

**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 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

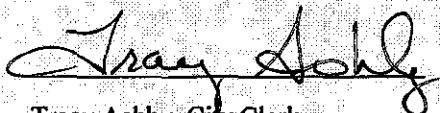
This Ordinance shall become effective upon the date of its adoption by the City Council

SO ORDAINED, this 5<sup>th</sup> 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