

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF TUCKER, GEORGIA, FOR THE PURPOSE OF AMENDING ARTICLE III, DIVISION 2 OF THE CITY OF TUCKER CODE CHAPTER 46 ZONING REGARDING MULTIFAMILY DENSITY, TOWNHOME WIDTH, LOT COVERAGE, AND BUILDING HEIGHT.

WHEREAS, The Mayor and City Council desires to promote the public health, safety, morals and general welfare of the residents of the city; and,

WHEREAS, the Mayor and City Council desires to facilitate the creation of a convenient, attractive and harmonious community; and

WHEREAS, the Mayor and City Council desires to encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations; and

WHEREAS, the Mayor and City Council desires to encourage economic development activities; and

WHEREAS, the Mayor and City Council desires to encourage the development of more rooftops in Downtown Tucker in order to support the commercial base and build a more walkable community; and

WHEREAS, the Mayor and City Council desires to achieve compliance with all applicable state and federal regulations; and

WHEREAS, the Mayor and City Council desires to provide for protection of the constitutional rights and obligations of all citizens within the city; and

WHEREAS, notice to the public regarding said amendment has been duly published in The Champion, the Official News Organ of Tucker; and

WHEREAS, a Public Hearing was held by the Mayor and City Council of Tucker on September 9, 2024 and October 15, 2024; and

WHEREAS, The Mayor and City Council is the governing authority for the City of Tucker, and;

WHEREAS, the Mayor and City Council wish to revise Table 3.1 in Sec. 46-985 to increase the number of multifamily units per acre that are permitted by right in the DT-2 and DT-3 zoning districts, as shown in Exhibit A; and

WHEREAS, the Mayor and City Council wish to revise Table 3.2 in Sec. 46-986 to reduce the townhome width in DT-3 from 20-feet to 18-feet, as shown in Exhibit A;and

WHEREAS, the Mayor and City Council wish to revise Table 3.2 in Sec. 46-986 to amend the lot coverage for townhouse dwellings and other residential uses in the DT-3 zoning district to 90% to reflect the established open space requirement of 10%, as shown in Exhibit A;and

WHEREAS, the Mayor and City Council wish to revise Table 3.2 in Sec. 46-986 to amend the building height regulations in the DT-1, DT-2, and DT-3 zoning districts, as shown in Exhibit A;and

WHEREAS, the Mayor and City Council desires to amend Sec. 46-986 (d) regarding relief limitations for building heights within the DT-2 and DT-3 zoning districts, as shown in Exhibit A; and

NOW THEREFORE, the Mayor and City Council of the City of Tucker while in Regular Session on October 15, 2024 hereby ordains and approves the amendment of Chapter 46 Article III as shown in Exhibit A, which is attached to this ordinance.

SO EFFECTIVE this 15th day of October 2024.

Approved by:

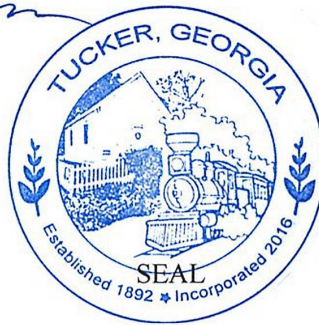


Frank Auman, Mayor

Attest:



Bonnie Warne, City Clerk



DIVISION 2. DOWNTOWN TUCKER ZONING DISTRICTS

Sec. 46-985. Use regulations.

- (a) Table 3.1 indicates the permitted uses within DT districts.
- (b) The uses listed in table 3.1 are only permitted in the district identified, and no use may be established and no structure associated with such use may be erected, structurally altered or enlarged unless the use is permitted as:
 - (1) A permitted use (P);
 - (2) A special use (SP) subject to the special land use permit application procedures specified in article VII;
 - (3) An administratively approved use (SA) subject to the special administrative permit procedures specified in article VII;
 - (4) An accessory use (Pa) as regulated by article IV or the applicable DT district. Table 3.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
 - (5) Uses lawfully established prior to the effective date of this Division or this Zoning Ordinance, as applicable.
- (c) Multiple uses are allowed in a single building and on a single site.
- (d) Any use not listed in table 3.1 or interpreted to not be allowed by the community development director by section 46-1124 is not allowed. Any applicant denied a permit to allow a use of property in a DT district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article VII.
- (e) Uses subject to additional regulations in article IV, division 2 of this chapter are indicated. Unless otherwise expressly stated, compliance with these regulations is required regardless of whether the use is permitted as-of-right, as an accessory use, by special administrative permit, or by special land use permit.

Table 3.1 Downtown District Allowed Uses				
Use	Downtown District			See Art. IV, Div. 2
	DT-1	DT-2	DT-3	
RESIDENTIAL				
Dwellings				
Dwelling, cottage home	P	P	P	✓
Dwelling, mobile home				
Dwelling, multi-family (24-35 units per acre or less)		P [4]	P [4]	
Dwelling, multi-family (over 24-35 units per acre)		SP	SP	
Dwelling, multi-family (supportive living)		P	P	✓
Dwelling, townhouse	P	P	P	✓
High-rise apartment				
Dwelling, single-family (attached)	P	P	P	
Dwelling, single-family (detached)	P	P	P	
Dwelling, three-family	P	P	P	
Dwelling, two-family	P	P	P	

Dwelling, single-family, accessory (guesthouse, in-law suite)	Pa	Pa	Pa	✓
Home occupation, no customer contact	P	P	P	✓
Home occupation, with customer contact	SP	SP	SP	✓
Live/work unit	P [3]	P	P	✓
Mobile home park				
Accessory uses or structures	Pa	Pa	Pa	✓

Table 3.1 Notes:

- [1] Only allowed on lots used for a single-family detached dwelling that meet the applicable minimum lot size requirements of article IV, division 2 of this chapter.
- [2] Not to exceed 5,000 square feet per use.
- [3] Permitted uses include all office uses, tutorial/educational services, retail, fine arts studios and/or galleries, and photographic studios. The minimum size of the live-work unit is 1,200 square feet with at least one-third of the unit must be designated for residential space.
- [4] A special land use permit is required when a multi-family use abuts a residential zoning district.
- [5] Uses along Main Street shall not exceed 10,000 square feet per use. Uses not along Main Street may not exceed 10,000 square feet per use unless approved by a special land use permit, however, special land use permits can only be requested for up to 15,000 square feet per use.
- [6] Telecommunications antennas must be incorporated in architectural features such as steeples, clock towers, water towers and attached to the top of high-rise buildings subject to the requirements of section 46-1194.

(Ord. No. O2019-04-15, exh. A(3.2.5), 6-26-2019; Ord. No. O2020-03-07, exh. A, 3-23-2020; Ord. No. O2021-10-21, Exh. A, 11-8-2021; Ord. No. O2022-06-45, Exh. A, 7-11-2022; Ord. No. O2022-10-52, Exh. A, 11-14-2022; Ord. No. O2023-09-16, Exh. A, 10-10-2023)

Sec. 46-986. Dimensional requirements.

- (a) Dimensional requirements are as shown in table 3.2, Downtown District dimensional requirements.
- (b) Compatibility rules and transitional buffers per article V and section 46-993(b) also apply.

Table 3.2 Downtown District Dimensional Requirements			
Element	Downtown District		
	DT-1	DT-2	DT-3
Overall Site Requirements			
Dwelling units per acre:	Controlled by lot size	Controlled by lot size and use regulations	
Open space: (development with more than 10% of floor area as residential):	20% min.	20% min.	10% min.

Individual Lot Dimensions by use			
Non-Residential or Mixed-Use:			
Lot area:	5,000 sq. ft. min.	5,000 sq. ft. min.	5,000 sq. ft. min.
Lot width:	50 ft. min.	50 ft. min.	50 ft. min.
Lot coverage:	80% max.	80% max.	90% max.
Lot Dimensions: Townhouse dwellings			
Lot area:	1,000 sq. ft. min.	1,000 sq. ft. min.	1,000 sq. ft. min.
Unit width:	20 ft. min.	20 ft. min.	20 18 ft. min.
Lot coverage:	80% max.	80% max.	80 90% max.
Lot Dimensions: Other residential uses			
Lot area:	6,000 sq. ft. min.	6,000 sq. ft. min.	4,000 sq. ft. min.
Lot width:	40 ft. min. (alley), 50 ft. min. (no alley)	40 ft. min. (alley), 50 ft. min. (no alley)	40 ft. min. (alley), 50 ft. min. (no alley)
Lot coverage:	80% max.	80% max.	80 90% max.
Setbacks for All Uses (See sec. 46-986(c) for additional setback requirements and setback averaging)			
Front:			
Lavista Rd. (west of Fellowship Rd.), Hugh Howell Rd., Lawrenceville Hwy	Setback averaging applies	5 ft. min. / No max.	5 ft. min. / 20 ft. max.
Lavista Rd. (east of Fellowship Rd.)	5 ft. min. / 20 ft. max.	5 ft. min. / No max.	5 ft. min. / 20 ft. max.
Main St. (block face with pre-1950 building)	Setback averaging applies	Setback averaging applies	Setback averaging applies
Main St. (block face without pre-1950 building)	0 ft. min. / 10 ft. max.	0 ft. min. / 10 ft. max.	0 ft. min. / 10 ft. max.
Other streets	Setback averaging applies	0 ft. min. / 20 ft. max.	0 ft. min. / 20 ft. max.
Side (interior):	5 ft. min.	0 ft. min.	0 ft. min.
Side (corner):	See front	See front	See front
Rear:	20 ft. min.	20 ft. min.	0 ft. min.
Main and Accessory Building Height by Use (min./max.) (See sec. 46-986(d) for more restrictions)			
Single-family use:	No min./ 3 stories or 35 ft. max. , whichever is less	No min./ 3 stories or 35 ft. max. , whichever is less	No min./ 3 stories or 35 ft. max. , whichever is less

Other uses (within 40 200 ft. of Main St. ROW):	No min. / 2 stories or 30 ft. max., whichever is less N/A	No min. / 2 stories or 28 ft. max., whichever is less N/A	No min. / 2 stories or 28 ft. max., whichever is less
Other uses (other locations):	No min. / 3 stories or 45 ft. max., whichever is less	2 stories or 28 ft. min., whichever is less / 4 stories or 60 ft. max., whichever is less	2 stories or 28 ft. min., whichever is less / See sec. 46-986(d)(1)

(c) *Additional setback requirements.*

- (1) *Street orientation.* If a lot is bound by more than one public street, the front of the lot along the primary street will be considered the front. When a building sits on a lot at the intersection of two primary streets, it must be located on the portion of the lot closest to such intersection.
- (2) *Increased setbacks.* When a maximum front setback applies it may be increased when an open space, such as a park or plaza, is provided between the respective building and the adjacent street.
- (3) *Setback averaging.* The following setback averaging applies as shown in table 3.2:
 - a. Along Lavista Road, Hugh Howell Road, Lawrenceville Highway, and other streets, the minimum front setback is the average front setback of the existing buildings along the same block face, except for those containing institutional/public uses. When no buildings exist on the block face, the minimum setback will be five feet.
 - b. Along Main Street, on block faces with one or more buildings built before 1950, the maximum front setback is the average setback of the buildings built before 1950 on the same block face.

(d) *Height.* The following height standards apply in addition to those of table 3.2 or otherwise allowed in this zoning ordinance.

- (1) *DT-3 district maximum height.* The following main and accessory building height standards apply in the DT-3 district:
 - a. North of Railroad Avenue and west of Burns Avenue (when both are met): max. three stories or 52 feet, whichever is less.
 - b. All other areas: max. four stories or 60 feet, whichever is less.
- (2) *Relief limitations.* ~~Special land use permits and variances may not be used to increase the number of stories allowed.~~
 - a. In the DT-2 and DT-3 zoning districts, a special land use permit may be requested to increase the maximum permitted building height up to one (1) additional story or 10 feet.
 - b. Height transitions, such as step backs, transitional height planes, urban street walls, incorporation of natural topography, shall be used to ensure appropriate scale and massing with adjacent and nearby parcels, buildings, green spaces, and trails.

(Ord. No. O2019-04-15, exh. A(3.2.6), 6-26-2019; Ord. No. O2020-03-07, exh. A, 3-23-2020)