

CHAPTER VII - PERFORMANCE ZONING STANDARDS

ARTICLE I. - PREAMBLE AND ENACTMENT CLAUSE

There is hereby adopted, ordained, and enacted into law this Ordinance to wit, the Woodstock Zoning Ordinance, and the zoning classifications stated therein for the use of property in the incorporated area of the City of Woodstock, Georgia.

There is hereby adopted a Land Use Map captioned "Official Woodstock Zoning Map," which shall bear the signature of the Mayor of the City of Woodstock, Georgia together with the attest of the City Clerk and the Seal of the City, which Map shall be kept under the custody of the Clerk of the City of Woodstock, Georgia. Said Official Zoning Map shall be maintained for public inspection during normal business hours at Woodstock City Hall. The "Official Woodstock Zoning Map" is incorporated into this resolution by express reference.

ARTICLE II. - SHORT TITLE AND PURPOSE

7.200. - Short Title.

This Ordinance shall be known and cited as "The Zoning Ordinance of the City of Woodstock, Georgia."

7.201. - Purpose.

The purpose of this Ordinance is to establish minimum standards for the use of the land and improvements thereon in the City of Woodstock, Georgia. The purpose of this Ordinance is not intended as an infringement upon the liberty of one to use his land as he chooses, but instead it is intended as a protection of freedom, and to the quiet and peaceful enjoyment of property. The Ordinance provides a means by which the right to the full enjoyment of property use can be protected against the prejudicial influence of other uses, which do not constitute a nuisance.

The Ordinance will serve as a tool of the City to bring about efficient land use management by establishing minimum standards such as lot size, buffers, setback from right-of-way and density per acre for land development. The use of this tool will enable the City of Woodstock, Georgia, to avoid overcrowding and congestion, and prevent overloading of the systems that provide water, sewage disposal, traffic circulation, police and fire protection, and other public services.

ARTICLE III. - GENERAL INFORMATION

7.300. - Zoning Districts.

7.301. - Establishment of Districts.

For the purpose of this Ordinance, the City of Woodstock, Georgia, is divided into the following districts:

R-1 Single Family Residential District

Single family detached residential development at the lowest density and moderately high minimum heated area requirements with or without central sewer.

R-2 Single Family Residential District

Single family residential development, at a low density and moderately low minimum heated area requirements. Central sewer system is required.

R-3 Medium Density Residential District

Residential development at moderate density and moderately low minimum heated area requirements. Central sewer system is required.

R-4 High Density Residential District

Residential development at high density and moderately low minimum heated area requirements. Central sewer system is required.

PUD Planned Unit Development

This zone classification has been discontinued for future rezonings.

DT Downtown District

This district is intended to allow continuation of traditional development patterns. The uses allowed in this district are those that will benefit from close proximity of uses and foster a pedestrian oriented environment.

GC General Commercial District

This district is intended to provide suitable areas for a variety of commercial sales and service activities which generally serve the wide area uses, located along the major thoroughfares to concentrate commercial activities. Strip development is discouraged.

NC Neighborhood Commercial District

Limited retail activities, personal services and professional offices are encouraged to serve the general needs of a residential neighborhood. Development in this zone is regulated for compatibility with surrounding residential areas. Strip development is discouraged.

LI Light Industrial District

Light industrial operations, limited to business parks and warehouses, but prohibiting residential uses. Limited manufacturing establishments that do not use large quantities of water or emit excessive noise, odors, dust, vibrations, or fumes may be permitted.

HI Heavy Industrial District

Industrial operations of all types that do not pose a liability for the community are permitted. This district should be accessible to railroads and major highways. Residential and retail uses are prohibited. Natural barriers or buffers are required to separate these uses from residential districts.

OS Open Space

This district is intended for property to be used for recreational and passive open space outside the Downtown District. No commercial or residential uses are permitted.

CV Civic District

This district is intended for government-owned properties outside the Downtown District. All government-owned properties not otherwise zoned are deemed Civic District, and shall continue to be zoned Civic District upon any transfer to any private person or entity.

OSI Office Space and Institutional District

Office parks, including medical or professional buildings and institutions, such as a college or university are permitted. Limited related retail business and service activities may be permitted. Residential, industrial and manufacturing uses are prohibited.

RR Railroad District

This district includes all of the railroad right-of-way. The only allowable uses within this district are railroad infrastructure and signage, which signage is required by Federal, State or City law or regulation, utility infrastructure and easements and transportation infrastructure.

RD Rural District

This district is intended to protect existing agricultural, farming and forestry uses and to preserve the peace and quiet. Any uses which would bring frequent patrons or traffic are prohibited. Very low residential use, limited to one (1) dwelling unit per five (5) acres may be permitted.

SL Senior Living

This district is intended to allow for the development of detached, attached and multi-family dwelling units and associated services limited to those persons age fifty-five (55) and older.

SL-A Senior Living A

Permits single-family detached residential units with a base density of no more than four (4) dwelling units per acre.

SL-B Senior Living B

Permits single-family attached residential units with a base density of no more than six (6) dwelling units per acre.

SL-C Senior Living C

Permits multi-family residential units and limited uses with a base density of no more than twelve (12) dwelling units per acre.

DT-CBD Central Business District

Permits a mix of retail, office, and residential uses in mixed-use buildings. Maximum of twelve (12) dwelling units per acre. Individual restaurant and retail uses shall be limited to eight thousand (8,000) square feet; some exceptions apply and are listed in the Principal Permitted Uses Table.

DT-CMU Commercial Mixed-Use

Permits a mix of retail, office, and residential uses in mixed-use buildings at a scale and intensity greater than that permitted in the DT-CBD.

DT-GC General Commercial

Permits a mix of uses that are a scale and character compatible with regional serving and highway-oriented developments.

DT-RO Residential/Office

Permits primarily office and residential uses. Non-office and non-residential establishments are limited to the first floor and a maximum of three thousand six hundred (3,600) square feet, except athletic club and facilities. Maximum of eight (8) dwelling units per acre. Uses located within historic residential structures within the historic zone are exempt from size limits requirements.

DT-MR-A Medium-density Residential A

Permits single-family and multifamily residential uses and limited uses. Maximum of nine (9) dwelling units or single-family lots per acre. Minimum lot size of one thousand two hundred (1,200) square feet.

DT-MR-B Medium-density Residential B

Permits single-family and multifamily residential uses and limited uses. Maximum of twelve (12) dwelling units or single-family lots per acre. Minimum lot size of one thousand (1,000) square feet.

DT-LR Low-density Residential

Permits single-family residential uses and accessory dwelling units. No dwelling units shall be located above or below another dwelling unit. Maximum of six (6) residential lots per acre. Minimum lot size of three thousand five hundred (3,500) square feet.

DT-VLR Very Low-density Residential

Permits single-family residential uses and accessory dwelling units. No dwelling units shall be located above or below another dwelling unit. Maximum of two (2) residential lots per acre. Minimum lot size of seven thousand five hundred (7,500) square feet.

DT-OS Downtown Open Space

This district is intended for property dedicated to recreational and passive open space in the Downtown District. No commercial or residential uses are permitted other than parking.

DT-CV Downtown Civic

This district is intended for government-owned properties in the Downtown District.

(Ord. of 7-12-2010(3), §§ 5, 7; Ord. of 6-17-2013; Ord. of 7-28-2014(2), § 1(Exh. A))

7.302. - District Boundaries.

The boundaries of the districts established in Section 7.301 of this article are hereby established as shown on the "Official City of Woodstock Zoning Map." The "Official Woodstock Zoning Map" shall be signed by the Mayor of the City of Woodstock, Georgia, and certified by the City Clerk as being the official copy and shall be kept on display in City Hall. Maps and descriptions of approved amendments to the Official Map shall be displayed adjacent to the official copy until such time as the official copy is updated.

7.303. - Interpretation of Zoning Map.

Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary as shown thereon, interpretation concerning the exact location of the zoning district boundary line shall be determined by the City Council.

7.304. - Development Standards Applying to All Districts.

The following general development standards shall apply to all districts outlined in this Ordinance.

1. *Minimum Acreage Requirement.* New residential developments outside the Downtown District shall have a minimum acreage/assemblage requirement of eight (8) acres.

a. Projects which involve an annexation are exempt from this requirement.

b. For projects proposed on less than eight (8) acres, including the addition of phases to existing developments, the applicant may pursue a conditional use permit in accordance with the provisions set forth in the Land Development Ordinance.

c. For acreage requirements inside the Downtown District, see Sec. 7.721.

2. *Critical Mass for Redevelopment Requirement.* Redevelopment of more than two (2) existing lots in a platted subdivision on the same Land Disturbance Permit is prohibited unless a critical mass of eighty percent (80%) or more contiguous lots in the subdivision are acquired and assembled, leaving the remaining twenty percent (20%) of the lots as one intact subdivision. For the purposes of this section, lots are considered contiguous if they share more than half of the length of the adjoining property line for each adjacent parcel that is to be considered contiguous. The phasing of redevelopment over several LDPs as a way to subvert this section is prohibited. For the purposes of this ordinance, a platted subdivision is a subdivision of residential lots for which a subdivision plat has been recorded in the Superior Court Clerk's Office of Cherokee County.

1.3. *Buildings Under Construction.* Nothing in this Ordinance shall require any change in the construction or intended use of a building, which is legally under construction or for which a building permit has been issued at the effective date of this Ordinance.

2.4. *Use of Land.* No land shall be used for a purpose which is not permitted in the district in which it is located. Outdoor display of goods for sale at retail establishments is prohibited, except for Garden/Landscape Supply – Retail, Consumer Fireworks Retail Stands – Temporary, and Junk/Salvage Yard uses, where permitted. Properties within the DT-CBD zoning district are exempt from this requirement concerning items displayed in Sidewalk Supplemental Zones.

3.5. *Use of Structure.* No structure shall be erected, use converted, enlarged, reconstructed, moved or structurally altered, except in conformance with this Ordinance.

4.6. *Lot Reduction Prohibited.* No parcel of land existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements of the zone district in which said lot lies.

5.7. *Use of Substandard Lots.* Where the owner of a lot at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may nonetheless be used as a building site provided that said lot requirements are not reduced below the minimum specified in this Ordinance by more than twenty (20) percent. If, however, the owner of two (2) or more adjoining lots with insufficient land dimensions decides to build on or to sell off these lots, he must first combine said lots to comply with the dimensional requirements of the Ordinance. Any lot requiring dimensional waivers below the twenty (20) percent minimum forth in this section may be approved by the City Council provided that further decreased dimensional requirements shall conform as closely as possible to the required dimensions.

6.8. *Vision Clearance.* In all districts no fence, wall, shrubbery, or other obstruction to vision between the heights of two and one-half (2½) feet and ten (10) feet above the finished grade of streets shall be erected, permitted, or maintained within twenty (20) feet of the intersection of the right-of-way lines of streets or railroads.

7.9. *Joint Open Space Not Permitted.* No part of a yard, or other open space, or off-street parking or loading required about or in connection with any building for the purposes of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building. Nor shall right-of-way easements for streets and

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roads be considered a part of a lot or open space, or front rear, or side yard for the purpose of meeting yard requirements.

~~8-10. 8. Reserved Homeowners Association. Any new residential subdivision of more than three (3) residential units shall be required to have an incorporated Homeowners Association.. 8-
Reserved.~~

~~9-11. 9. Reserved Condominium Owner's Association – Any new Residential – Multi-Family, Fee Simple development must create and be governed by an association formed in accordance with the Georgia Condominium Act, O.C.G.A. 44-3-70 et seq., now and as amended.~~

~~10-12. 10. Corner Lots. A lot of which at least two (2) adjoining sides about their full lengths on a public street. Said corner lot shall provide the minimum front yard setback for each street for the district in which the lot is situated. Rear setbacks for corner lots may be reduced to no less than the minimum side yard setback for the district in which the lot is situated.~~

~~11-13. 11. Double Frontage Lots. This provision relates to lots having frontage on two (2) streets, but not located on a corner. This type of lot is not permitted in new subdivisions. However, if the lot was in existence prior to the adoption of this Ordinance, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance.~~

~~12-14. 12. Average Front Yard Requirements. The setback requirements of this Ordinance shall not apply to any lot where the average setback on already built upon lots located wholly or in part within two hundred (200) feet on each side of such lot and within the block and zoning district and fronting on the same street as such lot is less than the minimum required setback. In such cases, the setback of such a lot may be less than the requirement setback, but not less than the average of the existing setbacks on the developed lots. However, in no case shall setbacks be less than twelve (12) feet.~~

~~13-15. 13. Code Requirements. All structures shall meet the requirements of all adopted codes in effect including, but not limited to, Building Code, Plumbing code, Electrical Code, Fire Prevention Code, and Housing Code. Where such codes exceed the minimum requirements of this Ordinance, the stricter provisions shall apply.~~

~~14-16. 14. Fire Safety Requirements. Accessibility for firefighting equipment on an all weather surface shall be maintained throughout all stages of construction. Fire hydrants shall be installed in accordance with Standards for Water and Sewer in Chapter VIII of the Land Development Ordinance.~~

~~15-17. 15. Zoning to Apply When Lot is Divided by Zoning District Boundary Line. In the event that a district boundary line on the Zoning Map divides a lot of record held in one (1) ownership on the date of passage of this Ordinance, each part of the lot so divided shall be used in conformity with the regulations established by this Ordinance for the district in which each such parcel is located; however, that if the property owner of such a lot so desires, he may extend a use allowed on the greatest portion of said lot one hundred (100) feet beyond the district boundary line in accordance with setbacks and yard requirements.~~

~~16-18. 16. Side and Rear Yards May Not Be Required Next to Railroad. Within any non-residential district, the Planning Commission in its review of the site plan may waive the side and rear yard requirements when adjacent to the railroad rights-of-way if they determine the waiver will not adversely affect the area.~~

~~17-19. 17. Permitted Encroachment of Yards and Setbacks. Architectural features such as cornices, eaves, steps, chimneys, gutters, and fire escapes may project no more than three (3) feet beyond any required setback line, except where such projections would obstruct driveways, which are or may be used for access for service and/or emergency vehicles; provided, however, that in the case of automobile service stations, motels, and similar uses which service the motoring public canopies shall be allowed over a driveway or walkway within the front yard not to extend from the principal building to a point any closer than fifteen (15) feet from the street right-of-way line.~~

~~18-20.~~ ~~18.~~ *State Department of Transportation Approval.* All entrances or exits of any street or drive from or to any State highway shall be approved by the State Department of Transportation prior to the construction of such street or drive, or in the issuance of any building permit for any improvement to be served by such street or drive.

~~19-21.~~ ~~19.~~ *Accessory Use Requirements.* The following requirements apply to accessory uses and structures regarding yard requirements:

- a) Such structures shall not be permitted in any required front yard;
- b) Where a corner lot adjoins in the rear of residential use, no accessory building shall be located closer to the side street right-of-way line than the principal building or closer than five (5) feet to the rear property line;
- c) No garage nor other accessory building shall be located closer than five (5) feet to a side or rear lot line;
- d) When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory;
- e) Filling station pumps and pump islands where permitted may occupy the required yards, provided; however, that they are not less than fifteen (15) feet from the street right-of-way;
- f) Accessory uses in an apartment development may include but shall not be limited to, laundry facilities for the convenience of residents. All accessory structure sin an apartment development shall be of construction equal to and compatible with the principal use structures and shall meet principal use setback requirements;
- g) Swimming pools shall be enclosed by a fence or a minimum height of five (5) feet with all gates containing a self-closing, positive latch device to insure that the pool is enclosed at all times.
- h) Satellite dish antennas shall be prohibited on the roofs of structures and in the front yards. When the dishes are placed in the side yard they shall meet the side yard setback requirements of the respective zone districts.

20. *Reserved.*

(Ord. of 7-12-2010(3), §§ 1—3)

ARTICLE IV. - ZONE DISTRICT PERFORMANCE STANDARDS

Development Standards Table							
Zoning District	Maximum Density (units/ac)	Minimum Heated Area (sq. ft.)	Minimum Lot Size (sq. ft.)	Minimum project size	Minimum Setbacks (feet)		
					Front	Side	Rear
R1	2	1,500	21,780		35	15	25

R2	3	1,300	12,000		25	15	25
R3-A (Single Family Detached)	4	1,200	7,500		25	10	25
R3-B (Duplex)	4	1,200	12,000 7,500 1*		25 1*	15 1*	25 1*
R3-C (Townhome)	7	1,000	5 acres *N/A	85 acres ²	25 1*	125 1*	25 1*
R4	12	800	6 acres *N/A	86 acres ²	40 1*	25 1*	35 1*
GC			21,780		40	15	30
NC			7,500		40	15	30
LI			21,780		50	25	25
HI			sewer - 21,780 no sewer - 43,560		50	25	25
OSI			21,780		35	15	25
RD	0.2	1,500	5 acres		35	25	35
RR							
DT			refer to the Downtown District Standards Section 7.720				
SL			refer to the Specific Standards for Senior Living Section 7.740				

1. [For the purposes of site planning, minimum setback requirements for R-3B, R-3C, and R-4 zoning categories, which are intended for attached and multi-family residential product, are to be applied per building, so that buildings may be setback from public or private rights of way and other buildings. Units within buildings may be ultimately platted with buildings subdivided into individual unit lots which may or may not include yard area in the lot area to be sold.](#)

[2. Refer to Sec. 7.304 \(1\) \(b\), Conditional Use Permit](#)

[Note: Setbacks are required whether the right of way is public or private. For the purposes of this provision a private right of way shall run to the adjacent property or lot and the setbacks shall be determined from the property line of the adjacent property or lot unless the private right of way is by easement, in which event the setback shall begin at the paved area of the private right of way.](#)

~~*NOTE: Minimum lot size and setback requirements for R-3B, R3-C and R-4 zoning categories are based on total area of development site, not individual house lots.~~

ARTICLE V. - USE DISTRICTS AND REGULATIONS²

Footnotes:

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Editor's note— Ord. of 7-12-2010(3), § 4(Exh. A), repealed the former Art. V, and enacted a new Art. V, §§ 7.500—7.508, as set out herein. The former Art. V pertained to land use matrix and derived from the publication of this Land Development Code.

7.500. - Purpose.

The following provisions apply to each of the zoning districts. In addition, requirements are contained within the District Development Standards and in other articles that apply to some or all of the zoning districts.

(Ord. of 7-12-2010(3), § 4(Exh. A))

7.501. - Permitted and Prohibited Uses.

A Permitted Use is allowed within a zoning district by this Ordinance and subject to the restrictions applicable to that zoning district. If a use is not permitted within a zoning district by this Ordinance and is not eligible for consideration under a Conditional Use Permit, that use shall be considered a Prohibited Use. If the Zoning Administrator determines, in their sole discretion, that a use cannot be equated to a similar Permitted or Conditional use, then that use shall be considered a Prohibited Use. Decisions made by the Zoning Administrator may be appealed in accordance with the procedures outlined in Section 10.162.

(Ord. of 7-12-2010(3), § 4(Exh. A))

7.502. - Conditional Use Permit.

A Conditional Use Permit (CUP) may be applied for a use that generally would not be appropriate throughout a zoning district but which, if controlled as to the visual appearance, number, area, height, location, or relation to abutting or nearby uses, would not be injurious to the public, health, safety, appearance or general welfare. A CUP may be applied for only in zoning districts and for uses identified by this Ordinance and are subject to conditions, which may be imposed by the Mayor and City Council, and final approval by the Mayor and City Council through a Public Hearing process.

Upon issuing a conditional use permit, City Council may choose to attach the conditional use permit to a tax parcel, individual commercial suite or unit, or corporate entity, with or without successors. A conditional use permit is nontransferable to another location.

See Article IX for Non-Conforming Use Regulations for Conditional Uses.

(Ord. of 7-12-2010(3), § 4(Exh. A); Ord. of 2-22-2016(1))

7.503. - Conditional Use Permit Review Criteria.

The Mayor and City Council may grant a Conditional Use Permit for the uses enumerated in Section 7.505 of this article. The granting of a Conditional Use Permit is conditional upon the site plan considered by the Mayor and City Council and are subject to the following process and review procedure:

1. All applications for Conditional Use Permits shall be advertised in the same manner as applications for rezoning, and Public Hearings will be held thereon in the same manner as applications for Public Hearings are conducted.
2. The Mayor and City Council may grant Conditional Use Permits for limited periods of time based upon the criteria set forth in Section 7.503(3).
3. In addition to district regulations, the Mayor and City Council shall consider, at a minimum, the following in its determination of whether or not to grant a Conditional Use Permit, whether to limit the time such Conditional Use is allowed and whether to restrict the Conditional Use to a particular owner or party:
 - a. Whether or not there will be a significant adverse effect on the surrounding area in which the proposed use will be located.
 - b. Whether or not the use is otherwise compatible with the surrounding area.
 - c. Whether or not the use proposed will result in a nuisance as defined under state law.
 - d. Whether or not quiet enjoyment of surrounding property will be adversely affected.
 - e. Whether or not property values of surrounding property will be adversely affected.
 - f. Whether or not adequate provisions are made for parking and traffic considerations.
 - g. Whether or not the site or intensity of the use is appropriate.
 - h. Whether or not special or unique conditions created by the use are consistent with the purpose, intent and goals of the Comprehensive Town Plan.
 - i. Whether or not adequate provisions are made regarding hours of operation.
 - j. Whether or not adequate controls and limits are placed on commercial and business deliveries.
 - k. Whether or not adequate landscape plans are incorporated to ensure appropriate transition between adjacent or nearby properties.
 - l. Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.

- m. Whether the application complies with any applicable specific requirements set forth in this chapter for Conditional Use Permits for particular types of uses.
 - n. Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.
 - o. Whether the Conditional Use requested emits or creates unusual odors which would warrant use of an odor elimination/attenuation system as recommended by industry standards.
4. In all applications for a Conditional Use Permit the burden shall be on the applicant both to produce sufficient information to allow the Mayor and City Council fully to consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by the City.

(Ord. of 7-12-2010(3), § 4(Exh. A))

7.504. - Zoning District Descriptions.

The City has established the following zoning districts as part of the general zoning code. The Use/Zoning District Matrix in Section 7.505 applies to all uses within the following zoning districts:

1. *General Districts:* General Commercial (GC), Neighborhood Commercial (NC), Light Industrial (LI), Heavy Industrial (HI), Office Space Institutional (OSI), Single Family Detached Residential (R1, R2), Single Family Attached Residential (R3), Multifamily Residential (R4), Rural District (RD).
2. *Downtown District:* Central Business District (DT-CBD), Commercial Mixed Use (DT-CMU), General Commercial (DT-GC), Residential Office (DT-RO), Medium Density Residential (DT-MRA, DT-MRB), Low Density Residential (DT-LR), Very Low Density Residential (DT-VLR), Open Space (DT-OS).
3. *Senior Living District:* Single Family Detached Residential (SL-A), Single Family Attached Residential (SL-B), Multifamily Residential (SL-C).

(Ord. of 7-12-2010(3), § 4(Exh. A))

7.505. - Use/Zoning District Matrix.

The following Use/Zoning District Matrix identifies the uses which are permitted in each zoning district and uses which are eligible for a Conditional Use Permit. Permitted uses are marked with a "P" and uses eligible for consideration under the issuance of a Conditional Use Permit are marked with a "C".

Additional development regulations or standards may further restrict uses marked with a "*" and a corresponding number. Refer to Section 7.506 for notes regarding these regulations.

Uses in which additional development regulations or regulatory permits are required are marked with a "R". Refer to Section 7.506 for these definitions or regulations. Further, additional development regulations may be required in the District Development Standards for the zoning district that the property is located in.

The proposed use matrix with changes is attached to the agenda separately.

(Ord. No. 1989, § 1(Exh. A), 5-14-2012; Ord. of 2-11-2013, § 1(Exh. A); Ord. of 10-28-2013(1), § 1(Exh. A); Ord. of 3-24-2014(1), § 1(Exh. A); Ord. of 9-22-2014(1), § 1(Exh. A); Ord. of 1-

12-2015(1), § 1(Exh. A); Ord. of 7-27-15(2), § 1(Exh. A); Ord. of 12-14-15(2); Ord. of 1-11-16(2); Ord. of 2-8-16(1); Ord. of 9-12-2016(2))

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 ([see Street Types Table in the Downtown District Standards](#)); 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 twelve (12) DU/ac can be increased up to forty (40) DU/ac maximum, using any combination of the following bonus incentive procedures:
 - a. Vertical mixed-use structure—twenty (20) percent DU/ac ([Dwelling Units per Acre](#)) increase.
 - b. Provision of open space above the twenty (20) percent minimum requirement—one (1) percent DU/ac increase per one thousand (1,000) square feet of open space up to twenty thousand (20,000) square feet maximum or twenty (20) percent DU/ac increase maximum.
 - c. Structured parking with parking spaces available to the public at no charge—one (1) percent DU/ac increase per one (1) parking space.
 - d. Professional office space—ten (10) percent DU/ac increase per ten thousand (10,000) square feet of professional office space.
 - e. Mayor and City Council reserve the right to increase density above forty (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 (1) 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,~~massage therapy, bodywork therapy, 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. Tattoo parlor/body piercing shall only be permitted as an ancillary use in DT-CBD and DT-GCT.
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, unless approved by City Council with a Conditional Use Permit (C).
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 twelve (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 Fire Chief or designee of the Woodstock Fire Department in writing authorizes operation in excess of one-thousand (1,000) 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 one thousand five 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. In the interest of economic development and -to remain as competitive as possible, the Innovator Space Use is hereby established. Once a proposed use is classified as Innovator Space by the Zoning Administrator, it may proceed under these provisions, adhering to 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 DT-RO.
 - b. An area of the building equal to a minimum of twenty (20) percent 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 thirty (30) feet in length.
 - f. Minimum parking requirement shall be one (1) space per employee plus one (1) space per three hundred (300) square feet of customer sales or showroom area, but not less than one (1) parking space per 500 sq. ft. of Gross Floor Area (GFA).
 - g. In the event that a proposed Innovator Space project requires rezoning, conditional use permit, or a variance from the Code, the applicant may request expedited approval by the City Council. Expedited approval means the requirement of only one public hearing before City Council and possibly a waiver of the public input meeting, as determined by the Community Development Department. All other public hearing requirements of the Land Development Ordinance shall remain.
 - g. City Council may modify any of these requirements with a conditional use permit.

Commented [KC6]: When this ordinance was added to the LDO on 2-8-16, the last part of this sentence was inadvertently left out when the ordinance was codified in Municode.

(Ord. of 7-12-2010(3), § 4(Exh. A); Ord. of 12-10-2012, § 1(Exh. A); Ord. of 10-28-2013(1), § 1(Exh. A); Ord. of 2-24-2014(1), § 1(Exh. A); Ord. of 7-28-2014(1), § 1(Exh. A); Ord. of 1-12-2015(2), § 1(Exh. A); Ord. of 12-14-2015(2); Ord. of 1-11-2016(2); Ord. of 2-8-16(1); Ord. of 9-12-2016(2))

7.507. - Customary Home Occupation Performance Standards.

A. Customary Home Occupations shall be permitted in any residential zoning district or residential dwelling, provided that the following performance standards are met:

1. The occupation, profession or trade must be carried out wholly within the principal building;
2. Not more than thirty (30) percent of the floor area of the principal building can be used for the conduct of said home occupation;
3. No merchandise or articles shall be displayed in such a way as to be visible from outside the structure;
4. There shall be no alteration in the residential character of the building or premises;
5. No person who is not a resident of the premises shall be employed, with the exceptions stated herein. For the purposes of this section, the following definitions shall apply:
 - a) EMPLOYEES: The occupation shall be conducted by members of the family who are living the residence and maximum of one (1) additional employee.
 - b) ON-SITE EMPLOYEE: A person employed by the home occupational license holder to perform the business related duties on the same premises/residence for which the occupational license is issued.
 - c) OFF-SITE EMPLOYEE: A person(s) may or may not be directly employed by the occupational license holder and does not perform duties on the same residence for which the occupational license is issued for.
6. The home occupation shall not create disturbing or offensive noise, vibration, smoke, dust, odor, radio or television interference, voltage fluctuations or unhealthy or unsightly conditions; (Whether the disturbance is sufficient to invoke the prohibition of this section shall be determined by comparing the occupation caused disturbance to noises, smoke, odors, etc., that are commonly found in a residential neighborhood, such as children playing, yard maintenance tools, etc.);
7. One (1) off-street parking space shall be provided for each one hundred fifty (150) square feet of floor area devoted to the home occupation, and
8. No mechanical equipment shall be installed or used except as is normally required for domestic purposes. (This shall allow for normal home office equipment, including but not limited to, fax machines, computers and other communications equipment.)
9. Accessory home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations;
10. Business or home occupation related group instruction, assembly, or activity shall be limited to five (5) persons at one (1) time only (day care excluded);
11. All home occupations shall be subject to the periodic inspections by the Community Development Department or its designee;
12. The Community Development Department must approve all Businesses/Occupational/Home Occupational Licenses which shall be re-certified annually;
13. Deliveries to the home occupation shall be made by passenger vehicles, mail carriers, or step vans (UPS, Federal Express, etc.) and must not restrict traffic circulations;
14. Deliveries to the home occupation through tractor-trailers or vehicle with over six (6) wheels shall be prohibited;
15. No signs on the subject property, advertising, the permitted home occupation, shall be allowed.

B. Customary Home Occupation Use Standards.

The following uses shall be permitted uses in a Customary Home Occupation provided they meet the above performance standards:

1. Instructional or tutoring services within an enclosed building, but limited to four (4) pupils at one (1) time.
2. Office facility of a salesman, sales representative or manufacturer's representative provided that there is no manufacturing, production, or storage provided on the premises, but limited to one (1) on site employee. Off site employees will be limited to the equal number of off street parking spaces provided but limited to five (5).
3. Office facility of an Architect, Broker, Engineer, Land Surveyor, Lawyer, computer programmer, and similar or related professions, but limited to one (1) on site employee. Off site employees will be limited to the equal number of off street parking spaces provided but limited to five (5).
4. Real estate broker, broker, real estate agent, appraiser, insurance agent, mortgage broker, or similar or related professions, but limited to one (1) on site employee. Off site employees will be limited to the equal number of off street parking spaces provided but limited to five (5).
5. Arts and crafts, artistic studios, including painting, sculpture, composing, writing, and related crafts such as weaving, rug work, and lapidary.
6. Office service, including work processing, book keeping, transcribing, data entry, and telephone answering services.
7. Mail order wholesale or retail businesses provided there is no sale, shipment or delivery or merchandise on the premises.
8. Contractors, electrician, landscaping business/contractors, plumbing, air-conditioning/HVAC repair business/contractors, painting, cleaning, chimney cleaning and other related businesses but not including outside storage of equipment materials or vehicles.
9. Alterations and upholstery repair.
10. Barber and beauty shops, provided that the use is conducted by family members who live in the residence or only one (1) outside employee with only one (1) member residing in the property. The business shall consist of no more than one (1) beauty/barber chair, and no more than two (2) customers shall be permitted at one (1) time. Said business shall operate only between the hours of 8:00 a.m. and 8:00 p.m. All local and state licenses as well as any necessary permits must be obtained prior to the business being opened. There shall be no external evidence that a business is in operation inside the residence. Customer parking must be available on the same side of the street as the residence or paved parking must be provided on the side or rear of the property. Parking on the front of the property is prohibited.
11. Child day care center provided the following standards are met:
 - a) The child day care center must be located in a residential structure as a secondary use. The residential use of the structure must be the primary use of the structure.
 - b) The owner of the structure must obtain the approval for the day care use of his residence from seventy-five (75) percent of the property owners within five hundred (500) feet from his property, including the abutting residents.
 - c) The road giving access to the center must be of adequate capacity to handle the additional traffic and adequate off-street parking must be provided.
 - d) If the proposed center is not on sewer, the applicant must obtain a letter from County Sanitarian stating that the on-site septic tank system has the capacity to handle the proposed center.
 - e) The applicant must have a letter of conditional approval from the Georgia Department of Human Resources.
12. Other similar uses as approved by the Zoning Administrator.

7.508. – Live/Work Unit Use Performance Standards

1. Live/Work Units shall only be permitted in the residential zoning districts listed in Section 7.505 of the Land Development Ordinance provided that the following performance standards are met:
 - a. The Live/Work unit shall be the primary dwelling of the occupant;
 - b. The residential and the commercial space must be occupied by the same tenant, and no portion of the Live/Work unit may be rented or sold separately;
 - c. All business activities must be wholly contained within each Unit;
 - d. The outdoor storage and/or display of merchandise, sundries, and equipment is expressly prohibited. This requirement excludes vehicles and trailers within delineated parking spaces, not otherwise prohibited by restrictive covenants;
 - e. The following limitations shall apply to all Live/Work Units based on the most current International Building Code:
 - a. The Live/Work unit shall not be greater than 3,000 square feet in area;
 - b. The nonresidential area shall not be more than 50 percent of the area of each Live/Work unit;
 - c. The nonresidential area function shall be limited to the first or main floor only of the Live/Work unit;
 - d. Not more than five nonresidential workers or employees are allowed to occupy the nonresidential area at any one time; (IBC Reference: Section 419 .1-419 .9)
 - e. The commercial portion of the unit shall be ADA compliant (IBC Reference: Section 419.7)
 - f. The Live/Work Unit uses shall not create disturbing or offensive noise, vibration, smoke, dust, odor, radio or television interference, voltage :fluctuations or unhealthy or unsightly conditions that would unreasonably interfere with residential uses.
2. The following uses shall be permitted uses in a Live/Work units provided they meet the above performance standards:
 - a. Bakery - Retail
 - b. Barber Shop, Beauty Salon
 - c. Child/Day Care Center
 - d. Customary Home Occupation
 - e. Florist-Retail
 - f. Instructional Studios - Dance, Gymnastics Martial Arts
 - g. Massage Therapy
 - h. Office - Common Business, Medical, Professional Service
 - i. Office - Contractor (R)
 - j. Office - Real Estate Sales/ Associated Services
 - k. Restaurant - Small café, coffee shop, ice cream and yogurt shops
 - l. Retail Store - Common Merchandise

(Ord. of 7-12-2010(3), § 4(Exh. A))

7.509. - Railroad District Use Standards.

In the RR Railroad District the only allowable uses are railroad infrastructure and signage, which signage is required by Federal, State or City law or regulation, utility infrastructure and easements and transportation infrastructure.

(Ord. of 6-17-2013)

7.510. - Donation Containers.

Donation containers shall mean any attended or unattended container, receptacle, box, or similar device used for soliciting and collecting donations of any tangible personal property, money, or similar items for profit or charitable purposes. Vehicles, trailers, and similar conveyances, whether attended or unattended, are expressly prohibited for use as donation containers.

1. *Donations Generally.* Donations of tangible personal property or money without the use of a donation container shall only occur at permanent structures or suites designated for such use. The use of vehicles, trailers, and similar conveyances, whether attended or unattended, to solicit donations of any kind is prohibited.
2. *Exemptions.* Donation containers for the express purpose of collecting Americans flags for retirement are exempt from this section. Containers, receptacles, boxes, vehicles, trailers, and similar conveyances owned by federal, state, or local government are exempt from this section.
3. *Permit Required, Implementation.* No Donation container shall be installed without first applying for and receiving a permit from the City as governed by this section. The fee for the donation container permit may be established by City Council from time to time with resolution. No donation container placed on or after September 1, 2016 may be out of compliance with this Ordinance. Any donation container existing in place prior to October 1, 2016 shall have a period of six (6) months to obtain a permit and come in to compliance with this Ordinance.
4. *Occupation Tax.* Prior to the issuance of a donation container permit, the entity requesting the permit shall pay all occupation taxes due as provided by this Code with the issuance of a business license.
5. *Application.* Prior to delivery and/or installation of any donation container, an application shall be filed with the Community Development Department identifying the size, color and location of each donation container, as well as any signage proposed on the exterior of the donation container. Each application must also be accompanied by a letter from the owner of the property authorizing installation of a donation container on their property.
6. *Zoning.* Donation containers shall only be permitted on developed property within the GC, DT-GC, and DT-CMU zoning districts.
7. *Location.* Donation containers shall be located so as not to interfere with traffic sight lines or on-site circulation. Donation containers shall be installed on a paved surface, but may not be located within a designated parking space, drive aisle, loading area, or within any established buffer. No donation container shall be permitted within the front setback of any parcel and shall only be permitted behind the front building line of the principal structure.
8. *Number and Size.* No more than one (1) donation container shall be placed on any parcel of land. Donation containers shall not cover a ground surface area in excess of five (5) feet by five (5) feet, nor be more than six (6) feet in height.
9. *Contact Information.* The following contact information shall be required to be displayed on each donation container: name, address, and telephone number of the entity permitted to install the

container along with a twenty-four (24) hour contact name, telephone number, and email address for the same entity.

10. *Signage.* No more than two (2) signs of no more than two (2) square feet shall be permitted on each donation container.
11. *Cleanliness and Maintenance.* The property owner and donation container owner shall be responsible for the maintenance, upkeep and servicing of permitted donation containers. Donation containers shall be maintained in good condition with no structural damage, holes, or visible rust. Donation containers shall be free of debris and shall be emptied regularly to prevent overflow of donations or accumulation of junk, debris, or other material.
12. *Renewal of Permit.* The term of the permit shall expire annually on December 31st. Permits may be renewed by submitting a renewal application and associated fee to the Community Development Department. No person to whom a permit has been issued shall transfer, assign, or convey such permit to another person.
13. *Removal.* Donation containers shall be removed upon permit expiration or when the property becomes vacant.
14. *Revocation of Permit.* Any permit granted pursuant to the provisions of this section may be subject to revocation for cause by the Director of Community Development or designee, including but not limited to, the failure to comply with this section or any other applicable provisions of this Code.

(Ord. of 9-12-2016(5), § 1)

Editor's note— An ordinance adopted Sept. 12, 2016, § 1, repealed the former § 7.510 and enacted a new section as set out herein. The former § 7.510 pertained to donation boxes and derived from an ordinance adopted May 18, 2015, § 1(Exh. A).

7.511. - Parking Performance Standards.

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

(Ord. of 9-12-2016(2), § 7)

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.

(Ord. of 9-12-2016(2), § 7)

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 (90) degree parking shall be twenty-four (24) feet wide.
 - c. Two-way drive with sixty (60) degree parking shall be twenty-two (22) feet wide.
 - d. Two-way drive with forty-five (45) 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.

(Ord. of 9-12-2016(2), § 7)

7.514. - Tree and Landscape Standards.

For parking lot tree and landscape standards, refer to Chapter IX of the Land Development Ordinance.

(Ord. of 9-12-2016(2), § 7)

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.

(Ord. of 9-12-2016(2), § 7)

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 (2) 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 (1) 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.

(Ord. of 9-12-2016(2), § 7)

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.

(Ord. of 9-12-2016(2), § 7)

7.518. - Required Spaces.

1. The number of parking spaces required for a particular use shall be as set forth in the table below.

~~4.2.~~ Each use has minimum parking space requirements. The maximum allowable number of parking spaces per use is ten (10) percent over the stated minimum number. Single family detached and single family attached have no maximum. Where the DPC determines neighborhoods have residences abutting or close to the street, little or no on street parking or lack adequate space for visitor parking, new single family attached and single family detached developments shall have a minimum of 0.25 guest parking spaces for each residential unit.

~~2.3.~~ In the event of exceeding the maximum allowable number, the parking spaces shall meet parking overage standards as set forth in Section 7.769, "Standards for Parking Spaces Exceeding the Maximum."

~~3.4.~~ Uses marked with an asterisk (*), which do not have internal space on-site for loading and unloading, -require at least one loading space in addition to the required parking spaces, to be designed as required by Sec. 7.521 Off-Street Loading Requirements.

Use	Parking Spaces
<u>* Automobile repair, including oil change</u>	1.5 spaces per service bay

Commented [K7]: I noticed that there is a section at the end of the ordinances on design of loading spaces which suggests that they should be required for certain uses. It appears that the section of the code that required this was deleted during some revision in the past. In the table are uses proposed to require loading space. At the end of the loading space section is an exemption for Downtown.

<u>* Automobile sales, not including service area and not including inventory storage</u>	1 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	1 space per guest bedroom
<u>* Place of assembly</u>	3 spaces per 1000 square feet of main assembly area. Funeral homes must have a minimum of 15 spaces.
Day care center	2 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
Independent retirement living	1 space per dwelling unit
<u>* Furniture store</u>	1 space per 1,000 square feet of gross floor area
<u>* Gas station, including convenience store</u>	4 spaces per 1,000 square feet gross floor area
<u>* Grocery store</u>	3.33 spaces per 1,000 square feet gross floor area
Golf course	4 spaces per each golf hole
Golf driving range	1 space per practice tee box
Health/fitness club	4 spaces per 1,000 square feet gross floor area
<u>* Hospital</u>	Number to be determined by parking generation study funded by the applicant and approved by the Director of Community Development
<u>* Hotel/motel (loading area required only if hotel includes banquet, assembly, or restaurant areas)</u>	1 space per rental unit. Banquet, assembly, meeting, and restaurant areas shall be calculated separately, but shared parking shall be allowed as stipulated in Section 7.765.
Library	1 space per 1,000 square feet gross floor area

* Manufacturing	1 space per 2,000 square feet gross floor area, not including office functions
* Museum	1 space per 1,000 square feet gross floor area
* Full care facilities	1 space per 3 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	1 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, multifamily	1 space per studio or 1 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

(Ord. of 9-12-2016(2), § 7)

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.

(Ord. of 9-12-2016(2), § 7)

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 Section 7.767. More than one (1) 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 (1) 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 (1) 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 one-half (0.5) inch 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 (3) year aged solar reflectance (SR) value of at least twenty-eight one-hundredths (0.28). If three (3) year aged value information is not available, use materials with an initial SR of at least thirty-three one-hundredths (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 (1) 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 (0.333) 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.

(Ord. of 9-12-2016(2), § 7)

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 thirteen 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 lessee 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 (1) use or for different uses, loading space may be shared among uses, as permitted by the Director of Community Development, 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.

4. Restaurant and Retail uses located in the Downtown District. Loading spaces for these uses in the Downtown District may not be required on a case-by-case basis, and a plan for shared or remote loading spaces may be accepted in lieu of providing loading space on-site, as determined by the Director of Community Development. Criteria used to evaluate whether loading spaces are needed follow:

- a. Availability of loading spaces that could be shared on adjacent properties
- b. Volume of traffic on the primary access street
- c. Whether user has control of the premises outside the footprint of the structure
- d. Whether the applicant can establish proof that deliveries will occur from vehicles that could fit in a normally sized parking space

(Ord. of 9-12-2016(2), § 7)

ARTICLE VI. - BUFFERS

See Chapter XVII for Stream Buffer Requirements.

7.600. - Buffer Description.

A buffer as referenced in this article is a land area reserved to provide a visual and noise barrier which is created by the use of plant or natural existing materials, alone or in combination with berms, fencing or walls.

7.601. - Purpose.

Buffers are required to eliminate or minimize potential nuisances, such as dirt, litter, noise, lights, signs, structures or parking areas. Buffers provide the spacing necessary to reduce potentially adverse impacts.

7.602. - Buffer Requirements.

1. *General Buffer Requirements.*

Buffer Requirements Table													
	R1	R2	R3	R4	GC	NC	LI	HI	OSI	RD	PUD	DT	SL
R1			25	35	45	35	50	50	35	20	25	refer to Section 7.720	refer to Section 7.740
R2			25	35	45	35	50	50	35	20	25		
R3	25	25		25	45	35	50	50	35	25	25		
R4	35	35	25		45	35	50	50	35	45	25		

GC	45	45	45	45			35	40		45	25
NC	35	35	35	25			35	40		35	25
LI	50	50	50	50	35	35			35	50	50
HI	50	50	50	50	40	40			40	50	50
OSI	35	35	35	35			35	40		35	25
RD	20	20	25	45	45	35	50	50	35		50
PUD	25	25	25	25	25	25	50	50	25	50	
DT	refer to Section 7.720										
SL	refer to Section 7.740										

*NOTE: A two and one-half-foot evergreen planted berm or zero visibility stockade fence may be substituted for up to five (5) feet of reserved space if approved as shown on the preliminary site plans except as specified herein.

1. Buffers are required on City of Woodstock properties that border unincorporated County properties. The Director of Community Development, or designee, shall enforce the buffer requirement found in the Buffer Requirements Table that most closely corresponds to the County zoning district adjacent to the subject property.

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7.603. - Location and Design Requirements, General Buffers.

1. General Buffers.

1. ~~1.~~ Buffers shall not be located on any portion of an existing, dedicated, or reserved public or private street or right-of-way. Buffers shall be located on the outer perimeter of a lot or parcel, extending from the lot or parcel boundary line. Reserved buffers shall be established independently of building setbacks. Building setback requirements shall begin at the portion of a reserved buffer strip furthest from the property.

1.2. For new residential subdivisions with buffer requirements, buffers shall be located outside of individual residential lots, and shall be maintained by the Homeowner's Association.

2.3. ~~2.~~ Where a required drainage, utility or other easement is partially or wholly within a required buffer, the developer shall design the buffer to eliminate or minimize planting within the required easement.

~~3.4.~~ ~~3.~~—Where a street or road separates different zones, the minimum specified buffers would be required, except where the right-of-way is one hundred (100) feet wide or greater.

~~4.5.~~ ~~4.~~—Buffers shall be generally natural and undisturbed and free of encroachments, except with respect to matters required herein or by conditions of zoning.

~~5.6.~~ ~~5.~~—Buffers required alongside property lines shall extend to a street right-of-way line unless otherwise required to observe the sight distance requirements contained in Chapter III of the Land Development Ordinance.

~~6.7.~~ ~~6.~~—Buffers in which vegetation is non-existent or is inadequate to provide a year-round effective visual screen shall be planted with supplemental plantings. A buffer design shall be submitted for approval, specifying the type, size and location of all plantings and any non-vegetative screening mechanism (i.e., fence) proposed for use. Refer to the Buffer Planting Standards within Chapter IX of the Land Development Ordinance.

~~7.8.~~ ~~7.~~—Species selected are to be ecologically compatible to the site and appropriate for design situation.

~~8.9.~~ ~~8.~~—Protection during Land Disturbing Activities. Natural buffers shall be clearly marked in accordance with the standards within Chapter IX of the Land Development Ordinance and protected prior to commencement of and during authorized land disturbing activities and during construction.

~~9.10.~~ ~~9.~~—Trees included in buffer plantings may be counted toward site density calculations as required by Chapter IX of the Land Development Ordinance.

7.604. - Use of Buffers.

1. A buffer may be used for some forms of passive recreation; it may contain trails built in accordance with the City's trail master plan, provided that:
 - a) The year round visual barrier is preserved, and,
 - b) The total width of the buffer is maintained, and
 - c) In no event shall the following uses be allowed in buffers: creation of impervious surfaces outside of trails built in accordance with the City's trail master plan, play-fields, stables, swimming pools, tennis courts, or similar active recreation uses.
2. Buffer areas shall not be used for parking.
3. A required buffer may not include a storm water retention area.

7.605. - Ownership of Buffers.

Buffers may remain in the ownership of the original owner (and assigns) of a land use. Buffers may be subjected to deed restrictions and subsequently be freely conveyed. They may be transferred to any consenting grantee, provided that any such conveyance adequately guarantees the protection of the buffer for the purposes of this Ordinance.

7.606. - Requirements for Maintaining Buffers.

1. *Responsibility.* The responsibility for maintenance of a required buffer shall remain with the owner of the property. Maintenance is required in order to ensure the proper functioning of a buffer as a reserved open area which reduces or eliminates nuisance. The owner shall be responsible for installing live, healthy plants. Replacement plants shall be provided for any required plants which die or are removed due to disease.
2. *Maintenance.* Maintenance shall consist of mowing, removal of litter and dead plant materials, and pruning as needed. Vegetation thus removed shall be replaced where necessary to meet the screening

requirements contained herein. Natural water courses within a buffer shall be maintained as free flowing and free of debris. Stream channels shall be maintained so as not to alter flood plain.

Where pedestrian or bicycle trails are allowed within a buffer, these trails shall be maintained to provide for their safe use. Such maintenance shall include pruning of plants to remove obstructions and removal of dead plant materials, litter, or other hazards provided minimal disturbance occurs.

7.607. - Buffer Design.

Required zoning buffers shall include, at minimum, either a wall, a berm, or a fence to be designed to the standards below, except where buffers have been specifically designated as undisturbed.

1. *Wall Standards.* Walls shall be of masonry construction and a minimum height of six (6) feet. Walls shall be placed on the edge of the buffered area nearest the most intense land use. The plantings shall be made on the lesser intense use side of the fence.
2. *Berm Standards.* Earthen berms shall be a minimum of five (5) feet high and contain the required plantings, unless otherwise specified in this Ordinance.
3. *Fencing Standards.* The fencing materials shall be a pressure treated lumber, redwood or cedar. It shall be a picket or stockade design with one hundred (100) percent visual blockage. The fence shall be a minimum of six (6) feet high and placed on the edge of the buffered area nearest the most intense land use. The plantings shall be made on the lesser intense use side of the fence.
4. *Buffer and Setback.* All land development activity subject to this Ordinance shall meet the following requirements:
 - a) Buffers shall not be located on any portion of an existing, dedicated, or reserved public or private street or right-of-way. Buffers shall be located on the outer perimeter of a lot or parcel, extending from the lot or parcel boundary line. Reserved buffers shall be established independently of building setbacks. Building setback requirements shall begin at the portion of a reserved buffer strip furthest from the property.
 - b) Where a required drainage, utility or other easement is partially or wholly within a required buffer, the developer shall design the buffer to eliminate or minimize planting within the required easement.
 - c) Where a street or road separates different zones, the minimum specified buffers would be required, except where the right-of-way is one hundred (100) feet wide or greater.
 - d) Buffers shall be generally natural and undisturbed and free of encroachments, except with respect to matters required herein or by conditions of zoning.
 - e) Buffers required alongside property lines shall extend to a street right-of-way line unless otherwise required to observe the sight distance requirements contained in Chapter III. Land Development Standards of this Ordinance.

7.608. - Requirements for Development on Buffer Zone Properties.

Any permit applications for property requiring buffers and setbacks hereunder must include the following:

1. A site plan showing:
 - a) Buffer zone topography with contour lines at no greater than five-foot contour intervals;
 - b) Delineation of forested and open areas in the buffer zone; and,
 - c) Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback;
2. A description of all proposed land development within the buffer and setback.

3. Any other documentation that the Woodstock [Community Public Works Department/Development Department](#) may reasonably deem necessary for review of the application and to insure that the buffer zone ordinance is addressed in the approval process.
4. All buffer and setback areas must be recorded on the final plat of the property following plan approval.
5. The Public Works Department may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the Public Works Department in making such inspections. The City of Woodstock shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Ordinance, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area. No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

7.609. - Violations, Enforcement and Penalties.

Any action or inaction which violates the provisions of this Ordinance or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

1. *Notice of Violation.* If the Woodstock Community Development Department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this Ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Ordinance without having first secured the appropriate permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- a) The name and address of the owner or the applicant or the responsible person;
 - b) The address or other description of the site upon which the violation is occurring;
 - c) A statement specifying the nature of the violation;
 - d) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this Ordinance and the date for the completion of such remedial action;
 - e) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
 - f) A statement that the determination of violation may be appealed to the Woodstock Community Development Department by filing a written notice of appeal within thirty (30) days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours' notice shall be sufficient).
2. *Penalties.* in the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one (1) or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Woodstock Community Development Department shall first notify the

applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten (10) days (except that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Woodstock Community Development Department may take any one (1) or more of the following actions or impose any one (1) or more of the following penalties.

- a) *Stop Work Order.* The Community Development Department may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.
- b) *Withhold Certificate of Occupancy.* The Community Development Department may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- c) *Suspension, Revocation or Modification of Permit.* The Community Development Department may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Community Development Department may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- d) *Civil Penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days (or such greater period as the Community Development Department shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours' notice shall be sufficient) after the Community Development Department has taken one (1) or more of the actions described above, the Community Development Department may impose a penalty not to exceed one thousand dollars (\$1,000.00) (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- e) *Criminal Penalties.* For intentional and flagrant violations of this Ordinance, the Community Development Department may issue a citation to the applicant or other responsible person, requiring such person to appear in Woodstock Municipal Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for sixty (60) days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. of 11-17-2014(1), § 1(Exh. A))

ARTICLE VII. - DOWNTOWN DISTRICT STANDARDS³

Footnotes:

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Editor's note— An ordinance adopted Sept. 12, 2016(2), § 5(Exh. A), 6, repealed the former Art. VII, §§ 7.710—7.769, and enacted a new Art. VII as set out herein. The former Art. VII pertained to district development standards and derived from an ordinance adopted July 12, 2010(3), § 5—7; an ordinance adopted Apr. 28, 2014(2), § 1; an ordinance adopted July 28, 2014(3), § 1(Exh. A); and an ordinance adopted Mar. 23, 2015(2), § 1(Exh. A).

~~7.710. Reserved.~~

~~7.720. Reserved.~~

~~7.710~~^{7.710} - 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.
11. Maintain and enhance quality of life of existing neighborhoods.
12. Plan for and maintain first class sustainable neighborhoods.

7.720 – Master Plan Required.

Prior to commencing any land development activities in the Downtown District, a master plan of a proposed development ("the Project") shall be provided to the Community Development Department for review. This master plan or illustrative project concept, shall at a minimum include the location of residential and commercial lots, structures, stormwater facilities, streams and floodplains, amenities, open space, parking, pedestrian facilities, buffers, landscaped areas, all applicable Downtown District standards, and any additional details necessary to complete the review, as required by the Director of Community Development.

A master plan is also required for any project proposed that requires rezoning, conditional use permit, or variances. The master plan must illustrate the details of the request and accompany the public hearing application.

1. Master Plan Standards.

The Master Plan shall adhere to the following standards:

- a. Six (6) copies, provided on sheets 11 x 17 or larger;
- b. Scale of 1" = 40 feet or as prescribed by the City Engineer;
- c. Digital copy on flash drive or by download;
- d. Preliminary engineering, including conceptual utilities and conceptual grading plan;
- e. Include calculations for total acreage, number of units, residential density, open space, and commercial square footage;
- f. Identify adjacent property zoning districts, uses, and approximate structure locations;
- g. Provide written consent from all property owners whose property is included in the Master Plan;
- h. Illustrate the extension of any Greenprints Trail, as per the adopted Greenprints Trails Plan, now and as amended;
- i. Illustrate the extension of any grid streets, as per the adopted grid streets plan, now and as amended;
- j. Explain compliance with the adopted Woodstock Town Center (LCI) Plan, now and as amended, and the Woodstock Comprehensive Plan, now and as amended.

2. Master Plan Procedures.

- a. Compliance Review. The Community Development Department will review the master plan, providing comments regarding compliance with the following:
 - i. Downtown District Standards
 - ii. Land Development Ordinance
 - iii. Woodstock Town Center Plan
 - iv. Woodstock Comprehensive Plan
 - v. All other ordinances and standards adopted by the City Council, in addition to other local, state, and federal laws.
- b. Compliance Required. Should the master plan fail to comply with the provisions set forth in Section 7.720 (2) (a.), the deficiencies will be listed and provided to the Applicant. The applicant may then elect to pursue rezoning or variances from City Council, or render changes to bring the master plan into compliance.

Once the master plan complies with the provisions set forth in Section 7.720 (2) (a.), the applicant will be notified and the master plan will be docketed on the agenda of the Development Process Committee (DPC) for review and consideration. Upon approval by the DPC, the applicant may then submit land development plans in accordance with Chapter III of the Land Development Ordinance.

In the event the master plan is included with a public hearing application, the Community Development Departments will complete the review as set forth herein and the DPC will include the findings of said review in the recommendation to the Planning Commission and City Council.

- c. Exemptions. Projects or proposals may be exempted from this section if they meet any one of the following conditions:
 - i. The project exclusively involves the renovation or replacement of an existing structure in the same location; or

ii. The project involves one (1) unit on one (1) lot in a platted subdivision; or

iii. If the project is proposed on a site of one (1) acre or less and in the judgement of the Community Development Director, is in compliance;

The subdivision of property is prohibited to meet any of these requirements.

d. Disclaimer. Compliance with this Section is the responsibility of the Applicant. The Community Development Department makes a good faith effort to thoroughly review each master plan tendered. Should a master plan review omit or fail to acknowledge noncompliance with this Section, the Applicant and the Project are in no way exempted from the provisions set forth herein.

3. Appeals.

Any Person aggrieved by a decision of the DPC may appeal in writing directly to City Council in accordance with the provisions of Chapter X of the Land Development Ordinance.

7.721 – General Requirements.

1. Density. Maximum density for each Downtown District zoning classification can be found in Sec. 7.301 Establishment of Districts. The maximum density allowable on any given lot in the Downtown District may not necessarily be achieved due to infrastructure requirements and Downtown District site design requirements. The high densities allowed in this district are designed to incentivize assemblages that can comply with the code, providing public amenities as necessary, and reach the maximum allowable density. For mixed-use projects, density can be calculated using the entire parcel/project area, including commercial areas, only if the commercial development is to be completed first or concurrently. See Sec. 7.721 (2) (b) below. If not, residential densities shall be calculated using only the residential portions of the parcel/project area.

2. Minimum Acreage Requirement. No new residential development shall be permitted on any parcel or assemblage of parcels in the Downtown District that have a total area of less than five (5) acres.

a. Construction that does not require the subdivision of property into more than three parcels, and does not require any new streets, are exempt from this requirement.

b. and Mixed-use projects with at least 35% of the land area, (at ground level,) dedicated to newly constructed, non-residential uses, not including Open Space areas, are exempt from the minimum acreage requirement. Commercial and residential components that are part of the same project must be constructed concurrently. All commercial buildings in a project must be completed and issued a Certificate of Occupancy, prior to 80% of residential buildings receiving building permits.

c. For projects proposed on less than five (5) acres, including the addition of phases to existing developments, the applicant may pursue a conditional use permit in accordance with the provisions set forth in the Land Development Ordinance. Additional criteria shall be considered during a CUP case for this exemption. Projects should be evaluated for uniqueness, character, access, and connection to existing streets, alleys, and trails.

3. Mix of Housing Types Required for Residential Development. All new residential development in the Downtown District without at least 20% of the land area, at ground level, dedicated to non-residential uses, not including Open Space, shall provide a mix of housing types.

<u>Project Size</u>	<u>Number of Housing Types Required</u>
<u>0 – 5 acres</u>	<u>2 types</u>
<u>5.01 – 10 acres</u>	<u>3 types</u>

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Commented [KO9]: 1/9/18 Based on feedback from a Council Member

Commented [KO10]: 12/20/17 New exemption to allow a person to take down a house on a lot, and subdivide it into no more than 3 parcels, to rebuild a maximum of 3 units. Based on citizen feedback from a real estate professional.

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Commented [KO12]: 12/11/17 Changed 50% to 20%.

Commented [KO13]: CUP option added 12/11/17

Commented [KO14]: 1/9/18 based on citizen feedback (Thraikill)

Commented [KO15]: 12/11/17 Added table and elaborated on how many housing types will be required depending on project size.

10.01 – 15 acres	4 types
15.01 – 30 acres	5 types
30.01 acres and above	6 types

Housing Type Choices:

- [a. Large lot single family detached – lots with a minimum square footage of 7,500 square feet](#)
- [b. Single family detached – lots with less than 7,500 square feet](#)
- [c. Single family detached with Accessory Dwelling Units](#)
- [d. Townhome](#)
- [e. Duplex](#)
- [f. Triplex](#)
- [g. Quad – condominium building with 4 units](#)
- [h. Small condo building – 5-20 condominiums per building](#)
- [i. Large condo building – over 20 units per building](#)
- [j. Multi-family, Rental \(Conditional Use Permit required\)](#)
- [k. Residential over commercial](#)
- [l. Innovative housing type which fits into none of the categories above, as approved by the Director of Community Development](#)

4. [Critical Mass for Redevelopment Requirement. Redevelopment of more than two \(2\) existing lots in a platted subdivision on the same Land Disturbance Permit is prohibited unless a critical mass of eighty percent \(80%\) or more contiguous lots in the subdivision are acquired and assembled, leaving the remaining twenty percent \(20%\) of the lots as one intact subdivision. For the purposes of this section, lots are considered contiguous if they share more than half of the length of the adjoining property line for each adjacent parcel that is to be considered contiguous. The phasing of redevelopment over several LDPs as a way to subvert this section is prohibited. For the purposes of this ordinance, a platted subdivision is a subdivision of residential lots for which a subdivision plat has been recorded in the Superior Court Clerk's Office of Cherokee County.](#)
4. [Grading. Where future street connection locations exist within a new development, the temporary ends of these streets shall be graded in such a way that future connection is possible, as determined by the City Engineer.](#)

Commented [KO16]: Need to require a minimum percentage of each type? (suggestion from a citizen) Seems too restrictive to specify a number, but this section could be easily subverted by developers building 80 townhomes and one SFD.

Commented [KO17]: 3 new housing types added 12/11/17.

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(Ord. of 9-12-2016(2), § 5(Exh. A); Ord. of 11-14-2016(1), § 1)

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 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 ten (10) feet, unless otherwise determined by the City Engineer. Boardwalks, bridges, and pervious concrete are permitted within the floodplain and stream buffers.

Historic-Historic Overlay DistrictZone: An area shown on the official zoning map, which has specific requirements that supersede certain other requirements of the Downtown District as amended.

Multifamily: A building containing more than one (1) 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 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~~[facade on primary frontages](#).
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, [except for fences and walls](#).

Storefront Treatment: An architectural treatment that:

1. Is provided on the sidewalk level of a street facade 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 facade.
3. Provides a street level facade 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 (2.5) 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.

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 (3.5) 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 (3.5) feet.

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

(Ord. of 9-12-2016(2), § 5)

7.723. – General Provisions.

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 facade 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 facade 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 fifty (50) percent of the total appraised building value as shown on the current tax record within any thirty-six (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 facade be expanded, extended, enlarged, or otherwise altered in any way which increases its non-conformity.
 - 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 facade 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 the Mayor and City Council with resolution.

4. Should development proposed for a site directly adjacent to an existing residential subdivision include a higher residential density and/or commercial use, the developer shall post signs along each public street frontage abutting the site, giving notice to the public of the proposed development. Signs shall be placed concurrent with the first submittal of project site plans to the City of Woodstock, in accordance with Chapter III, and remain until the first certificate of occupancy is issued for a structure on the premises. Signs shall be no less than six (6) square feet in size, including the following project details and information:

- a. Name of proposed development; and
- b. Website address for project info.

(Ord. of 9-12-2016(2), § 5)

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 the Mayor and City Council with resolution from time to time.

(Ord. of 9-12-2016(2), § 5)

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. ~~4.~~ Detention ponds and required stream buffers shall not be used in open space calculations.
- 2. ~~2.~~ The owner shall submit a maintenance agreement establishing a mechanism for maintaining open space dedication located within subject development.
- 3. ~~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. ~~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. ~~6.~~ 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. Residential development shall provide either public open space or private open space.
- 6. ~~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. Side setbacks, lot remnants, and areas not easily accessible to pedestrians are not to be considered open space to meet the minimum requirement.

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Commented [KC22]: For clarity.

8. Open Space privacy buffer option. Where new developments are adjacent to existing residential development, screening buffer areas may be used to meet up to twenty-five percent (25%) of the minimum open space requirement (five percent [5%] of the parcel area). To qualify, screening buffer areas must be at least seven (7) feet in depth, contain a wall or fence at least forty (40) inches in height, and contain dense plantings of evergreen trees and shrubs, to be approved by the Community Development Director or designee.

(Ord. of 9-12-2016(2), § 5)

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. For any new development that requires a street to be constructed, tThe 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. All new and improved streets in the Downtown District shall use header curb with no gutter.
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. Planned grid streets and connections shall be installed as shown on the most recently adopted Woodstock Town Center LCI Plan. Grading at ends of grid streets shall be prepared for the easiest future connection by neighboring properties.
4. 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. Changes to the configuration of the sidewalk area may be granted by administrative waiver if there are existing trees, overhead or underground utilities, or existing buildings present in the required sidewalk area locations. Administrative Waivers shall be determined by the Development Process Committee (DPC). Any Person aggrieved by a decision of the DPC may appeal in writing directly to City Council in accordance with the provisions of Chapter X of the Land Development Ordinance
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.

Prior to extending an existing street within the Downtown District, approval by City Council is required. An owner or applicant seeking to extend an existing street must first submit the request in writing to the Community Development Department. A public hearing will be scheduled before the City Council, adhering to the public hearing and public notice requirements outlined in Chapter XI, Zoning Policy and Procedures, of this Land Development Code.

Commented [KO23]: Added 1.4.18, based on input from a community member. This section could be expanded in the future to allow more OS to be composed of privacy measures, to include a matrix with building heights and what you would need to do at certain heights with certain distances and which privacy measures give more credit. This could be the way to get more thoughtful privacy solutions as seen in Hedgewood and other New Urbanist areas. Need to designate sizes of tree planting areas and planted/mature heights.

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Commented [KO24]: New 12.20.17

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Should a proposed street extension accompany a rezoning request, the street extension will be evaluated and considered in conjunction with the rezoning request, following the zoning process as outlined in Chapter XI, Zoning Policy and Procedures.

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-two hundred (2004)~~ square feet. As stated by Chapter IX Tree Preservation and Replacement Standards, if existing underground utilities are present, the Director of Community Development may allow alternative proposals on a case by case basis. In the event that existing overhead power lines prohibit the planting of required overstory trees, an appropriate understory tree species may be selected and approved for required inches according to accepted horticultural standards and as approved by the impacted utility. The criteria by which cases with underground utilities shall be evaluated includes the size, location, and depth of the existing underground utilities, and the size, type, location, and appropriateness of the plantings proposed as an alternative to the required street trees.
- 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, and stairs may 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 facade.
- b. Balconies, awnings and bay windows ~~shall may~~ 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.

Commented [KC26]: Change from 40 sf minimum planting area for Street Trees to 200 sf minimum. 40 sf conflicts with the Tree Ordinance, which says "The Sidewalk Landscape Zone in the Downtown District and any areas with trees between the sidewalk and back of curb shall be designed so that required street trees are planted in a suitable soil volume. Planting environment shall provide an average soil depth greater than or equal to three (3) feet. Each street tree shall have a minimum area suitable for root growth of two hundred (200) square feet provided."

Commented [KC27]: This can be removed if we add stairs in the Supplemental Zone, right? Not sure of the reason for this part. Need to decide whether it's important that encroaching terraces, porches, stoops be 24" above grade. Stairs should also be allowed in the Supplemental Zone in order to achieve this.

If the intent is to have raised porches, should we require raised porches on any residential structure in downtown? Because currently it is only required by this section, which would not apply if the porch were behind the build-to line. Then it could be at-grade. Raised porches are also required by all house types in the Historic Overlay District.

Commented [KC28]: Is this a change of intent or clarity if the intent is not to require the presence of balconies, awnings and bay windows. "Shall" would not allow an inset balcony on a street façade. If keeping 'shall' we should establish a minimum depth that these features must encroach.

- 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 facade.
- 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.
- h. [Sidewalk supplemental zone width requirements may be increased where taller buildings are proposed along narrow streets, at the discretion of the Director of Community Development. To determine the appropriate supplemental zone width, the Director shall consider the width of the street in proportion to the height of the structures proposed.](#)

Street Type Table—Sidewalk Area and Greenway Trail Requirements

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 facade located along build-to line. [Note: Rights of way wider than the standard fifty \(50\) feet may be required to fully encompass on-street parking and Sidewalk Clear Zone areas. Public right of way lines shall be set at least one \(1\) foot outside the back of sidewalk.](#)

Commented [KO29]: 1/9/18

**Where streets and greenway trails are adjacent, Sidewalk Supplemental Zone requirements shall be in addition to GW1 requirements.

Street Type Table—Pavement Requirements

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 8 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 8 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 (8- 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 (8- 7 ft.)	No	32 ft.
*Not including center turn lanes.					
**Sidewalk area requirements do not apply to pedestrian alleys.					

Commented [KO30]: Parallel parking width change 12.20.17

***If the road is required to be fire dept. access, lanes must be ten (10) feet. Give-way streets are not allowed when streets are required to provide fire department access.

Street Type Table—Alley Requirements

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) *	12 to 20 ft.	4 to 6 ft.	20 to 32 ft.	None	Garage wall or other wall
F3 (Residential) *	12 ft.	5 ft.	22 ft.	18 to 20 ft. with parking pad	Continuous fence or wall along R.O.W. line <u>and</u> between parking pads

* Alleys shall not be located within residential lots.

(Ord. of 9-12-2016(2), § 5; Ord. of 11-14-2016(1), § 2)

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 facade 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 four hundred (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 (1) way maximum width of twelve (12) feet or a two (2) 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. Screening of Parking Areas

a. Any parking not screened from the street by a building shall have a minimum seven (7) 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.

b. Parking areas in new developments that are located within twenty-five (25) feet of existing residential development, if not entirely screened by an intervening building, shall have a continuous, visual screen from the residential development reaching a minimum height of six (6) feet. This screen shall consist of a compact evergreen hedge or other foliage screening and a wall or fence.

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 (45) 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. Parallel parking spaces shall be eight (8) feet deep and twenty-two (22) feet long.
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-

Commented [KO31]: County ordinance language: When off-street parking areas for ten or more automobiles are located closer than 50 feet to a lot in a residential district, or to any lot upon which there is a dwelling as a permitted use under these regulations, and where such parking areas are not entirely screened visually from such lot by an intervening building or structure, there shall be provided a continuous, visual screen with a minimum height of six feet. Such screen may consist of a compact evergreen hedge or foliage screening or louvered wall or fence.

Commented [KO32]: Added 1.4.18 based on citizen feedback. (Casteel) This number is based on the size of the smallest zoning buffer we have (outside DT).

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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 non-residential 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, enclosed garage or in a 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 facade.

(Ord. of 9-12-2016(2), § 5)

7.728. - Site Limits.

1. Where such street facade 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-TOS	DT-HO ³
Density maximum (Dwelling units per acre)	12 ^{4,5}	12 ^{4,5}	8 ⁴	NA	8 ⁴	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 Facade Frontage ₁	100%	100%	60%	100%	100%	NA	NA	NA	NA	NA	NA
Rear setback (minimum feet)	0	With alley - 0 No alley - 20	With alley - 0 No alley - 20	With alley - 0 No alley - 20	With alley - 0 No alley - 20	Residential alley or No alley - 5	Residential alley or No alley - 5	Residential alley or No alley - 5	Residential alley or No alley - 5	0	Residential alley or No alley - 5

				y - 20							
Side setback (minimum feet)	0	0	0	0 or 10 ²	0 or 5 ²	0 or 5 ²	0 or 5 ²	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	N/A	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 twelve (12) DU/ac can be increased up to forty (40) DU/ac maximum, using any combination of the following bonus incentive procedures:

- A. Vertical—mixed use structure—twenty (20) percent DU/ac increase;
- B. Provision of open space above the twenty (20) percent minimum requirement—one (1) percent DU/ac increase per one thousand (1,000) square feet of open space up to twenty thousand (20,000)

square feet maximum or twenty (20) percent DU/ac increase;

- C. Structured parking with parking spaces available to the public at no charge—one (1) percent DU/ac increase per one (1) parking space;
- D. Professional office space—ten (10) percent DU/ac increase per ten thousand (10,000) square feet of professional office space;
- E. Mayor and City Council reserve the right to increase density above forty (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 (1) 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.

(Ord. of 9-12-2016(2), § 5)

7.729. - Street Facade Requirements.

Along the street facade of all new and renovated buildings and structures the following shall apply:

1. ~~4.~~ 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.
 - a. If the second level above the sidewalk level of a residential structure is the main living space, which includes the kitchen and main living room, a walkway and stairs shall connect the sidewalk to the front porch or stoop through the Supplemental Zone.
 - b. Where an individual use has a street facade 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.
 - c. Units fronting on Open Spaces may only do so if a street borders the opposite side of the Open Space, and the primary pedestrian entrance shall face and be visible from the Open Space and street.

~~Where an individual use has a street facade 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.~~

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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 facades 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 facade 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 facade 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. [False windows may be allowed by administrative waiver when warranted by the interior design of the structure, such as the presence of fireplaces or stairwells blocking window locations, and when not used excessively.](#)
8. Entry facade window trim shall not be flush with the exterior wall and shall have a minimum relief of one-quarter (.25) inch from the exterior wall, except on brick and stone facades. [A window detail showing these dimensions shall be present on all building plans for downtown structures.](#)
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 facade. [Window frames on other than masonry facades shall be trimmed with multi-dimensional trim with a minimum width of three inches and include header and apron trims. Multiple dimensions can be accomplished by layering of trim or use of more detailed trim. Prior approval of details required.](#)
11. Porches and stoops shall not be enclosed with screen wire or glass [on primary frontages.](#)
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 (2) street facades. The secondary frontage, or the facade without the primary pedestrian entrance, shall have the option, in lieu of providing minimum thirty (30) percent window coverage on each story, to provide, on a minimum of forty (40) percent of the facade 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 facade and materials requirements table.

20. See building facade 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 Facade Frontage	• (within 400' of Main Street, TLP, Arnold Mill Road)								
Residential Treatment						•	•		•
Storefront Treatment or Residential Treatment at Street Facade 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 Street,	40 ft.	None	3 stories/ 40 ft.

						whichever is less			
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 finished floor to finished ceiling	NA	10 ft.	10 ft.	10 ft.	10 ft.	9 ft.	9 ft.	9 ft.	10 ft.

(Ord. of 9-12-2016(2), § 5)

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 facade 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 twenty-five (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. g. Any parapet walls shall extend around all sides of the building.

h. On residential buildings, if rear decks or porches are visible from any streets, public sidewalks, public trails, or are adjacent to and visible from any Open Spaces, they shall be covered, and designed with materials to match the façade and/or trim of the building.

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2. *Site Requirements.*

- a. The height of fences and walls located between the street facade 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. For new development, where new alleys run along parcel lines of existing developments, a wall shall be required to screen the alley from the existing property or properties. The wall shall be 4-6 feet in height and shall be constructed with a brick, stone, or stucco veneer, or a combination of masonry materials that complement the theme of the property architecture and/or site design.
- 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.

(Ord. of 9-12-2016(2), § 5)

7.731. - Historic Overlay District (DT-HO)Zone Requirements.

Buildings within the historic zone overlay 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. 4. 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. No parking shall be located between any structure and the street, and no parking shall be located to either side of any structure fronting an A or B street.
- 3. This district is intended for Detached Single Family homes, even if they have a commercial use. Multiple residential dwelling units within the same building are prohibited in DT-HO.
- 4. Detached and attached garages shall both be permitted. Attached garages shall have decorative doors which shall be located in an inconspicuous location, so as not to become the main architectural feature on structures on lots that are front-loaded. The architecture of detached garages shall match and compliment the primary structure.
- 5. 2. All exterior facades except windows shall be brick, horizontal hardiplank, natural wood or stone.
- 6. 3. Flat roofs shall be prohibited.

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7. 4.—Parking decks shall be prohibited.
8. 5.—Roofs shall extend a minimum of eighteen (18) inches beyond exterior building walls.
9. 6.—Exterior street facade doors shall be wood panel or fixed glass in wood frame.
10. 7.—Primary structures shall have a residential treatment regardless of use.
11. 8.—All windows shall be either double-hung or fixed glass in keeping with the particular architectural style described below.
12. 9.—With the exception of stories partially contained within roofs, all above-ground stories shall be equal in floor area and shape.
13. 10.—All street facade porches that are not a required "accessible route into and through the dwelling unit", as established by Section 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.
14. 11.—Buildings shall be one (1) 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 facade.
 - vi. A symmetrical or asymmetrical street facade.
 - vii. A front porch extending the entire width or one-half (0.5) 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 facade.
 - v. A symmetrical street facade 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 (1) 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 facade with a centered door and balanced rectangular windows.
 - v. A cornice between the street facade 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 facade 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 (1) story front porch supported by column with Gothic detailing which either extends the entire width of the building or as an entry porch.

(Ord. of 9-12-2016(2), § 5)

7.732. - Illustrations.

The drawings within this section are graphic depictions of some of the requirements herein. Unless otherwise indicated, each is intended to specifically illustrate only the indicated requirement; all other suggestions of design, such as architectural style, tree shape and aesthetics, do not constitute a requirement of this section (refer to supplemental section entitled "Downtown District Graphics" provided separately at Appendix A at the end of this chapter).

ARTICLE VIII. - OTHER DEVELOPMENT DISTRICTS AND OVERLAY ZONING⁴¹

Footnotes:

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Editor's note— An ordinance adopted Sept. 12, 2016(2), § 8(Exh. B), repealed the former Art. VIII, §§ 7.810, 7.811, 7.829—7.833, and enacted a new Art. VIII as set out herein. The former Art. VIII pertained to administration, enforcement, appeals and derived from the publication of this Land Development Code; an ordinance adopted July 12, 2010(3); and an ordinance adopted Feb. 22, 2016.

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 multifamily 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

7.842, 7.843. - Reserved.

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.			

(Ord. of 9-12-2016(2), § 8(Exh. B))

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 (0.75) 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 (0.25) 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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 (6) 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

7.849. - Senior Living General Requirements.

1. All other sections of the City'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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

7.853. - Minimum Development Requirements.

Minimum		6,000 square 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

(Ord. of 9-12-2016(2), § 8(Exh. B))

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 (100) 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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 (100) 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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, the City 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 nonprofit 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, then a third right of enforcement favoring the City 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 the City;
 - 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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 (10) 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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. 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.
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.
3. The addition of overlay zoning to those areas identified within the City 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 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

7.863. - Existing Conditions.

It is the desire of the City 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

7.864. - Application of Overlay Standards.

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

(Ord. of 9-12-2016(2), § 8(Exh. B))

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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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 six (6) months, shall be rebuilt, altered, or repaired after damage exceeding fifty (50) percent 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

7.868. - Coordination with Other Ordinances.

These design guidelines supersede other ordinances, codes and laws of the City, 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

7.871. - 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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.
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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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).

(Ord. of 9-12-2016(2), § 8(Exh. B))

7.877, 7.878. - Reserved.

7.879. - Site Development Standards.

All projects developed within the parkway overlay district shall meet the following minimum site development standards:

Site Development Standards	
	Project Type
	COM Commercial/Institutional

Maximum density (units per acre)	n/a
Minimum project size (acres)	n/a
Minimum lot size (square feet)	n/a
Minimum lot width (feet)	n/a
Setbacks (feet)	
Front	20
Side	10
Rear	30
Buffer (feet)	
COM	5
SFD - A	75
SFD - B	75
SFA	75
COM	5
Maximum height (feet)	40

1. The intent of buffers is to provide a year-round visual screen, such as evergreen trees, between adjacent properties and new development, except for the five (5) foot buffer required between commercial/institutional uses which may be landscaped at the discretion of the property owner in compliance with other provisions of the Land Development Code.
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.

Commented [KC35]: This section appears to have inadvertently lost the last part of the sentence when codified in municode. It appears this way in the 9.12.16 ordinance.

(Ord. of 9-12-2016(1), § 1; Ord. of 9-12-2016(2), § 8(Exh. B))

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
	COM Commercial/Institutional
Hwy 92 (feet)	40
Other ROW (feet)	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 (3) 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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 complement 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 or natural stone 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 one-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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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'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 9-12-2016(2), § 8(Exh. B))

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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

7.885. - Permitted Use Standards.

The following uses shall be permitted, in addition to those uses permitted under light industrial zoning (LI), 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 cafe.
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 condominium over commercial.
5. Retail local, including bakery—retail store only, florist—retail store only, grocery store [limited to fifty-five thousand (55,000) square feet], 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

7.886. - Prohibited Use Standards.

Any uses not specifically listed in Section 7.885943 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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 (24) 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 into 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 in the Technology Park Overlay at the time of site plan application.
 - 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.

Commented [KC36]: For clarity.

Commented [KC37]: This section is no longer applicable because one of the apartment complexes was built and the property for the other that is allowed by this section was used for Woodstock City Church.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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 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 one-tenth (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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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'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 (2) 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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 complement 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 or natural stone 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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, 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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. 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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).

(Ord. of 9-12-2016(2), § 8(Exh. B))

7.895, 7.896. - Reserved.

7.897. - Site Development Standards.

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

(Ord. of 9-12-2016(2), § 8(Exh. B))

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'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 the landscape area.

(Ord. of 9-12-2016(2), § 8(Exh. B))

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 [or natural stone](#) 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.

(Ord. of 9-12-2016(2), § 8(Exh. B))

ARTICLE IX. - ADMINISTRATION, ENFORCEMENT, APPEALS⁹

Footnotes:

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Editor's note— An ordinance adopted Sept. 12, 2016(2), § 9(Exh. C), repealed the former Art. IX, §§ 7.900—7.906, 7.908, 7.910—7.925, 7.928—7.963, 7.966—7.968, and enacted a new Art. IX as set out herein. The former Art. IX pertained to overlay zoning and derived from the publication of this Land Development Code; an ordinance adopted July 12, 2010(3), §§ 8—10; and an ordinance adopted Oct. 28, 2013(2), § 1(Exh. A).

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 are 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 Section 7.932(4), it shall not be reestablished 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.

(Ord. of 9-12-2016(2), § 9(Exh. C))

7.920—7.929. - 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.

(Ord. of 9-12-2016(2), § 9(Exh. C))

7.930. - Non-Conforming Use Regulations for Conditional Uses.

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.

(Ord. of 9-12-2016(2), § 9(Exh. C))

7.932. - Definitions.

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 (1) 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 seventy (70) percent of that area has not been continuously occupied by said use for a period of thirty (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 seventy (70) percent of that area has not been continuously occupied by said use for a period of thirty (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.

(Ord. of 9-12-2016(2), § 9(Exh. C))

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 sixty (60) day period expires, any non-conforming property and/or business must come in full conformance with all relevant zoning.

(Ord. of 9-12-2016(2), § 9(Exh. C))