

DATE: November 2, 2016
TO: Mayor and City Council
FROM: Planning Director KA
SUBJECT: Zoning Ordinance Amendment
Article 4 – Package Sales & Drive-Up/Through Services



SUGGESTED ACTION

Approval of the amendments to Article 4.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a scheduled public hearing on 10/17/16. No one spoke in opposition or support of the proposal.

Planning Commission recommends APPROVAL of the amendment to Article 4 as presented by Staff on 10/17/16. (5-0)

DISCUSSION

Package Sales

- Package sales of distilled spirits must be approved by a referendum.
- If a majority of those casting ballots in favor of issuing licenses, package sales become lawful within 15 days after the certification of the results by the election superintendent.
- In order to conduct the referendum a petition signed by at least 35% of the registered voters must be submitted to and verified by the election superintendent.
- Planning staff has proposed a zoning classification in anticipation of a future referendum as a result of inquiries received by individuals seeking information on the process for approving package sales of distilled spirits within the city limits.

Drive-Up/Through Services

- In recent years, proposed development of retail and restaurant uses with drive-up/through services has generated significant concern among city residents, land owners and elected officials.
- With the pending completion of the Highway 20 improvement project scheduled for this year, planning staff anticipates an increase in demand for these types of uses along the Highway 20 corridor—particularly at key intersections and planned median crossings.
- Planning staff is working on a request for proposals which will be used to select planning and market analysis consultants to prepare a market study, master plan and overlay for the Highway 20 corridor in the next few months.

- To address the immediate primary concerns over noise and light trespass, planning staff has proposed an update to the restrictions associated with a drive-up/through use.
- The restrictions would apply city-wide if within 250' – 500' of a residential use and are designed to mitigate the impacts of sound emanating from a drive through ordering kiosk and service windows as well as light trespass from vehicles circulating the parking area and queuing in the drive-through lane.
- Original restrictions text as presented to Planning Commission 10/17/16:

Package store

1. The lot shall have road frontage on a major street or state highway.
2. The lot shall have a minimum amount of road frontage of 200 feet on a principal arterial street or state highway.
3. The lot shall be at least one acre in size.
4. Distilled liquor shall be sold only in buildings constructed for and devoted to that purpose exclusively.
5. Any building in which distilled liquor is sold shall not be more than one story in height and shall have a minimum of 5,000 square feet of space.
6. The building shall have only one entrance and one exit, both of which shall be located on the front of the building. No doors or windows shall be located on the sides or rear of the building.
7. The front wall of the building shall have a minimum of 150 square feet of plate glass in addition to any glass on entrance or exit doors.

Restaurant with drive-up and/or drive-through service

1. No drive-through speakers or ordering kiosks shall be placed within 250 feet of a residence.
2. A noise reduction plan is required prior to receiving a Land Disturbance Permit when closer than 500 feet to a residential area.
3. When adjoining a residential area, the required buffer must consist of at least a staggered double row of evergreen and semi-evergreen trees and shrubs native or adapted to the area. Trees shall be at least 6' tall at time of planting. Plantings shall be arranged to provide an effective visual screen of at least 20' in height at maturity. Buffer must not contain more than 30% of a single species.
4. Opaque screening must be provided to prevent adverse visual impact of headlights and display screen lights if any residential properties are located in proximity such as to be impacted.

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Quarry.

1. A quarry for the removal of minerals and other natural materials, together with necessary buildings, machinery and appurtenances thereto.
2. Quarry areas being excavated shall be entirely enclosed within a fence located at least ten (10) feet back from the edge of any excavation and of such constructions and height as to be demonstrably able to exclude children and animals from the quarry area.
3. The operators and owners of the quarry present to the Mayor and Council an acceptable comprehensive plan for the reuse of the property at the cessation of the quarry operations.
4. In the case of an existing quarry, an extension of the quarry operations beyond the areas being quarried or approved for quarrying at the effective date of this Zoning Ordinance of the City of Sugar Hill, Georgia, shall be permitted and shall not be considered a new operation provided that said extension does not extend to within one thousand (1,000) feet of a residential or commercial Zoning District boundary line.

Recovered materials processing facility,
recycling station.

1. Activities shall be limited to collection, sorting, compacting and shipping.

2. Along the entire road frontage (except for approved access crossings), provide a three-foot high landscaped earthen berm with a maximum slope of 3 to 1 and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The landscaped berm shall consist of a staggered double row of evergreen and semi-evergreen trees and shrubs; must not contain more than 30% of a single species and shall provide an effective visual screen of at least 20' at maturity. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.

3. The facility shall not be located within 1,000' of any property used for or zoned for single family residential use.

4. Lighting for such facilities shall be placed in such a fashion as to be directed away from any nearby residential areas.

5. Materials collected shall not be visible and shall be deposited in a bin or bunker. All sorting and collection bins shall either be enclosed and have chutes available to the public or be located inside a fully-enclosed building.

6. No outdoor storage of un-containerized materials shall be allowed.

Rental, moving trucks and vans.

1. Equipment or rental vehicles shall not be parked or stored in the required front yard.

2. The storage area for the vehicles or equipment to be rented shall be screened by an opaque fence at least six (6) feet high.

3. The storage area shall not be located closer than 100 feet to any side or rear property lines zoned residential and shall be appropriately landscaped and maintained.

Restaurant with drive-up and/or drive-through service

1. No drive-through speakers or ordering kiosks shall be placed within 250 feet of a residence.

2. A noise reduction plan is required prior to receiving a Land Disturbance Permit when closer than 500 feet to a residential area. Noise reduction plans shall generally include a suitable combination of the following (and any additional measures needed to ensure proper noise levels for residential areas): using solid screen fencing in combination with landscaping as noise/privacy

control/visual enhancement measures; acoustical treatment of internal building (walls and ceiling) and external fencing; locating outdoor play areas as far away as possible from residential dwellings; double glazed windows; erecting of any additionally needed noise barriers (such as berms, walls, dense plantings, etc).

3. When adjoining a residential area, the required buffer must consist of at least a staggered double row of evergreen and semi-evergreen trees and shrubs native or adapted to the area. Trees shall be at least 6' tall at time of planting. Plantings shall be arranged to provide an effective visual screen of at least 20' in height at maturity. Buffer must not contain more than 30% of a single species.

4. Opaque screening must be provided to prevent adverse visual impact of headlights and display screen lights if any residential properties are located in proximity such as to be impacted.

Salvage operation or junk yard.

1. The junkyard shall not be located closer than three hundred (300) feet to a commercial zoning district boundary line or 1000' to any property used or zoned for residential.

2. The junkyard is completely enclosed with an opaque fence not projecting into the right-of-way of any roadway adjoining said junkyard, not less than eight (8) feet high and in no case less than such height as will effectively screen all storage and other operations from view.

3. The junkyard shall not be located closer than one thousand (1,000) feet to the nearest edge of the right-of-way of any major arterial roadway. Within this subpart "major arterial roadway" is defined as any roadway, street or thoroughfare within the City limits of Sugar Hill, Georgia, having a right-of-way of one hundred (100) feet or greater.

Convenience retail business.

Drive-up and/or drive-through service
(restaurant or retail)

Driveway, single family residential parking
area.

Home occupation, customary.

Outdoor Storage associated with garden
supply center, plant nursery and greenhouse
with the following restrictions;

requirements.

Shall not occupy more than 50% of the principal use or
structure.

1. No drive-through speakers or ordering kiosks shall be
placed within 250 feet of a residence.

2. A noise reduction plan is required prior to receiving a
Land Disturbance Permit when closer than 500 feet to a
residential area. Noise reduction plans shall generally
include a suitable combination of the following (and any
additional measures needed to ensure proper noise levels
for residential areas): using solid screen fencing in
combination with landscaping as noise/privacy
control/visual enhancement measures; acoustical treatment
of internal building (walls and ceiling) and external
fencing; locating outdoor play areas as far away as
possible from residential dwellings; double glazed
windows; erecting of any additionally needed noise
barriers (such as berms, walls, dense plantings, etc).

3. When adjoining a residential area, the required buffer
must consist of at least a staggered double row of
evergreen and semi-evergreen trees and shrubs native or
adapted to the area. Trees shall be at least 6' tall at time of
planting. Plantings shall be arranged to provide an
effective visual screen of at least 20' in height at maturity.
Buffer must not contain more than 30% of a single species.

4. Opaque screening must be provided to prevent adverse
visual impact of headlights and display screen lights if any
residential properties are located in proximity such as to be
impacted.

Not to exceed 30% of the front yard or 20% of the rear
yard.

Refer to Section 607.

1. Shall be limited to bulk storage of mulch, pine straw,
soil and landscape materials (such as plants,
landscape timbers, stone, brick, etc....).
2. Except for live trees, no materials shall exceed six
feet in height and shall not be visible from adjacent
property or Right-of-Way.
3. Total area used for storage shall not exceed 1,000

Principal Uses	AF	RS150, RS175, RS200	RS100	CSD	RM	MH	OI	HSB	BG	LM	HM1	HM2
Outdoor storage yard, except junkyard or salvage operation.											A-R	A-R
<u>Package Store</u>									SU-R			
Paper or pulp mill.												SU
Park and other similar public and semi-public building and land use.	A											
Parking lot and garage.							A	A	A	A	A	A
Pawn Shop									SU			
Pest control or extermination business.										A	A	A
Petroleum refinery or processing plant.												SU
Pharmacy.								A	A	A	A	A
Photo processing plant.										A	A	A
Photography shop and studio.								A	A	A	A	A
Plant nursery (wholesale or retail).										A	A	A
Plant nursery providing lawn and garden supplies and plants.								A	A			
Plastics extrusion plant.										A	A	A
Plumbing equipment dealer.										A	A	A
Plumbing, electrical, pool and home building supply showroom and sales center (provided there is no outdoor storage associated with the use).									A			
Printing, bookbinding, publishing plant.										A	A	A
Psychic reading, fortune telling, astrology, phrenology, palmistry, clairvoyance or related commercial practice.									A			
Public building, office, land use and facility.							A	A	A	A	A	A
Quarry.												SU-R
Radio and television repair shop.								A	A			
Radio or television station and transmitter.										A	A	A
Radio, recording or television studio, broadcasting station and facility.										A		
Railroad repair and storage yard.												A
Railroad sidings, maintenance and terminal facility.										SU	SU	A
Recording or rehearsal studio.										A	A	A
Recovered material processing, recycling station.									A		A-R	A-R
Recreation facility (indoor, such as bowling alleys, skating rinks, shooting ranges and movie theaters).										A	A	A
Recreation facility, indoor training center (E.g. gymnastics schools, baseball academies).										A	A	A
Recreation facility, outdoor (e.g. miniature golf, driving range, water slides, drive in theater).								SU	SU			
Recreational facility, public and semipublic such as parks, country clubs and community centers.							A					
Rental, moving trucks and vans (E.g. Ryder and U-Haul).											A-R	A-R
Rental, passenger vehicles (Cars, trucks and vans).											A	A
Research and testing facility.							A	A	A			
Restaurant.								A	A			
<u>Restaurant with drive-up or drive-through service</u>								A-R	A-R			
Retail business and service stores except food store.								A	A			
Retail sales showroom and warehouse store.										A	A	A
Retail shopping center over 50,000 square feet gross floor area.										A	A	A
Retirement community (To include nursing home, cafeteria, care facilities and accessory uses).					A		SU					
Rubber tire retreading plant.												A
Salvage operation or junk yard.												SU-R
School, Business college or business school operated as a business enterprise.									A			
School, Educational facility, trade or vocational school.										A	A	A
School, Educational institution offering general education courses, private.	SU	SU	SU		A		A			SU	SU	
Scrap tire processing plant.												SU
Shelter, commercial.												
Shelter, residential and community.					SU		SU	SU		A	A	A
Shoe store and shoe repair shop.								A	A			
Shopping center, including food store.								SU	A			
Single family dwelling.	A	A	A	A	A							
Single family residential subdivision.		A	A	A	A							
Small appliance repair shop.								A	A			

A = Allowed by right. A-R = Allowed with restrictions. SU = Special use permit required. SU-R = Special use permit required and subject to restrictions. T-R = Temporary Use and subject to restrictions.

Accessory Uses	AF	RS150, RS175, RS200	RS100	CSD	RM	MH	OI	HSB	BG	LM	HM1	HM2
Accessory building / use, customary residential.	A-R ⁽¹⁾	A-R ⁽¹⁾	A-R ⁽¹⁾	A-R ⁽¹⁾	A-R ⁽¹⁾	A-R ⁽¹⁾						
Beauty parlor or barber shop.	SU	SU	SU	SU	SU							
Bulk storage tanks, Accessory (Diesel or Bio-diesel).										A-R	A-R	A-R
Bulk storage tanks, Accessory (Liquefied Petroleum Gas)	A-R	A-R					A-R	A-R	A-R	A-R	A-R	A-R
Café, Accessory							A-R	A	A	A	A	A
Caretaker or watchman quarters.								SU		A	A	A
Convenience retail business.							A-R			A	A	A
Child care facility located in a church.		SU-R	SU-R		SU-R							
Child care facility.			SU-R	A-R	A-R							
Compressed Natural Gas Refueling Appliance	A-R	A-R	A-R	A-R	A-R	A-R	A-R	A-R	A-R	A-R	A-R	A-R
<u>Drive-up or Drive-Through Services (Retail or Restaurant)</u>								<u>A-R</u>	<u>A-R</u>			
Fireworks sales event, Temporary Outdoor.								A-R				
Fuel pumps.											A-R	A-R
Home occupations, customary.	A-R ⁽²⁾	A-R ⁽²⁾	A-R ⁽²⁾	A-R ⁽²⁾	A-R ⁽²⁾	A-R ⁽²⁾						
Household pets, raising and keeping.	A	A	A	A	A							
Laundrette.						A						
Maintenance shop (fleet vehicles).										A	A	A
Office associated with wholesaling and warehousing.										A	A	A
Outdoor storage associated with garden supply center, plant nursery and greenhouse.								SU-R	A-R			
Parking lot.	A	A	A	A	A	A	A	A	A	A	A	A
Parking structure.					A		A	A	A	A	A	A
Pharmacy associated with a medical use.							A	A	A	A	A	A
Recreational facility, residential neighborhood.		A-R	A-R	A-R	A-R							
Residential or community shelter associated with a church.	SU	SU	SU		SU							
Retail shop associated with a bakery.										A	A	A
Sales event, Temporary Outdoor								T-R	T-R			
Service facilities associated with automotive sales lots (new or used).									SU		A	A
Notes:												
(1) Refer to Table 4.3 for restrictions.												
(2) Refer to Section 607 for restrictions.												