

Proposed Interim Amendments to the Transitional Buffer Requirements between R-85 & R-60 residential districts and Commercial zoning districts

**Section 5.9 Relationship between land use categories and zoning districts

Existing

Section 5.9.4 “*C-Commercial and high-density residential: C-1 local commercial, C-2 general commercial, C-3 heavy commercial, PO professional office, and RMH multiple-family residential, provided that the residential density does not exceed 43 units per acre.*”

Proposed

Section 5.9.4 “*C-Commercial and high-density residential: C-1 local commercial, C-3 heavy commercial, PO professional office, and RMH multiple-family residential, provided that the residential density does not exceed 43 units per acre. **C-2 General Commercial and MU Mixed Use, provided that residential density does not exceed 70 units per acre.***”

**Section 6.10 Usable land

Existing

Section 6.10 “The number of dwelling units permitted in a development area in any residential district shall be determined by dividing the net development area by the minimum lot per family or dwelling unit required by the regulations for the district in which the area is located. The net development area shall be determined by subtracting the area set aside for churches, schools or other public use including streets for group housing or planned unit developments, from the gross development area. The land area set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted. Poor drainage areas or other areas of such rough terrain as to constitute land which is economically unbuildable may be counted as common open space but many not be counted as space for required children’s play lots or active recreational areas.”

Proposed

Section 6.10 “The number of dwelling units permitted in a development area *in any district* shall be determined by dividing the net development area by the minimum lot *area* per family or dwelling unit required by the regulations for the district in which the area is located. The net development area shall be determined by subtracting the area set aside for churches, schools or other public use, *excluding transportation facilities*, from the gross development area. The land area set aside for common open space or recreational use shall be included in determining

the number of dwelling units permitted. Poor drainage areas or other areas of such rough terrain as to constitute land which is economically unbuildable may be counted as common open space but may not be counted as space for required children's play lots or active recreational areas."

****Section 7.9 C-2 general business district**

Existing

Section 7.9.2.15 "Attached and detached townhouses as permitted in and in accordance with the regulations of the HSDF high-density single family-family district, after a public hearing by the planning commission and approval by the city commission."

Section 7.9.2.16 "Multiple-family dwellings as permitted in and in accordance with the regulations of the RM-60 and RMH multiple-family residential districts, after a public hearing by the planning commission and approval by the city commission."

Section 7.9.2.16.2 "Downtown multiple dwellings, after a hearing by the planning commission and approval of the city commission, and subject to regulations in article X, supplementary regulations and modifications.

Proposed

Section 7.9.2.15 "Attached and detached townhouses as permitted in and in accordance with the regulations of the HDSF high-density single family district, ***after review by the Decatur Downtown Development Authority in accordance with Section 10.18.4.4 and*** after a public hearing by the planning commission and approval by the city commission."

Section 7.9.2.16 "Multiple-family dwellings as permitted in and in accordance with the regulations of the RM-60 and RMH multiple-family residential districts, ***after review by the Decatur Downtown Development Authority in accordance with Section 10.18.4.4 and*** after a public hearing by the planning commission and approval by the city commission."

Section 7.9.2.16.2 "Downtown multiple dwellings, ***after review by the Decatur Downtown Development Authority in accordance with Section 10.18.4.4,*** after a public hearing by the planning commission and approval by the city commission and subject to regulations in article X, supplementary regulations and modifications."

****Section 7.9.3 Development Standards**

Existing

7.9.3.2 “Minimum side and rear yard: None, except when a building or use in the C-2 General Business District adjoins a residential district line along the side property line, the side yard shall not be less than ten feet, and if along the rear property line, the rear yard shall not be less than 30 feet.

In addition to the minimum rear and side yards and buffers required by this section, where a property in the C-2 General Business District adjoins a residential district line along its rear or side yard, no portion of any structure shall protrude through a height limiting plan beginning 35 feet above the boundary of any required yard and extending inward over the C-2 District at an angle of 60 degrees.”

Proposed

Delete paragraph 7.9.3.2 and replace with:

“Minimum yards: None, except when the *C-2 General Business District line abuts a R-85 or R-60 Single Family Residential District line, the yard for the building or use in the C-2 General Business District shall not be less than 30 feet. When a street or alley separates a building or use in the C-2 General Business 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 C-2 General Business ***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 C-2 District at an angle of ***45 degrees.***”

****Section 10.18 Downtown Multiple Dwellings**

Existing

10.18.1.4 “Minimum off-street parking requirement: One space per dwelling unit.”

Proposed

10.18.1.4 “Minimum off-street parking requirement: One space per dwelling unit- ***Exceptions to the minimum off-street parking requirements may be approved after a public hearing by the planning commission and approval of the city commission.***”

****Section 10.18.4 Supplemental application requirements**

NEW SECTION Proposed

10.18.4.4 “Each application must be presented for review before the Decatur Downtown Development Authority (DDA). The DDA shall review the application according to the standards set forth in Sections 10.18.2 and 10.19.3 and issue a resolution stating whether or not the application has met the standards. Each application shall submit a DDA resolution as part of their application package prior to the issuance of a building permit.”

Below are the existing standards in the zoning ordinance that would be used by the DDA to issue a resolution.

Sections 10.18.2

10.18.2. Supplemental standards for approval. In addition to the standards described in section 10.14, the following standards shall be considered in determining whether the proposed development shall be approved:

1. *Sidewalks.* Is the proposed development built out to the sidewalk line? Does it provide adequate pedestrian access? Is there on-grade access to the ground floor for pedestrians?
2. *Streetscape.* Does the proposed development complement the existing streetscape and contribute in a positive way to the pedestrian experience? Does the proposed development provide street trees, lighting and other elements which are compatible with the city's streetscape plan?
3. *Urban design.* Does the proposed development maintain or reestablish the traditional building line? Are the building materials and design of the proposed development consistent with the architectural character of downtown Decatur?
4. *Open space.* Does the proposed development provide adequate open space for residents and other tenants? Does it incorporate attractive entry points into the development's interior?
5. *Parking.* Is vehicular parking for the proposed development underground? Is ground level parking effectively screened by retail or residential space or by landscape treatment?
6. *Ingress and egress.* Do proposed points of vehicular ingress and egress complement or improve existing traffic patterns?
7. *Ground floor retail.* Does the proposed development include retail activities on the ground floor? Are such activities oriented to the sidewalk?
8. *Drive-in businesses.* Drive-in facilities are discouraged.
9. *Site utilities.* Are utilities for the proposed development underground? Does the project adequately address storm drainage?

Section 10.19.3

10.19.3. Building design standards.

1. *Buildings to face street.* The purpose of this requirement is to encourage the development of buildings that complement pedestrian activity in the central business district by providing direct access to the building and business activities from the sidewalk. All properties with frontage on the streets or street segments described in section 10.19.1 shall be developed with buildings facing said streets or street segments and with the primary building entrance facing onto the sidewalk and street. One-story buildings shall be at least 16 feet in height at the facade facing the street. All non-residential buildings shall have commercial uses on the ground floor level facing the street and shall be directly accessible from the street and sidewalk. When direct pedestrian access from the sidewalk to a business is not presently warranted, the building design shall allow for the addition of such access in the future. For the purposes of this section, commercial use shall mean any retail use, business or professional service, personal service, repair service, or restaurant.
2. *Parking areas and driveways.* Parking areas or driveways, except for a driveway to reach a side or rear yard or on-site parking facility, are not permitted between the sidewalk and the front of the building. Any permitted driveway shall be perpendicular to any adjacent street. No property shall have more than one curb cut along any of the streets or street segments described in section 10.19.1; provided, however, that a hotel may have a circular driveway in order to provide for the arrival and departure of guests, but shall not increase the number of curb cuts to more than two. Surface parking areas shall not be located along or within 60 feet of any public street or street segment in the Downtown Decatur Special Pedestrian Area. Buildings shall not be set back more than 30 feet from the edge of the street curb.
3. *Drive-in or drive-through facilities.* Vehicular access to a drive-in or drive-through use shall not be permitted from a street or street segment in the Downtown Decatur Special Pedestrian Area.
4. *Multiple-level parking facilities.* Multiple level parking facilities which have street frontage in the special pedestrian area shall have a minimum setback of three feet above the first level. The parking facility shall be designed so that no vehicle or vehicle part may extend beyond the setback line or exterior wall of the facility.
5. *Cornice lines.* Multiple-story buildings of three or more stories shall have a cornice line between the second and third stories.
6. Buildings which have street frontage in the special pedestrian area shall have a minimum glazing of 25 percent of the total area of the first floor elevation.

****Section 10.18.5 Exception Standards**

Existing

10.18.5 “Standards for exceptions to the minimum lot area for downtown multiple dwellings. Exceptions to the minimum lot area for downtown multiple dwellings may be approved subject to such conditions as may be imposed in order to mitigate the impacts which may be expected without the imposition of conditions. The following standards shall be considered in determining whether the exceptions shall be approved:

1. The suitability of the proposed exception in view of the use and development of adjacent and nearby properties.
2. The impact that the proposed exception will have on the existing use or usability of adjacent or nearby properties.
3. The impact that the proposed exception will have on the public safety, traffic on the public streets, transportation facilities, utilities and other public services.
4. The impact that the proposed exception will have on established property values and on the health, safety, comfort and general welfare of the residents of the city.”

Proposed

10.18.5 “Standards for exceptions to the minimum lot area and ***minimum off- street parking*** requirements for downtown multiple dwellings. Exceptions to the minimum lot area and ***minimum off-street parking requirements*** for downtown multiple dwellings may be approved subject to such conditions as may be imposed in order to mitigate the impacts which may be expected without the imposition of conditions. The following standards shall be considered in determining whether the exceptions shall be approved:

1. The suitability of the proposed exception in view of the use and development of adjacent and nearby properties.
2. The impact that the proposed exception will have on the existing use or usability of adjacent or nearby properties.
3. The impact that the proposed exception will have on the public safety, traffic on the public streets, transportation facilities, utilities and other public services.
4. The impact that the proposed exception will have on established property values and on the health, safety, comfort and general welfare of the residents of the city.”

