



PLANNING & ZONING BOARD MEETING

AGENDA

APRIL 18, 2023 7:00 PM
ZOOM

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MARCH 2023 MEETING MINUTES.

PUBLIC HEARING:

Any member of the public may address the Planning and Zoning Board, during the time allotted for public hearing. Each attendee will be allowed 3 minutes. If your public comment contains a series of questions, please provide those questions to staff in writing on the Public Comment Card (Staff) prior to the meeting. This will facilitate follow-up by the Board or Staff. The Planning and Zoning Board desires to allow an opportunity for public comment; however, the business of the Board must proceed in an orderly and timely manner.

D. OLD BUSINESS

1. **PUBLIC HEARING:** The Mayor and City Council will consider amending the zoning map to rezone the properties located at 572 Woodland Avenue (18 047 32 007), 582 Woodland Avenue (18 047 32 002), 586 Woodland Avenue (18 047 32 006), 590 Woodland Avenue (18 047 32 005), 596 Woodland Avenue (18 047 32 004), 600 Woodland Avenue (18 047 32 009), 606 Woodland Avenue (18 047 32 008) and 616 Woodland Avenue (18 047 34 001) Scottdale, GA 30079 (within the City of Clarkston) from NR-CD Neighborhood Residential Community Development District to TC Town Center.

E. NEW BUSINESS

F. OTHER BUSINESS

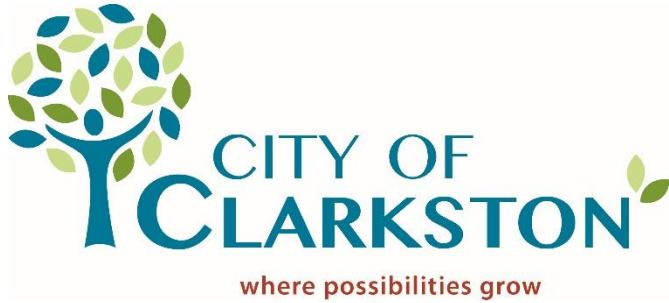
G. ADJOURNMENT

Join Zoom Meeting

<https://us02web.zoom.us/j/87918380664?pwd=VWd1Vm01SjE1dzZiU2IrNmcrbW0zdz09> or by telephone at (301) 715 8592.

Zoom Meeting Details

Meeting ID : 879 1838 0664



PLANNING & ZONING BOARD MEETING MINUTES

**March 21, 2023, 7:00 PM
ZOOM**

Join Zoom Meeting

<https://us02web.zoom.us/j/87129352968?pwd=MWkzMTVkrFk2UHpqNFoxQW5LSUpRQT09>

or by telephone at (301) 715-8592.

Zoom Meeting Details:

Meeting ID: 871 2935 2968

MEETING MINUTES

- A. CALL TO ORDER:** The meeting was called to order at 7:04 PM.
- B. ROLL CALL:** Chair Charles McFarland, Vice Chair Felicia Weinert, Lisa Williams, Herbert Clark. Absent: Birendra Dhakal.
- C. APPROVAL OF DECEMBER 2022 MEETING MINUTES.** Charles McFarland called for a motion to approve the December 2022 meeting minutes. Felicia Weinert made the motion to approve, Lisa Williams seconded, and the motion passed 4/0/0.
- D. NEW BUSINESS**
- PUBLIC HEARING:** To consider amendments to the Clarkston Zoning Ordinance and maps.
Chairman McFarland read the public hearing policy for the meeting and turned the meeting over to the City Manager (CM) Shawanna Qawiy. CM Qawiy stated the public hearing policy for the public and gave an overview of the purpose of the zoning rewrite and introduced the consultant team, POND and Company representative Rosie Mafe.

Rosie Mafe gave a presentation of the history of the zoning rewrite and the purpose of the public hearing.

After the presentation, board member Lisa Williams asked a question for clarification related to the definition of “live-work-unit” and the limited single family residential housing/neighborhoods in the city.

CM Qawiy announced the speakers for the public hearing. The speakers with their summarized comments are listed.

William Johnston- Smaller lot sizes (comments emailed) the Clemsil Overlay is too strict.
Rich Pasenaw- Smaller lot sizes.
Susie Grimley- comment emailed.

Martha Brock- recommends PZ board not approve the zoning rewrite.
Adrianna Berlin- preserve single family residential neighborhoods.
Anonymous comment mailed (parking of recreational vehicles on/off street
Ira Jenkins- no duplexes, triplexes, or quadraplexes in single family neighborhoods
Georgette Gafford- comment related to item 2 on the agenda that is deferred.
Amy Medford- more affordable housing, approve the zoning rewrite. No Clemsil Overlay.
Jamie Carroll-duplexes in NR-1, 2, 3; rent out basements, ADUs can create. another source of revenue for a homeowner.
George French- affordable housing does not mean build duplexes, triplexes, and/or Quadraplexes.
Susan Hood – smaller lots does not mean affordable. 8000 people per square mile, 428 single family homes in Clarkston, with over 14, 000 residents,
Debra Johnson- supports Clemsil Overlay. No duplexes.
Joshua Deaton- more options for homeowners, increase the number of chickens in yard to 6.
Awet Eyasu- increased growth in Clarkston; adding more does not mean affordable, approves increased height in town center.
Mark Perkins-supports the zoning rewrite changes and the balance.
Mark Osbourne/ Mrs. Osbourne- Clarkston most dense community in North America and state of Georgia. Keep it simple, there are many advantages to single family homes. Mrs. Osbourne disagrees with duplexes, triplexes. and quadruplexes in single family neighborhoods.

After a dedicated session of public comments during the public hearing, Chair McFarland closed the public comments and hearing.

Chair McFarland asked the Planning and Zoning Board members if they had any additional questions or comments.

Vice Chair Felicia Weinert made a comment on not being in control of development costs. Referencing cottage homes starting at \$100K.

Lisa Williams posed a question to POND (Rosie Mafe) related to setback averaging in historically preserved district. Using the reference of 3 lots with one vacant lot in the middle the consultant explained that it is the average of the front/side setbacks of the constructed lots to create a minimum (front/side) for the future construction of the vacant lot.

Lisa Williams made comments related to the (city) not having affordable housing programs, that are needed. The zoning rewrite does not help homeowners. The rewrite should include a plan for homeowners.

PZ Board member Herbert Clark commented on how Clarkston is represented by 63 countries and does not understand why there aren't any affordable housing options for the city.

Chairman McFarland commented on how the rewrite reflects negatively on homeowners/ homeownership. He stated that he lives in the NR-3 district surrounded by apartments and that the current changes may also affect the current homeowners and developers. will increase development costs.

With no further comments or discussions or comments Chairman McFarland asked for a motion. Herbert Clark made the motion to table the zoning rewrite for 30 days. No member seconded the motion did not carry.

Another discussion took place amongst the Planning and Zoning Board members on a motion. With a steady deliberation on the type of motion, Lisa Williams made the motion to deny the zoning rewrite, Felicia Weinert seconded, and the motion passed 4/0/0.

2. **PUBLIC HEARING:** The Mayor and City Council will consider amending the zoning map to rezone the properties located at 572 Woodland Avenue (18 047 32 007), 582 Woodland Avenue (18 047 32 002), 586 Woodland Avenue (18 047 32 006), 590 Woodland Avenue (18 047 32 005), 596 Woodland Avenue (18 047 32 004), 600 Woodland Avenue (18 047 32 009), 606 Woodland Avenue (18 047 32 008) and 616 Woodland Avenue (18 047 34 001) Scottdale, GA 30079 (within the City of Clarkston) from NR-CD Neighborhood Residential Community Development District to TC Town Center. **DEFERRED UNTIL APRIL 18, 2023**

There was no discussion on this item. It has been deferred until the next Planning. Zoning Board meeting on April 18, 2023.

E. OTHER BUSINESS : None

F. ADJOURNMENT: Chairman McFarland called for a motion to close (adjourn) the meeting. Felicia Weinert made the motion to adjourn, seconded by Lisa Williams. The motion passed 4/0/0. The meeting adjourned at 8:31PM.



RZ 23-01

Prepared by: Shawanna N. Qawiy, MSCM, MPA
City Mgr. / Planning & Economic Development Mgr.

Applicant: City Council Initiated

Request: Rezoning from NR-CD Neighborhood Residential-Community Development Zoning District to TC Town Center

Location: 572 Woodland Avenue Scottdale, GA 30079/City of Clarkston (M. Brabson)
582 Woodland Avenue Scottdale, GA 30079/ City of Clarkston (M. Brabson)
586 Woodland Avenue Scottdale, GA 30079/ City of Clarkston (D. Brabson)
590 Woodland Avenue Scottdale, GA 30079/ City of Clarkston (D. Brabson)
596 Woodland Avenue Scottdale, GA 30079/ City of Clarkston (A. Mitchell)
600 Woodland Avenue Scottdale, GA 30079/ City of Clarkston (A. Mitchell)
606 Woodland Avenue Scottdale, GA 30079/ City of Clarkston (A. Mitchell)
616 Woodland Avenue Scottdale, GA 30079/ City of Clarkston (Allsouth Landscaping Group)

Parcel ID(s): 18 047 32 007
18 047 32 002
18 047 32 006
18 047 32 005
18 047 32 004
18 047 32 009
18 047 32 008
18 047 34 001

Purpose: To better align zoning to the Clarkston 2040 Comprehensive Plan Future Land Use Map.

Current Land Use: 572, 586, 596, and 606 Woodlawn Avenue are vacant properties.
582, 590, and 600 Woodlawn Avenue each have a single-family detached residential dwelling.
616 Woodlawn Avenue has 2 (two) single-story structures.

Sign(s) Posted: **March 2, 2023**

Planning & Zoning Meeting: ~~March 21, 2023~~, *Deferred until April 18, 2023*

City Council

Meeting: May 2, 2023

Land Area: 3.64 +/- acres

Road Access: Woodland Avenue

Public Utilities:

Water and Wastewater Treatment – Public water service connections are not currently available on the vacant lots. If additional public sewer service is warranted, it will be made available via line extensions at the developer’s/property owner’s expense after a review by the DeKalb County Watershed Department.

Zoning Overview:

The current zoning of the subject properties is NR-CD – Neighborhood Residential – Community Development Zoning District. City Council proposes to rezone and amend the official zoning map to TC Town Center.

Table 1.0 illustrates the zoning and current land uses for the adjacent properties:

Table 1.0

	Current Zoning	Current Land Use
Northeast	I – Light Industrial (City of Clarkston)	Transportation (City of Clarkston)
East	R-75 (DeKalb County)	Vacant Land Single-family residential dwellings Mill Creek Crossing Apartments (DeKalb County)
South	R-75 (DeKalb County)	Single-family residential dwelling Vacant Lot (DeKalb County)
West	C2 (DeKalb County)	Small Commercial Retail Fuel Stations Automotive Shops (DeKalb County)

Additionally, the subject properties are bordered to the north and east by Woodland Avenue, to the south by North Decatur Road, and to the west by the Stone Mountain Path, Church Street, and the CSX railroad.

Future Land Use: Mixed Use

The Clarkston 2040 Comprehensive Plan’s Future Land Use Map identifies Mixed Use areas as those compatible with diverse uses including multi-family housing, commercial, office, and urban compatible industrial uses (maker spaces, manual crafts, and breweries).

Rezoning Review Criteria: Assessment of Application for Zoning Map Amendment

(Article III, Sec. 305):

When any request is made for a change in the zoning for any parcel of property, or when an amendment is requested to the zoning map, the following criteria points must be reviewed as follows.

Criteria Point 1: The effect upon the health, safety, morals, or general welfare of the public compared to any hardship imposed upon the individual property owner seeking rezoning should rezoning be denied.

There should be minimal impact to the general welfare and safety of the public should the subject properties be rezoned to the TC- Town Center Zoning District.

Criteria Points 2 and 3: Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The Town Center Zoning District promotes a development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas with a diverse mix of residential, business, commercial, office, institutional, cultural and entertainment activities for workers, visitors, and residents. The TC zoning district encourages bicycle and pedestrian-oriented development at densities and intensities that will help to support transit usage and town center businesses while promoting the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction. The TC zoning district creates a place that represents a unique, attractive, and memorable destination for visitors and residents; and enhances the community's character through the promotion of high-quality urban design.

Criteria Point 4: Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The eight (8) subject properties have reasonable economic use under the NR-CD and the proposed TC Zoning District.

Criteria Point 5: Whether the zoning proposal will result in a use that may cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Schools: Indian Creek Elementary School, Freedom Middle Schools, Clarkston High Schools

Streets and Transportation Facilities:

Should redevelopment occur on the subject properties, additional volumes of both pedestrian and vehicular traffic along Woodlawn Avenue, North Decatur Road, and Church Street attributed to an increase in population would occur.

Utilities and Environment:

Future development of these subject properties under the TC Zoning District will impact existing facilities such as playgrounds schools, shopping centers, streets and water and sewer.

Public Safety:

Public safety would be impacted based on an increase in population related to any proposed development of the parcels.

Criteria Point 6: Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

There is a changing condition that may affect the proposed use and development of the property as townhomes. This proposed use may give supporting grounds for either approval or disapproval of the proposed re-zoning proposal to TC.

Criteria Points 7 and 8: Whether the zoning proposal is compatible with the principals of the city's long-range plan as set forth in the Conceptual Master Land Use and Connectivity Plan for the City of Clarkston, a part of the Clarkston Livable Centers Initiative Study as adopted in March 2005, adopted as the city's comprehensive plan, Whether the zoning proposal is compatible with the most current adopted version of the Future Development Map of the Clarkston Comprehensive Plan.

The subject properties are not addressed in the Clarkston Livable Centers Initiative Study adopted in 2005 as they were not part of the City of Clarkston at that time.

The subject properties are within an area identified as Mixed Use on the Future Land Use Map in the Clarkston 2040 Comprehensive Plan adopted in 2016. The Mixed-Use land designation promotes diverse uses such as multi-family housing, commercial, office, and urban compatible industrial uses. The proposed re-zoning of the TC Zoning District is in line with the Mixed-Use land designation found in the Clarkston 2040 Comprehensive Plan as it allows for the development of a variety of multi-family housing, commercial., office and urban compatible industrial uses. The Plan also discusses the community's desire to attract more homeowners as well as outlining housing policies and priorities that support the enhancement of existing housing stock and the development of affordable housing.

It is reasonable to determine that a rezoning to the TC Zoning District has the possibility to support these policies and priorities as large adjacent parcels have the potential to attract multi-family housing development and satisfy the community desires to develop both vertical and horizontal mixes of uses.

Recommendation:

Staff recommends **approval** of the rezoning from Neighborhood Residential – Community Development Zoning District to **Town Center** for the subject properties.

The rezoning of these subject properties from Neighborhood Residential – Community Development Zoning District to Town Center is in conformance with the Clarkston 2040 Comprehensive Plan Future Land Use Map. It also aligns with the housing policies and priorities found in the Clarkston 2040 Comprehensive Plan.

Attachments:

- Site Photographs
- Tax Map
- Current Zoning and Future Land Maps
- Aerial Map of location



572 Woodland Avenue Scottdale, GA 30079



582 Woodland Avenue Scottdale, GA 30079



586 Woodland Avenue Scottdale, GA 30079



590 Woodland Avenue Scottdale, GA 30079

RZ 23-01
Site Photos



596 Woodland Avenue Scottdale, GA 30079



600 Woodland Avenue Scottdale, GA 30079



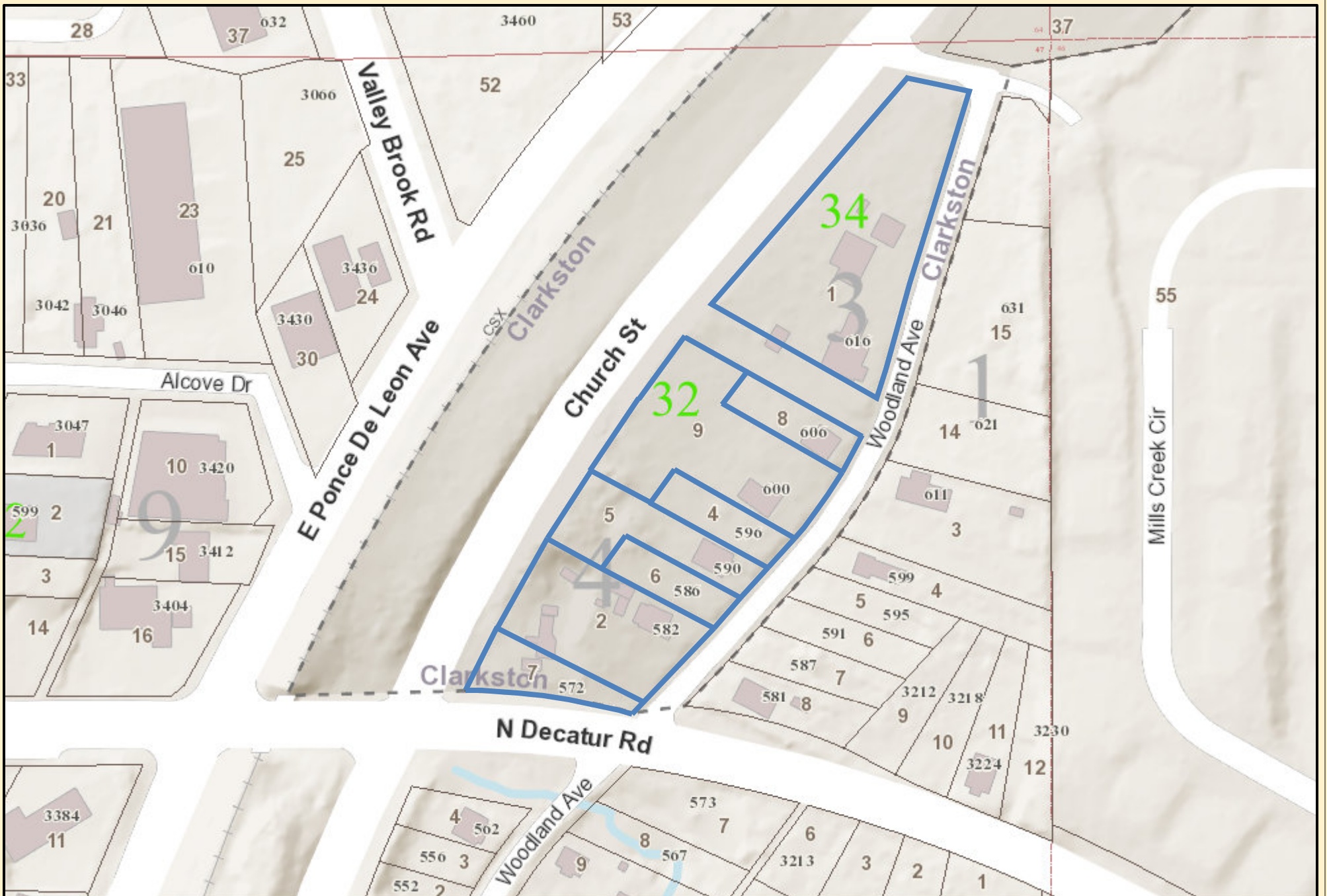
606 Woodland Avenue Scottdale, GA 30079



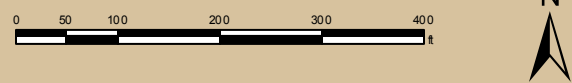
616 Woodland Avenue Scottdale, GA 30079 – Structure 1 of 2



616 Woodland Avenue Scottdale, GA 30079 – Structure 2 of 2



DeKalb County Tax Parcel Map

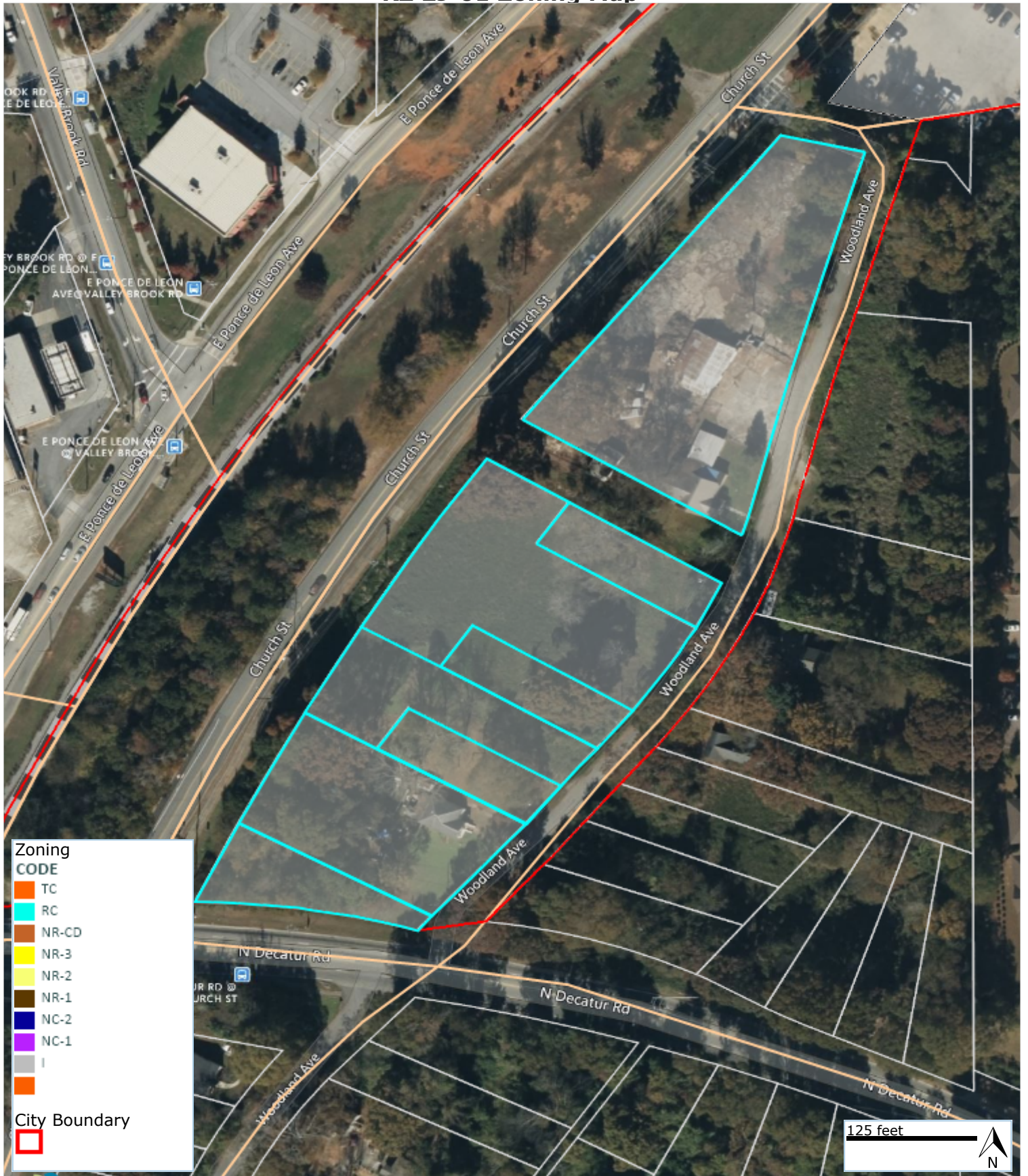


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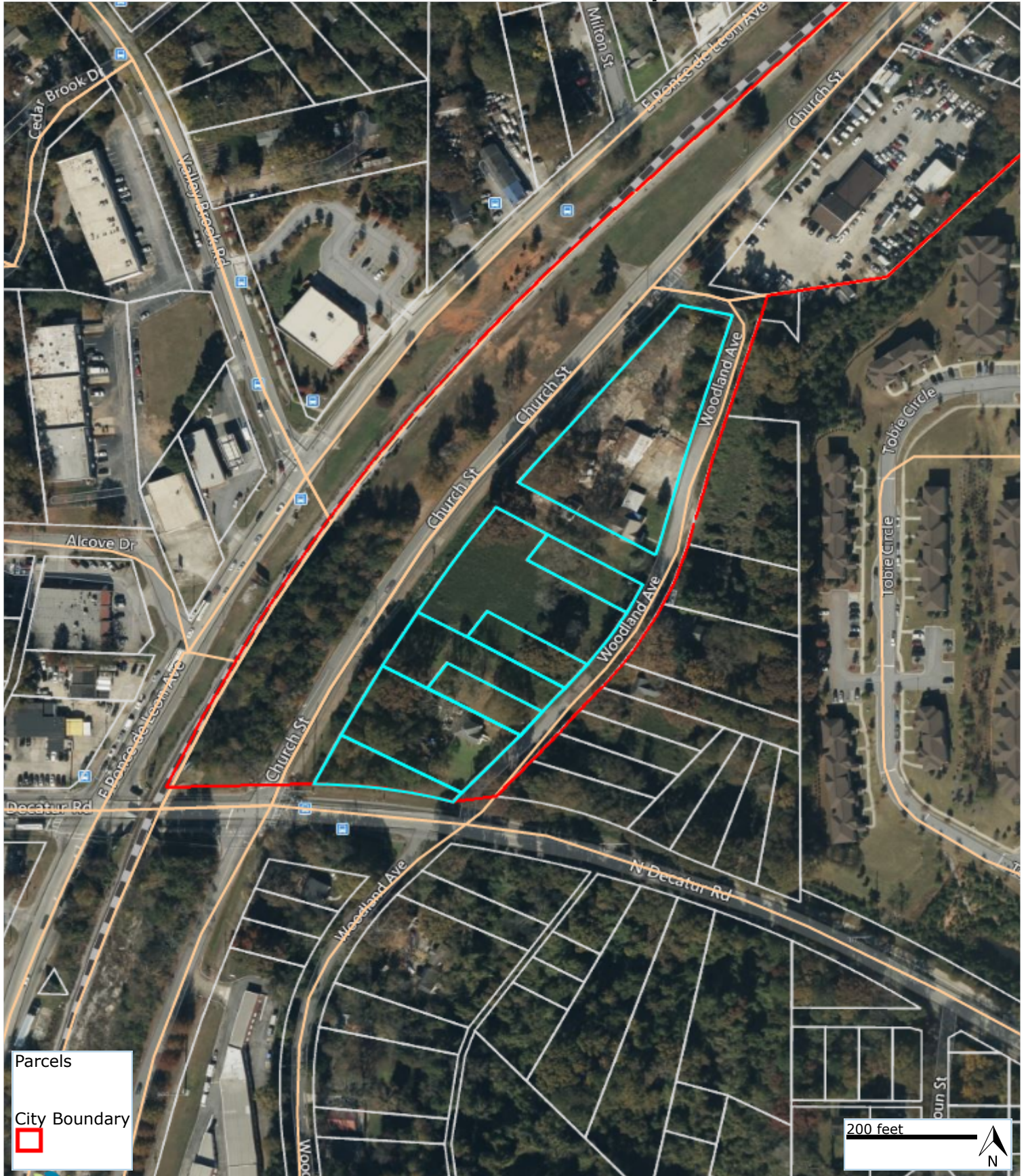
RZ 23-01 Future Land Use Map



RZ 23-01 Zoning Map



RZ 23-01 Aerial View Map



Sec. 708. - TC, town center district.

(a) *Purpose and intent:*

- (1) Promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas;
- (2) Promote a diverse mix of residential, business, commercial, office, institutional, cultural and entertainment activities for workers, visitors, and residents;
- (3) Encourage bicycle and pedestrian-oriented development at densities and intensities that will help to support transit usage and town center businesses;
- (4) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction;
- (5) Create a place that represents a unique, attractive, and memorable destination for visitors and residents; and
- (6) Enhance the community's character through the promotion of high-quality urban design.

(b) *General application:* Design standards included in the town center district shall apply to new construction and redevelopment. Buildings undergoing alteration shall meet design standards to the extent practicable, as approved at a regular meeting of the planning and zoning board.

(c) *Permitted uses:*

- (1) Banks and credit unions.
- (2) Bed and breakfast inns, provided:
 - a. The facility is operated by the resident-owner.
 - b. The building and lot meet all applicable city and state code regulations, including minimum lot standards.
 - c. The structure contains a minimum two thousand (2,000) square feet of gross heated floor area.
- (3) Child care/daycare centers, pre-schools and similar establishments.
- (4) Eating and drinking establishments, excluding drive-through/drive-in establishments.
- (5) Entertainment venues, including bowling alleys, movie theaters (non-adult oriented) and other similar and customary uses.
- (6) Funeral homes (no on-site crematory services).
- (7) Hotels.
- (8) Retail trade: Uses shall have no more than forty thousand (40,000) square feet of gross floor area. Appropriate uses include:
 - a. Art stores/galleries.
 - b. Antique shops.
 - c. Apparel stores.
 - d. Book, music and video stores (non-adult oriented).
 - e. Bottle shops/package stores.
 - f. Camera shops.
 - g. Drug stores, excluding drive-through establishments.
 - h. Dry cleaners, excluding drive through establishments.

- i. Electronics and appliance stores.
 - j. Florists.
 - k. Furniture and home furnishings.
 - l. Gift shops.
 - m. Grocery stores.
 - n. Jewelry stores.
 - o. Pet grooming and supply shops.
 - p. Shoe stores.
 - q. Sporting goods and hobbies.
 - r. Toy stores.
 - s. Other similar and customary uses.
- (9) Non-automotive repair services such as cameras, jewelry, shoes and the like.
 - (10) Professional offices, including accountants/tax professionals, attorneys, chiropractic, dentists, medical doctors, real estate, veterinary, and other similar occupations.
 - (11) Personal service establishments including barber shops, hair salons, nail salons and other similar uses.
 - (12) Tattoo parlors and piercing studios.
 - (13) Multi-family residential dwellings, provided that they are part of a mixed use building and not located on the ground floor.
 - (14) Mixed use buildings with any of the above listed uses on the first floor, except residential; and owner or renter occupied dwelling units, located above street level.
 - (15) Accessory uses incidental to any legal permitted use, including home occupations (when applicable).
- (d) *Prohibited uses:*
- (1) Adult entertainment establishments but not limited to, adult bookstores, video or DVD adult rental or purchase, adult movie or adult live theaters, adult gifts and novelties, and other venues for viewing other adult entertainment through any other electronic or other technological medium.
 - (2) Automotive repair shops, dealerships and auto parts stores.
 - (3) Extended stay motels/hotels.
 - (4) Flea markets.
 - (5) Firearm dealers.
 - (6) Labor pools.
 - (7) Hookah bar and/or vape lounges within five hundred (500) feet of school, place of worship, public park or other hookah or vape establishment.
 - (8) Pawnshops.
 - (9) Title loan institutions.
 - (10) Any use of property not specifically allowed by section 708(c).
- (e) *Accessory structures:*

- (1) All such structures shall be located upon the same lot and only in the side or rear yard of the principal use at least ten (10) feet from any lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
- (2) When an accessory structure is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
- (3) Any accessory structure in excess of six hundred (600) square feet of gross space must be at least ten (10) feet from any property line and shall be architecturally compatible with the principal structure.
- (4) Building design and materials shall be consistent with design approved by planning and zoning board; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.
- (5) No accessory structure shall be constructed or placed upon a lot before the principal building is constructed.
- (6) No accessory structure may exceed the more restrictive of either fifteen (15) feet or the height of the principal building.
- (7) The area of the accessory structure's footprint may not exceed fifty (50) percent that of the principal structure.

(f) *Accessory use limitations:*

- (1) All outdoor storage must be located in the rear yard and must be screened by a solid fence or wall no less than six (6) feet in height. Limited to twenty-five (25) percent of total lot area.
- (2) Accessory uses must be permitted within the zoning district.

(g) *Bulk and area regulations:*

Floor Area Ratio (FAR) (Residential, Max.)	3
Floor Area Ratio (FAR) (Non-Residential, Max.)	3
Floor Area Ratio (FAR) (Total Mixed Use Max.)	5
Min. Residential Unit Size (finished, heated floor area)	700 sq. ft.
Building Coverage (Max., a % of lot area)	80%
Min. Open Space	20%
Max. Building Height	75'
Min. Lot Size	N/A
Min. Lot Width	N/A

(h) *Setbacks:*

- (1) No minimum front building setback is required.
- (2) The maximum front building setback may not exceed the average front yard depth of the nearest two (2) lots on either side of the subject lot or twelve (12) feet, whichever is less.
 - a. If one or more of the lots required to be included in the averaging calculation are vacant, such vacant lots will be deemed to have a yard depth of zero (0) feet
 - b. Lots fronting a different street than the subject lot or separated from the subject lot by a street or alley may not be used in determining the average.
 - c. When the subject lot is a corner lot, the average setback will be determined on the basis of the two (2) adjacent lots that front on the same street as the subject lot.
 - d. When the subject lot abuts a corner lot fronting on the same street, the average setback will be determined on the basis of the abutting corner lot and the nearest two lots that front on the same street as the subject lot.
- (3) The following exceptions to the maximum front building setbacks apply:
 - a. A portion of the building may be set back from the maximum setback line in order to provide an articulated façade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one square foot for every linear foot of building frontage.
 - b. A building may be set back farther than the maximum setback in order to accommodate an outdoor eating area. In order to preserve the continuity of the streetwall, the building may be set back no more than twelve (12) feet from the front or street side property line or at least forty (40) percent of the building façade must be located at the maximum setback line. The total area of an outdoor eating area that is located between a public sidewalk and the building façade may not exceed 12 times the building's street frontage in linear feet.
- (4) The minimum rear setback is ten (10) feet, or twenty (20) feet for TC-zoned properties that abut a single-family residential district.
- (5) No interior side setbacks are required in the TC district, except when TC-zoned property abuts a single-family residential district, in which case the minimum side yard setback required in the TC district must be the same as required for a residential use on the abutting residential zoned lot.

(i) *Buffer requirements:*

- (1) When a use within the TC district abuts any single-family residential district, a ten-foot buffer shall be required.

(j) *Temporary uses:* Temporary uses if approved pursuant to section 313.

- (k) *Open space density bonus:* Every one (1) square foot of additional open space provided in excess of the minimum open space requirement in section 708 (g) shall increase the maximum floor area for the development by ten (10) square feet.

(l) *Building facades and entrances:*

- (1) Building facades shall be articulated to minimize the monotonous appearance of large buildings through the use of architectural elements such as recessed windows and entries, offset surfaces, differentiated piers and columns, offset planes, textured materials, or awnings,
 - a. Variations in facade treatment shall be continued throughout the structure, including its roof line and front and rear facades.
 - b. Blank lengths of wall exceeding thirty (30) linear feet are prohibited on all building facades.

- (2) Delineation of building floors at the third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
- (3) A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six (6) inches in height.
- (4) The primary pedestrian access to all sidewalk level uses and business establishments with public or private street frontage:
 - a. Shall face and be visible from the public street when located adjacent to such street. When located adjacent to a street that functions as an arterial street or a collector street, said entrance shall face and be visible from such street.
 - b. Shall be directly accessible and visible from the sidewalk adjacent to such street.
 - c. Shall remain unlocked during business hours for non-residential uses, including hotels and bed and breakfast inns.
 - d. Buildings on corner lots shall have an angled entrance oriented toward the intersection.
- (m) *Franchise architecture*: Buildings where the proposed architecture is the result of "corporate" or franchise style shall be prohibited. New construction should provide variety and diversity and express its own uniqueness of structure, location or tenant. Buildings shall be consistent with the local architectural vernacular, establish a sense of permanence, and avoid over-commercialization. Building design shall reflect local, unique, and traditional designs rather than chain or franchise designs.
- (n) *Color*: The overall exterior color scheme shall be included in the permit application as a colored depiction and shall be selected from the approved color palette and be harmonious with the neighborhood and blend with the natural surroundings of the site. Consideration shall be given to the compatibility of colors with those existing in the vicinity. The size of the structure and the amount of shading it will receive are also a factor in selection of colors. Examples of incompatible colors include day glow and metallic colors.

(Ord. No. 375, § 8(Attach.), 10-1-13; [Ord. No. 396, §§ 1—14, 7-5-16](#))

ORDINANCE NO. 396

AN ORDINANCE TO AMEND APPENDIX A OF THE CITY OF CLARKSTON CODE OF ORDINANCES BEING THE CLARKSTON ZONING ORDINANCE; TO AMEND SECTION 708 – TOWN CENTER DISTRICT, ARTICLE X – CIVIC DESIGN AND ARTICLE XI – LOADING PARKING REQUIREMENTS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the City of Clarkston, Georgia, that the City's Zoning Ordinance, be amended as follows:

SECTION ONE

Paragraph (a) of Sec. 708 is hereby deleted in its entirety and replaced with the following language:

“(a) Purpose and intent:

- (1) Promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas;
- (2) Promote a diverse mix of residential, business, commercial, office, institutional, cultural and entertainment activities for workers, visitors, and residents;
- (3) Encourage bicycle and pedestrian-oriented development at densities and intensities that will help to support transit usage and town center businesses;
- (4) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction;
- (5) Create a place that represents a unique, attractive, and memorable destination for visitors and residents; and
- (6) Enhance the community's character through the promotion of high-quality urban design.”

SECTION TWO

Paragraph (b) of Sec. 708 is hereby deleted in its entirety and replaced with the following language:

“(b) General application: Design standards included in the Town Center District shall apply to new construction and redevelopment. Buildings undergoing alteration shall meet design standards to the extent practicable, as approved at a regular meeting of the Planning and Zoning Board.”

SECTION THREE

Paragraph (c) of Sec. 708 is hereby deleted in its entirety and replaced with the following language:

“(c) Permitted uses:

- (1) Banks and credit unions.
- (2) Bed and breakfast inns, provided:
 - a. The facility is operated by the resident-owner.
 - b. The building and lot meet all applicable city and state code regulations, including minimum lot standards.
 - c. The structure contains a minimum two thousand (2,000) square feet of gross heated floor area.

- (3) Child care/daycare centers, pre-schools and similar establishments.
- (4) Eating and drinking establishments, excluding drive-through/drive-in establishments.
- (5) Entertainment venues, including bowling alleys, movie theaters (non-adult oriented) and other similar and customary uses.
- (6) Funeral homes (no on-site crematory services).
- (7) Hotels.
- (8) Retail trade: Uses shall have no more than forty thousand (40,000) square feet of gross floor area. Appropriate uses include:
 - a. Art stores/galleries.
 - b. Antique shops.
 - c. Apparel stores.
 - d. Book, music and video stores (non-adult oriented).
 - e. Bottle shops/package stores.
 - f. Camera shops.
 - g. Drug stores, excluding drive-through establishments.
 - h. Dry cleaners, excluding drive through establishments.
 - i. Electronics and appliance stores.
 - j. Florists.
 - k. Furniture and home furnishings.
 - l. Gift shops.
 - m. Grocery stores.
 - n. Jewelry stores.
 - o. Pet grooming and supply shops.
 - p. Shoe stores.
 - q. Sporting goods and hobbies.
 - r. Toy stores.
 - s. Other similar and customary uses.
- (9) Non-automotive repair services such as cameras, jewelry, shoes and the like.
- (10) Professional offices, including accountants/tax professionals, attorneys, chiropractic, dentists, medical doctors, real estate, veterinary, and other similar occupations.
- (11) Personal service establishments including barber shops, hair salons, nail salons and other similar uses.
- (12) Tattoo parlors and piercing studios.
- (13) Multi-family residential dwellings, provided that they are part of a mixed use building and not located on the ground floor.
- (14) Mixed use buildings with any of the above listed uses on the first floor, except residential; and owner or renter occupied dwelling units, located above street level.
- (15) Accessory uses incidental to any legal permitted use, including home occupations (when applicable)."

SECTION FOUR

Paragraph (d) of Sec. 708 is hereby deleted in its entirety and replaced with the following language:

" (d) Prohibited uses

- (1) Adult entertainment establishments but not limited to, adult bookstores, video or DVD adult rental or purchase, adult movie or adult live theaters, adult gifts and novelties, and other venues for viewing other adult entertainment through any other electronic or other technological medium.
- (2) Automotive repair shops, dealerships and auto parts stores,
- (3) Extended stay motels/hotels.
- (4) Flea markets
- (5) Firearm dealers
- (6) Labor pools
- (7) Hookah bar and/or Vape Lounges within 500 feet of school, place of worship, public park or other hookah or vape establishment.
- (8) Pawn shops
- (9) Title loan institutions
- (10) Any use of property not specifically allowed by Section 708(c)."

SECTION FIVE

Paragraph (e) of Sec. 708 is hereby deleted in its entirety and replaced with the following language:

"(e) Accessory structures:

- (1) All such structures shall be located upon the same lot and only in the side or rear yard of the principal use at least ten (10) feet from any lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
- (2) When an accessory structure is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
- (3) Any accessory structure in excess of six hundred (600) square feet of gross space must be at least ten (10) feet from any property line and shall be architecturally compatible with the principal structure.
- (4) Building design and materials shall be consistent with design approved by Planning and Zoning Board; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.
- (5) No accessory structure shall be constructed or placed upon a lot before the principal building is constructed.
- (6) No accessory structure may exceed the more restrictive of either fifteen (15) feet or the height of the principal building.
- (7) The area of the accessory structure's footprint may not exceed fifty (50) percent that of the principal structure.

SECTION SIX

Paragraph (f) of Sec. 708 is hereby deleted in its entirety and replaced with the following language:

"(f) Accessory use limitations:

- (1) All outdoor storage must be located in the rear yard and must be screened by a solid fence or wall no less than six (6) feet in height. Limited to twenty-five (25) percent of total lot area.

- (2) Accessory uses must be permitted within the zoning district.”

SECTION SEVEN

Paragraph (g) of Sec. 708 is hereby deleted in its entirety and replaced with the following language:

“(g) Bulk and area regulations:

Floor Area Ratio (FAR) (Residential, Max.)	3
Floor Area Ratio (FAR) (Non-Residential, Max.)	3
Floor Area Ratio (FAR) (Total Mixed Use Max.)	5
Min. Residential Unit Size (finished, heated floor area)	700 sq. ft.
Building Coverage (Max., a % of lot area)	80%
Min. Open Space	20%
Max. Building Height	75'
Min. Lot Size	N/A
Min. Lot Width	N/A

SECTION EIGHT

Paragraph (h) of Sec. 708 is hereby deleted in its entirety and replaced with the following language:

“(h) Setbacks:

- (1) No minimum front building setback is required.
- (2) The maximum front building setback may not exceed the average front yard depth of the nearest two lots on either side of the subject lot or 12 feet, whichever is less.
 - a. If one or more of the lots required to be included in the averaging calculation are vacant, such vacant lots will be deemed to have a yard depth of 0 feet.
 - b. Lots fronting a different street than the subject lot or separated from the subject lot by a street or alley may not be used in determining the average.
 - c. When the subject lot is a corner lot, the average setback will be determined on the basis of the 2 adjacent lots that front on the same street as the subject lot.
 - d. When the subject lot abuts a corner lot fronting on the same street, the average setback will be determined on the basis of the abutting corner lot and the nearest two lots that front on the same street as the subject lot.
- (3) The following exceptions to the maximum front building setbacks apply:
 - a. A portion of the building may be set back from the maximum setback line in order to provide an articulated façade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one square foot for every linear foot of building frontage.

- b A building may be set back farther than the maximum setback in order to accommodate an outdoor eating area. In order to preserve the continuity of the streetwall, the building may be set back no more than 12 feet from the front or street side property line or at least 40 percent of the building façade must be located at the maximum setback line. The total area of an outdoor eating area that is located between a public sidewalk and the building façade may not exceed 12 times the building's street frontage in linear feet.
- (4) The minimum rear setback is 10 feet, or 20 feet for TC-zoned properties that abut a single-family residential district.
- (5) No interior side setbacks are required in the TC district, except when TC-zoned property abuts a single-family residential district, in which case the minimum side yard setback required in the TC district must be the same as required for a residential use on the abutting residential zoned lot."

SECTION NINE

Paragraph (i) of Sec. 708 is hereby deleted in its entirety and replaced with the following language:

"(i) Buffer requirements:

- (1) When a use within the TC district abuts any single-family residential district, a ten-foot buffer shall be required."

SECTION TEN

New paragraph (j) of Sec. 708 is hereby adopted to read as follows:

"(j) Temporary uses: Temporary uses if approved pursuant to section 313"

SECTION ELEVEN

New paragraph (k) of Sec. 708 is hereby adopted to read as follows:

"(k) Open space density bonus: Every one (1) square foot of additional open space provided in excess of the minimum open space requirement in sec. 708 (g) shall increase the maximum floor area for the development by ten (10) square feet."

SECTION TWELVE

New paragraph (l) of Sec. 708 is hereby adopted to read as follows:

(l) Building Facades and Entrances

- (1) Building facades shall be articulated to minimize the monotonous appearance of large buildings through the use of architectural elements such as recessed windows and entries, offset surfaces, differentiated piers and columns, offset planes, textured materials, or awnings.
 - a. Variations in facade treatment shall be continued throughout the structure, including its roof line and front and rear facades.
 - b. Blank lengths of wall exceeding thirty (30) linear feet are prohibited on all building facades.
- (2) Delineation of building floors at the third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
- (3) A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six (6) inches in height.
- (4) The primary pedestrian access to all sidewalk level uses and business establishments with public or private street frontage:

- a. Shall face and be visible from the public street when located adjacent to such street. When located adjacent to a street that functions as an arterial street or a collector street, said entrance shall face and be visible from such street.
- b. Shall be directly accessible and visible from the sidewalk adjacent to such street.
- c. Shall remain unlocked during business hours for non-residential uses, including hotels and bed & breakfast inns.
- d. Buildings on corner lots shall have an angled entrance oriented toward the intersection.

SECTION THIRTEEN

New paragraph (m) of Sec. 708 is hereby adopted to read as follows:

"(m) Franchise Architecture: Buildings where the proposed architecture is the result of "corporate" or franchise style shall be prohibited. New construction should provide variety and diversity and express its own uniqueness of structure, location or tenant. Buildings shall be consistent with the local architectural vernacular, establish a sense of permanence, and avoid over-commercialization. Building design shall reflect local, unique, and traditional designs rather than chain or franchise designs."

SECTION FOURTEEN

New paragraph (n) of Sec. 708 is hereby adopted to read as follows:

(n) Color: The overall exterior color scheme shall be included in the permit application as a colored depiction and shall be selected from the approved color palette and be harmonious with the neighborhood and blend with the natural surroundings of the site. Consideration shall be given to the compatibility of colors with those existing in the vicinity. The size of the structure and the amount of shading it will receive are also a factor in selection of colors. Examples of incompatible colors include day glow and metallic colors.

SECTION FIFTEEN

Sec. 1003(c) of Article X is hereby deleted in its entirety and replaced with the following language:

"(c) Sidewalk clear zone requirements.

- (1) Said zone shall be located immediately contiguous to the landscape zone and shall be continuous.
- (2) Said zone shall be hardscape, and shall be unobstructed for a minimum height of eight (8) feet. Special paving within the sidewalk clear zone shall be permitted only as approved by the planning and zoning board.
- (3) Where newly constructed sidewalks abut narrower existing adjacent sidewalks, the newly constructed sidewalk shall provide an adequate transitional clear zone width for the purposes of providing a safe facilitation of pedestrian traffic flow between the adjacent sidewalks, as approved by the planning and zoning board.
- (4) Utilities, including telephone, electric power and cable television in both public and private rights-of-way, shall be placed underground except when extreme conditions of underlying rock or other conditions prevent this requirement from being met and only as approved by the planning and zoning board."

SECTION SIXTEEN

Sec. 1005(a)(1) of Article X is hereby deleted in its entirety and replaced with the following language:

"(1) The square footage contained within the front yard which meets open space criteria established in section 705 may be counted towards the open space requirement as required by that zoning district."

SECTION SEVENTEEN

Sec. 1107(b) of Article X is hereby deleted in its entirety and replaced with the following language:

"(b) All surface parking provided in excess of one hundred (100) percent of the minimum number of off-street parking spaces required by type of permitted use shall be of porous paving or grass paving systems and as approved by the Planning and Zoning Board."

SECTION EIGHTEEN

Sec. 1006 of Article X is hereby deleted in its entirety and replaced with the following language:

"Sec. 1006. - BUILDING MATERIALS.

- (a) No exterior wall or facade of any building visible from any public street shall be clad in metal siding, vinyl siding, EIFS, or smooth concrete block.
- (b) 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."

SECTION NINETEEN

Sec. 1007 of Article X is hereby deleted in its entirety and replaced with the following language:

"Sec. 1007. - Relationship of building to street.

- (a) The primary pedestrian access to all sidewalk level uses and business establishments with public or private street frontage:
 - (1) Shall face and be visible from the public street when located adjacent to such street. When located adjacent to a street that functions as an arterial street or a collector street, said entrance shall face and be visible from such street.
 - (2) Shall be directly accessible and visible from the sidewalk adjacent to such street.
 - (3) Shall remain unlocked during business hours for non-residential uses, including hotels and bed & breakfast inns.
- (b) A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six (6) inches in height.
- (c) Buildings with residential uses at the sidewalk level shall meet the following regulations:
 - (1) All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five (5) feet wide.
 - (2) All such buildings with more than four (4) residential units that are adjacent to the sidewalk shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access shall be perpendicular to the street, unless topography prohibits, and shall be permitted to share said walkway with one (1) adjacent unit.
 - (3) Such buildings shall have windows at sidewalk-level on each street frontage facade which are substantially similar in size to the sidewalk level front facade windows."

SECTION TWENTY

New Sec. 1011 of Article X is hereby adopted with the following language:

"SEC. 1011. - LIGHTING:

(a) General provisions

- (1) The purpose of these criteria is to create standards for outdoor lighting which will provide nighttime safety, security and utility, while reducing light pollution and light trespass, and increase conservation of energy.
- (2) Any lighting used to illuminate parking areas, access drives or loading areas shall be of such a design or level of illumination so as to minimize the amount of ambient lighting perceptible from adjacent properties and that would impair the vision of motorists.
- (3) The Illuminating Engineering Society of North America (IESNA) Lighting Handbook, Ninth Edition, shall be used as a guide for lighting installations. The definitions in this handbook shall be used for technical terminology.

(b) Lighting standards.

- (1) Entrances into developments from a street may be lighted for traffic safety reasons provided such lighting does not exceed the foot candle requirements for lighting walkways and streets.
- (2) Lighting poles mounted on private property within 50 feet from the street right-of-way may not exceed a height of 16 feet.
- (3) Accent lighting for building facades and other vertical structures shall be directed solely onto the building or structure and not toward the sky or onto adjacent properties. Direct light emissions shall not be visible above the roofline or beyond the building's edge. Shielding shall be provided to restrict light to the object being accented.
- (4) All pole mounted fixtures shall be mounted parallel to the ground. Building mounted floodlights shall be direct cutoff type and set parallel to the ground.
- (5) All interior lighting shall be designed to prevent the light source or high levels of light from being visible from the street.
- (6) Lighting for uses adjacent to residentially zoned property shall be designed and maintained such that illumination levels do not exceed 1.0 foot-candles along property lines. Lighting for uses adjacent to non-residentially zoned property shall be designed and maintained such that illumination levels do not exceed 3.0 foot-candles along property lines.
- (7) The use of search lights, laser lighting, LED lighting in the forms of channel strips, ropes or similar configurations, or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited.
- (8) All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

a. Fixtures

- i. Any wall or pole-mounted light fixture shall be a cutoff luminaire whose source is completely concealed with an opaque housing and shall not be visible from any street. The light output of the fixture shall be 2.5 percent or less of the total output at 90 degrees from the vertical plane and ten percent or less of total output at 80 degrees from the vertical plane.
- ii. Light fixtures for canopies covering fueling stations and at individual drive-through facilities shall be mounted such that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture or the edge of the canopy. The light output of the fixture shall be 2.5 percent or less of the total output at 90 degrees from the vertical plane and ten percent or less of total output at 80 degrees from the vertical plane.

- b. **Lamps** - For parking lot and site lighting, the same type of lamp must be used for the same or similar type of lighting on any one site or development. All exterior luminaires that operate at greater than 100 watts shall contain lamps having a minimum efficacy of 60 lumens/watt unless the luminaire is controlled by a motion sensor.
- i. **Illumination levels.** All site lighting shall be designed so that the level of illumination as measured in foot-candles (fc) at any one point meets the following standards. Minimum and maximum levels are measured at any one point. Average level is not to exceed the specified limit by more than 20 percent, and is derived using only the area of the site included to receive illumination. Points of measure shall not include the area of the building or areas which do not lend themselves to pedestrian traffic. Also, if the major portion of the lighting design is to be in the front of a building, the average level should not be affected by additional lighting in the back of the same building, which would raise the average of the intended area for lighting. Illumination levels are as follows:

Location or Type of Lighting	Minimum Level (fc)	Average Level (fc)	Maximum Level (fc)
Advertising Sign	N/A	N/A	20.0
Walkways and Streets	0.6	1.0	10.0
Areas for Display of Outdoor Merchandise	1.0	5.0	15.0
Commercial Parking Areas	1.0	5.0	15.0
Multi-family Residential Parking Areas	1.0	5.0	15.0
Building Entrance	2.0	10.0	50.0
Gas Station Pump Areas	6.0	15.0	50.0

- c. **Methods of measurement.** Horizontal illumination levels shall be measured at ground level by a light meter certified by its manufacturer as being calibrated in accordance with standards of the National Institute of Standards and Technology. Maximum illumination readings must be taken directly beneath the luminaire. Vertical illumination readings shall be taken on the surface of the object being lighted or at five feet above the ground for pedestrian areas.
- d. **Exemptions.**
- (i) Decorative seasonal lighting for festivals and holidays with a power rating of 75 watts or less.
 - (ii) Temporary emergency lighting used by police, firefighters, or other emergency services.
 - (iii) Hazard warning luminaires or safety or security lighting required by regulatory agencies or state or federal law.
- e. **Requirements for submittals.**
- (i) Site lighting plans shall be submitted for planning and zoning commission review and approved for any new lighting installations. Plans shall be at a scale to allow the reviewer to determine conformance with this chapter, such as 1" = 20' or 1" = 40'.

- (ii) Site lighting plans shall include:
- a. Location and mounting information for each light.
 - b. Illumination calculations showing light levels in foot candles at points located on a ten-foot or smaller grid, including an illustration of the areas masked out per the requirements above regarding points of measurement.
 - c. A fixture schedule listing fixture design, type of lamp, and wattage of each fixture, and number of lumens after using 85 percent depreciation of initial output for both metal halide and high pressure sodium.
 - d. Manufacturer's photometric data for each type of light fixture.
 - e. An illumination summary, including the minimum, average and maximum foot-candles calculations."

SECTION TWENTY ONE

Sec. 1117 of Article XI is hereby deleted in its entirety and replaced with the following language:

"SEC. 1117. - REDUCTION IN FRONT YARD SETBACK.

In the NC-2 district only, fifty (50) percent reduction in the required front yard setback is allowed when all required parking is located exclusively in the rear yard of the parcel."

SECTION TWENTY TWO

Sec. 1118 of Article XI is hereby deleted in its entirety and replaced with the following language:

"Sec. 1118. - Reductions in required parking.

Reduced parking requirements may be aggregated to include reductions based on any of the following factors, with a maximum parking reduction of 25% for any zoning district.

- (a) In commercial districts including TC, NC-1, NC-2, and RC, the following reductions in required parking can be applied.
 - (1) When an existing site without vehicular interconnection is retrofitted to provide permanent access to adjacent sites' parking, a ten-percent reduction in the number of required parking spaces shall be allowed.
 - (2) Developments wherein the front door is located within two hundred fifty (250) feet of a public transit stop shall be allowed a ten-percent reduction in the required number of parking spaces.
 - (3) Mixed use developments that include residential and commercial uses integrated into one structure shall be allowed a ten-percent reduction in the required number of parking spaces.
- (b) Development within the TC district shall be allowed a ten percent reduction in the required number of parking spaces."

SECTION TWENTY THREE

Sec. 1119 of Article XI is hereby deleted in its entirety and replaced with the following language:

"SEC. 1119. - PVIOUS PARKING BONUS.

In the NC-2 district only, for every full size parking space required by § 1107 of this Article that is paved with pervious paving as defined in Article IV, an additional fifty (50) square feet of floor area shall be permitted."

SECTION TWENTY FOUR

Article IV of the Zoning Ordinance providing Definitions is hereby amended to add the following defined terms, which shall be inserted in alphabetical order:

“Accessory building: A structure that is incidental and subordinate to the principal structure, located on the same lot, and operated or maintained under the same ownership as the principal structure.”

“Accessory use: A land use that is incidental and subordinate to the principal use.”

“Pervious paving: A surface that allows water to pass through voids in or between paving materials while providing a stable, load-bearing surface for vehicles.”

“Sidewalk clear zone: An unobstructed walkway with a minimum width of seven (7) feet and hardscaped located between the building face and landscape zone.”

SECTION TWENTY FIVE

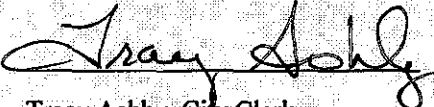
This Ordinance shall become effective upon the date of its adoption by the City Council

SO ORDAINED, this 5th day of July, 2016

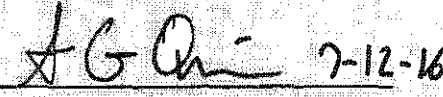
CITY COUNCIL, CITY OF CLARKSTON, GEORGIA


EDWARD TERRY, Mayor

Attest:


Tracy Ashby, City Clerk

Approved as to Form:

 7-12-16
Stephen Quinn, City Attorney