-

recognized sources of parking data such as the ULI or ITE reports. If standard rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates. If the shared parking plan assumes use of an existing parking facility, then field surveys shall be conducted to determine actual parking accumulation. If possible, these surveys shall consider the seasonal peak period for the combination of land uses involved.

- b. All shared parking spaces shall be clearly marked as such, and
- c. An applicant shall submit the following information as part of an application to reduce parking requirements and avoid conflicting parking demands:
  - i. A to-scale map indicating location of proposed parking spaces,
  - ii. Hours of business operation of nonresidential parking users,
  - iii. Written consent of property owners agreeing to the shared parking arrangement (when provided off-site),
  - iv. Copies of parking lease agreement, easements for parking, or notarized letter or sworn affidavit as to the intent of lease agreement, including renewed leases, shall be filed with the Department of Planning and Economic Development. Lapse of a required lease agreement shall terminate approval for shared parking.
- 13. Rear alleys shall be provided to access TOWNHOUSE and MULTIFAMILY garages, single-family dwelling garages, and commercial loading and service areas, where such access is feasible. See Street Type Table - Alley Requirements.
- 14. All required off-street parking for TOWNHOUSES and MULTIFAMILY dwellings, excluding ACCESSORY DWELLING UNITS, shall be met in a private on-site garage or parking structure.
- 15. Bicycle or moped parking spaces are required as follows. All new non-residential uses shall provide one (1) such space for every twenty (20) automobile spaces and new MULTIFAMILY uses shall provide one (1) such space for every five (5) units provided that no such uses shall have fewer than two (2) such spaces or be required to exceed thirty (30) spaces. Such spaces shall be located within the SIDEWALK LANDSCAPE ZONE a maximum distance of one hundred (100) feet from the primary pedestrian entrance, or shall be located at least as close as the closest automobile space, except for handicapped parking spaces. Bicycle parking spaces shall include a bike rack with a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock.
- 16. Garages and carports shall not face adjacent streets except where alley access is not feasible, in which case such garages and carports shall be setback a minimum of ten (10) feet from the STREET FAÇADE.

#### 7.728. - Site Limits.

- 1. Where such STREET FAÇADE FRONTAGE requirements are satisfied by existing principal buildings, additional principle buildings shall be exempt from these requirements.
- 2. Any balconies, awnings and bay windows may encroach into any SIDEWALK SUPPLEMENTAL ZONE or required setback a maximum depth of five (5) feet.
- 3. Walkways with a minimum width of four (4) feet shall be provided from the closest public SIDEWALK CLEAR ZONE to the primary entrance of all buildings and structures not built to the SIDEWALK AREA, including parking structures.
- 4. All developments must comply with the following site limits table.

Downtown Site Limits Table

Downtown District Subareas											
	DT-CBD	DT-CMU	DT-GC	DT-CI	DT-RO	DT-MR-A	DT-MR-B	DT-LR	DT-VLR	DT-O S	DT-HO <sup>3</sup>
Density maximum (Dwelling Units per acre)	12 <sup>4,5</sup>	12 <sup>4,5</sup>	8 <sup>4</sup>	NA	8 <sup>4</sup>	9	12	6	2	NA	NA
Minimum lot area (square feet)	NA	600	600	NA	800	1,200	1,000	3,500	7,500	NA	800
Minimum lot width (feet)	NA	20	20	NA	16	16	16	35	50	NA	40
STREET FAÇADE FRONTAGE <sup>1</sup>	100%	100%	60%	100%	100%	NA	NA	NA	NA	NA	NA
Rear setback (minimum feet)	0	With alley - 0 No alley - 20	Residential alley or No alley - 5	0	Residential alley or No alley - 5						
	DT-CBD	DT-CMU	DT-GC	DT-CI	DT-RO	DT-MR-A	DT-MR-B	DT-LR	DT-VLR	DT-O S	DT-HO <sup>3</sup>
Side setback (minimum feet)	0	0	0	0 or 10 <sup>2</sup>	0 or 5 <sup>2</sup>	0 or 5 <sup>2</sup>	0 or 5 <sup>2</sup>	5	5	5	5
Block size (maximum feet) perimeter/block face	1,600/400	1,800/600	1,800/600	NA	1,600/600	1,800/600	1,800/600	2,000/600	2,000/600	NA	1,600/600

Served by alley to parking	•	•	•	•	•	•	•	•	•			
1. With the exception of driveway ingress/egress and Public Open Space or residential courtyards												
2. Side setbacks of zero shall only be permitted between adjacent Townhouse units, otherwise the larger setback shall apply.												
3. HISTORIC ZONE supersedes the subarea and street requirements.												
4. All residential uses (except Senior Living), as governed by the Use/Zoning District Matrix, Section 7.505, within the DT-CBD, DT-CMU, DT-GC, and DT-RO Districts shall not front or provide direct access to an A or C Street; except however within DT-HO . Residential uses are allowed on upper floors or in basements of a building fronting any street type.												
5. For DT- CBD and DT-CMU, the base density of 12 DU/ac can be increased up to 40 DU/ac maximum, using any combination of the following bonus incentive procedures:												
A. Vertical-mixed use structure – 20% DU/ac increase;												
B. Provision of open space above the 20% minimum requirement – 1% DU/ac increase per 1,000 sq. ft. of open space up to 20,000 sq. ft. maximum or 20% DU/ac increase;												
C. Structured parking with parking spaces available to the public at no charge – 1% DU/ac increase per one (1) parking space;												
D. Professional office space – 10% DU/ac increase per 10,000 sq. ft. of professional office space;												
E. Mayor and City Council reserve the right to increase density above 40 DU/ac on a case by case basis, depending on the compatibility of the project with adopted plans, considering the following elements: economic impact, regional significance, amenities provided to the community, and public infrastructure improvements;												
F. Once site plans are submitted to the Community Development Department utilizing any one of the above bonus incentives, the Community Development Director will brief the Mayor and City Council, reviewing the project plan at the next available City Council Meeting.												

7.729. - Street Façade Requirements.

Along the STREET FAÇADE of all new and renovated buildings and structures the following shall apply:

1. Sidewalk level uses shall have a primary pedestrian entrance, which faces, is visible from, and directly adjacent to required SIDEWALK AREA or adjoining OPEN SPACE, including but not limited to dwelling units, MULTIFAMILY lobbies, and individual business establishments. Where an individual use has a STREET FAÇADE on more than one (1) street, such entrance requirement shall apply along Main Street, or when on other streets, such requirement shall apply along the higher order of street shown on the DOWNTOWN DISTRICT REGULATING PLAN, with "A" being the highest order and "E" being the lowest. Where both streets are the same order, entrance orientation may be to either street.
2. All buildings with more than four (4) SIDEWALK AREA level residential units along a single street shall have individual entrances to such units directly accessible from the required SIDEWALK AREA or adjoining OPEN SPACE except in the HISTORIC ZONE. All walkways providing such access shall be shared between no more than two (2) adjacent units.

3. The first two (2) stories of building façades shall be brick, cast stone, concrete siding such as Hardiplank, natural wood or stone, with the exception of pedestrian entrances and windows. In DT-CBD (Central Business District) such requirements shall apply to the entire building façade along Main Street, Towne Lake Parkway, and Arnold Mill Road and building facades seen from such streets.
4. Awnings shall be of fabrics, canvas, fixed metal, or similar material. Internally lit awnings and canopies that emit light through the awning or canopy material are prohibited.
5. Blank, windowless walls are prohibited. All building stories with the exception of storefront treatments shall have windows and doors that equal a minimum of thirty (30) percent and maximum of sixty (60) percent of the total facade length with each story being calculated independently, gables are exempt. For secondary street façade frontages on corner lots, see Subsection 18.
6. All windows shall be vertically shaped with a height greater than width, including display windows but not transoms. Windows located inside gables are exempt.
7. Glass panels in windows and storefronts shall be clear and unpainted, and shall not be tinted such that views into the building are obstructed.
8. Entry façade window trim shall not be flush with the exterior wall and shall have a minimum relief of one-quarter-inch from the exterior wall, except on brick and stone facades.
9. Doors and windows that operate as horizontal sliders are prohibited.
10. Window frames shall be recessed a minimum of two (2) inches from the exterior façade.
11. Porches and stoops shall not be enclosed with screen wire or glass.
12. Porch and arcade columns shall be a minimum width of six (6) inches, unless otherwise determined by the Director of Community Development.
13. Residential porches shall be covered and have a minimum depth of five (5) feet, a minimum length of eight (8) feet and a minimum area of forty (40) feet.
14. Exterior entry steps shall have enclosed risers.
15. Building foundations shall be brick, stone, stucco, or concrete with similar appearance.
16. Parking structures shall conceal automobiles from visibility; shall have the appearance of a horizontal storied building on all levels; shall be faced in brick, stone, cast stone, poured-in-place rubbed concrete, or pre-cast concrete faced in or having the appearance of brick or stone.
17. The minimum building height as measured along the BUILD-TO LINE shall be eighteen (18) feet in all subareas except DT-OS (OPEN SPACE), where there shall be no minimum building height.
18. Buildings on corner lots have two STREET FACADES. The secondary frontage, or the façade without the primary pedestrian entrance, shall have the option, in lieu of providing minimum 30% window coverage on each story, to provide, on a minimum of 40% of the façade on each story, a mixture of architectural elements that conform with this section, including porches, balconies, doors, a historic or unique brick pattern, or a mixture of materials and architectural accents such as ledges, moldings, millwork, and keystones. Proposals for this alternative shall be reviewed and approved by the Director of Community Development.
19. All buildings shall have STREET FACADES with continuous STOREFRONT TREATMENT or RESIDENTIAL TREATMENT requirements as indicated in the Building Façade and Materials Requirements Table.
20. See Building Façade and Material Requirements Table for maximum building height requirements.

Building Facade and Materials Requirements Table									
	Downtown District Subareas								
	DT-CBD	DT-CMU	DT-GC	DT-CI	DT-RO	DT-MR-A and DT-MR-B	DT- LR + DT- VLR	DT- OS	DT-HO
100% STOREFRONT TREATMENT at STREET FAÇADE FRONTAGE	• (within 400' of Main St, TLP, Arnold Mill Rd)								
RESIDENTIAL TREATMENT						•	•		•
	DT-CBD	DT-CMU	DT-GC	DT-CI	DT-RO	DT-MR-A and DT-MR-B	DT- LR + DT- VLR	DT- OS	DT-HO
STOREFRONT TREATMENT or RESIDENTIAL TREATMENT at Street FAÇADE FRONTAGE	•	•	•		•	• (LIMITED USES only)			
Maximum building height	5 stories/85 ft.	8 stories/100 ft.	6 stories/85 ft.	None	40 ft. above street grade	5 stories/85 ft. or 65 ft. above Main St, whichever is less	40 ft.	None	3 stories/40 ft.
Height bonus for minimum of 65% of parking structured	None	12 stories/150 ft. max.	10 stories/125 ft. max.	None	None	8 stories/100 ft. max.	None	None	None
Minimum ceiling height *(see STOREFRONT TREATMENT)	*14 ft. sidewalk level/9 ft. other	*14 ft. sidewalk level/9 ft. other	*14 ft. sidewalk level/9 ft. other	14 ft. sidewalk level/9 ft. other	*12 ft. sidewalk level/9 ft. other	*10 ft. sidewalk level/9 ft. other	9 ft. min.	9 ft. min.	10 ft. sidewalk level/9 ft. other
RESIDENTIAL TREATMENT sidewalk level	NA	10 ft.	10 ft.	10 ft.	10 ft.	9 ft.	9 ft.	9 ft.	10 ft.

finished floor to finished ceiling									
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7.730. - General Requirements.

1. Building Requirements.

- a. The primary pedestrian entrance to all sidewalk level retail and eating and drinking establishments shall remain unlocked during business hours.
- b. Primary sidewalk level pedestrian entrances to individual businesses and residential units shall be adjacent to required SIDEWALK AREA, PARK, PLAZA, or courtyard.
- c. Building façade materials shall be combined only horizontally, with the heavier below the lighter.
- d. Chimneys shall extend to the ground.
- e. All roofs shall have a minimum 25-year roof and no visible roll roofing.
- f. Building mechanical and accessory features:
  - i. Shall be located to the side or rear of the principal structure or on rooftops and shall be screened from any PUBLIC OPEN SPACE or SIDEWALK AREA views.
  - ii. When located on rooftops shall be incorporated in the design of the building and screened with materials similar to the building.
- g. Any parapet walls shall extend around all sides of building.

2. Site Requirements.

- a. The height of fences and walls located between the STREET FAÇADE of principal structures and a street shall not exceed forty (40) inches and in other areas shall not exceed six (6) feet.
- b. Fences and walls located along the alley right-of-way line shall be a maximum height of six (6) feet
- c. No barbed wire, razor wire, chain link or similar elements shall be visible from any public PARK, required SIDEWALK AREA, or SIDEWALK AREA level outdoor dining area.
- d. Loading docks and dumpsters shall be entirely screened from view of any PUBLIC OPEN SPACE or SIDEWALK AREA, with a dumpster pad enclosure Dumpster pad enclosure is required, constructed of the same materials, and matching the architecture of the principal structure Doors and gates shall be opaque and must remain closed while not in use. Chain-link is not an acceptable material.
- e. Utilities shall be placed underground or in alleys wherever feasible.

7.731. - Historic Zone Requirements.

Buildings within the HISTORIC ZONE shall be of a scale and character compatible with historic residential buildings as described below. Parcels within the HISTORIC ZONE are subject to the following regulations, in addition to other requirements of the DOWNTOWN DISTRICT

- 1 The required BUILD-TO LINE shall match the average distance between the primary structure and the curb of the nearest two (2) adjacent buildings on the same street built before 1945
- 2 All exterior facades except windows shall be brick, horizontal Hardiplank, natural wood or stone
- 3 Flat roofs shall be prohibited
- 4 Parking decks shall be prohibited
- 5 Roofs shall extend a minimum of eighteen (18) inches beyond exterior building walls
- 6 Exterior STREET FAÇADE doors shall be wood panel or fixed glass in wood frame
- 7 Primary structures shall have a RESIDENTIAL TREATMENT regardless of use
- 8 All windows shall be either double-hung or fixed glass in keeping with the particular architectural style described below
- 9 With the exception of stories partially contained within roofs, all aboveground stories shall be equal in floor area and shape
- 10 All STREET FAÇADE porches that are not a required "accessible route into and through the dwelling unit", as established by Sec 804 [42 U S C 3604] (3) (C) (iii) (I) of the Fair Housing Act, shall be a minimum of twenty-four (24) inches above the grade of the SIDEWALK AREA
- 11 Buildings shall be one of the following five (5) architectural styles and shall meet all the requirements contained herein
  - a Craftsman, which shall provide
    - i A rectangular building footprint, with the short end facing a street
    - ii Gabled roofs having gables with a minimum pitch of twenty (20) degrees and a maximum pitch of forty (40) degrees from horizontal, with roof lines running parallel or perpendicular to the street
    - iii Decorative beams or braces under gables
    - iv Exposed roof rafters where roofs overhang
    - v Equal height windows along the entire STREET FAÇADE
    - vi A symmetrical or asymmetrical STREET FAÇADE
    - vii A front porch extending the entire width or one-half the width of the building. Said porch shall include square columns not less than eight (8) inches thick that taper from bottom to top. Said columns shall be set atop stone or masonry bases extended to the ground. Square or rectangular balusters and handrails are optional
  - b Folk, which shall provide
    - i A building footprint that is rectangular or "L-shaped," with the end of the short leg of the "L" facing a street
    - ii Gabled roofs having gables with a minimum pitch of thirty (30) degrees and a maximum pitch of forty-five (45) degrees from horizontal, with roof lines parallel or perpendicular to the street
    - iii Ridge vents having a minimum size of one (1) foot by one (1) foot shall be provided along all gables facing a public street

- iv Equal sized windows along the entire STREET FAÇADE
  - v A symmetrical STREET FAÇADE for buildings with rectangular footprints
  - vi A front porch extending the entire width of the building, except with an "L-shaped" footprint said requirement shall not apply to the short-leg of the "L " Said porches shall include turned columns, turned balusters, handrails, and optional lace-like spandrels
- c Simple Queen Anne, which shall provide
- i A building footprint that is rectangular or "L-shaped," which may include the circular base of a tower
  - ii Gabled roofs having steep pitch, which may be of irregular shape
  - iii An asymmetrical front porch that is one-story and wraps around one (1) or both sidewalls of the building
  - iv Porch columns that taper from the top to bottom, with decorative details at the top
- d Colonial Revival, which shall provide
- i A rectangular building footprint with the long side facing a street
  - ii A gabled, hipped, gambrel, or second story overhang roof
  - iii An accentuated entrance with a pediment supported by pilasters and/or an entry porch supported by slender columns
  - iv A symmetrical STREET FAÇADE with a centered door and balanced rectangular windows
  - v A cornice between the STREET FAÇADE and roof that extends around the entire roofline of the structure
- e Gothic Revival, which shall provide
- i A building footprint that is rectangular or "L-shaped," with the end of the short leg of the "L" facing a street
  - ii A symmetrical STREET FAÇADE for buildings with rectangular footprints
  - iii A steeply pitched centered gable, paired gable, front-gable, or asymmetrical roof
  - iv At least one (1) window with Gothic detailing
  - v A one-story front porch supported by column with Gothic detailing which either extends the entire width of the building or as an entry porch

**Exhibit B**

Article VIII. Other Development Districts and Overlay Zoning

7.840. - Specific Standards for Senior Living.

7.841. - Purpose and Intent of Senior Living.

The regulations set forth in Senior Living are designed to

- 1 Provide for the development of detached, attached, and multi-family dwelling units limited to those persons age fifty-five (55) and older as defined by the Fair Housing Act
- 2 Locate these developments in areas where retail, professional, civic, and cultural uses are convenient for residents to access, preferably even when they can no longer drive
- 3 Promote the concept of Aging in Place which provides a variety of living choices aimed at allowing residents to remain in their communities as they age These include communities with a mix of housing type and size, active living communities, assisted living facilities and full care facilities
- 4 Promote pedestrian safety by ensuring sidewalk-oriented buildings and attractive street-facing facades that foster pedestrian activity and liveliness
- 5 Provide an adequate amount of meaningful open space within each development which creates areas for social interaction among neighbors, opportunities for recreation, and is easily accessible for all residents

7.842. - Reserved.

**Editor's note**— Ord. of 7-12-2010(3), § 6, repealed § 7.742, which pertained to Definitions Related to Senior Living and derived from the publication of this Land Development Code.

7.843. - Reserved.

**Editor's note**— Ord. of 7-12-2010(3), § 7, repealed § 7.743, which pertained to Principal Permitted Uses and derived from the publication of this Land Development Code. Subsequently, said ordinance relocated former subsections 7.743(1)—(3) to § 7.301.

7.844. - Residential Density Bonus

Density bonuses will be awarded to each Senior Living project which incorporates affordable units, assisted living units, and/or full care facilities These bonuses are listed in the table and are based on a percentage of the total units by project, followed by a maximum allowed density in each subarea

Density Bonus Table			
	SENIOR LIVING Subareas		
	SL-A	SL-B	SL-C
Base density	4	6	12

Affordable units (10%)*	2	2	8
Affordable units (30%)*	3	3	12
Affordable units (50%)*	4	4	18
Assisted living units (10%)*			8
Assisted living units (30%)*			12
Assisted living units (50%)*			18
Full care facility (100%)*			18
Maximum allowed density**	8	10	30
*Percentages are based on the total number of units in each development and are the minimum necessary to achieve bonus density.			
**Affordable and assisted living unit bonuses may be combined, but cannot exceed max density			

7.845. - Location Requirements.

Any project in a SL category must adhere to the following location requirements. These requirements are calculated by measuring the walkable distance on an improved surface between the main entrance of the SL neighborhood or building to the front door of the commercial facility.

1. SL-A and SL-B must be located within a three-quarter-mile radius of commercial retail uses including but not limited to grocery stores, pharmacies, and/or medical service facilities. Projects must also maintain the scale and intensity of surrounding uses.
2. SL-C must be located within a one-quarter-mile radius of commercial retail uses including but not limited to grocery stores, pharmacies, and/or medical service facilities. SL-C projects may be exempt from these requirements if these uses are provided on-site. Projects must also maintain the scale and intensity of surrounding uses.

7.846. - Site Planning Requirements.

Senior Living Site Limits Table	
	SENIOR LIVING Subareas

	SL-A	SL-B	SL-C
Minimum lot width (feet)	35	16	N/A
Build-to line (feet)	Min - 5 Max - 20	Min - 5 Max - 10	Min - 5 Max - 10
Rear setback (minimum feet)	With alley - 0 No alley - 20	With alley - 0 No alley - 20	20
Side setback (minimum feet)	5	N/A	N/A
Buffer (feet)*			
R-1, R-2	N/A	25	25
R-3, R-4	N/A	N/A	N/A
OSI, NC, GC	N/A	N/A	N/A
LI, HI	50	50	50
*Buffers apply only on property lines contiguous to adjacent zoning categories.			

Any project in a SL category must adhere to each of the following site planning requirements:

1. The minimum requirement for open space shall be twenty (20) percent of the project area. Required infrastructure, detention facilities and mandatory stream buffers shall not be used in open space calculations. Not more than fifty (50) percent of the total open space requirement shall be provided in the form of private open space.
2. Each unit in SL-A and SL-B shall provide a minimum of one (1) parking space in a garage structure, not to exceed two (2) spaces. All garages must be accessed through the use of rear alleys.
3. No parking in SL-C shall be permitted between the building(s) and the main access street in order to facilitate pedestrian access to the street. Vehicular access to the building(s) shall be provided from the rear, side, underneath or a courtyard. In addition, a main pedestrian access to each building shall be provided on the side facing the street.

7.847. - Street Design Requirements.

1. In order to promote a safe pedestrian environment, street design shall accommodate the use of landscape strips, a minimum six-foot wide sidewalk on both sides of the street, and dedicated on-street parking areas where appropriate.

- 2 When a SL project fronts an existing street, the above requirements are to be applied along the existing street along the entire frontage of the property

7.848. - Senior Living Zoning Category Requirements.

- 1 The total number of units zoned under any SL category shall not exceed more than twenty (20) percent of the total number of housing units within the City Limits. The number of units that may be zoned SL will be updated as needed by the City
- 2 All SL developments shall have development plans approved by the City within eighteen (18) months of receiving SL zoning or it shall revert to the previous zoning category. At its discretion, City Council may grant extensions
- 3 In order to promote a pedestrian friendly environment, the following overlay standards are expressly waived in favor of the requirements in the SL site limits table: lot sizes, lot widths, streetscape adjustments, setbacks, and buffers. Any overlay standards related to streetscape themes and architectural requirements shall be adhered to

7.849. - Senior Living General Requirements.

- 1 All other sections of the City of Woodstock's Land Development Ordinance shall be enforced including but not limited to tree preservation, stream buffer requirements, engineering requirements, and signage regulations
- 2 Upgrades to existing adjacent infrastructure shall be required including but not limited to the installation or upgrade of crosswalks and sidewalks, pedestrian signalization including count down timers and audio notification for the visually impaired, and/or wheelchair compatibility.
- 3 The exterior of each dwelling unit and other buildings shall be brick, cast stone, concrete siding such as Hardiplank, natural wood, hard coat stucco, and/or natural stone
- 4 All residential units within SL shall incorporate applicable and "Easy Living Home" standards to include
  - a A step free entrance into the main floor at either the front or side of the structure, or through the garage,
  - b A bedroom, kitchen, wheelchair friendly bathroom, and entertaining area all on the main floor,
  - c Every interior door on the main floor provides a minimum thirty-two (32) inches of clear passage,
  - d Blocking installed in the bathroom(s) on the main floor to facilitate the future addition of handrails or similar accessibility features

7.850. - Specific Standards for Conservation Subdivisions.

7.851. - Definition and Purpose of Conservation Subdivisions.

A conservation subdivision is a residential zone that provides for the preservation of open space and greenspace for watershed protection and the nonstructural management of stormwater runoff. The purpose of the Conservation Subdivision is to provide flexibility of design in order to promote sustainable development of land in portions of the City of Woodstock already zoned for residential use. It permits the clustering of houses and structures on less environmentally sensitive lands which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development. Appropriate use of the Conservation Subdivision can also

- 1 Provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure,

2. Provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
3. Preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
4. Permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
5. Reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.

7.852. - Applicability.

The Conservation Subdivision option is available in the Residential Zoning District listed in section 7.300. Unless specifically noted, the development must meet all applicable requirements contained in Chapter III of this Ordinance in addition to the guidelines of this section. Ownership of Development Site: The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

7.853. - Minimum Development Requirements.

Minimum		6,000 Sq. Feet
Minimum Lot Width		60 Feet
Front Yard Setback (dependent on right-of-way)		
	Existing Street	50 Feet
	New Street in Subdivision	25 Feet
Side Yard		10 Feet
Rear Yard		15 Feet

7.854. - Housing Density Determination for Conservation Subdivisions.

The maximum number of lots in the Conservation Subdivision shall be determined by either of the following two (2) methods, at the discretion of the local jurisdiction:

1. Calculation: The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:
  - a) Slopes over twenty-five (25) percent of at least five thousand (5,000) square feet contiguous area;

- b) The one-hundred-year floodplain,
  - c) Bodies of open water over five thousand (5,000) square feet contiguous area,
  - d) Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act, or,
  - e) Anticipated right-of-way needs for roads and utilities
- 2 Yield Plan The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations

7.855. - Standards to Determine Open Space.

- 1 The minimum restricted Open Space shall comprise at least forty (40) percent of the gross tract area
- 2 The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article
  - a) The regulatory one-hundred-year floodplain,
  - b) Buffer zones of at least seventy-five (75) feet width along all perennial and intermittent streams,
  - c) Slopes above twenty-five (25) percent of at least five thousand (5,000) square feet contiguous area,
  - d) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act,
  - e) Populations of endangered or threatened species, or habitat for such species, and,
  - f) Archaeological sites, cemeteries and burial grounds
- 3 The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible
  - a) Important historic sites,
  - b) Existing healthy, native forests of at least one (1) acre contiguous area,
  - c) Individual existing healthy trees greater than eight (8) inches caliper, as measured from their outermost drip line,
  - d) Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads,
  - e) Prime agricultural lands of at least five (5) acres contiguous area, and,
  - f) Existing trails that connect the tract to neighboring areas
- 4 Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected Open Space but cannot be counted towards the forty (40) percent minimum area requirement (exception historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space
- 5 At least seventy-five (75) percent of the Open Space shall be in a contiguous tract. The Open Space should adjoin any neighboring areas of Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space
- 6 The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space

7.856. - Permitted Uses of Open Space.

Uses of Open Space may include the following

- 1 Conservation of natural, archeological or historical resources,
- 2 Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas,
- 3 Walking or bicycle trails, provided they are constructed of porous paving materials,
- 4 Passive recreation areas,
- 5 Active recreation areas, provided that they are limited to no more than ten (10) percent of the total Open Space and are not located within Primary Conservation Areas Active recreation areas may include impervious surfaces Active recreation areas in excess of this limit must be located outside of the protected Open Space,
- 6 Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas,
- 7 Easements for drainage, access, and underground utility lines, or
- 8 Other conservation-oriented uses compatible with the purposes of this Ordinance

7.857. - Prohibited uses of Open Space.

- 1 Golf courses,
- 2 Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections,
- 3 Agricultural and forestry activities not conducted according to accepted Best Management Practices, and,
- 4 Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection

7.858. - Ownership and Management of Open Space.

- 1 The applicant must identify the owner of the Open Space who is responsible for maintaining the Open Space and facilities located thereon If a Homeowners Association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors If a Homeowners Association is the owner, the Homeowners' Association shall have lien authority to ensure the collection of dues from all members The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the owner
- 2 In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, City of Woodstock may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance The costs of such maintenance may be charged to the owner, Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties Should the Homeowner's Association go defunct responsibility falls to the actual homeowners
- 3 Legal Instrument for Permanent Protection The Open Space preserved as part of the Conservation Subdivision shall be protected in perpetuity by a binding legal instrument that is recorded with the deed The instrument shall be one (1) of the following
  - a) A permanent conservation easement in favor of either

- i A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions, or
- ii A governmental entity with an interest in pursuing goals compatible with the purposes of this Ordinance. If the entity accepting the easement is not the City of Woodstock, then a third right of enforcement favoring City of Woodstock shall be included in the easement,
- b) A permanent restrictive covenant for conservation purposes in favor of a governmental entity, or,
- c) An equivalent legal tool that provides permanent protection, if approved by City of Woodstock
- d) The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space

7.859. - Conservation Subdivision Application Requirements.

- 1 Site Analysis Map Required. Concurrent with the submission of a site concept plan, Applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this article. The preliminary site plan shall include the following features:
  - a) Property boundaries,
  - b) All streams, rivers, lakes, wetlands and other hydrologic features,
  - c) Topographic contours of no less than ten-foot intervals,
  - d) All Primary and Secondary Conservation Areas labeled by type, as described in section 4 of this article,
  - e) General vegetation characteristics,
  - f) General soil types,
  - g) The planned location of protected Open Space,
  - h) Existing roads and structures, and,
  - i) Potential connections with existing greenspace and trails
- 2 Open Space Management Plan Required. An open space management plan shall be prepared and submitted prior to the issuance of a land disturbance permit that:
  - a) allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements,
  - b) estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided,
  - c) provides that any changes to the Plan be approved by the City Council, and,
  - d) provides for enforcement of the Plan
- 3 Instrument of Permanent Protection Required. An instrument of permanent protection, as described in [subsection] (c)(6) of this section, shall be placed on the Open Space concurrent with the issuance of a land disturbance permit
- 4 Other Requirements. The Applicant shall adhere to all other applicable requirements of the underlying zoning

7.860. Overlay Zoning Districts.

7.861. - General to Overlay Districts.

7.862. - Purpose Statement.

- 1 Overlay Zoning serves as a development standard for specific areas identified within the City of Woodstock, Georgia. These development standards provide for a uniform landscape and design theme in these areas. The specific design and land use policies are an extensive plan for these areas of the City of Woodstock, Georgia.
- 2 Overlay Zoning is intended to generate quality development through the use of design standards and other requirements specific to those areas defined within the specific overlay zoning districts. The use of overlay zoning is designed to promote economic, cultural, open space and safety features to aid the public's general welfare. This orderly planning system is intended to attract future development and provides for mixed use options to encourage development consistent with the Comprehensive Plan of the City of Woodstock, Georgia.
- 3 The addition of overlay zoning to those areas identified within the City of Woodstock, Georgia, will be by subsequent zoning map amendment and will be in the form of an 'overlay' zoning. Those properties located within these areas will retain the rights conferred by their existing zoning classifications. Moreover, new property rights will be conferred on those properties on the corridor that meet the criteria established herein.
- 4 Nothing in the Ordinance precludes the filing for a map amendment to any zoning classification allowed by the City of Woodstock Zoning Ordinance. However, it is the express legislative intent of the City of Woodstock, Georgia, that strip or single lot commercial development will undermine the objective sought through the adoption and implementation of this Ordinance. Accordingly, while this Ordinance seeks to confer additional rights without depriving any property of its existing rights, the passage of this Ordinance should not be interpreted as an endorsement of traditional commercial zoning.

7.863. - Existing Conditions.

It is the desire of the City of Woodstock, Georgia, and its citizens and private property owners cooperating in the creation of this Ordinance to implement it as rapidly as possible and to do so in a fair manner. Existing conditions need not change immediately upon the adoption of this Ordinance. While this Ordinance will become effective immediately for new development, construction and renovation, some flexibility is provided in the implementation of the other elements.

7.864. - Application of Overlay Standards.

After adoption by the Mayor and the City Council of the City of Woodstock, Georgia, this Ordinance will apply to all applications for land disturbance and/or building permits submitted after the effective date of this Ordinance adoption.

7.865. - Exterior Renovations.

Exterior renovations to a building must comply with the Ordinance requirements. The structural aspects of this Ordinance will not be triggered by standard maintenance activities not requiring a building permit.

7.866. - Continuation of a Non-Conforming Use.

The lawful use of any building structure or tract of land existing at the time of the adoption of this Ordinance or amendment of this Ordinance may be continued, even though such use does not conform with the provisions of this Ordinance, except that the non-conforming use shall not be

- 1 Extended to occupy a greater area of land

- 2 Extended to occupy a greater area of a building or structure unless, such additional area of the building or structure existed at the time of the passage or amendment of this Ordinance and was clearly designated to house the same use as the non-conforming use occupying the other portion of the building or structure
- 3 Re-established after discontinuation for sixty (60) days within a non-residential district or re-established at all after discontinuance in a residential district
- 4 Changed to another non-conforming use

7.867. - Continuation of a Building Occupied by a Non-Conforming Use.

A building occupied by a non-conforming use at the time of the adoption of this Ordinance or amendment of this Ordinance may be retained except that

- 1 No building other than a single family detached dwelling may be enlarged, altered, or rebuilt except in conformance with this Ordinance, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition
- 2 No building other than a single family detached dwelling, when replaced within 6 months, shall be rebuilt, altered, or repaired after damage exceeding 50% of its replacement cost at the time of destruction, except in conformity with this Ordinance, provided that such damage occurred as a result of fire, flood, wind, earthquake, or other natural disaster

**Editor's note**— Ord. of 7-12-2010(3), § 8, repealed § 7.907, which pertained to Relationship to Existing Zoning and derived from the publication of this Land Development Code.

7.868. - Coordination with Other Ordinances.

These design guidelines supersede other Ordinances, codes and laws of the City of Woodstock, Georgia, only so far as they exceed the requirements of those documents or as specifically stated herein. Compliance with these guidelines does not negate any responsibility to comply with other Ordinances and Codes not superseded by this Ordinance.

[7.869. - Reserved.]

7.870. - Severability.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance be declared unconstitutional or invalid, it shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

7.9871. - Parkway Overlay District.

7.872. - Legislative Purpose

This Ordinance shall be known as the Parkway Overlay District Ordinance, and shall serve to encourage developing as one (1) project, tracts of land that are sufficiently large to allow a mixed-use development consisting of uses permitted under this article, and, when developed pursuant to this Ordinance, only such permitted uses, while maintaining compatibility with the existing areas and creating an attractive, efficient and stable environment. It encourages a mixture of prominently sited office/institutional, commercial establishments, civic or community buildings and housing types to provide a balanced mix of activities and public spaces.

7.873. - Legislative Objective.

- 1 The Parkway Overlay District Ordinance serves as a development standard for the Highway 92 Corridor. This development standard provides for a uniform landscape and design theme along this improved road. The specific design and land use policies are a comprehensive plan for the Highway 92 Corridor of The City of Woodstock, Georgia.
- 2 The Parkway Overlay District Ordinance calls for a pattern of commercial and office buildings constructed in eighteenth and nineteenth century architectural styles. The regulations recognize and are intended to protect and preserve the established residential areas located to the north and south of the improved road. The incorporation of buffering techniques seeks to assist in the preservation of adjoining residential areas by providing a unique transition zone rather than the traditional descending density theory.
- 3 The Parkway Overlay District Ordinance is intended to generate quality development along the expanded Highway 92 thoroughfare while promoting economic, cultural, open space and safety features to promote the public welfare. This orderly planning system is intended to attract quality development as described in the permitted uses of this Ordinance.

7.874. - Establishment of Parkway Overlay District Boundary.

The boundaries of the Parkway Overlay District shall extend one thousand (1,000) feet to the north of the centerline of Highway 92 and one thousand (1,000) feet to the south of the centerline of Highway 92 from the eastern city limits to the western city limits. All parcels lying within the specified boundaries, except those listed in section 7.925, shall be governed by the requirements set forth.

7.875. - Parcels Split by Boundary.

Application may be made to extend the boundary of the Parkway Overlay District to include an entire parcel which is divided by the specified boundary of the Parkway Overlay District. Refer to section 11.202 of the City of Woodstock's Land Development Ordinance for application procedures.

7.876. - Exemptions from Parkway Overlay District Ordinance.

The following parcels are expressly exempted from the requirements of the Parkway Overlay District:

- Parcels within the designated area and zoned pursuant to the Downtown Master Plan (DTMP)

7.877. - Reserved.

**Editor's note**— Ord. of 7-12-2010(3), § 9, repealed § 7.926, which pertained to Permitted Use Standards and derived from the publication of this Land Development Code.

7.878. - Reserved.

**Editor's note**— Ord. of 7-12-2010(3), § 10, repealed § 7.927, which pertained to Prohibited Use Standards and derived from the publication of this Land Development Code.

7.879. - Site Development Standards.

All projects developed within the Parkway Overlay District shall meet the following minimum site development standards:

Site Development Standards
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	Project Type			
	SFD - A Residential - Single Family Detached	SFD - B Residential - Single Family Detached	SFA Residential - Single Family Attached	COM Commercial/ Institutional
Maximum Density (units per acre)	n/a	n/a	6	n/a
Minimum Project Size (acres)	n/a	n/a	5	n/a
Minimum Lot Size (sq. ft.)	9,000	17,999	9,000	n/a
Minimum lot width (feet)	60	60	60	n/a
Setbacks (feet)				
Front	30	30	30	20
Side	10	10	10	10
Rear	30	30	30	30
Buffer (feet)				
SFD - A		30	75	75
SFD - B			75	75
SFA	75	75		75
COM	75	75	75	40
Maximum Height (feet)	40	40	40	40

1. The intent of buffers is to provide a year-round visual screen, such as evergreen trees, between adjacent properties and new development.

2. Access to Highway 92 must comply with all City, County and State traffic access requirements established by the City Engineer and the Georgia Department of Transportation. Internal roadways or vehicular connections making developments accessible to each other shall be used whenever possible to discourage traffic congestion on Highway 92.
3. All utilities shall be located underground.

7.880. - Streetscape Zone Standards.

All projects developed within the Parkway Overlay District shall meet the following streetscape zone standards.

Streetscape Zone Standards*				
	Project Type			
	SFD - A Residential - Single Family Detached	SFD - B Residential - Single Family Detached	SFA Residential - Single Family Attached	COM Commercial/Institutional
Hwy 92 (feet)	40	40	40	40
Other ROW (feet)	20	10	10	40

\* Measured from the edge of pavement

1. Streetscape zone requirements shall include landscaping along the entire property frontage, except where driveways may be required, for the minimum depth required.
2. Landscaping shall utilize fences, berms, connecting sidewalks, trees, and other plantings to comply with the requirements set forth.
  - a) A three-rail fence of appropriate style, white in color, shall be installed within two (2) feet of the right-of-way of Highway 92.
  - b) An approved street tree with a minimum three (3) inch DBH, as indicated in the Tree Preservation Ordinance, shall be required every forty (40) feet on center along the entire property frontage within the streetscape zone.
  - c) A landscaped berm of no less than three (3) feet in height or evergreen landscape plantings of no less than three (3) feet in height shall be provided to screen vehicular parking areas, loading areas, and dumpsters from view of Highway 92.

7.881. - Architectural Standards.

All projects developed within the Parkway Overlay District shall meet the following architectural standards.

1. Buildings shall be designed to substantially resemble eighteenth and nineteenth century architectural styles.

- 2 Building mass shall be broken up to give the appearance of individual buildings or places of business, presenting a village appearance
- 3 Large areas of uninterrupted brickwork shall be broken up through the use of trellises, arcades, blind windows, archways, or other patterns
- 4 Window areas shall not extend down to the floor line. A wall of not less than two (2) feet in height shall separate the floor from the bottom of the window frame
- 5 In a mixed use project all residential uses will be designed in traditional styles that will compliment the office/commercial uses
- 6 Buildings shall have no less than eight (80) percent of the non-glass area of three (3) exterior sides faced with brick of a natural color and texture that simulates historic types of brickwork. If a building has more than four (4) planar areas, seventy-five (75) percent of these areas shall be faced in brick
- 7 Multi-pane windows shall be used in individual window openings, rather than large glass sheets
- 8 Mirrored glass with a reflection greater than twenty (20) percent and glass curtain walls are prohibited
- 9 Paint colors shall be of traditional, historic types which are generally muted tones such as ivory, cream, beige, white, and pastel colors. Colors which are not permitted are bright or vibrant colors of orange, pink, purple, bright green, or violet, which are considered to be inconsistent with the district. The exterior color scheme shall be approved by the Director of Planning and Economic Development
- 10 All buildings shall have a pitched roof with a minimum pitch of four and half (4 5) inches vertical elevation per one (1) foot of horizontal distance, except as otherwise provided herein
- 11 Commercial building styles without a pitched roof shall have a detailed parapet and cornice, in keeping with eighteenth and nineteenth century architectural styles
- 12 All roofing materials shall be of a consistent style and pattern. Pitched roofs shall be finished in either architectural or dimensional shingles, or standing seam metal roofs
- 13 Renovations to preexisting non-conforming buildings which require a building permit shall include monument signage and ivy on trellises on the exterior of buildings

7.882. - Technology Park Overlay District.

7.883. - Legislative Purpose.

- 1 The Technology Park Overlay Ordinance serves as a development standard for the development of a mixed use office and technology park combined with commercial and residential uses along the Woodstock Parkway, Rope Mill Connector roadways. This Ordinance is designed to set a standard for development that fully integrates those uses that will create a vibrant activity center in a unique style that complements and enhances the natural environment and existing development pattern of the surrounding areas of Woodstock and Cherokee County
- 2 The Technology Park Overlay District calls for a combination of light industrial, technology oriented commercial, office uses, and a mixture of Low, Medium and High Density residential uses combined with Natural Preserve areas in a style that uses modern forms and patterns with influences based upon historic styles and models. The Technology Park Overlay District is oriented towards an exclusive office park environment targeted toward long term corporate clientele, with an emphasis toward corporate clientele, with an emphasis toward corporate headquarters and campuses. The Technology Park Overlay is intended to maintain the natural surroundings and give the appearance and feel of an area completely unique to the City. This Ordinance is intended to provide for mixed use options to encourage development consistent with the City of Woodstock's Comprehensive Plan

- 3 Nothing in the ordinance precludes the filing for a map amendment to any zoning classification allowed by the City of Woodstock Zoning Ordinance. While this Ordinance seeks to confer additional rights without depriving any property of its existing rights, the passage of this Ordinance should not be interpreted as an endorsement of the traditional commercial zoning.

(Ord. of 10-28-2013(2), § 1(Exh. A))

7.884. - Establishment of Technology Park Overlay District Boundary.

The general boundaries of the Technology Park Overlay District shall be those properties that are currently zoned Light Industrial that are located along Old Highway 5/Canton Highway, Woodstock Parkway, Rope Mill Road and Ridgewalk Parkway. The specific boundaries are drawn on the approved map by the City Council and the approved map resides with the City Clerk and Department of Planning and Economic Development. These boundaries shall not include any properties zoned for and used as a General Commercial use.

7.885 - Permitted Use Standards.

The following uses shall be permitted, in addition to those uses permitted under Light Industrial zoning, within any development permitted pursuant to this Ordinance:

- 1 Eating and Drinking Establishments, including coffee shop, ice cream and yogurt shops, restaurant - sit down, restaurant - fast food, restaurant with alcoholic beverages, small café
2. Institutional, including auditorium, assembly hall, civic center, community center, cultural facility, government building, library, museum, park and recreation facility, school facility
- 3 Medical, including group care facility, hospital, hospice, medical office, residential board/care facility
- 4 Residential, including single family home, fee simple townhome, independent retirement living, apartment, residential over commercial
- 5 Retail Local, including bakery - retail store only, florist - retail store only, grocery store [limited to fifty-five thousand (55,000) sf], retail store - common merchandise, news stand
- 6 Services Local, including bank and financial institutions, barber and beauty shop, clinic - public/private, carpet/rug sales and storage, day care facility, equipment supply, dry cleaning - pick up/drop off, dry cleaning - on premises, hotel,

7.886. - Prohibited Use Standards.

Any uses not specifically listed in section 7.943 shall not be permitted within the Technology Park Overlay District and in addition, the following uses shall be prohibited:

- 1 Adult video/novelty shop, advertising display/sales, agricultural business - cooperation, amusement park, automobile garage/repair shop including oil and lube, automobile sales - new/used, automobile salvage lot/scrap yard, billiard parlor, boat sales/service/repair facility, bottled gas/storage/distribution center, bottling plant, builder supply - storage, cesspool builder - service, check cash service, communication towers, contractor equipment/material storage, curio/souvenir shop, drive-in theater, electric substation, farm equipment sales/service, gas regulation station, go kart/motor bike track, kennel - commercial, manufacturing facility, meat processing facility, mini-warehouse facility, manufactured home sales, nude/semi-clothed dancing establishment, pawn shop, petroleum products - bulk storage, planned industrial park, produce stands, recreational vehicle sales/service/repair facility, storage yard, truck terminal, tire sales/repair shop

7.887. - Residential Development Standards.

- 1 The intent of this overlay is to allow for a variety of different housing types. Housing above and immediately adjoining office and retail space, creating a lively mix of uses and a twenty-four-hour community is encouraged. The ideal inclusion of residential uses is within a building that also contains commercial and or residential uses. A mix of low density, medium density, to high density residential housing shall be permitted immediately adjoining these mixed use buildings. A low density shall be designed up to three (3) units per acre, a medium density shall be up to six (6) units per acre, and a high density shall be up to twelve (12) units per acre. Higher densities shall be governed by the adjacent land use and a logical transition of land use from a more intense use to a less intense, low density residential use. For purposes of determining a logical transition the depth of the property as measured between commercial and other residential uses shall be divided in to proportionate parts. The section nearest commercial may have the higher density and the section nearest other residential will be the least density.
  - a) The total number of residential units will not exceed two thousand (2,000). The gross land area allocated to residential use will not exceed forty-two (42) percent of the total land area.
  - b) Residential uses are not to be of a density less than two (2) units per acre, with a total density not more than twelve (12) units per acre.
  - c) No more than two (2) apartment complexes shall be allowed in the Technology Park Overlay Zoning District. Each apartment complex shall not exceed three hundred forty (340) apartment dwelling units within such complex. Each apartment complex shall be contained within one (1) site. As of the date of this Ordinance (ref 2008-0004, April 14, 2008) one (1) of the apartment complexes allowed in the Technology Park Overlay Zoning District exists and is commonly called Alta Ridgewalk. The other apartment complex shall be located south of Ridgewalk Parkway and East of Ridge Trail.
- 2 The orientation of residential and mixed use buildings should be along public roads and nature preserves with only one (1) side or face of the building overlooking a parking area. The creation of courtyards and enclosed parking area are strongly encouraged. The architecture of any mixed use or purely residential building should conform with the design standards previously set forth in this Ordinance.
- 3 Residential units shall not be separated from office and or retail uses but fully integrated as part of a greater whole. Separation would include but not limited to the fencing or enclosing of a residential area with restricted vehicular or pedestrian access to any residential area. This restriction of separation in not designated to endanger any resident or impair the security of any resident. Rather than creating a fortress like residential environment, security can and should be provided at the entrance points to buildings or in enclosed secure parking areas that are restricted from public view.

7.888. - Site Development Standards.

- 1 Setbacks shall not be less than ten (10) feet from any right-of-way. Other setbacks shall be per Article IV Zone District Performance Standards of Chapter VII Zone District Standards of the Land Development Ordinance of the City of Woodstock for the underlying zoning classification or the most closely related category for the proposed use.
- 2 Impervious surface in the Technology Park Overlay Zoning District, not including street parking, shall not exceed seventy (70) percent of the total lot area. This calculation must be included on the site plan provided for the addition of off street parking spaces.
- 3 A plan for any additional outdoor lighting shall be reviewed and approved by the Department of Planning and Economic Development to ensure that unnecessary glare shall not be cast on adjacent property. Unnecessary glare shall be defined at 0.1 foot candle at the property line between the commercial and residential property.
- 4 A berm or hedgerow type evergreen landscape feature, no less than three (3) feet in height, shall be provided to shield vehicular parking area from view of any publicly accessible area. This screening is not designed to restrict safe viewing areas or driving lanes.

7.889. - Streetscape Zone Standards.

- 1 The streetscape zone shall include broom finished sidewalks with hand troweled joints directing pedestrian connections to the main entrance of existing or new buildings Landscaping utilizing fences, berms, connection sidewalks, trees and other plantings, well maintained from landscape area, appropriate landscaping, mature trees, hedgerow plantings, brick piers, period style lighting, and the minimization of parking and driveway areas to comply with the City of Woodstock's Comprehensive Plan The streetscape zone is measured from the edge of pavement
  - a) Front yard landscaping areas along the Woodstock Parkway/Rope Mill Connector shall be a minimum of forty (40) feet in depth along the entire property frontage except where driveways or other openings may be required
  - b) A major tree not less than two-inch DBH as indicated in the Tree Ordinance shall be planted every twenty (20) feet on center along the entire roadway frontage of the property within the landscape strip
- 2 An upgraded sidewalk shall be added from the street to the main entrance of all structures on Woodstock Parkway Upgraded sidewalks should incorporate brick, stone or other material that will tie in and compliment the building architecture and landscape The intent is to eventually have sidewalks fronting any structure along Woodstock Parkway The project design shall provide pedestrian connectivity through sidewalks and/or multiuse trails, to the other activities centers such as, but not limited to, library, city hall, downtown and school to the maximum possible extent

7.890. - Architectural Standards.

All projects developed within the Technology Park Overlay District shall meet the following architectural standards

- 1 Building mass shall be broken up to give the appearance of individual buildings or places of business, presenting a village appearance
- 2 Large areas of uninterrupted brickwork shall be broken up through the use of trellises, arcades, blind windows, archways, or other patterns
- 3 Window areas shall not extend down to the floor line A wall of not less than two (2) feet in height shall separate the floor from the bottom of the window frame
- 4 In a mixed use project all residential uses will be designed in traditional styles that will compliment the office/commercial uses
- 5 Buildings shall have no less than eighty (80) percent of the non-glass area of three (3) exterior sides faced with brick of a natural color and texture that simulates historic types of brickwork If a building has more than four (4) planar areas, seventy-five (75) percent of these areas shall be faced in brick
- 6 Multi-pane windows shall be used in individual window openings, rather than large glass sheets
- 7 Mirrored glass with a reflection greater than twenty (20) percent and glass curtain walls are prohibited
- 8 Paint colors shall be of traditional, historic types which are generally muted tones such as ivory, cream, beige, white, and pastel colors Colors which are not permitted are bright or vibrant colors of orange, pink, purple, bright green, or violet, which are considered to be inconsistent with the district The exterior color scheme shall be approved by the Director of Planning and Economic Development

7.891. - Gateway District Ordinance.

7.892. - Legislative Purpose.

- 1 The Gateway District Ordinance serves as a development standard for the areas along Main Street, Towne Lake Parkway, Eagle Drive, and Arnold Mill Road. The specific design and land use policies are an extensive plan for the areas of the Central Business District of the City of Woodstock, Georgia including the Main Street, Towne Lake Parkway, Eagle Drive, Arnold Mill Road corridors.
- 2 The Gateway District calls for a pattern of commercial and office buildings constructed in a style reminiscent of nineteenth and early twentieth century architectural styles. The Gateway District is intended to generate quality development along the Main Street, Towne Lake Parkway, Eagle Drive, and Arnold Mill Road thoroughfares while promoting economic, cultural, open space and safety features to aid the public's general welfare. This orderly planning system is intended to attract future development and provides for mixed use options to encourage development consistent with the Comprehensive Plan of the City of Woodstock, Georgia.

7.893. - Establishment of Gateway District Overlay Boundary.

The general boundaries of the Gateway shall be those properties along Main Street, Towne Lake Parkway, Eagle Drive, and Arnold Mill Road within the limits of the City of Woodstock, Georgia. The specific boundaries are drawn on the approved map by the City Council and reside with the City Clerk and Department of Planning and Economic Development.

7.894 - Exemptions from Gateway District Ordinance.

The following parcels are expressly exempted from the requirements of the Gateway Overlay District:

- Parcels zoned within the Downtown Master Plan (DTMP)

7.895. - Reserved.

**Editor's note**— Ord. of 7-12-2010(3), § 11, repealed § 7.964, which pertained to Permitted Use Standards and derived from the publication of this Land Development Code.

7.896. - Reserved.

**Editor's note**— Ord. of 7-12-2010(3), § 12, repealed § 7.965, which pertained to Prohibited Use Standards and derived from the publication of this Land Development Code.

7.897. - Site Development Standards.

All exterior buffers and setbacks will be in accordance with Article IV of Chapter VII of the Land Development Ordinance of the City of Woodstock, Georgia.

7.898. - Streetscape Zone Standards.

- 1 The appearance for this area shall incorporate sidewalks, brick piers, period style lighting and other appropriate elements to establish a consistent look along these road frontages.
- 2 Landscaping shall utilize hedgerow plantings, picket fences, trees and other methods to comply with the City of Woodstock's Streetscape Theme. Where parking area front the roadway, a planted berm or evergreen landscaping shall be provided to screen vehicular parking areas, loading areas, and dumpsters from the view from the thoroughfare or streets stated herein.
- 3 The width of this landscaped area shall not be less than five (5) feet.
- 4 This buffer area should include piers not less than three (3) feet in height constructed of brick or stone placed no less than forty (40) feet on center.

- 5 Fencing that approximate the look of wrought iron fencing should connect the piers if a hedgerow is not used
- 6 Trees shall not be disturbed to any maximum possible extent than absolutely necessary to construct any building or other improvements in the opinion of the Director, Planning and Economic Development
- 7 Existing (undisturbed) land forms and other elements such as berms with asymmetrical clumps of plants, trees and shrubs indigenous to the area and region of Georgia are preferred for eh landscape area

7.899. - Architectural Standards.

All projects within the Gateway Overlay District shall meet the following architectural standards

- 1 Buildings shall be designed to substantially resemble eighteenth and nineteenth century architectural styles with the exception of single family detached residential development
- 2 Building mass shall be broken up to give the appearance of individual buildings or places of businesses, presenting a village appearance
- 3 Large areas of uninterrupted brickwork shall be broken up through the use of trellises, arcades, blind windows, archways, or other patterns
- 4 Window areas shall not extend down to the floor line A wall of not less than two (2) feet in height shall separate the floor from the bottom of the window frame
- 5 Buildings shall have no less than eighty (80) percent of the non-glass area of three (3) exterior sides faced with brick of a natural color and texture that simulates historic types of brickwork If a building has more than four (4) planar areas, seventy-five (75) percent of these areas shall be faced in brick
- 6 Multi-pane windows shall be used in individual window openings, rather than large glass sheets
- 7 Mirrored glass with a reflection greater than twenty (20) percent and glass curtain walls are prohibited
- 8 Paint colors shall be of traditional, historic types which are generally muted tones such as ivory, cream, beige, white, and pastel colors Colors which are not permitted are bright or vibrant colors of orange, pink, purple, bright green, or violet, which are considered to be inconsistent with the district The exterior color scheme shall be approved by the Director of Planning and Economic Development
- 9 All buildings shall have a pitched roof with a minimum pitch of four and one-half (4.5) inches vertical elevation per one (1) foot of horizontal distance, except as otherwise provided herein
- 10 Commercial building styles without a pitched roof shall have a detailed parapet and cornice, in keeping with eighteenth and nineteenth century architectural styles
- 11 All roofing materials shall be of a consistent style and pattern Pitched roofs shall be finished in either architectural or dimensional shingles, or standing seam metal roofs

## Exhibit C

### ARTICLE IX. - ADMINISTRATION, ENFORCEMENT, APPEALS

#### 7.910. - Non-Conforming Uses.

#### 7.911. - Intent.

It is the intent of this Ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to so administer the elimination of non-conforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights.

Lawful non-conforming uses, buildings, and structure existing at the time of the passage of this Ordinance or any amendment thereto shall be allowed to remain subject to the following provisions:

1. **Change of Use** An existing non-conforming use of a building may be changed to a conforming use or to another non-conforming use of the same or higher classification, providing, however, that the establishment of another non-conforming use of the same or higher classification shall be subject to the written approval of the City Council and subject to such conditions as the City Council may require in order to protect the area.
2. **Enlargement Prohibited** A non-conforming use of land shall be restricted to the area occupied by such use as of the effective date of this Ordinance. A non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this Ordinance.
3. **Discontinuance** When a non-conforming use of any structure or land ceases to operate as defined in Sec. 7.932 (4), it shall not be re-established or changed to any use not in conformity with the provisions of this Ordinance. Immediately upon their removal or vacation of a structure non-conformity of such structure and use of land shall lapse.
4. **Damage** Any non-conforming building or non-conforming use, which is damaged by fire, flood, wind, or other acts of God or man, may be reconstructed and used as before, if it be done within six (6) months of such damage, unless damage to the extent of more than sixty (60) percent of its fair market value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this Ordinance.
5. **Structural Alteration** A non-conforming building or building housing a non-conforming use shall not be structurally altered except in conformance with the provisions of this Ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

#### 7.920—7.829 - Reserved.

It is the intent of this Ordinance to place the function of the previous Zoning Board of Appeals of the City with the Council. Whenever in the Code or Land Development Ordinance the Zoning Board of Appeals is referenced it shall hereafter be deemed to refer to the Council as hereinafter defined. The Clerk of the City is hereby authorized to replace the name "Zoning Board of Appeals" with City Council wherever it appears in the Code or Land Development Ordinance of the City.

## **Section 7.930. Non-Conforming Use Regulations for Conditional Uses.**

### **Section 7.931. Purpose.**

The purpose of this section is to apply certain protections to property owners whose property is properly zoned and used by a business operating with a valid conditional use permit or is classified as a legally nonconforming conditional use establishment

**Section 7.932.** For purposes of this section, the following definitions apply

- 1 ) The term "legally nonconforming" means legitimately operating in the City while noncompliant with the current code due to predating the code(s)
- 2 ) The term "property owner" means persons, companies, corporations, partnerships or other business entities that own property within a zone designated as commercial by the City
- 3 ) The term "business operating with a valid conditional use permit" means any company, corporation, partnership or other business entity located in a commercial zone of the City which meets all of the following conditions
  - (a) The business, if of a type commonly registered with the Office of the Secretary of State of the State of Georgia must be currently registered and in good standing, or the business, if not of a type commonly registered with the Office of the Secretary of State of the State of Georgia must maintain on file with the City evidence of the type of business entity they are operating; and
  - (b) The business must have a valid and current occupational tax license issued by the City, and
  - (c) The business must have a valid and current conditional use permit issued by the City or fall under the exception granted by this section
- 4 ) The term "ceases to operate" shall mean a business that meets one or more of the following conditions
  - a) Where the interior area of the business structure is designated as patron or retail space meant for public use and more than 70 percent of that area has not been continuously occupied by said use for a period of 30 days or more, or
  - (b) Where the exterior areas and grounds of the business structure constitute necessary and customary use in the conduct of the business, and more than 70 percent of that area has not been continuously occupied by said use for a period of 30 days or more, or
  - (c) The City Council declares the business to be non-existing, deemed abandoned or out of business and notifies the property owner, or
  - (d) The occupational tax license for the business has expired, or
  - (e) The conditional use permit for the business has expired
- (5) The term "same conditional use" means a business that operates in such a manner as to require a conditional use permit from the City that is identical to the type of conditional use permit required by the previous business that is deemed to have ceased to operate

### **Section 7.933. Conditional Use Permit Expiration**

All property owners whose property is zoned for and used by a business operating with a valid and current conditional use permit, or a conditional use business classified as legally nonconforming shall have a maximum of sixty (60) days from the date that business ceases to operate to use said property for a new business with the same conditional use without the new business having to obtain a conditional use permit from the City After the 60-day period expires, any nonconforming property and/or business must come in full conformance with all relevant zoning