



DATE: July 15, 2016
TO: Planning Commission
FROM: Planning Director *KA*
SUBJECT: Zoning Ordinance Amendment Article 10

RECOMMENDED ACTION

Recommend approval of Zoning Ordinance amendment as recommended by staff.

DISCUSSION

- Under Article 10, Section 1000, Planned Shopping Centers, Planned Industrial Parks, and Planned Office Parks have been eliminated.
- Under Article 10, Section 1000, the allowable density for Planned Senior Residential Developments has been updated to 12 units per acre where driveway access is from an alley or from the rear of the lot.
- Article 10, Section 1002, has been updated to increase the allowable building height within the Central Business District and eliminate zoning buffers within the Central Business District.

BACKGROUND

Staff proposes to amend the allowable heights in the Central Business District Overlay, remove buffer zones in the overlay, and amend the Senior Residential Overlay standards.

ATTACHMENTS

ZOA Article 10, Section 1000 – Ordinance Mark-Up
ZOA Article 10, Section 1002 – Ordinance Mark-Up

Additions have been shown in double underline text.
~~Deletions have been shown in stricken text.~~

Summary of Significant Changes

1. Replace the entirety of Section 1000 with the attached.
2. Amend Section 1002, D. Use Provisions, 1. Maximum Building Height as shown in the attached.
3. Amend Section 1002, ~~X~~ D. Use Provisions, 6. Mixed Use, as shown in the attached.

Section 1002. CENTRAL BUSINESS DISTRICT OVERLAY

The following provisions shall apply to all property inside the Central Business District (CBD) as delineated on the Central Business District Boundary Map, which is attached as Exhibit 2 and incorporated by reference.

The CBD is an overlay zoning district. The land use regulations applicable to the Town Center Overlay District (TCO), the Central Business District (CBD), as well as the underlying zoning remain in full force and effect except where superseded herein. When there is a provision not expressed in the TCO or underlying zone, or where a provision hereof is in conflict with the TCO or underlying zone, the provision of the CBD overlay district shall govern.

A. Purpose and Intent

To further the goals of the Downtown Sugar Hill LCI Study and to foster development of the city center that contributes to the function and feel of traditional small town business districts prominent throughout this region during the late 19th century to the early 20th century. To recreate this feeling by using traditional block patterns characterized by common side walls, building fronts abutting the sidewalk and on street parking; breaking up large blocks; optimizing multi-modal connectivity and incorporating small public gathering spaces.

In order to establish a regulatory framework that creates this traditional small town urban character; promotes compact mixed use growth; supports community development and the need for walkable, pedestrian oriented public and commercial spaces; provides incentives and removes barriers to redevelopment, rehabilitation and revitalization of vacant and underutilized properties in the area this section establishes an overlay zoning district for Sugar Hill that provides for an appropriate mix of uses, establishes standards of development to facilitate urban forms and sets up a design review process for any new construction or material change in appearance to existing structures within the CBD.

B. Exceptions

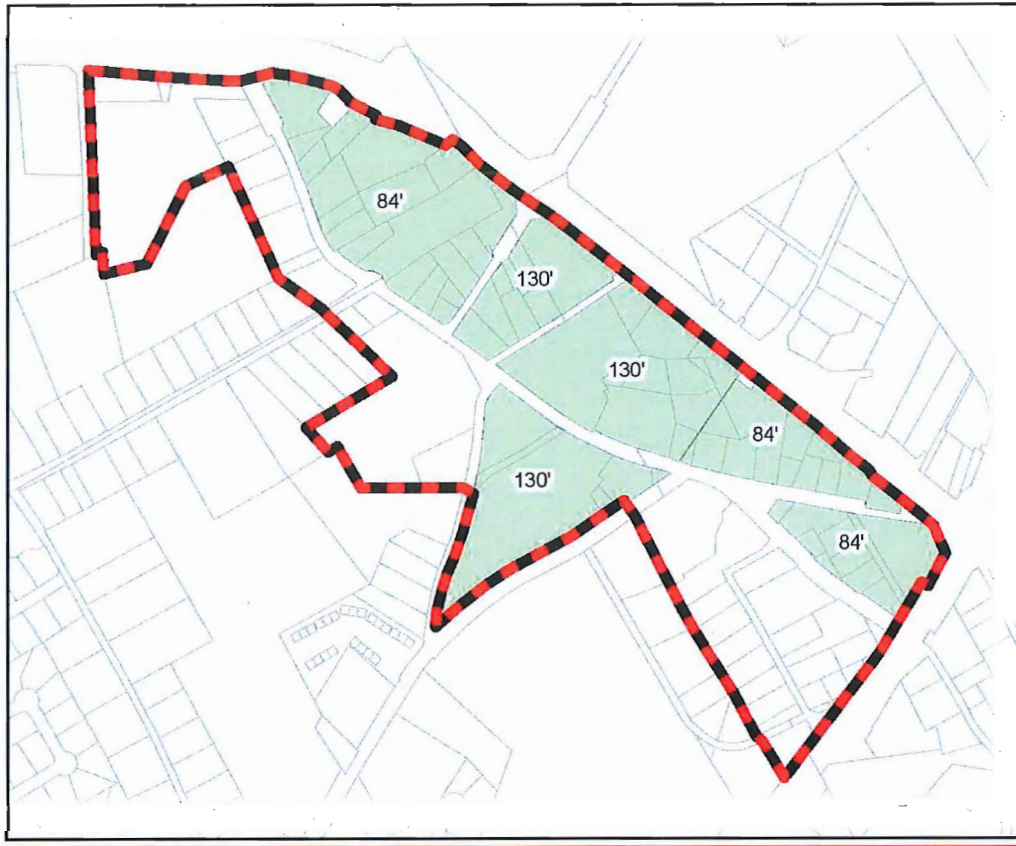
Variances shall be processed in accordance with Article 15 of the City of Sugar Hill Zoning Ordinance.

C. Severability

Any requirement set forth herein deemed unconstitutional, vague, illegal and/or otherwise unenforceable in a court of law shall not invalidate the remainder of this Section and all other provisions and requirements of this Section shall remain in full force and effect.

D. Use Provisions.

1. ~~4-~~Maximum Building Height. Maximum building height shall be ~~5 stories with~~ a maximum of 70 feet except as shown below:-



2. **Prohibited Uses.** Unless otherwise noted, the following uses shall be prohibited: Adult entertainment businesses/facilities; automotive sales lots and associated service facilities; automobile repair shops and tire stores including lubrication or tune up centers; truck stops; service stations; boarding and rooming houses; contractors equipment depot; restaurants with drive-through service; equipment rental; facilities engaging in the business, trade, or profession of psychic reading, fortune telling, astrology, phrenology, palmistry, clairvoyance, or related practices; adult novelty retail stores; pawn shops; tattoo parlors; vehicle or emission inspections; warehousing; mini-warehouse/personal storage facilities; moving van or truck rental and taxi/limousine queue lots. If any of the above listed uses exist within the CBD prior to the adoption of this Ordinance, those uses shall, upon the adoption of this Ordinance become non-conforming uses, shall not be expanded by more than 10% in area, and shall, otherwise, comply with and be governed by Article 8 of the Zoning Ordinance.

3. **Permitted Uses.** The following uses shall be permitted on all properties within the CBD and shall supersede or replace the underlying zoning district's permitted uses as shown in Table 4.1.

Use:

- | | |
|----------------------------|------------------------------|
| 1. Art gallery. | 5. Bed and breakfast inn. |
| 2. Bakery shop. | 6. Bike Shop |
| 3. Bank. | 7. Book or stationery store. |
| 4. Barber and beauty shop. | 8. Cafe. |

3. Group or personal care home.
4. Half-way house.
5. Hospital, clinic, convalescent home.
6. Nursing home.
7. Manufactured home.
8. Orphanage.
9. Parking garage.

6. Mixed Use.

Two or more of the allowed uses, conditional uses and special uses may be present and allowed subject to the following restrictions and all other zoning and development requirements unless specifically exempted by this Section. No zoning buffers will be required between parcels within the Central Business District or between parcels within the Central Business District and parcels directly outside of the boundaries.

- a. Residential or office uses in buildings containing retail or other uses are encouraged and the acreage on which such buildings are located may be used in either or both classifications for density purposes.

7. Special Uses along Principal Arterial Corridors. The CBD is bounded on two sides by Georgia State Route 20 (SR20) and Peachtree Industrial Boulevard (PIB). While these regionally important arterial roadways create physical limits to the development and expansion of the CBD they move a large amount of people and goods around Downtown Sugar Hill on a daily basis. In consideration of the heavy volume and higher speeds of vehicular traffic along these corridors adequate provisions should be granted to facilitate appropriate commercial development which addresses the needs of our traveling consumers while promoting pedestrian oriented development patterns within Downtown Sugar Hill. Therefore, the uses shown below in table 1002.D.7 may be granted a special use permit by the City Council provided that the property abuts Hwy 20 or PIB for at least 350 feet of continuous frontage, does not interfere with the safe and normal flow of traffic, is not within 1,320 feet of Hillcrest Street, has an existing commercial driveway permit from the state or county Department of Transportation, is not within 1320 feet of a similar use along the same direction of travel and meets the specific conditions associated with each use as shown in table 1002.D.7. In addition to the criteria set forth in Article 17 of this Zoning Ordinance, in deliberating a special use permit under this section, the Council shall consider the:

- a. Appropriateness of the use based on the development of surrounding properties;
- b. Any benefit or harm to the surrounding properties and the CBD as a result of the use; and

ARTICLE 10.

OVERLAY ZONING DISTRICTS

Section 1000. Purpose of Planned Unit Developments.

The purpose of planned unit developments is to encourage the best possible site plans and building arrangements under a unified plan of developments rather than under lot-by-lot regulation. The developer benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. The City gains the advantages of variety in building types, compatibility of uses and optimum community development. Review of the development plan by the Sugar Hill Planning and Zoning Commission provides an opportunity to assure that the development will be in harmony with the character of the neighborhood in which the development is located.

The planned unit development is not intended to encourage greater density of development but rather to encourage ingenuity and resourcefulness in land planning. The planned unit development is, furthermore, not intended to enhance the value of the property for speculative purposes. Approval of a planned unit development is therefore conditional, and if construction is not commenced within one (1) year, and pursued in an orderly manner toward completion, the Mayor and City Council may, upon written notice to the property owner, abolish the Zoning or reduce the size of the tract to fit the scope of actual development.

A. Types of Planned Unit Development.

The following types of planned unit developments are authorized by this Ordinance. They are required to have the minimum acreage indicated:

1. Planned Residential Development (PRD) – Ten (10) acres.
2. Senior Residential Development (SRD) – Five (5) acres.
- ~~3. Planned Shopping Centers (PSC) – Two (2) acres.~~
- ~~4. Planned Industrial Parks (PIP) – Five (5) acres.~~
- ~~5. Planned Office Parks (POP) – Two (2) acres.~~

B. Ownership Control.

The land area of a planned unit development shall be a contiguous land area to consist of all property within its exterior boundaries and shall not include any islands. For purposes of this Section, an island is defined as any property in which its aggregate external boundaries abut the surrounding property contained in the planned unit development. Upon application for a PUD, all land within the land area of the planned unit development must be owned by the same individual, corporation or other legal entity. Individual properties in a planned unit development may be sold after a plat has been recorded, with the properties subject to private deed covenants that assure the continuance of the planned unit development as originally approved and developed.

C. Standards Applying to All Planned Unit Developments.

All planned unit developments shall meet the following standards and such other requirements as are set forth with respect to each of the ~~five (5)~~ permitted types of planned unit developments:

1. The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features.
2. The development shall not adversely affect developed or undeveloped neighboring properties.
3. The development shall utilize design and development features that would not be possible by the application of lot-by-lot Zoning District regulations.
4. Water, sewerage, and street facilities shall be adequate for the proposed development or there shall be a definite proposal for making them so.
5. Yards: The yard requirements of the Zoning District in which the planned unit development is located may be waived by the Mayor and Council except along the exterior boundaries of the development. Buffer zone requirements shall be met.
6. Height: The height limitation of the Zoning District in which the planned unit development is located may be waived by the Mayor and City Council.
7. Off-street parking and loading and unloading requirements: The off-street parking and loading and unloading requirements of this Zoning Ordinance shall be met.

D. Standards Applying to Planned Residential Developments.

1. Location. A planned residential development may be located within any residential Zoning District if it meets all the required standards for planned residential developments.
2. Permitted uses. A planned residential development may contain single-family detached houses, condominiums, attached single-family houses, customary home occupations and customary residential accessory building and uses.
3. Common open space requirements. In a residential planned unit development, the lot size may be reduced from the general lot size for that district at the discretion of the Mayor and City Council. For all lots in a residential planned unit development the developer shall reserve five hundred fifty (550) square feet per lot for open space. In addition to the five hundred fifty (550) square feet per lot, the developer shall reserve an amount of land equivalent to the reduction in any lot size for open space to be preserved and maintained for its scenic values, passive recreation or conservation purposes. (Example: Lot size required by underlying zoning district is 10,000 sq. ft.

A request for an 8,000 sq. ft. lot requires a set aside of 2,550 sq. ft. of open space [2,000 sq. ft. for equal offset from 10,000 sq. ft. plus 550 sq. ft. for the dwelling unit on the lot]).

- i. The required open space shall not include areas devoted to public or private streets and parking areas.
 - ii. Up to one-half of the required open space may be located in a 100-year floodplain or an existing lake.
 - iii. The required open space shall be left in its natural state as passive greenspace unless otherwise approved by the City Council.
 - iv. If requested by the City, the owner of the planned residential development shall deed to the city the land set aside as required open space.
 - v. If the City does not require that the land be deeded to it, then the open space shall be deeded to a property owner's association comprised of residents of the planned residential development for the benefit of the residents. The organization of the property owner's association and its adequate financing for the discharge of its responsibilities shall be assured through acceptable private deed covenants tied to the land.
 - vi. In the event the property owner's association fails to maintain the common open space properly, the City may serve written notice upon the property owner's association and upon the residents and owners of the planned residential development setting forth the manner in which the organization has failed to maintain the common open space in a reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fifteen (15) days of the notice. The deficiencies are not corrected within the said thirty (30) days, the City, in order to preserve that taxable values of the properties within the planned residential development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for one (1) year and thereafter until the property owner's association is prepared to provide proper maintenance. The cost to such maintenance by the City shall be assessed against the properties within the plan residential development that have a right of enjoyment of the common open space and shall become a tax lien upon said properties.
4. General private deed covenants. The entire planned residential development shall be included within private deed covenants tied to the land assuring the continuance of the planned residential development in accordance with approved plans and development.
 5. Minimum lot sizes. The minimum lot sizes of the Zoning District in which the planned residential development is located may be waived by the Mayor and Council provided that any lot touching the exterior boundary of the development shall meet the

minimum frontage and minimum square footage requirements for the underlying Zoning District ~~or RS100 if adjacent to residential whichever is more restrictive.~~

6. Gross density. Except where noted herein, The overall maximum density of a planned residential development shall not exceed the density of the zone in which it is located.

E. Standards Applying to Senior Residential Development.

A Senior Residential District (SRD) is designed to serve the housing need of adults who are 55 years of age or older. It is recommended that these districts be located in areas that facilitate pedestrian access to nearby commercial goods and services, and/or amenities/cultural facilities. These areas are intended to function as communities with parks and open spaces. At least 80% of the occupied units shall be occupied by at least one person who is 55 years of age or older. The other 20% is not intended as a set aside for younger residents and efforts should be made to minimize the number of units that do not meet this requirement.

1. Location. An SRD shall be located within ~~any~~ RS100 or RM Zoning District.
2. Permitted Uses. Detached or attached single-family homes, villas/town homes, attached residences, plus customary residential accessory building and uses. A combination of these housing units may be used, but each type of permitted use must be clustered within the development and not randomly situated. The development plans shall indicate what type of housing units are to be located within the development.
3. Common open space requirements. No less than twenty-five (25) percent of the site acreage shall be set aside as open space, and no more than 50% can be in a Flood Hazard area, as identified by Sugar Hill Floodplain Management Ordinance.
4. Minimum lot sizes. The minimum lot sizes of the Zoning District in which the planned residential development is located may be waived by the Mayor and Council provided that any lot touching the exterior boundary of the development shall meet the minimum frontage and minimum square footage requirements for the underlying Zoning District ~~or RS100 if adjacent to residential whichever is more restrictive.~~
5. Area and dimensional standards:
Within the SRD, the following requirements shall be met for detached homes:
Maximum gross density – 5 units per acre.
Minimum lot area – No minimum.
Minimum lot width – 45 feet (45')
Minimum front yard – Fifteen feet (15')

Maximum front yard – Twenty five feet (25’)

Minimum side yard – Five feet (5’)

Minimum rear yard – Twenty feet (20’)

Within the SRD, the following requirements shall be met for attached homes:

Maximum density: Eight (8) units per acre or twelve (12) units per acre where driveway access is from an alley or otherwise from the rear of the lot.

Lot Area – No Minimum.

Lot Width – No Minimum.

Internal Road Frontage – No Minimum.

External Road Frontage For Overall Development – Fifty feet (50’)

Minimum unit width: Twenty feet (20’)

Minimum internal front yard – Fifteen feet (15’)

Maximum internal front yard – Twenty five feet (25’)

Minimum distance between buildings – Fifteen feet (15’)

Minimum rear yard – Twenty feet (20’)

An opaque landscape buffer of twenty-five feet (25’) shall be maintained and planted along the exterior of the development where it abuts residential zoned property of a lower density.

5. Site and Architectural Design Standards:

- i. A 10’ landscape strip shall be provided on the property adjacent to all public right-of-way on the exterior/perimeter of the development. The landscape strip may incorporate natural vegetation, a landscaped berm, picket type fence with brick or stone columns every 30 feet or a decorative brick or stone wall.
- ii. Street trees shall be planted in the right-of-way, a minimum of two feet (2’) from back of curb and spaced equal distance between street lights. Street trees shall be planted no more than fifty feet (50’) apart and no closer than twenty five feet (25’) from street intersections. The tree plan shall be prepared by a registered Landscape Architect or other certified professional in accordance with the Buffer, Landscape and Tree Ordinance.
- iii. All grassed areas shall be sodded.
- iv. Homes/Buildings shall be constructed of traditional design with brick, stone, fiber cement horizontal siding or fiber cement shakes/shingles. No vinyl or metal siding shall be permitted.
- v. All attached dwelling units shall have a minimum 850 square feet for 1 bedroom villas/town homes; 1,000 square feet for two bedroom units/homes; and 1,200 square feet for three or more bedroom units/homes. Detached dwellings to have a minimum of 1,400 square foot heated space.
- vi. All dwellings shall be provided at least a single-car garage.

- vii. Provide six-foot (6') wide sidewalks at six feet (6') from the back of the curb and street trees adjacent to both sides of interior streets or private driveways. Reference the City's Development Regulations for design standards. All sidewalks shall comply with the Americans with Disabilities Act (ADA) as applicable.
 - viii. A system of paved six-foot (6') wide multi-use paths shall be constructed to connect greenway/open space areas, outdoor amenities/recreation areas, homes, clubhouse, and other amenities.
 - ix. A four-foot (4') wide walkway, constructed of concrete, shall extend from the sidewalk to the steps, stoop, or porch of all homes. Reference the City's Development Regulations for design standards. All sidewalks shall comply with the Americans with Disabilities Act (ADA) as applicable.
 - x. Street lights within the subdivision shall be located seventy-five (75') apart, on average.
6. Building Standards for Accessibility. All dwellings shall incorporate accessibility standards which shall include the following:
- i. A step-free feature to at least one entrance of the unit and levered door handles on all doors.
 - ii. Minimum thirty six inch wide, clear passage doorways throughout the unit.
 - iii. Wheelchair, step-free access and 5' turnaround radius to the following areas, at a minimum: kitchen; dining area; entertainment area (e.g., living room/den, great room, etc.); at least one bedroom; at least one full bathroom; and laundry room with washer/dryer connection.
 - iv. The installation of full sheets of ¾" plywood blocking in all bathrooms to allow for future installation, if necessary, of grab bars.
 - v. Levered faucets and anti-scald valves at all sinks.
 - vi. Drawers in all lower cabinets rather than shelves. Pull out shelving for all other cabinets. C-pulls instead of knobs.
 - vii. Gas sensors near all appliances, smoke and burglar alarms for the hearing impaired.
 - viii. Luminous light switches at 42" height.
7. Mandatory Homeowner's Association. A mandatory homeowners association shall be incorporated which provides for building and grounds maintenance and repair, insurance and working capital. Said association shall publish and adhere to policies and procedures that demonstrate that the community is intended to provide housing for persons 55 years of age and older including maintaining surveys or affidavits verifying compliance with 55 years of age and older occupancy requirements as permitted by 42 U.S.C. Section 3607, (b)(2)(c) of the Federal Fair Housing Act and implementing

regulations. Said association shall also include declarations and bylaws including rules and regulations, which shall at a minimum regulate and control the following:

- i. Restriction on homes being occupied, with at least 80% of the occupied units occupied by at least one resident who is age 55 years of age or older.
- ii. Restrictions on persons under 18 years of age permanently residing in the community.

~~F. Standards Applying to Planned Shopping Centers.~~

~~Within any general business or highway service business Zoning District, a planned shopping center may be permitted if it meets the following conditions:~~

- ~~1. Location. A planned shopping center shall have access and egress only on a major street.~~
- ~~2. Use regulations. Any uses permitted in a business Zoning District in which it is located may be included.~~

~~G. Standards Applying to Planned Industrial Parks.~~

~~Within any industrial Zoning District, a planned industrial park may be permitted if it meets the following conditions:~~

- ~~1. Location. A planned industrial park shall have access and egress only on a major street.~~
- ~~2. Minimum lot sizes. The minimum lot sizes of the Zoning District in which the development is located may be waived.~~
- ~~3. Use regulations. Any uses permitted in the industrial District in which the development is located may be included.~~

~~H. Standards Applying to Planned Office and Institutional~~

~~Within any Office Institutional, General Business, or Highway Service Business District, a planned office park may be permitted if it meets the following conditions:~~

- ~~1. Location. A planned office park will have access and egress only on a major street.~~
- ~~2. Minimum lot sizes. The minimum lot sizes of the Zoning District in which the development is located may be waived.~~
- ~~3. Use regulations. Any uses permitted in the District in which the development is located may be included.~~

~~4.—Yards. The yard requirements of the Zoning District in which the development is located may be waived except along the exterior boundaries of the development.—
Buffer zone requirements shall be met.~~

~~5.—Height. The height limitations of the Zoning District in which the development is located shall be observed.~~

IF. Justification of Planned Unit Development.

Applications seeking a zoning or rezoning to a Planned Unit Development shall contain a statement or statements explaining the following:

1. How the design of the proposed PUD encourages ingenuity and resourcefulness in land planning.
2. How and why the design does not encourage greater density of development.
3. How the development is compatible with the topography of the land.
4. What natural features and unusual topography exist on the land and how the design preserves those features and topography.

JG. Site Plan Specific and Substantial Compliance with Approved Site Plan.

Land that is zoned to a planned unit development classification shall be conditioned upon the site or concept plan submitted to and approved by the Mayor and City Council at the time of the public hearing on the zoning request. Any change that substantially alters the site or concept plan approved by the Mayor and Council shall be considered a change in conditions of zoning and shall be resubmitted for approval by the Mayor and City Council. For the purposes of this Section, a substantial change shall include but not be limited to any change that increases the number of lots, the number of buildings or the density of the development, any reduction of lot sizes, setbacks or required buffers, changes of access locations or roadway structure other than as required by the state or county agencies for safety purposes.

KH. Covenants and restrictions.

Legally binding covenants and/or deed restrictions tied to the land shall apply to all PRD and SRD units that will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to the property. No deed for sale or transfer of any housing unit shall be drafted or offered until and unless it contains restrictions approved by the Director of Planning and Development that are consistent with the requirements of this Section. The grantor must state in any deed or instrument conveying title to a PRD or SRD housing unit, that the property conveyed is a PRD or SRD housing unit and is subject to the restrictions contained in this Section. No covenant involving a development containing a PRD or SRD housing unit shall be recorded until and unless it contains restrictions approved by the Director of Planning and Development that are consistent with the requirements of this Section, with such modifications as he or she may deem necessary to carry out the purposes of this Article. Such review and

approval shall be completed within thirty (30) calendar days following date of submission of such documents to the Director of Planning and Development. Failure of the Director of Planning and Development to respond within the thirty (30) calendar-day period shall constitute approval of the documents. The Director of Planning and Development may take legal action to stop or cancel any transfer of any property permitted in this district if any party to the transfer does not comply with all requirements of this Section.