

AN ORDINANCE TO AMEND ARTICLE VI, DIVISION 18 – C-1 (COMMUNITY BUSINESS) DISTRICT OF THE ZONING ORDINANCE.

BE IT ORDAINED by the City Council of the City of Milton, GA while in a regularly called council meeting on September 24, 2018 6:00 p.m. as follows:

SECTION 1. That the amendment of Article VI, Division 18 – C-1 (Community Business) District in the City of Milton Zoning Ordinance relating to Gas Stations is hereby adopted and approved; and is attached hereto as if fully set forth herein, and;

SECTION 2. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

SECTION 3. That this Ordinance shall become effective upon its adoption.

ORDAINED this the 24th day of September, 2018.

Joe Lockwood, Mayor

Attest:

Sudie AM Gordon, City Clerk

DIVISION 18. - C-1 COMMUNITY BUSINESS DISTRICT

Sec. 64-774. - Scope and intent.

The regulations set forth in this division are the C-1 district regulations. Article IX should be consulted to determine uses and minimum standards for uses allowed by administrative permits or use permits. The C-1 district is intended to provide locations in which neighborhood and community-oriented retail and service activities conclude a transition, or land areas which complement a transition into a more intense activity area. Complementary noncommercial uses are also permitted. Sec. 64-775. - Use regulations.

Within the C-1 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

- (1) *Permitted uses.* Structures and land may be used for only the following purposes:
- a. Apartment, above or behind commercial and office uses in the same building.
 - b. Art gallery.
 - c. Assembly hall.
 - d. Automotive parking lot.
 - e. Automotive specialty shop.
 - f. Catering, carryout and delivery.
 - g. Church, temple or other place of worship.
 - h. Clinic.
 - i. Commercial amusement, indoor.
 - j. Convalescent center/nursing home/hospice.
 - k. Day care facility.
 - l. Delicatessen.
 - m. Financial establishment.
 - n. Funeral home.
 - o. Garage, automobile repair, except painting, body repair and overhaul of major components.
 - p. Gasoline stations with or without convenience stores.
 - q. Group residence.
 - r. Gymnasium.
 - s. Health club/spa.
 - t. Hotel.
 - u. Landscaping business, garden center.
 - v. Laundry and dry cleaning shop (excluding Laundromats).
 - w. Lawn service businesses.
 - x. Library.
 - y. Millinery or similar trade whenever products are sold retail, exclusively on the site where produced.
 - z. Motel.
 - aa. Museum.

- bb. Office.
- cc. Parking garage/deck.
- dd. Parking lot.
- ee. Personal care home.
- ff. Pet grooming (no overnight stay).
- gg. Photography studio.
- hh. Plant nursery.
- ii. Printing shop, convenience.
- jj. Repair shop, not involving any manufacturing on the site.
- kk. Research laboratory.
- ll. Restaurant.
- mm. Retail store or shop not to include Roadside vending.
- nn. School of business, dance, music or similar school.
- oo. Service station, except that repair and service offerings shall not include painting, body repair nor overhaul of major components, and no portion of the site shall be used for the display of cars for sale.
- pp. Stadium.
- qq. Telecommunications facility per Section 54 of the Milton City Code.
- rr. Theater.

- (2) *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation. Automobile and/or moving truck rental may be used in accessory to a permitted use. Not more than 45 percent of the floor area of a building or land may be devoted to storage incidental to primary uses.

Sec. 64-776. - Development standards.

- (a) Height regulations. No structure shall exceed the higher of four stories or 60 feet in height except as approved pursuant to article IX.
- (b) Minimum front yard shall be 40 feet.
- (c) Minimum side yard shall be as follows:
 - (1) Adjacent to interior lot lines: 25 feet for dwellings.
 - (2) None for all other buildings. See article III of this zoning ordinance for buffer and landscape requirements.
 - (3) For all buildings adjacent to streets: 40 feet.
- (d) Minimum rear yard shall be as follows:
 - (1) Adjacent to interior lot lines: 25 feet for dwellings.
 - (2) None for all other buildings. See article III of this zoning ordinance for buffer and landscape requirements.
- (e) Minimum lot area shall be as follows:
 - (1) Single-family dwelling: 18,000 square feet.
 - (2) Two-family dwelling: 18,000 square feet.
 - (3) Multifamily dwelling, including a unit above or behind a commercial use: 2,500 square feet.

- (4) All other buildings: no minimum.
- (f) Minimum heated floor area per unit shall be as follows:
 - (1) Single-family dwelling: 1,100 square feet.
 - (2) Two-family dwelling: 800 square feet.
 - (3) Multifamily dwelling: 700 square feet.
 - (4) Efficiency apartment: 450 square feet.
- (g) Minimum lot frontage shall be 35 feet adjoining a street.
- (h) Minimum accessory structure requirements:
 - (1) *Single-family and two-family uses.* Accessory structures may be located in the rear yard only but shall not be located within a minimum yard.
 - (2) *Other use.* Accessory structures shall not be located in the minimum front yard.
- (i) Gasoline Stations
 - (1) Gasoline station canopies and fuel pumps:
 - i. Shall be located to the side, or rear of the principal structure.
 - ii. Fuel pump canopies shall be located the greater of:
 - a. 300 feet from any interior side or rear lot line that adjoins a lot that contains a residential structure; or
 - b. 100 feet from any property zoned AG-1, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, MIX with a residential component , or CUP.
 - (2) There shall be no more than 8 fuel pumps allowed on the site.
 - (3) Fuel pump canopy shall have a minimum 6:12 pitch roof subject to the approval of the Design Review Board.
 - (4) Fuel pump canopies shall not exceed 14 feet in height as measured to the soffit.
 - (5) Fuel pump canopies shall be compatible with the color, texture, material, and architectural design of the principal structure.
 - (6) Fuel pump canopy support columns shall be compatible with the color, texture, and material of the facade of the principal structure.
 - (7) Fuel pump canopies, canopy support columns, and fuel pumps shall not be internally illuminated.
 - (8) There shall be no carwash or emission inspection station located on the same parcel with the gasoline station.
 - (9) Any parcel on which a pump is located must have a principal structure of not less than 1,600 square feet located thereon.
 - (10) Lighting shall be shielded to direct light and glare onto the parcel where the gas/fueling station is located.
 - (11) Intercom or speaker systems shall only be utilized for the purpose of communications between employees and customers and shall direct sound away from adjacent residential structures.

(12) Location, number, and size of the following uses shall be approved by the Design Review Board: air pumps, vacuums, and charging stations.

(13) Definitions:

i. *Fuel pump*: Also known as a "fueling position," means any device used for the sale of fuel for motor vehicles. A single fuel pump is a fuel pump that can serve only one vehicle at a time. The number of pumps on a single device is determined by the maximum number of vehicles that can be serviced at the same time.

ii. *Emission inspection station*: means any permanent or temporary structure that provide the service of inspecting automobile emissions as required by the State of Georgia.

iii. *Car wash*: means an area or structure equipped with facilities for washing automobiles.

Sec. 64-777. - Other regulations.

The following headings contain provisions applicable to the C-1 district:

- (1) Development regulations: article XVII of this zoning ordinance.
- (2) Exceptions: article II, division 3 of this zoning ordinance.
- (3) Floodplain management: article IV of this zoning ordinance.
- (4) Off-street parking and loading: article VIII of this zoning ordinance.
- (5) Outside storage: article II, division 2 of this zoning ordinance.
- (6) Landscape area and buffer regulations: article III of this zoning ordinance.
- (7) River protection: Metropolitan River Protection Act, O.C.G.A. § 12-5-440 et seq.
- (8) Signs: article XVI of this zoning ordinance.
- (9) Noise study report: section 64-2131. Secs. 64-778—64-796. - Reserved.