

O-09-Z-BB
AN ORDINANCE
AMENDING THE TEXT
OF THE
DECATUR ZONING ORDINANCE

WHEREAS, the City of Decatur Planning Commission, after making a detailed study, has proposed amendments to the text of the Decatur Zoning Ordinance regulating the required transition buffers between R-85 & R-60 single family residential districts and C-2 general commercial districts, requirements for review of residential projects in commercial districts, and exceptions to minimum parking requirements for downtown multiple dwellings in the City of Decatur; and

WHEREAS, the proposed amendments have been made for the purpose of promoting the health, safety, morals, convenience, order, prosperity and the general welfare of present and future inhabitants of the City of Decatur, Georgia; of lessening congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to reduce flooding and other stormwater impacts; and other public necessities; and

WHEREAS, the proposed amendments have also been made with reasonable consideration among other things to the character of the community and with a view to promoting desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, conserving the value of buildings, and encouraging the most appropriate use of land, buildings and other structures throughout the City of Decatur; and

WHEREAS, proposed revisions have been made after detailed study and recommendations made after a public hearing before the Decatur Planning Commission at which all owners of property were given opportunity after public notice as required by Georgia statute to file their protests, suggestions or criticisms, if any; and

WHEREAS, the Decatur City Commission has considered the proposed amendments to the text of the Decatur Zoning Ordinance, as well as comments by interested residents at public hearings and the recommendations by the Decatur Planning Commission; and

WHEREAS, the Decatur City Commission wishes to approve the proposed amendments.

NOW, THEREFORE, BE IT ORDAINED by the City Commissioners of the City of Decatur, Georgia, and it is hereby ordained by authority of the same, that Appendix A, Zoning, of the Code of the City of Decatur, Georgia, is amended as follows:

Section 5.1 Establishment of Zoning Districts

1. Add "MU Mixed use district."

Article VII. DISTRICT REGULATIONS

2. Insert a new Section 7.11 Mixed Use district, which shall read as follows:

7.11.1. Purpose and Administration of District.

1. Purpose. The purpose of the Mixed-Use District is to promote the redevelopment of existing single uses in the commercial areas into vibrant and sustainable mixed-use communities combining residential, retail and office uses; to promote diversity in housing and commercial options; to create walkable, pedestrian-scaled environments that accommodate and encourage multiple modes of transportation; to provide opportunities to add a variety of open space amenities; to provide a framework for shared infrastructure; and to improve the quality of life by providing live, work, and play opportunities based on regulating master site plans developed for a specific area.

2. Establishing a Mixed Use District.

a. No MU Mixed Use District shall be established without the concurrent approval of a regulating master site plan by the City Commission following public review and recommendation by City staff and the Planning Commission.

b. The boundaries of each Mixed Use District shall be as shown on the City's official zoning map and Comprehensive Land Use Plan and shall correspond with the adopted regulating master site plan for such district.

c. Once adopted, a Mixed Use District regulating master site plan may be modified only after a hearing by the planning commission and approval of the city commission; provided that modifications which do not change the mix or intensity of approved uses, the location or height of buildings, or other significant site features (including, but not limited to location of streets, drives, parking structures, public spaces) may be approved administratively by the zoning administrator. Alterations to the streets and open spaces delineated on a Regulating Plan may be authorized by the zoning administrator, upon a finding by the zoning administrator that: (i) such streets and open spaces are not inconsistent with the purpose and intent of the governing zoning district(s) and the Regulatory Plan; and (ii) such streets and open spaces provide equal or improved circulation and open space opportunities.

d. Any subdivisions, lots consolidations, and replats in a Mixed Use district shall conform to the adopted regulating plan for that area.

3. Application of Regulations

a. No permit for a new building or new site improvements shall be issued unless the proposed building or site improvement complies with these regulations.

b. For the purposes of this section, where two (2) or more properties, lots or parcels are located within the same block or where two (2) or more properties, lots or parcels have frontage on the same side of the street between two intersecting streets, and such properties, lots or parcels are under common ownership or control and/or are being

developed in a single development operation or a series of coordinated development operations, such properties, lots or parcels shall be considered as a single property.

c. Prior to the issuance of any building permit in this district, the zoning administrator shall certify in writing that the proposed development for which such building permit is sought is consistent with all applicable requirements of the district, including the approved regulating master site plan for such district.

d. Prior to the submittal of an application for a building permit in this district, a pre-application conference between the applicant and the Director of the Community and Economic Development Department or the Director's designee is required to discuss the application and relevant requirements of these regulations.

e. Following the pre-application conference, a total of 5 copies of each site plan, landscape plan, and elevation drawing of each exterior building facade shall be submitted, as applicable, and reviewed for compliance with district requirements by the zoning administrator.

f. All exterior demolition, new construction (including additions to existing buildings), expansions of outdoor dining or any construction which results in increased lot coverage, modification of the building footprint, or modification of building facades that alters the configuration of openings, shall be subject to said pre-application conference and submittal requirements.

g. Regulatory Plan.

1. A Regulatory Plan is the documented plan revealing the location of required streets and open spaces to be provided to meet the minimum street and open space requirements of the MU Mixed Use district. The regulating plan must also identify the Village Subares and Transit Station subarea as applicable. The Regulatory Plan is critical to ensuring that the intent and purpose of the MU Mixed Use district is implemented specifically as it relates to the provision of the street and open space network. Those streets and open spaces delineated on the Regulatory Plan shall not be interpreted as the only allowable streets and open spaces within the district as other forms of streets and open spaces may also be provided in addition to those delineated on the plan.
2. Documentation. All Regulatory Plans shall clearly delineate proposed streets and open spaces and corresponding dimensions and written descriptions for each element shall be provided. The Regulatory Plan shall be required for the Pre-Application Conference and the official submittal of plans to the city. Documentation shall be provided as follows:

a. Streets. Street documentation shall include the corresponding street classification of each street, the dimensions of the street right-of-way, lane widths, curb-to-curb widths, sidewalk clear zone widths, street furniture and landscape zone widths and block dimensions.

b. Open spaces. Open space documentation shall include the total open space square footage calculation for each individual open space, the net square footage calculation of all open spaces and written description for each individual open space describing the type of each open space, the function of each open space and a general description of the predominant material or feature

intended to be used for each open space (i.e. fountain, brick pavers, grass, shrubs, etc.).

1. **Applicability.** Streets and open spaces delineated in the Regulatory Plan may be permitted to be utilized for meeting the requirements of the governing zoning district(s). In no case shall the Regulatory Plan be utilized to permit the noncompliance with the regulations of the governing zoning district(s).
2. **Density calculations.** Parcels shall be permitted to calculate all future development calculations utilizing existing pre-construction property lines, provided that property owners seeking to calculate said density in this manner shall provide at the time of submission of the required application a sealed property line survey showing all pre-construction and post-construction property lines so as to enable the city to accurately verify said density calculations.

7.11.2. Subareas Established.

To guide the appropriate formation of Mixed-Use Districts, two subareas are hereby established. The intent of each subarea is as follows:

1. **Village Subarea.** Medium density residential and commercial uses intended to serve several adjacent neighborhoods.
2. **Transit Station Subarea.** Higher density commercial and residential uses adjacent to major transportation corridors and transit nodes intended to serve larger areas of the city and surrounding communities, and provide larger commercial uses with a significant employment concentration.

7.11.3. Permitted principal and accessory uses.

1. **Permitted uses.** Any use not listed in this section is prohibited in this district.
 - a. A single-family dwelling unit of at least 550 square feet of floor area which is accessory to a principal commercial use on the same property or within the same building.
 - b. Art studios, dance and photo studios, health and conditioning studios.
 - c. Attached and detached townhouses.
 - d. Bowling alleys, clubs and lodges, billiard parlors, theaters other than drive-in.
 - e. Business or professional offices, insurance agencies, banks and financial institutions.
 - f. Business offices, general and sales agencies, taxicab services.
 - g. Churches or other places of worship.
 - h. Clinics - medical, dental, chiropractic.
 - i. Food, furniture, hardware, or paint store.
 - j. Furniture sales, wholesale and retail pet shops without veterinary service, retail stores and shops dealing in general merchandise including department stores.
 - k. Hotels, motels and tourist homes, lodging and boarding houses.
 - l. Laundries and dry cleaning establishments less than two thousand (2,000) total square feet per individual use,
 - m. Multiple-family dwellings.
 - n. Parking facilities, structured or hard-surfaced as accessory to a building.
 - o. Public buildings, structures, facilities, and utilities.

- p. Restaurants, grills, coffeeshops and similar eating establishments, but not a drive-in facility.
- q. Retail shops catering to district and area trade, including antique shops, apparel and tailor shops, appliance sales and service, bakery, barber and beauty shops, drugstores, shoe repair, jewelry, florist, hobby, locksmith, opticians and optical shops, radio and television sales and service, and similar sales and service establishments.
- r. Self-service or automatic laundries or pickup stations nor exceeding two thousand (2,000) square feet per each individual use.
- s. Service establishments such as blueprinting, catering, employment, costume rental.
- t. Uses and buildings which are customarily accessory to the mixed use district business activities carried out on same lot or a contiguous lot under same ownership and which do not involve activities and operations inconsistent with the overall district character and purpose.

2. Special Uses Allowed by Planning Commission and City Commission permission.

- a. Communications towers and antennas, including equipment shelters or other supporting equipment used with the tower or antennas, after a public hearing by the Planning Commission and approval by the City Commission subject to the regulations in Article X of this Zoning Ordinance, Supplementary Regulations and Modifications.
- b. Nursery schools, kindergartens, and day care centers after a public hearing by the Planning Commission and approval by the City Commission subject to the regulations in Article X of this Zoning Ordinance, Supplementary Regulations and Modifications.
- c. Veterinary hospitals, after a public hearing by the Planning Commission and approval by the City Commission subject to the regulations in Article X, supplementary regulations and modifications.
- d. Schools, public and private after a public hearing by the Planning Commission and approval by the City Commission subject to the regulations in Article X, supplementary regulations and modifications.

3. Additional use limitations by subarea.

- a. Village Subarea. Individual non-residential uses shall be prohibited from exceeding eight thousand (8,000) square feet of floor area.
- b. Transit Station Subarea. Individual non-residential uses exceeding eight thousand (8,000) square feet of floor area shall be separated from each other by a minimum distance of six hundred (600) feet as measured from the outside wall closest to the adjacent building.

7.11.4. Development standards.

1. Front yards. Front Yards shall have the minimum dimensions as specified in Table 2: Streetscape Dimensions Table. The following additional regulations shall apply:

A. Automobile parking shall be prohibited from being located within the front yard. Parking spaces for one-family dwellings, two-family dwellings and townhouse dwellings shall be on the same lot as the building to be served except as otherwise provided in this article. No parking space shall be permitted in the front yard except on a bona fide paved or graveled driveway

leading to a garage, carport, or other permanent parking space located to the rear of the front building line. Circular driveways are prohibited. Except as provided above, paved parking areas will not be permitted between the front building line and the front property line except where a variance permitting such parking has been approved by the Zoning Board of Appeals according to the requirements of Article XII of the Zoning Ordinance.

B. Front yards shall be only used for driveways, landscaping, terraces, porches, stoops, plazas, parks, and walkways.

C. The area within the front yard which meets Open Space criteria may be counted towards the open space requirements on a square foot to square foot basis.

2. Mixed Uses.

a. Residential Requirement. Non-residential developments greater than fifty thousand (50,000) square feet, shall devote a minimum of twenty (20%) percent of the total square footage to residential use.

b. Non-Residential Requirement. Development with street frontage along a Regional Boulevard/Downtown Core thoroughfare as defined by the City of Decatur Community Transportation Plan, shall meet the requirements of subsection 7.11.6(7) Storefront Requirements of this district in relation to said street type.

3. Transitional Heights and Yards.

a. Within the District. There are no requirements for transitional buffers, height planes, or step-backs when both properties in question are located within the district.

b. Adjacent to the District. When a parcel within the Mixed Use District abuts a parcel that lies outside the boundaries of the district, the following conditions will apply:

Minimum yards: None, When the MU Mixed Use District line abuts a R-85 or R-60 Single Family Residential District line, the yard for the building or use in the MU Mixed Use District shall not be less than 30 feet. When a street or alley separates a building or use in the MU Mixed Use District from an abutting R-85 or R-60 Single Family Residential District, half of the street or alley right-of-way width measured from the centerline of the street or alley shall be considered as part of the required yard.

In addition to the minimum yards and buffers required by this section, where a property in the MU Mixed Use District abuts a R-85 or R-60 Single Family residential district line, no portion of any structure shall protrude through a height limiting plane beginning 35 feet above the boundary of any required yard and extending inward over the MU District at an angle of 45 degrees.

2. If the property outside the boundary is zoned for a non-residential use, then no transitional buffer, height limiting plane, or step-back applies.

4. This district shall have the established dimensions as provided in the following

Table 1: Space Dimension Table.

| Space Dimensions Table | Village Sub Area | Transit Station Sub Area |
|--|-------------------------|---------------------------------|
| Residential Based Density (Max) | 43 units/acre | 70 units/acre |

| | | |
|--|-----------------------------|-----------------------------|
| Open Space % of lot area | 20% | 20% |
| Min. Building Façade Height | 18 feet | 24 feet |
| Max. Building Height | 50 feet and 5 floors | 80 feet and 8 floors |
| Dwelling Unit Floor Area (Min.) | 550 square feet | 550 square feet |

7.11.5. Open Space.

1. Open spaces shall be provided in conformance with the district’s approved regulating master site plan.
2. Open space may be utilize any of the following elements towards the open space calculation: Required yards, planted areas, fountains, community gardens, rooftop gardens, parks, plazas, hardscape elements related to sidewalks and plazas, and similar features.
3. Balconies for residential units, which are enclosed on three (3) sides or less, may be counted towards open space requirements.
4. Required buffer areas may be counted toward open space requirements even if such buffer area is dedicated to the city or other governmental entity for recreation use, conveyed to a conservation group, or is subject to permanent easements for public use.

7.11.6. Streetscapes and Sidewalks.

1. All streets within the city are officially designated in the City of Decatur Community Transportation Plan by street type. All said streets and development and landscaping thereon shall have the dimensional requirements set forth in the Table 2: Street Type Dimensions Table.
2. Required Streetscape Improvements. The Downtown Decatur Streetscape Design Guidelines (Sec. 86-22.) shall be used as a guide in planning streetscape and site improvements in the district. Standard materials, details and specifications, including street trees, street lights, litter containers, benches and similar items, as described in the Downtown Decatur Streetscape Design Guidelines, shall be used for required streetscape improvements.
3. Sidewalks.
 - a. Sidewalks shall be built along all streets in the MU District. Except as provided herein, all sidewalks shall have a minimum width as specified in the Street Type Dimensions Table.
 - b. Exception: Where the existing building does not presently provide a minimum sidewalk width as specified in the Street Type Dimensions Table, the minimum sidewalk width may be reduced to the actual width of the existing sidewalk. This applies only to the length affected by the building line of any existing structure. If the existing building line is not continuous across the entire frontage, the sidewalk should then expand to meet the required standards.
4. Street Tree and Street Furniture Zone. There shall be a continuous street tree and street furniture zone adjacent to the curb which shall have dimensions as specified in the Street Type Dimensions Table. In addition to the planting of trees as is required in this section, this zone is also intended for the placement of street furniture including light poles, bicycle racks, litter receptacles, benches, and similar items.
6. Outdoor Dining. Accessory outdoor dining areas shall be permitted on a public or private sidewalk area where adjacent to and directly abutting a restaurant located in a building. However, the outdoor dining area shall not reduce the clear zone of a public sidewalk to a width of less than five (5) feet. Tables, chairs, umbrellas and similar items shall be stored in the

interior of the restaurant or in similar enclosed area so that a minimum clear zone of ten (10) feet is unobstructed when the outdoor dining area is not in use due to inclement weather or when the restaurant is closed.

Table 2: STREETSCAPE DIMENSIONS TABLE

| Street Type Dimensions Table | Neighborhood Conservation/Low Density Residential | Urban Mixed Use/High Density Residential | Regional Boulevard/Downtown Core |
|-------------------------------------|--|---|---|
| Landscape Zone (Min.) | 4 feet | 5 feet | 6 feet |
| Sidewalk Clear Zone (Min.) | 6 feet | 6 feet | 10 feet |
| Front yard (Max.) | 30 feet | 30 feet | 30 feet |

7.11.7. Building design standards.

1. Façade Orientation. All buildings shall have their primary façade directly fronting and facing a public or private street.
2. Pedestrian Entrances. The primary pedestrian access to all sidewalk level uses and business establishments with public or private street frontage shall be directly accessible and visible from the sidewalk adjacent to such street.
3. Fencing Materials. No barbed wire, razor wire, chain link fence, or similar elements shall be visible from any public plaza, ground level, or sidewalk level outdoor dining area or public right-of-way.
4. Drive-through Uses. Drive-through service windows and drive-in facilities are not allowed.
5. Vehicular Services. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and carwashes shall not be located between a building and the street.
6. Building Step Backs. Buildings in excess of fifty (50) feet in height shall be required to step back that portion of the building greater than fifty (50) feet in height a minimum linear distance of ten (10) feet away from the building façade located below the fifty (50) foot height plane.
7. Storefront Requirements.
 - a. Ground-floor non-residential and non-civic uses shall provide said uses for a minimum depth of twenty (20) feet from the primary building façade along the public sidewalk.
 - b. The length of façade without intervening fenestration or entryway shall not exceed twenty (20) feet.
 - c. Fenestration shall be provided for a minimum of sixty-five (65%) percent of the length of all street frontages, on the ground floor only.
 - d. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances, assuming they are themselves transparent, may be counted towards fenestration requirements.
8. Dumpsters and Loading Areas. Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, sidewalk-level outdoor dining area, public sidewalk or public right-of-way. In addition, dumpsters and loading areas serving residential uses shall be enclosed with opaque walls on three sides not less than

eight (8) feet in height, along with a gate or door.

9. Loading dock entrances for nonresidential uses. Loading dock entrances for nonresidential uses shall be screened so that loading docks and related activity are not visible from any public right-of-way.

10. Building mechanical and accessory features.

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

b. When located on rooftops shall be incorporated in the design of the building and screened with building materials similar to the building.

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

7.11.8. Site Design Standards.

1. Block Requirements. Developments with more than six hundred (600) feet of frontage along a single street shall be divided by streets into blocks having a maximum length of six hundred (600) feet, as measured from street curb to street curb. Streets used to divide properties into blocks shall meet all of the street and sidewalk requirements of this zoning ordinance.

2. Street Requirements. New streets shall be provided in conformance with the district's approved regulating master site plan.

3. Inter-parcel Connectivity. Opportunities for inter-parcel pedestrian and vehicle access points between all contiguous commercial, office, or multi-family residential parcels shall be provided.

4. Gates and Security Arms. Gates and security arms shall be prohibited from crossing any public street or sidewalk.

7.11.9. Parking Design Standards.

1. Location of Parking. Off-street surface parking shall not be located between a building and the street without an intervening building.

2. Pedestrian Connections. All developments shall have pedestrian walkways a minimum width of five (5) feet connecting ground level parking to the public sidewalks and to all building entrances.

3. Lighting. Parking facilities shall have adequate lighting if the facilities are to be used at night, provided such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties.

4. Off-site Parking. Required parking spaces shall be permitted to be provided on adjacent or nearby property within a MU District, provided said relocated spaces lie within three hundred (300) feet of the main entrance to the principal use for which such parking is provided.

5. Driveways and Curb Cuts.

a. All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone. A corresponding interior sign or painted bar on the driveway shall be provided adjacent to the sidewalk paving as it intersects the driveway which shall communicate that vehicles must stop or yield for the intervening sidewalk.

b. Driveway curb cut widths shall be a maximum of twenty-four (24) feet for two-way entrances and twelve (12) feet for one-way entrances, unless otherwise permitted by the City of Decatur or Georgia Department of Transportation. For the purposes of this section, two (2) curb cuts serving two one-way driveways shall only be counted as one (1) curb cut provided that each curb

cut does not exceed one (1) lane or twelve (12) feet in width.

c. Driveway curb cuts shall not be permitted on any street that functions as a Regional Boulevard/Downtown Core thoroughfare as defined by the City of Decatur Community Transportation Plan, when comparable access may be provided from a side or rear street located immediately adjacent to a contiguous property, with the exception of hotel patron dropoff drives.

d. Driveways, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.

e. Except as provided in Section 7.11.8.5.b no more than one (1) curb cut shall be permitted for each development, provided that properties with more than one (1) street frontage may have one (1) curb cut located on each street frontage. However, developments on properties with a single street frontage greater than four hundred (400) feet shall be permitted two (2) curb cuts along one street frontage.

f. A common or joint driveway may be authorized by the Director of the Community and Economic Development Department or the Director's designee.

6. Parking Decks and Structures.

a. The ground-floor level of parking decks with primary frontage on a street shall provide only residential, retail, or office uses for a minimum depth of 20 feet from the building facade along the public sidewalk, unless existing topographical considerations render this requirement unreasonable. Entrances to said uses shall be architecturally articulated, and shall face, be visible from, and be directly accessible from the required sidewalk along such street.

b. Parking deck facades shall conceal automobiles from visibility from any public right-of way or private drive or street that are open to the general public, and shall have the appearance of a horizontal storied building.

c. All parking decks and parking structures shall have pedestrian walkways a minimum width of five (5) feet connecting ground level parking to the public sidewalks and to all building entrances.

d. All parking decks and parking structures shall have a landscape strip a minimum width of six (6) feet immediately contiguous to the parking facility for the whole of the exterior perimeter of the parking facility, excluding pedestrian and vehicular openings.

Approved this _____ day of _____, 2009.

Attest: _____

Peggy Merriss
Acting City Clerk