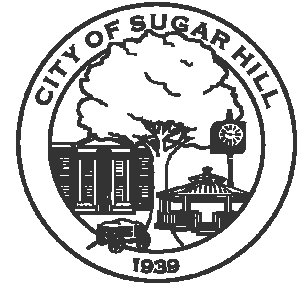


DATE: October 12, 2018
TO: Planning Commission
FROM: Planning Director *KA*
SUBJECT: Zoning Ordinance Amendment
CBD Overlay Boundary and other text amendments.



SUGGESTED ACTION

RECOMMEND approval of the ordinance amendments as discussed.

ISSUE

360 Residential LLC, the applicant, has requested consideration of expanding the central business district (CBD) overlay zoning district boundary concurrently with their application for a proposed multi-family and attached residential development (rezoning case number RZ 18-007).

Planning staff has identified several additional sections of the zoning ordinance requiring modification and presented those changes simultaneously with the proposed CBD boundary adjustments.

DISCUSSION

- Our downtown master plan shows a small portion of the property within the five-minute walking area and a portion within the 10-minute walking area.
- The land uses proposed under RZ 18-007 are consistent with the desired development typologies.
- The CBD overlay use provisions and design standards were purposely put in place to provide for compact, walkable, pedestrian oriented development.
- Applicant's recently amended conceptual site plan includes a proposed pedestrian connection from Roosevelt Circle in an effort to address the overlay's maximum block length.
- The additional pedestrian connection brings the edge of the CBD on the south west side of the project entirely within the 10-minute walk area.
- As such, staff recommends expanding the CBD boundary to include the entire subject property of rezoning case RZ 18-007.
- Other amendments have been proposed. See attached.

ATTACHMENTS

ZOA Article 4, Table 4.1, Permitted Uses. ordinance markup.

ZOA Article 10 (various sections) ordinance markup.

Additions have been shown in double underline text.

~~Deletions have been shown in stricken text~~

A=Allowed by right
A-R=Allowed with restrictions

SU=Special use permit required
SU-R=Special use permit required and subject to restrictions

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T-R=Temporary use and subject to restrictions

Principal Uses	AF	RS150, RS175, RS200 RS100	RS72	RM	MH	OI	HSB	BG	LM	HM1	HM2
Adult entertainment establishment.										A-R	A-R
Agricultural building, customary.	A-R										
Agricultural use, customary.	A-R										
Agriculture and horticulture except the raising of livestock.								A	A	A	
Aircraft factory.										A	
Alcoholic beverage plant or distillery.										A	
Appliance repair shop.							A	A	A	A	
Art gallery.						A	A	A	A	A	
<u>Art shop.</u>							<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
Asphalt plant.										SU	
Assembly plant (durable goods).										A	
Assembly plant (non-durable goods).								A	A	A	
Automatic teller machine (freestanding).						SU		A	A	A	
Automobile body repair shops.									A	A	
Automobile inspection services.						SU	SU	A	A	A	
Automobile repair shops or tire stores.									A	A	
Automobile sales lots (new or used).						SU	SU				
Automobile service station.									A	A	
Baking plants.								A	A	A	
Banks and other financial institutions.						A	A	A	A	A	
Barber and beauty shops.		SU	SU	A			A	A			
Boarding and rooming houses.				SU				A			
Body art establishment.							SU-R				
Book or stationery stores.						A	A				
Brew pub.							A-R	A-R	A-R	A-R	
Building material sales with outdoor storage.						SU-R	SU-R	A	A	A	
Building material yard including milling operations.									A	A	
Building supply, indoor retail store.							A				
Bulk storage tanks (argon, carbon dioxide, helium and nitrogen).									SU-R	SU-R	
Bulk storage tanks (including natural gas or fuel storage).										SU-R	
Bulk storage tanks (oxidizer gases).									SU-R	SU-R	
Cabinet shops and furniture manufacturing.								A	A	A	
Car wash.							SU-R	SU-R	A-R	A-R	A-R

Table 4.1 - Permitted Uses

A=Allowed by right
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SU=Special use permit required
SU-R=Special use permit required and subject to restrictions

TU=Temporary use permit required
T-R=Temporary use and subject to restrictions

Principal Uses	AF	RS150, RS175, RS200	RS100	RS72	RM	MH	OI	HSB	BG	LM	HM1	HM2
Cattery.	A-R											
Cemetery.	SU-R										A	
Charitable or non-profit event.	T-R						T-R	T-R	T-R	T-R	T-R	T-R
Check cashing service.								SU	SU			
Chemical plant.											A	
Child care facility.					A-R	A-R	SU-R	A-R	A-R	A-R	A-R	A-R
Christmas tree sales.	T-R							T-R	T-R	T-R	T-R	T-R
Church, temple and synagogue, restricted.	A-R	A-R	A-R		A-R	A-R						
Church, temple and synagogue, unrestricted.	SU	SU	SU		SU	SU	A	A	A	A	A	A
Cold Storage Plant or commercial cold storage.										SU	A	A
Composting facility, wood chipping and shredding and yard trimmings.											SU-R	A-R
Concrete or masonry plant.												A
Contractor office (e.g. building, construction, HVAC, electrical, etc).									A	A	A	A
Convenience retail store (with or without fuel pumps).								A	SU-R			
Crematorium.												A-R
Cultural facility.							A	A	A			
Dance studio.								A	A	A	A	A
Department store.									A			
Depot or passenger terminal (bus, rail).										A	A	A
Distribution center.										A	A	A
Dwelling, Attached (townhouse).				A-R	A-R							
Dwelling, Multiple (apartment house and condominium).				SU-R	A-R							
Dwelling, Single-Family.	A	A	A	A-R	A-R	A-R						
Dwelling, Two-Family (Duplex).				A-R	A-R							
Dye casting works.												A
Electronic sales and service.								A	A			
Equipment rental, indoor sales and service (Home and Garden).										A	A	A
Equipment rental, sales and service (Commercial & Industrial).											A-R	A-R
Explosives, plant or storage.												SU
Event facility.	SU-R	SU-R						SU	SU	SU	SU	SU
Farmers' market or fruit and vegetable stand.	A-R											

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Principal Uses	AF	RS150, RS175, RS200 RS100	RS72	RM	MH	OI	HSB	BG	LM	HM1	HM2
Feed processing facility.										A	
Fertilizer plant.										A	
Fishing club.	A										
Fireworks sales.						SU-R					
Fitness center, health club.							A	A	A	A	
Florist.						A	A				
Foster home.			A								
Fruit and vegetable stand.						T-R	T-R				
Funeral home.										A	
Fur farm.	A-R										
Furniture rental or sales establishments.						A	A				
Garden supply center and greenhouse.						A	A	A	A	A	
Gift shop.						A	A				
Golf course & golf driving range (except mini golf).	A										
Grocery store, food store.						SU	A				
Group and congregate personal care home.						SU	A	A			
Group day care home.	SU	SU									
Growler Shop.						A-R	A-R	A-R	A-R	A-R	
Half-way house.			A								
Hardware store.						A	A	A	A	A	
Hobby shop.						A	A				
Hospital, clinic, convalescent home.								A	A	A	
Hotel, motel.						SU	A	A	A	A	A
HVAC equipment dealer.								A	A	A	
Ice cream shop.						A	A				
Ice manufacturing or packing plant.								A	A	A	
Industrialized home. (Refer to "Mobile home" in Section 405.)				A-R							
Institutional house for the handicapped.			A								
Interior decorating shop.						A	A				
Jewelry store.						A	A				
Kennel.	A-R							A	A	A	
Laboratory, medical or dental.								A	A	A	
Laboratory, research and testing.								A	A	A	

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Principal Uses	AF	RS150, RS175, RS200, RS100	RS72	RM	MH	OI	HSB	BG	LM	HM1	HM2
Landfill.										SU-R	
Lodge, dormitory, fraternal and social organization with housing.				A-R							
Lodge, fraternal and social organization, no housing.						A	A	A	A	A	A
Machine shop.									A	A	A
Manufactured home. (Refer to "Mobile home" in Section 405.)					A-R						
Manufacturing, outdoor.										A	
Massage establishment.						SU	SU				
Mausoleum.										A	
Meat processing or packaging except slaughtering, poultry killing, packing and dressing.									A	A	
Metal smelting, forging works.										A	
Microbrewery.							SU-R	A-R	A-R	A-R	
Mini-warehouse, personal storage warehouse.						SU	SU	A	A	A	
Mobile building.						A-R	A-R	A-R	A-R	A-R	
Mobile home.					A-R						
Mobile home park.					A-R						
Mobile home or mobile building leasing or sales (new and used).									A	A	
Mortuary.										A	
Movie studio.								A	A	A	
Museum.					A	A	A	A	A	A	
Music store.						A	A				
Music studio.						A	A				
Newspaper and printing facility.							A	A	A	A	
Nursing and convalescent home.						A	A	A			
Office, professional or business.						A	A	A	A	A	
Orphanage.				A							
Outdoor storage yard, except junkyard or salvage operation.									A-R	A-R	
Paper or pulp mill.										SU	
Park and other similar public and semi-public building and land use.	A	A	A	A	A	A	A	A	A	A	A
Parking lot and garage.						SU	SU	SU	SU	SU	
Pawn Shop.							SU				
Pest control or extermination business.								A	A	A	

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Principal Uses	AF	RS150, RS175, RS200	RS100	RS72	RM	MH	OI	HSB	BG	LM	HM1	HM2
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			
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	A	A
Recovered material processing, recycling station.											A-R	A-R
Recreation facility, indoor.							SU	SU	A	A	A	A
Recreation facility, outdoor (e.g. miniature golf, driving range, water slides, drive in theater).							SU	SU	SU			
Rental, moving trucks and vans (E.g. Ryder and U-Haul).											A-R	A-R
Rental, passenger vehicles (Cars, trucks and vans).								SU	SU		A	A
Research and testing facility.							A	A	A			
Restaurant.								A	A			
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	A	A

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Principal Uses	AF	RS150, RS175, RS200 RS100	RS72	RM	MH	OI	HSB	BG	LM	HM1	HM2
Retirement community (To include nursing home, cafeteria, care facilities and accessory uses).				A		SU	SU	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	SU	SU	A	A	A
School, Educational facility, trade or vocational school.						A	SU	SU	A	A	A
Scrap tire processing plant.										SU	
Shelter, commercial.								SU-R			
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			
Small appliance repair shop.							A	A	A	A	A
Soft drink bottling and distribution plant.									A	A	
Spa establishment.							SU	SU			
Solid waste transfer station.										SU	
Stadium, concert hall, amphitheater. (County Board of Education Schools excepted)									SU	A	
Sugar refinery.										A	
Tannery, leather processing.										A	
Taxi or limousine service.								A	A	A	A
Telephone exchange building.									A	A	A
Theater and other place of entertainment and amusement enclosed in a building.							A	A			
Title pawn sales.								SU			
Transportation terminal for freight.									SU		
Transportation terminal for passengers.								A			
Truck and bus sales, leasing, repair (heavy truck/tractor trailer).									A	A	
Truck terminal.									A	A	
Upholstery shop.									A	A	A
Utility office.							A	A			

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Principal Uses	AF	RS150, RS175, RS200 RS100	RS72	RM	MH	OI	HSB	BG	LM	HM1	HM2	
Utility station including water and wastewater treatment facility, building and grounds for storage of vehicles, equipment, and materials.									A	A	A	
Utility structure.	A-R	A-R	A-R		A-R	A-R	A-R	A-R				
Veterinary clinic, restricted.								A-R				
Veterinary clinic, office, hospital, and laboratory.						SU			A	A	A	
Vetrinary clinic or hospital, agricultural.	SU-R											
Waste incineration facility.											SU	
Weather service station.									A	A	A	
Wholesaling and warehousing.									A	A	A	
Wild animals, raising and keeping.	A-R											
Wine Bar.								A-R	A-R	A-R	A-R	

Table 4.1 - Permitted Uses

those features and topography.

G. 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.

H. 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.

Section 1001. TOWN CENTER OVERLAY DISTRICT

The following provisions shall apply to all property inside the Town Center Overlay District (TCO) as delineated on the Town Center Overlay District Boundary Map, which is attached as Exhibit 1 and incorporated by reference.

The TCO is an overlay zoning district. The land use regulations applicable to the underlying zoning remain in full force and effect except where superseded herein. When there is a provision not expressed in the underlying zone, or where a provision hereof is in conflict with the underlying zone, the provision of the overlay district shall govern.

A. Purpose and Intent

In preparing a Town Center Master Plan under the Atlanta Regional Commission (ARC) Livable Centers Initiative (LCI) program, the City surveyed its constituents and found that the people of Sugar Hill have widely shared values related to protection of the visual environment and enhancement of the pedestrian experience Downtown. Those surveys revealed the community's collective affinity for traditional

architecture consistent with late 19th century to early 20th century American styles and the original small town feel of business districts from that era. These regulations are therefore based on the visual sensibilities of the average person in the community as well as widely accepted standards for ensuring a universally positive experience for Downtown Sugar Hill visitors, residents and businesses.

Attractive and integrated architectural and urban design features tend to improve an area's image, raise overall property values, attract new businesses and residents, as well as enhance the quality of life. Furthermore, visual harm to a widespread pattern of community preference as well as damage to the economic, architectural and social infrastructure of the City can occur without the imposition of the provisions of this Ordinance, which places limitations on or prohibits altogether certain uses, structures, and practices that would be out of harmony or incongruent with the distinctive character or visual features of the surrounding area.

In order to establish a regulatory framework that addresses these issues this section establishes an overlay zoning district for Sugar Hill that sets up design standards and a design review process for any new construction or material change in exterior appearance to existing structures within the TCO.

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. Maximum Building Height. Maximum building height shall be 4 stories with a maximum of 50 feet.
2. Mixed Use. Mixed uses are encouraged within the TCO. Refer to Section 1003 Mixed Use Developments.

~~3. Special Uses. A special use permit may be granted by the City Council for a non-conforming use due to its existence at the time of the adoption of the Town Center Overlay District in 2008. In order to qualify for a special use permit, the property must abut Georgia Highway 20, a portion of the property must have been acquired as right-of-way for the widening of Georgia Highway 20, and the use on the property must have been in continuous operation since the adoption of the Town Center Overlay District. In addition to the consideration set forth in Article 17 of this Zoning Ordinance, in considering an application for a special use permit under this section, the Council shall consider the following:~~

- ~~a. the appropriateness of the continuation of the use based on the development of surrounding properties;~~

- ~~b. any benefits or harms to the surrounding properties and the Town Center Overlay District as a result of the continuation of the existing business and use;~~
- ~~c. whether and how the continued use of the property was negatively affected by the widening of Georgia Highway 20; and~~
- ~~d. whether appropriate conditions will allow a continuation or expansion of the use that is consistent with the intent of the Town Center Overlay District.~~

~~The Council shall have the right to place any conditions upon approval of a special use permit that it deems necessary and appropriate to carry out the intent of this Ordinance.~~

4. Special Uses along Principal Arterial Corridors. Georgia Highway 20 (Hwy 20) and Peachtree Industrial Boulevard (PIB) intersect each other near the western edge of the TCO. While these regionally important arterial roadways create significant challenges for development within the TCO 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 1001.D.4 shall only be allowed if 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 1,320 feet of a similar use along the same direction of travel and meets the specific conditions associated with each use as shown in table 1001.D.4. 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 TCO as a result of the use; and
 - c. Whether the use is consistent with the intent of the TCO and this section.

Table 1001.D.4 – Special Uses along Principal Arterial Corridors and Associated Conditions

Use:	Conditions:
1. Convenience store, with or without fuel pumps.	<p>Signs are prohibited on fuel pumps, canopy and other accessory structures.</p> <p>Vehicle washing facility is prohibited.</p> <p>Fuel pumps and associated canopy shall be located in the side or rear yard.</p>

	Outdoor display of items for sale are prohibited.
2. Farmer's market.	Outdoor storage is prohibited.
3. Fruit and vegetable stand.	Operation shall be limited to daylight hours on Fridays, Saturdays and Sundays. Outdoor storage is prohibited. Shall only be approved in conjunction with a lawfully approved principal use.
4. Microbrewery.	Outdoor storage is prohibited. Must include a restaurant and/or tasting tap room, as an accessory use.
5. Rental, passenger vehicles.	Vehicles for lease shall be parked in a designated parking stall and shall count toward maximum parking ratio for the general business use category.
6. Restaurant, with drive through service.	Shall incorporate outdoor dining into site design. Provide at least one outdoor seat for every five indoor seats or a minimum of 12 outdoor seats.

E. Design Criteria and Standards.

These design criteria and standards shall be used to evaluate every development, redevelopment, rehabilitation and building project whether new or a material change in exterior appearance on all properties located within the boundary of the TCO.

1. Design Criteria – Architectural Design:

Each individual building or project must contribute to a consistent architectural identity for the TCO by using traditional forms, authentic materials and quality craftsmanship. For illustrative examples of style and detail refer to Appendix A Downtown Sugar Hill Character Preference Guide, attached and incorporated by reference.

Standards:

- i. New construction or any material change in exterior appearance of an existing building shall be compatible in appearance with the detailing of other nearby buildings in window shape, cornice lines, masonry work, building outline, color, scale and similar architectural or external design features.

- ii. Trademarked, branded, franchise, stylized and/or corporate architecture that is standardized or otherwise generic in nature shall not be permitted.
- iii. Nostalgic copies of exterior elevations shall be avoided while achieving the desired traditional feel.
- iv. Each building shall be designed with a similar scale and reconciled to the proportions of nearby buildings.
- v. First floor building elements and facades shall be limited to details that are of a pedestrian scale. Upper floors may incorporate elements of a larger scale for appreciation from the street and moving vehicles. Refer to Appendix B Excerpts from Designing Downtown by the Georgia Department of Community Affairs Office of Downtown Development, attached and incorporated by reference, for guidelines on treatment of the traditional Three-Part Façade.
- vi. Facades shall be varied such that slight recesses and projections create interplay of light and shadow contributing to the dimension and interest of each facade.
- vii. Single use buildings in excess of 50,000 GFA shall be prohibited.

2. Design Criteria - Skyline:

The design and construction of every building must contribute to a desirable skyline when viewed from the street level or at a distance. Variations in rooflines must be created from one building to the next to produce a desirable rhythmic appearance to the skyline.

Standards:

- i) No structure, signage, poles, statuary or similar appendages may protrude beyond the roofline of any building.
- ii) All antennae must be screened from view from any view point from ground level.
- iii) Parapets and entablature must include some architectural detail. Uniform planes created with little detail may not be used in the roofline or upper façade of any building.
- iv) Roof mounted electrical, mechanical and other similar systems or utility/service areas shall be screened and incorporated into the design of the building and/or hidden from public view when viewed from any public space or street level.

3. Design Criteria – Building Materials:

Buildings must be designed and constructed as enduring features of the Downtown built environment using quality materials. Building exteriors should be designed to require little

maintenance and to achieve a life span greater than 80 years. Architectural elements within the streetscape should be characterized by a higher level of detail than materials above the first floor.

Standards:

- i) Allowed building materials for non-residential and mixed-use buildings shall be brick, stone, glass, high grade architectural metal panels, high grade fiber cement siding (up to 30% of any facade) and high grade EIFS for cornice only (up to 10% of any facade) or similar products approved by the Design Review Board.
- ii) Roofs shall be non-reflective concrete or clay tiles, asphalt shingles, thick textured composition shingles or factory finished standing seam metal panels. Appendix A provides the approved color palette.
- iii) Stamped concrete imitating masonry or other similar treatment shall be prohibited.
- iv) Materials such as tile, stone, copper flashing, metal and wood may be considered for accent materials to make up no more than 10% of any facade.

~~v) Building colors shall be limited to the approved color palette found in Appendix A.~~

~~vi)v)~~ The following materials are prohibited on the finished exterior of all buildings: exposed plywood, particle board, unfinished foundation walls, ~~glass curtain walls, highly reflective materials,~~ concrete masonry units, ~~metal siding,~~ vinyl siding, fiberglass siding, plastic siding and faux ~~brick~~masonry.

~~vii)vi)~~ All exterior elevations on residential buildings shall be finished with brick, stone, fiber cement siding or similar product as approved by the Design Review Board.

4. Design Criteria - Signage:

Signage must be compatible in style, composition, material, color and detail of the buildings they serve.

Standards:

- i) Signs must not block or alter architectural elements of the building on which they are mounted as well as neighboring buildings.
- ii) Window signage must not cover more than 30% of the glazed area of the window. For the purposes of this section, a window sign shall be defined as a wall sign placed within a window.
- iii) Signage projecting from the building must be no greater than 15 square feet. Signs may project horizontally from the building to a maximum of four feet (4'). No sign shall project beyond the curb line of the public street, alley or other access driveway.

- iv) No sign shall extend higher than the roof line of the building.
- v) The lowest point of any projecting sign may not be closer than 10 feet to the surface of the sidewalk directly beneath the sign.
- vi) Window Signs. Commercial buildings located at the street level shall be allowed to permit up to 16 square feet of sign face area upon the window(s) of any façade facing the street. Each individual business or occupied tenant space (whichever is less) shall be allowed no more than a total aggregate of 16 square feet window sign face area. For the purposes of this section a window sign shall be defined as a wall sign. Such window signs shall be subject to the requirements of Article 13 Signs but shall not be counted toward the maximum sign face area for wall signs. Window signs shall not cover more than 30% of the glazed area of any window.
- vii) Door Signs. Commercial buildings located at the street level shall be allowed to permit up to four (4) square feet of sign face area upon each entry door of the façade facing the street level entrance. Each individual business or occupied tenant space (whichever is less) shall be allowed no more than a total aggregate of eight (8) square feet door sign face area. For the purposes of this section, a door sign shall be defined as a wall sign. Such door sign(s) shall be subject to the requirements of Article 13 Signs but shall not be counted toward the maximum sign face area for wall signs.

F. Design Review and Approval Required

1. Design Review Authority within the TCO

The Mayor and City Council shall act as the Design Review Authority for all design review applications within the TCO.

The Council is authorized to receive, consider, approve, approve with conditions, table, request more information or deny applications for Certificate of Design Review as required by this Ordinance. In granting a design review approval, the Council may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth herein, as may be deemed necessary for the protection of adjacent properties and the public interest.

2. Design Review and Approval Required

Within the TCO, no new construction of any building or land improvement; no material change in exterior appearance of any existing building, structure or activity; nor any other type of development shall be allowed until an application for design review has been approved by the Council in accordance with the provisions of this Ordinance and all other applicable ordinances and regulations.

Building permit or land disturbance permit applications may be filed simultaneously with a design review application; however, no permits shall be issued prior to approval of the design review application by the Council.

3. Application Requirements

All applications for design review approval shall be made as required by the City Manager and shall at minimum contain the following information:

- i) **Elevation Drawings, Color and Material Samples.** Every application or review involving the construction of a new building or structure, alterations, and/or additions to existing structures shall be accompanied by exterior elevation color renderings, drawn to scale and signed by an architect, engineer or other appropriate professional. These shall be submitted in sufficient number of copies as required by the City Manager. Said exterior elevation color renderings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed change(s) to buildings or structures and new construction, as applicable. Each application shall also indicate proposed materials, textures and colors, and provide samples of materials and colors.
- ii) **Photographs.** All applications shall be accompanied by photographs of all sides of the existing building(s) or structure(s) affected, and of adjoining properties. Photographs shall be submitted in printed copy and in digital form unless otherwise specified by the City Manager.
- iii) **Site Plan and Landscaping Plan.** For every application, a plot plan or site plan, drawn to scale, shall be submitted which shows all improvements affecting appearances, such as walls, walks, terraces, plantings, tree protection areas, accessory buildings, signs, lights, and other elements.
- iv) **Fee.** A fee, as may be established by the Mayor and City Council, shall be submitted for said application.
- v) **Additional Information.** The City Manager may reasonably require any additional information to be submitted with the application.

4. Criteria for Acting on Design Review Applications

In reviewing applications for design review, the Council shall consider the appropriateness of the design of any building or any proposed material change in exterior appearance in the context of the following criteria:

- i) **Consistency with any adopted design guidelines for the type of development, and/or the proposed use.**
- ii) **The nature and character of the surrounding areas, and the consistency and compatibility of the proposed application with such nature and character.**
- iii) **The general design, character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of the structure in question and the relation of such elements to similar features of structures in the immediate surrounding area, site, and landscaping.**
- iv) **As long as the interior arrangement or use will not have any effect on exterior architectural features and complies with the standards herein it will not be considered.**

- v) The following are other grounds for considering a design inappropriate.
- Character foreign to the area.
 - Arresting and spectacular effects.
 - Violent contrasts of material or color, or intense or lurid colors.
 - A multiplicity or incongruity of details resulting in a restless and disturbing appearance.
 - The absence of unity and coherence in composition not in consonance with the density and character of the present structure or surrounding area.

5. Action by the Council

Once a Certificate of Design Review application is determined complete and is accepted by the City Manager, it shall be forwarded to the Council for consideration at its next scheduled meeting. If the City Manager fails to accept or reject an application within 30 calendar days of receipt it shall be deemed accepted and forwarded to the Council for consideration at its next scheduled meeting. The Council may approve the application and direct the City Manager to issue a Certificate of Design Review if it finds that the proposed material change in exterior appearance or development would not have a substantial adverse effect on the aesthetic or architectural significance and value of adjacent and nearby properties, and if the Council finds the application is consistent with the criteria for acting on applications above. The Council may suggest alternative courses of action it thinks proper and conditionally approve the application if the applicant agrees to the conditions, or the Council may deny the application as submitted. In the event the Council rejects an application, it shall state its reason(s) for doing so and the City Manager shall transmit a record of such action and reason(s) for rejection, in writing, to the applicant. The Council may also table the application or request more information. The applicant, if he or she desires, may make modifications to the plan(s) and may resubmit the application.

6. Enforcement and Appeals

Refer to Article 14. Administration, Enforcement, Penalties and Remedies for inspection and enforcement procedures.

Refer to Article 15. Variances and Appeals for procedures and filing requirements. Except applications for design review of a sign which shall follow the procedures and filing requirements for administrative variance.



Exhibit 1

Town Center Overlay Boundary Map

1 inch = 1,000 feet

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. Maximum Building Height. Maximum building height shall be 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.	25-27. Interior decorating shop.
2. Art shop.	26-28. Jewelry store.
2-3. Bakery shop.	27-29. Lodges, fraternal and social organization.
3-4. Bank.	28-30. Movie studio.
4-5. Barber and beauty shop.	29-31. Museum.
5-6. Bed and breakfast inn.	30-32. Music store.
6-7. Bike Shop	31-33. Music studio.
7-8. Book or stationery store.	32-34. Office.
8-9. Cafe.	33-35. Pharmacy.
9-10. Cafeteria.	34-36. Photo studio.
10-11. Church, temple, synagogue or mosque.	35-37. Public and private educational institution offering general education courses, including nursery school and kindergarten. Business college or school operated as a business enterprise.
11-12. Cultural facility.	36-38. Recording / rehearsal studio.
12-13. Dance studio.	37-39. Recreation facility, indoor. (Such as bowling alley, skating rink, shooting range and movie theater.)
13-14. Day care facility.	38-40. Residential or community shelter.
14-15. Financial service/institution.	39-41. Restaurant.
15-16. Fitness center.	40-42. Retail store.
16-17. Florist.	41-43. Retirement community.
17-18. Food store.	42-44. Shoe repair shop.
18-19. Furniture store.	43-45. Shoe store, retail.
19-20. Gift shop.	44-46. Spa.
21. Growler shop.	45-47. Theater.
20-22. Hardware store.	46-48. Trade / vocational school.
21-23. Health club.	
22-24. Hobby shop.	
23-25. Hotel.	
24-26. Ice cream shop.	

47-49. Upholstery shop.

48-50. Vet clinic.

51. Wine bar.

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4. Conditional Uses. The following uses shall be permitted on all properties within the CBD provided the associated conditions are met.

Use:	Conditions:
1. Single Family Residential.	Shall be limited to townhome, row house, or zero lot-line building type. Refer to Appendix A. Minimum density = 4 dwelling units per acre, Maximum density = 12 dwelling units per acre. Density shall be calculated by dividing the number of residential units by the difference in land area of the development in acres devoted to non-residential uses from the total site area. Where total property area = A. Non-residential area = N. Count of residential units = R. Density = R / (N-A).
2. Multi-Family Residential.	Shall be limited to mid-rise, courtyard building type (Refer to Appendix A): Minimum FAR = 1.5 :1, Maximum FAR = 2:1
3. Customary residential accessory structures and uses.	Refer to Section 600. Accessory Uses or Structures for location requirements and conditions.
4. Brew Pub	Subject to all local, state and federal regulations and licensing requirements. No outdoor storage. Shall be limited to restaurants that brew and sell 25% or more of their own beer for on-premise consumption.
5. Growler Shop Microbrewery	Subject to all local, state and federal regulations and licensing requirements. Shall be limited to a business establishment for the sale or refilling of malt beverages, craft beers or hard cider for consumption at a location other than the licensed premises. No outdoor storage. Must include a restaurant or tap room.
6. Wine Bar	Subject to all local, state and federal regulations and licensing requirements. No outdoor storage. A bar or restaurant where wine sales comprise 50% or more of the alcohol sales for on-premise consumption.

5. Special Uses. Each of the following uses shall be allowed only as a special use permit (approved by Mayor and City Council in accordance with the special use requirements in Article 17 of the Zoning Ordinance) on all properties within the CBD and shall supersede or replace the underlying zoning district's special uses entirely.

Use:

1. Boarding house.
2. Dormitory.
3. Event facility.
4. Group or personal care home.
5. Half-way house.

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6. Hospital, clinic, convalescent home.
7. Nursing home.
8. Manufactured home.
9. Orphanage.
10. 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 shall only be allowed if 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
 - c. Whether the use is consistent with the intent of the CBD and this section.

Table 1002.D.7 – Special Uses along Principal Arterial Corridors and Associated Conditions

Use:	Conditions:
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1. Convenience store, with or without fuel pumps.	Signs are prohibited on fuel pumps, canopy and other accessory structures. Vehicle washing facility is prohibited. Fuel pumps and associated canopy shall be located in the side or rear yard. Outdoor display of items for sale are prohibited.
2. Farmer's market.	Outdoor storage is prohibited.
3. Fruit and vegetable stand.	Operation shall be limited to daylight hours on Fridays, Saturdays and Sundays. Outdoor storage is prohibited. Shall only be approved in conjunction with a lawfully approved principal use.
4. Microbrewery.	Outdoor storage is prohibited. Must include a restaurant and/or tasting room as an accessory use.
5.4. Structured parking.	If directly adjacent to the street, at least 80% of the front façade(s) at street level shall include retail, office or restaurant use(s).
6.5. Rental, passenger vehicles.	Vehicles for lease shall be parked in a designated parking stall and shall count toward maximum parking ratio for the general business use category.
7.6. Restaurant, with drive through service.	Shall incorporate outdoor dining into site design. Provide at least one outdoor seat for every five indoor seats or a minimum of 12 outdoor seats.

E. Design Criteria and Standards.

These design criteria and standards shall be used to evaluate every development, redevelopment, rehabilitation and building project whether new or a change in appearance on all properties located within the boundaries of the CBD.

1. Design Criteria – Physical Relationship to Streetscape:

All forms of ground transportation are important to the urban infrastructure of Downtown Sugar Hill and access to all modes to include auto, pedestrian, bus and bicycle should be encouraged. Providing for transportation choices allows our less mobile citizens to get around with dignity and may reduce congestion in and around Downtown.

Standards:

- i) All lots shall share a frontage line with a street or square; lots fronting a square shall be provided rear alley access.
- ii) All buildings adjacent to Alton Tucker Blvd and West Broad St must align with the sidewalk edge and have their principal orientation toward the street except to accommodate features that enhance the pedestrian experience and contribute to the character of the streetscape such as outdoor dining areas, exhibition spaces for art, gathering space for events or lines such as a ticket window, gardens, courtyards or similar recessed features.

- iii) Buildings shall be set back from the right-of-way between zero (0) and twelve (12) feet. Porches, canopies and awnings may extend into the front setback up to six (6) feet but shall not encroach into the right-of-way or within 6' of back of curb. No front loading attached garages shall be permitted. All attached garages shall be side or rear entry. Zero (0) foot side setbacks are allowed for attached residential dwellings and nonresidential buildings. Detached residential dwellings shall be subject to the underlying zoning district's setback requirements.
- iv) New structures shall fit in with the surrounding buildings. Refer to Appendix B for suggested guidelines on siting new buildings.
- v) Large scale single use facilities such as conference spaces, theaters and athletic facilities shall generally occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited. No structure shall exceed 30,000 square feet as a single use.
- vi) Parking structures adjacent to a street shall be oriented with its shortest dimension along the street frontage and shall include facilities for commercial or office space at the ground level for at least 50% of the frontage. A landscaped pedestrian plaza shall make up any remaining frontage.
- vii) All development shall coordinate pedestrian and vehicular circulation patterns with adjacent buildings and sites as well as interconnect with existing adjacent sidewalks. Where development adjoins undeveloped properties, the sidewalk for the new project shall terminate at the property line at a point where the next project can continue the sidewalk along the public right-of-way with little difficulty in vertical or horizontal transition.
- viii) Access connections shall be required where deemed essential to provide circulation or access to important civic uses such as churches, schools, parks, transportation and other critical community facilities.
- ix) Mechanical and electrical equipment, solar collectors, satellite dishes, dumpsters, compactors, storage tanks, utility meters, valves, vents and other similar equipment shall be located to the rear of the building or otherwise concealed from public street view.
- x) Adjacent to public streets and dedicated pedestrian walkways, chain link, razor wire, barbed wire, corrugated metal, plastic, exposed concrete and exposed concrete block walls and fences are prohibited.
- xi) Walls and fences shall have vertical articulation at least every 40 linear feet.

2. Design Criteria – Pedestrian Experience:

Providing a visual connection to the civic uses from the commercial uses inside each building and more private uses on upper floors may increase the level of awareness and self-policing among the users of Downtown Sugar Hill. This additional interaction will contribute to the sense of safety for the pedestrian community, residents and business owners.

Standards:

- i) Building facades longer than 40 feet shall be visually divided into segments of no more than 20 feet through articulation of the façade achieved through methods such as but not limited to architectural recesses, breaks in materials, additional window bays, variation in roof line, and building setback.

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- ii) Streetscape elements such as benches, trash receptacles, fencing and/or bike racks shall match the finish, style, design, material and quality of the approved City of Sugar Hill streetscape elements found in Appendix A, which is attached hereto and incorporated herein by reference. Dining tables and chairs in outdoor seating areas shall be maintained clean and in good condition so as to present a neat and orderly appearance. All metal and wood furniture shall be finished to preserve their natural color or match colors from the exterior color palettes shown in Appendix A. Wood furniture may be stained to preserve their natural texture and color. All other furniture shall match the exterior color palettes shown in Appendix A.
- iii) A lighting plan for the site including standard data and design details showing location, character and light coverage shall be approved by the City Manager. Proposed lighting appurtenances must be visually compatible with the approved City of Sugar Hill street lights found in Appendix A.
- iv) A minimum of 50% of the street facing facades on the ground level shall be transparent through windows and doors.
- v) A minimum of 40% of all facades on the upper floors shall contain windows or balconies.
- vi) Reflective or glass tinted more than 30% is not permitted. No glass may be more than 30% opaque.
- vii) Awnings, canopies or overhangs shall be integrated into the building design for all pedestrian ways.
- viii) Awnings or similar type structures must be constructed of durable, protective and water repellant materials. Plastic or fiberglass awnings are not permitted.
- ix) Awnings must project a minimum of 42" from the building and are limited to segments of eight feet (8') in length.
- x) Awnings may serve as sign panels for businesses provided the total sign area on the awning is included in the calculations for the wall signs on the associated façade.
- xi) Discharge of water along the surface of a walkway is prohibited. e.g. storm water from gutters, condensate from air conditioning units, etc.
- xii) All new or relocated utilities shall be placed underground.
- xiii) Dumpsters shall be screened on all sides by a minimum six-foot high brick or stone wall with access via an opaque metal gate (chain link gates are not permitted).
- xiv) Service and loading areas shall be located to restrict visibility from and otherwise conflict with public streets, sidewalks and neighboring uses.

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- xv) Sidewalk displays related to a licensed business shall only be permitted directly in front of the subject business location and shall not project into the sidewalk more than three (3) feet and shall not otherwise obstruct pedestrian or ADA accessible travel ways.

- xvi) Maximum block length = 500'.

3. Design Criteria – Vehicular and Pedestrian Access:

Vehicular access and parking should be adequate while serving to enhance the overall pedestrian experience. Size and location of off street parking lots should be small and limited to the rear of the businesses they serve.

Standards:

- i) Sidewalks are required on all streets except for alleys.

- ii) Sidewalks adjacent to Alton Tucker Boulevard and West Broad Street shall be 15 feet in width.

- iii) All other sidewalks shall be at least six (6) feet wide.

- iv) A combination of off-street, on-street (10% Max.) and shared parking (10% Max.) may be used for off-street parking requirements as long as no required parking space is more than 700 feet from an entrance to the building, unit, suite and/or space it serves.

- v) Except parking structures, no off street parking areas shall abut the street and/or sidewalk.

- vi) All development shall accommodate ADA accessible, safe and continuous pedestrian walkways to and through parking areas.

- vii) 25' minimum width inter-parcel access easements are required along the rear portion of each property to accommodate 24' minimum width inter-parcel driveway for two-way traffic.

- viii) Front and rear entrances for the public shall be provided for each building.

- ix) Garages, carports and/or parking areas that serve residential uses must be located in a rear yard.

4. Design Criteria - Signage:

Signage must be compatible in style, composition, material, color and detail of the buildings they serve.

Standards:

- i) Signs must not block or alter architectural elements of the building on which they are mounted as well as neighboring buildings.

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- ii) Signage projecting from the building must be no greater than 15 square feet. Signs may project horizontally from the building to a maximum of four feet (4'). No sign shall project beyond the curb line of the public street, alley or other access driveway.
- iii) No sign shall extend higher than the roof line of the building.
- iv) The lowest point of any projecting sign may not be closer than 10 feet to the surface of the sidewalk directly beneath the sign.
- v) Window Signs. Commercial buildings located at the street level shall be allowed to permit up to 16 square feet of sign face area upon the window(s) of any façade facing the street. Each individual business or occupied tenant space (whichever is less) shall be allowed no more than a total aggregate of 16 square feet window sign face area. For the purposes of this section a window sign shall be defined as a wall sign. Such window signs shall be subject to the requirements of Article 13 Signs but shall not be counted toward the maximum sign face area for wall signs. Window signs shall not cover more than 30% of the glazed area of any window.
- vi) Door Signs. Commercial buildings located at the street level shall be allowed to permit up to four (4) square feet of sign face area upon each entry door of the façade facing the street level entrance. Each individual business or occupied tenant space (whichever is less) shall be allowed no more than a total aggregate of eight (8) square feet door sign face area. For the purposes of this section, a door sign shall be defined as a wall sign. Such door sign(s) shall be subject to the requirements of Article 13 Signs but shall not be counted toward the maximum sign face area for wall signs.
- vii) Sandwich Boards and Display Boards. For the purposes of this Section a sandwich board is defined as a free standing sign structure, which is not permanently anchored to the ground, consisting of two sign faces set up back to back in a triangle shape. For the purposes of this Section a display board is defined as a wall sign. Commercial buildings located at the street level may display either a sandwich board or display board without the requirement of a permit, subject to Section 1309 Maintenance and Appearance. Such sign must be located within ten (10) feet of the business entrance and shall provide a clear path of at least five (5) feet along the adjacent sidewalk as not to obstruct pedestrian traffic or otherwise create a safety hazard. Maximum dimensions for a sandwich board are 24 inches wide by 42 inches high. Maximum height for a display board shall be 80 inches. No such sign face shall be more than six (6) square feet sign face area. No more than 12 square feet sign face area shall be allowed per business address. Each sign shall clearly and legibly indicate the address to which business it belongs. Such signs may only be displayed during business hours and must be secured indoors while the business is closed.

F. Design Review and Approval Required

1. Design Review Authority within the CBD
The Mayor and City Council shall act as the Design Review Authority for all design review applications with the CBD.
The Council is authorized to receive, consider, approve, approve with conditions, table, request more information or deny applications for Certificate of Design Review as required by this Ordinance. In granting a

design review approval, the Council may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth herein, as may be deemed necessary for the protection of adjacent properties and the public interest.

2. Design Review and Approval Required

Within the CBD, no new construction of any building or land improvement; no material change in exterior appearance of any existing building, structure or activity; nor any other type of development shall be allowed until an application for design review has been approved by the Council in accordance with the provisions of this Ordinance and all other applicable ordinances and regulations.

Building permit or land disturbance permit applications may be filed simultaneously with a design review application; however, no permits shall be issued prior to approval of the design review application by the Council.

3. Application Requirements

All applications for design review approval shall be made as required by the City Manager and shall at minimum contain the following information:

- i) **Elevation Drawings, Color and Material Samples.** Every application or review involving the construction of a new building or structure, alterations, and/or additions to existing structures shall be accompanied by exterior elevation color renderings, drawn to scale and signed by an architect, engineer or other appropriate professional. These shall be submitted in sufficient number of copies as required by the City Manager. Said exterior elevation color renderings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed change(s) to buildings or structures and new construction, as applicable. Each application shall also indicate proposed materials, textures and colors, and provide samples of materials and colors.
- ii) **Photographs.** All applications shall be accompanied by photographs of all sides of the existing building(s) or structure(s) affected, and of adjoining properties. Photographs shall be submitted in printed copy and in digital form unless otherwise specified by the City Manager.
- iii) **Site Plan and Landscaping Plan.** For every application, a plot plan or site plan, drawn to scale, shall be submitted which shows all improvements affecting appearances, such as walls, walks, terraces, plantings, tree protection areas, accessory buildings, signs, lights, and other elements.
- iv) **Fee.** A fee, as may be established by the Mayor and City Council, shall be submitted for said application.
- v) **Additional Information.** The City Manager may reasonably require any additional information to be submitted with the application.

4. Criteria for Acting on Design Review Applications

In reviewing applications for design review, the Council shall consider the appropriateness of the design of any building or any proposed material change in exterior appearance in the context of the following criteria:

- i) **Consistency with any adopted design guidelines for the type of development, and/or the proposed use.**
- ii) **The nature and character of the surrounding areas, and the consistency and compatibility of the proposed application with such nature and character.**
- iii) **The general design, character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of the structure in question and the relation of such elements to similar features of structures in the immediate surrounding area, site, and landscaping.**
- iv) **As long as the interior arrangement or use will not have any effect on exterior architectural features and complies with the standards herein it will not be considered.**
- v) **The following are other grounds for considering a design inappropriate.**

- Character foreign to the area.
- Arresting and spectacular effects.
- Violent contrasts of material or color, or intense or lurid colors.
- A multiplicity or incongruity of details resulting in a restless and disturbing appearance.
- The absence of unity and coherence in composition not in consonance with the density and character of the present structure or surrounding area.

5. Action by the Council

Once a Certificate of Design Review application is determined complete and is accepted by the City Manager, it shall be forwarded to the Council for consideration at its next scheduled meeting. If the City Manager fails to accept or reject an application within 30 calendar days of receipt it shall be deemed accepted and forwarded to the Council for consideration at its next scheduled meeting. The Council may approve the application and direct the City Manager to issue a Certificate of Design Review if it finds that the proposed material change in exterior appearance or development would not have a substantial adverse effect on the aesthetic or architectural significance and value of adjacent and nearby properties, and if the Council finds the application is consistent with the criteria for acting on applications above. The Council may suggest alternative courses of action it thinks proper and conditionally approve the application if the applicant agrees to the conditions, or the Council may deny the application as submitted. In the event the Council rejects an application, it shall state its reason(s) for doing so and the City Manager shall transmit a record of such action and reason(s) for rejection, in writing, to the applicant. The Council may also table the application or request more information. The applicant, if he or she desires, may make modifications to the plan(s) and may resubmit the application.

6. Enforcement and Appeals

Refer to Article 14. Administration, Enforcement, Penalties and Remedies for inspection and enforcement procedures.

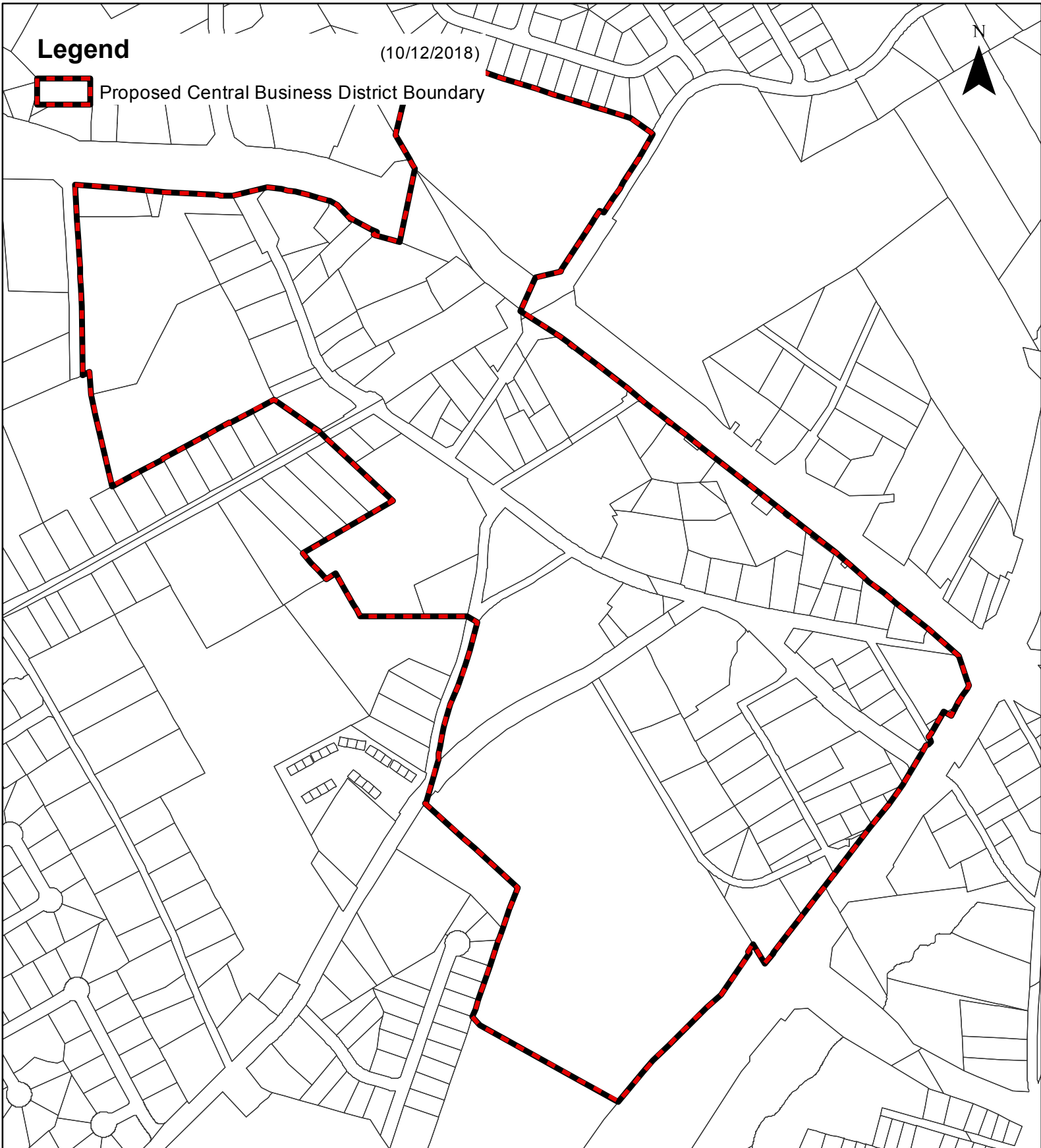
Refer to Article 15. Variances and Appeals for procedures and filing requirements. Except applications for design review of a sign which shall follow the procedures and filing requirements for administrative variance.

Legend



Proposed Central Business District Boundary

(10/12/2018)



DRAFT 10-12-2018

1 inch = 500 feet