

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA  
WITH RESPECT TO **DESIGN AREAS**; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Section 9-2-1 of the Code of Athens-Clarke County, Georgia, entitled “*General*,” is hereby amended by adding the following new definition:

“*Retaining wall*: A wall or terraced combination of walls used at a grade to change or hold soil or other earth material at a higher position. Retaining walls may be attached to or independent from other structures, but do not include the foundations of structures or buildings.”

SECTION 2. Section 9-10-2 of the Code of Athens-Clarke County, Georgia, entitled “*Permitted uses*,” is hereby amended by adding the words “For C-D zone properties in the North Downtown Design Area, ground floor dwellings are permitted subject to the associated design standards and limitations found in Section 9-10-6(D)(7) and are not subject to the commercial standards noted above in L(1)” to L1 in the legend, so that said new L(1) is:

**“Sec. 9-10-2. Permitted uses.**

L(1) = Permitted only on second story and above or in the basement level of the structure. At least 50 percent of the ground floor shall be leasable commercial space not used for parking, none of the ground floor shall be used for self-service storage, and the commercial space shall be accessed only through a publicly accessible building entrance. Access to residential dwellings shall not be through the designated area comprising the minimum 50% commercial space. Multifamily residential uses arranged in any other manner on a commercially-zoned property are permitted only as a special use permit. For C-D zone properties in the North Downtown Design Area, ground floor dwellings are permitted subject to the associated design standards and limitations found in section 9-10-6(D)(7) and are not subject to the commercial standards noted above in L(1).”

SECTION 3. Section 9-10-6 of the Code of Athens-Clarke County, Georgia, entitled “*Design Standards for ‘C-D’ zone*,” section A, entitled “*Design areas*,” is hereby amended by adding the words “North Downtown,” so that said new section is:

**“Sec. 9-10-6. Design Standards for “C-D” zone.**

A. Design areas. For the purpose of this title, the C-D zone is divided into design areas as described in the “Alternative Compliance Guidelines for the CD Zone – Athens-Clarke County, Georgia,” (hereinafter “Alternative Compliance Guidelines”), dated June 5, 2007, adopted herein by reference, and available for public inspection in the offices of the Athens-Clarke County Planning Department and the Clerk of Commission.

*Downtown Historic District*

*West Downtown*

*East Downtown*

*Dougherty Street*

*River  
West End  
North Downtown”*

SECTION 4. Section 9-10-6 of the Code of Athens-Clarke County, Georgia, entitled “*Design Standards for ‘C-D’ zone,*” section C, entitled “*Site Design Standards,*” subsection 1, is hereby amended by deleting the table contained therein in its entirety and replacing it with the following new table:

**“Section 9-10-6. Design Standards for “C-D” Zone.**

C. Site Design Standards.

Design Areas	Maximum Setback	Minimum Wall Percentage <sup>1</sup>
Downtown Historic District	0 feet	70%
West Downtown	0 feet	50%
East Downtown	0 feet	50%
Dougherty Street	30 feet	50%
River	30 feet	50%
West End	30 feet	50%
North Downtown	30 feet	50%

<sup>1</sup>The minimum percentage of the front wall plane between the street right-of-way and the maximum building setback line. The maximum length of a wall, set at an angle not exceeding 45 degrees to the street right-of-way and set back further than the maximum front setback line, shall not exceed 50 feet.”

SECTION 5. Section 9-10-6 of the Code of Athens-Clarke County, Georgia, entitled “*Design Standards for ‘C-D’ zone,*” section C, entitled “*Site Design Standards,*” subsection 3, paragraph b., is hereby amended by adding the words “North Downtown,” and “10 feet,” so that said new paragraph is:

**“Section 9-10-6. Design Standards for “C-D” Zone.**

C. Site Design Standards.

3. Surface Parking lots.

- b. A surface parking lot as a principal property use shall comply with the following setback requirements:

Design Area

Min. Street Setback

Historic District	Not Permitted
West Downtown	10 feet
East Downtown	10 feet
Dougherty Street	10 feet
River	10 feet
West End	10 feet
<u>North Downtown</u>	<u>10 feet”</u>

SECTION 6. Section 9-10-6 of the Code of Athens-Clarke County, Georgia, entitled “*Design Standards for ‘C-D’ zone,*” section C, entitled “*Site Design Standards,*” is hereby amended by adding the following new subsections:

**“Section 9-10-6. Design Standards for “C-D” Zone.**

C. Site Design Standards.

8. Retaining walls in a front yard, rear yard, or side yard adjacent to a public right-of-way or private street shall be set back from a public right-of-way a minimum of two feet for every foot of wall height above three feet in height, as measured parallel to the right-of-way and accounting for any linear changes in height. No portion of a retaining wall shall exceed ten feet in height. A terrace is required between a lower retaining wall and an upper wall and the terrace area shall have a minimum five foot depth as measured from the upper grade of the lower retaining wall to the base of the upper retaining wall. Retaining walls over five feet in height shall be screened by a landscape buffer meeting the standards of Sec. 9-10-6-D-(4)(b)(3); however, wall art, including murals, sculptural or other decorative treatment of exterior walls may extend for a maximum of 50% of the wall length. Acceptable exterior finish materials include, but are not limited to, stucco, split face blocks, brick, stone, glass blocks, curved interlock blocks, wood, tubular steel, wrought iron bars or other grill work, textural or scored poured concrete, engineered “green” or vegetative wall as approved by the planning director, or a combination of these materials. Exposed flat-face CMU blocks and EIFS stucco are prohibited.

9. Chain-link and opaque wood fencing are not allowed in any yard adjacent to a street.”

SECTION 7. Section 9-10-6 of the Code of Athens-Clarke County, Georgia, entitled “*Design Standards for ‘C-D’ zone,*” section D, entitled “*Building Design Standards,*” subsection 3, is hereby deleted in its entirety and the following new subsection inserted in lieu thereof:

**“Section 9-10-6. Design Standards for “C-D” Zone.**

D. Building Design Standards.

3. Primary entrance. The primary public entrance of a building and/or each ground floor tenant space facing a street shall be directly linked to a public sidewalk. For ground-floor dwellings facing a street, a maximum allowance of two tenant spaces may share the same direct

link. The primary entrance shall be positioned no more than five feet above the finished grade at the front of the building.

- a. Buildings shall incorporate lighting and changes in mass, surface or finish to give emphasis to entrances.
- b. Building shall incorporate arcades, roofs, alcoves, porticoes and/or awnings at public entrances that protect pedestrians from the rain and sun.”

SECTION 8. Section 9-10-6 of the Code of Athens-Clarke County, Georgia, entitled “*Design Standards for ‘C-D’ zone,*” section D, entitled “*Building Design Standards,*” subsection 4, is hereby deleted in its entirety and the following new subsection inserted in lieu thereof:

**“Section 9-10-6. Design Standards for “C-D” Zone.**

D. Building Design Standards.

4. Transparency. A minimum percentage of any wall facing a public street shall have openings accounting for the percentages provided below and use transparent glass in those openings, unless directly associated with open unenclosed parking structures:

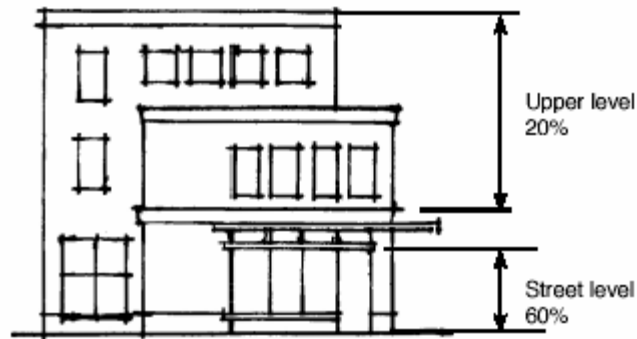
Design Area	Ground Floor Levels min. %	Upper Levels min. %
Downtown Historic District	60%	20%
West Downtown	50%	20%
East Downtown	50%	20%
Dougherty Street	30%	20%
River	30%	20%
West End	30%	20%
North Downtown	30%	20%”

a. Transparency at the ground floor level shall be measured from the finished building grade at the street to 10 feet above grade for the entire width of the wall.

b. The following alternative design treatments may be used, singularly or in combination, to meet half of the transparency requirement per elevation at the street level:

- (1) A display case, defined as a box with transparent glass facing the street with a solid panel behind for display of products and images of goods and services offered in the area.
- (2) Wall art, including murals, sculptural and other decorative treatment of exterior walls.

- (3) Landscaping, which is to be at least three feet high at the time of planting and of a type that will produce an opaque, evergreen planting screen capable of growing to a height of at least six feet within three years.
- c. Windows must allow views into working areas or lobbies, pedestrian entrances or display areas.”



SECTION 9. Section 9-10-6 of the Code of Athens-Clarke County, Georgia, entitled “*Design Standards for ‘C-D’ zone,*” section D, entitled “*Building Design Standards,*” subsection 5, is hereby amended by adding the words “except for fabricated architectural metal siding panels with a gauge value of 24 or less and without exposed fasteners after installation is complete,” so that said new subsection is:

**“Section 9-10-6. Design Standards for “C-D” Zone.**

**D. Building Design Standards.**

5. Building materials. No more than 25% of a wall surface, singularly or in combination, may be of plaster, stucco, or metal sheet siding. Metal siding shall be prohibited on the first floor, except for fabricated architectural metal siding panels with a gauge value of 24 or less and without exposed fasteners after installation is complete.

Plain concrete block (CMU), synthetic stucco (e.g., EFIS), mirror glass, and tinted glass with a tint of 20% gray or greater are prohibited exterior building materials.”

SECTION 10. Section 9-10-6 of the Code of Athens-Clarke County, Georgia, entitled “*Design Standards for ‘C-D’ zone,*” section D, entitled “*Building Design Standards,*” is hereby amended by adding the following new subsection (7):

**“Section 9-10-6. Design Standards for “C-D” Zone.**

**D. Building Design Standards.**

7. Ground-floor dwellings are permitted in the North Downtown Design Area without a special use permit, subject to the following standards:

A. Each ground-floor dwelling with an exterior elevation facing a street shall have direct pedestrian access to the street and public sidewalk.

B. Ground-floor dwellings shall be a minimum distance of 50 feet from the street listed below, as measured from the nearest wall of the residential unit to the nearest street right-of-way, and have leasable and occupiable nonresidential space between the dwellings and right-of-way of such streets at street level, which shall extend a minimum of 70% of the linear street frontage of the structure.

College Avenue”

SECTION 11. All ordinances or parts of ordinances in conflict herewith are hereby repealed.