

Passed:

2019

AN ORDINANCE

No. 2018-25

AN ORDINANCE TO AMEND ARTICLE 9-8 OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA, ENTITLED "OVERLAY ZONES" BY RETITLING SECTION 9-8-7-6 FROM "PERMITTED USES" TO "PROHIBITED AND PERMITTED USES;" BY AMENDING SECTION 9-8-7-6 TO PROHIBIT AND PERMIT SPECIFIC USES; BY AMENDING SECTION 9-8-7-7 ENTITLED "PROPERTY DESIGN STANDARDS" TO ADD SUBSECTION (e); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF GAINESVILLE, GEORGIA, AS FOLLOWS:

SECTION I.

Section 9-8-7-6 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby retitled "Prohibited and Permitted Uses."

SECTION II.

Section 9-8-7-6 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby amended to read as follows:

Section 9-8-7-6. Prohibited and Permitted Uses.

All uses permitted by right or as Special Uses within the underlying zoning district shall be similarly permitted within the Midtown overlay zone, except the following uses shall not be permitted on any property within the Midtown overlay zone:

- Automated or non-automated car washes.
- Coin-laundry facilities.
- Dollar-type stores or thrift stores.
- Community donation boxes.
- Gas stations.
- Group homes, homeless shelters, rooming house or crisis centers.
- Industrial uses causing the emission of noise, vibration, smoke, dust, gas, fumes and odors.
- Industrial uses with outdoor storage.
- Jail/correctional facility.
- Kennels.
- Liquor stores.
- Marine sales or repair stores.
- Massage parlors.
- Mini-warehouses including climate controlled self-service storage facilities.
- Motels or extended stay lodging.
- Motor vehicle sales or service.
- Pawn shops.

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Psychics, fortune tellers, clairvoyants and the like.
Salvage yard.
Sanitation uses including the storage of trash cans, dumpsters and porta potties.
Sawmill.
Sexually-oriented adult uses.
Tattoo parlors.
Taxi-cab or limousine services.
Tobacco or vaping stores.
Truck stops.
Vehicle emission testing facility.
Veterinarian or animal hospitals with outdoor kennels.
Wireless telecommunication facility or cell towers excluding co-location.
Wrecked motor vehicle compound.

In addition, loft dwellings, single-family homes, condominiums and townhouses shall be permitted by right in any non-residential district in the overlay zone.

SECTION III.

Section 9-8-7-7 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby amended to read as follows:

Section 9-8-7-7. Property Design Standards.

- (a) Minimum Open Space: 15 percent of gross acreage of tract that is 2 acres or larger before subdivision. Buffers can be included in the open space up to the discretion of the Director.
- (b) Maximum Impervious Cover: 75 percent of parcel; not including portions of the parcel that are in floodplain or wetlands.
- (c) Maximum Building Height: 75 feet.
- (d) Maximum Front Yard Setback: 50 feet.
- (e) Minimum Front Yard Setback: 15 feet.

SECTION IV.

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION V.

If any portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid and unconstitutional.

SECTION VI.

The effective date of this Ordinance shall be upon final approval by the governing body of the City of Gainesville, Georgia.

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C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

**CHAPTER 9-8-7
MIDTOWN OVERLAY ZONE**

Section 9-8-7-1.	Purpose and Intent.
Section 9-8-7-2.	Definitions.
Section 9-8-7-3.	Boundaries and Map.
Section 9-8-7-4.	Effect of Overlay Zone Provisions.
Section 9-8-7-5.	Administrative Variances.
Section 9-8-7-6.	Permitted Uses.
Section 9-8-7-7.	Property Design Standards.
Section 9-8-7-8.	Parking.
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Section 9-8-7-12.	Landscaping.
Section 9-8-7-13.	Streetlights.
Section 9-8-7-14.	Signs.
Section 9-8-7-15.	Underground Utilities.
Section 9-8-7-16.	Street Furniture.
Section 9-8-7-17.	Escrow in Lieu of Improvements.
Section 9-8-7-18.	Architectural Standards.

Section 9-8-7-1. Purpose and Intent.

The purpose of the Midtown Overlay Zone is to protect the health, safety, and general welfare of the public and promote economic prosperity in Gainesville Midtown in a manner consistent with the *Redevelopment Plan – The Renaissance of Midtown Gainesville*, and the City's Comprehensive Plan. The intent of the overlay zone is to set higher standards for the appearance and functionality of the land uses. It is also intended to encourage mixed use development and the creation of more housing, employment, and recreational opportunities in Midtown. Please refer to the *Redevelopment Plan – The Renaissance of Midtown Gainesville* for further information on the redevelopment of Midtown.

Section 9-8-7-2. Definitions.

Mixed-Use Development: Development of a single building or single parcel to contain two or more of the following types of uses: residential, retail/commercial, office, or institutional. Mixed uses may be combined vertically within the same building or placed side by side on the same parcel, provided that they are in close proximity, planned as a unified and complementary whole, and functionally integrated to make use of shared vehicular and pedestrian access and parking areas.

Modulation: The variation in the massing and architectural treatments of a building that divides its roofline and façade into small harmonious components that creates visual interest. Modulations of a façade should break the vertical plane with variations that are at least two feet in depth, measured from the forward plane of the façade, so as to convey the appearance of multiple smaller buildings rather than one large, stand-alone building.

Open Space: Areas that are set aside for common use and protected through a legal instrument approved by the City of Gainesville. The purpose of open space is to provide separation, resource protection, scenic enjoyment, recreation, or amenity to abutting developed

property. Areas designated as open space shall not be included in minimum lot areas required by this ordinance.

Parking, Bicycle: An area in a parking lot or along a sidewalk that is designed and marked for the purpose of securing bicycles in an upright fashion, using a locker or open framework that is permanently attached to the ground and providing secure anchorage for three or more bicycles. Bicycle parking spaces should be in one or more convenient locations within 100 feet of the uses or principal entrances of buildings which they are intended to serve.

Pervious Paving: Materials used to surface parking lots and driveways that are designed to meet the requirements of materials described in Volume 2 – Technical Handbook of the Georgia Stormwater Management Manual (First Edition, August 2001) as the Porous Concrete or Modular Porous Paver Systems under the Limited Application Stormwater Structural Controls.

(1) **Porous concrete:** a mixture of coarse aggregate, portland cement and water that allows for rapid infiltration of water and overlays a stone aggregate reservoir.

(2) **Modular porous paver systems:** A pavement surface composed of structural units with void areas that are filled with pervious materials such as sand or grass turf. Porous pavers are installed over a gravel base course that provides storage as runoff infiltrates through the porous paver system into underlying permeable soils.

Use, Supportive Commercial: A use of land or a building, or portion thereof, other than the principal use that may be located on the same parcel with such principal use in order to provide a convenient source of commercial goods or services for the occupants of the principal use of the land or building. Supportive commercial uses are intended and designed to reduce traffic and the need for occupants of surrounding buildings to make automobile trips for daily needs.

Section 9-8-7-3. Boundaries and Map.

The Midtown Overlay Zone is hereby designated and shall consist of the land areas further delineated and defined on the Midtown Overlay Zone Map, which is hereby incorporated and made a part of this Chapter by reference, and which may be amended from time to time. The Midtown Overlay Zone shall include that area bounded by the Norfolk Southern rail line on the southeast, E. E. Butler Parkway on the northeast, Jesse Jewell Parkway on the northwest, and Queen City Parkway on the southwest. Also included is a 200-foot buffer surrounding the Midtown boundaries, where all of the requirements of this Overlay Zone apply as well.

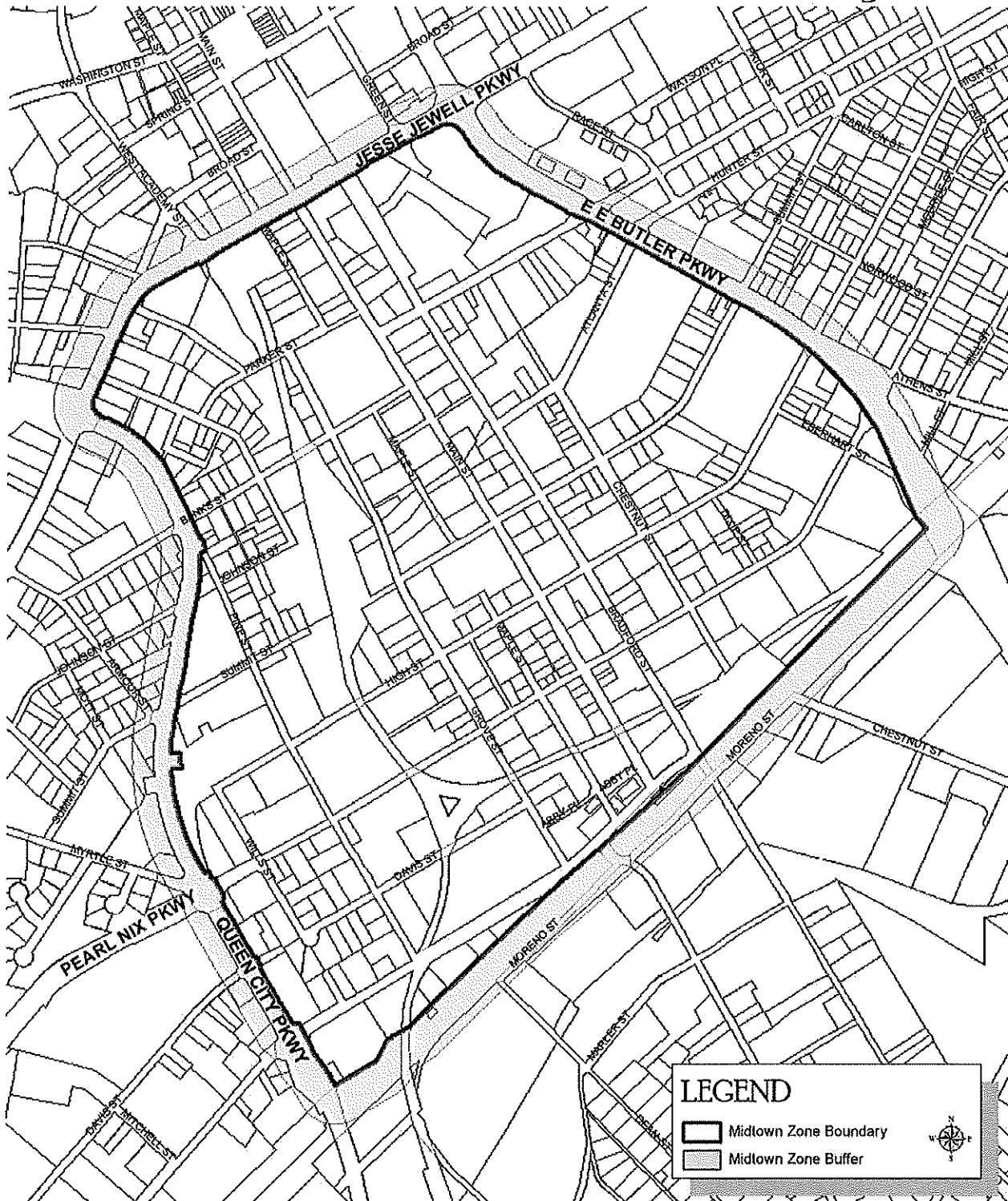
Section 9-8-7-4. Effect of Overlay Zone Provisions.

The Midtown Overlay Zone is supplemental to the zoning district classifications and any locally designated historic landmark or district established in the City of Gainesville Unified Land Development Code. The provisions of this overlay zone apply to all applications for zoning matters, land disturbance permits, plat approval, and building permits for all property and rights-of-way within the boundaries of the Midtown Overlay Zone; except locally designated historic landmarks and districts which must comply with Design Guidelines for that historic landmark and/or district. All plan reviews, plat approval, and permits for parcels located within this overlay zone shall meet all the requirements of the base zoning district in which it is located and, in addition, shall meet the requirements of the overlay zone applicable to the parcel. In any case where the standards and requirements of the overlay zone conflict with those of the base zoning district, the standards and requirements of the overlay zone shall govern.



City of Gainesville

Midtown Overlay Zone



Section 9-8-7-5. Administrative Variances.

Administrative variances are governed by Chapter 9-24-3 of this Unified Land Development Code.

Section 9-8-7-6. Permitted Uses.

All uses permitted by right or as Special Uses by the underlying zoning district shall be similarly permitted under the overlay zone, except sexually-oriented adult uses, mini-warehouses, automotive sales and service, and motor vehicle sales and service shall not be permitted on any property in the overlay zone. In addition, loft dwellings, apartments, and townhouses shall be permitted by right in any non-residential district in the overlay zone.

Supportive Commercial Uses: The following uses may be permitted on the ground floor of buildings in a mixed-use development where the upper floors are occupied by residential or office uses, provided that the development site consists of at least 2 acres and the supportive commercial uses comprise no more than 30 percent of the total gross floor area of the mixed-use development::

1. Apparel Stores.
2. Art Studios and Art Supplies.
3. Barber Shops and Beauty Salons.
4. Book Stores.
5. Clothing Accessories Stores.
6. Convenience Stores (no gasoline sales).
7. Day Care, Child.
8. Day Care, Adult (Non-residential).
9. Drug Stores and Pharmacies.
10. Drinking Places.
11. Fitness and Recreational Sport Centers.
12. Florists.
13. Food and Beverage Stores.
14. Custom Service Restaurants.
15. Gift, Novelty and Souvenir Stores.
16. Hardware Stores.
17. Health and Personal Care Stores.
18. Ice Cream Parlors.
19. Jewelry Stores.
20. Laundromats.
21. News Dealers and Newsstands.
22. Recreation Center and Club, Private.
23. Video /Electronics Rentals.
24. Other similar uses approved by the Director.

Section 9-8-7-7. Property Design Standards.

- (a) Minimum Open Space: 15 percent of gross acreage of tract that is 2 acres or larger before subdivision. Buffers can be included in the open space up to the discretion of the Director.
- (b) Maximum Impervious Cover: 75 percent of parcel; not including portions of the parcel that are in floodplain or wetlands.

- (c) Maximum Building Height: 75 feet.
- (d) Maximum Front Yard Setback: 50 feet.

Section 9-8-7-8. Parking.

- (a) Parking Lots. Off-street parking shall be required per Article 9-17 of this Unified Land Development Code, except as otherwise provided in this Section. Off-street parking to the rear of the main structure is encouraged.
- (b) Maximum parking. Minimum parking requirements in the applicable zoning districts shall be the maximum allowable number of parking spaces constructed on impervious surfaces.
- (c) Surfacing. Alternative pervious surfaces may be approved by the Director.
- (d) Location. No more than 25 percent of the required number of parking spaces shall be located in the required front yard.
- (e) Screening. Where a parking lot is adjacent to a street or public right-of-way, the parking lot shall be screened from the right-of-way by a minimum 3-foot high, dense evergreen hedge or by a masonry wall not less than 3 feet high constructed of materials architecturally compatible with the predominant material of the principal structure. Wall or landscaping must be less than 30 inches in height when located within the sight triangle as required by Article 9-16 this Unified Land Development Code.
- (f) Parking setback. Minimum setback of 10 feet for front parking lot.
- (g) Lighting. Parking lots with more than 50 spaces must be illuminated. Lighting fixtures must use cut-off fixture types that minimize the diffusion of light to other properties.
- (h) Bicycle parking. All uses that are required to provide off-street parking spaces for motorized vehicles shall also provide bicycle parking spaces. Uses that require up to 50 off-street parking spaces for motorized vehicles shall provide at least 2 bicycle spaces, plus a minimum of 1 more bicycle space for each additional 50 parking spaces required for motorized vehicles. The bicycle parking shall be located close to the building entrance.
- (i) Shared parking. The Director may approve a reduction of up to 25 percent in the number of parking spaces required for a specific use where inter-parcel access is provided and a shared parking analysis approved by the Planning Department demonstrates that adequate parking will be provided with the approved reduction.
- (j) On-street parking. The Director may approve credit for on-street parking spaces provided on streets classified as local streets as a means to reduce the off-street parking requirements for a parcel. The number of on-street parking spaces credited for a parcel shall not exceed the number of feet of linear frontage of the parcel along local streets (not including frontage devoted to driveways) divided by the constant 21.

- (k) Distance from entrance. In no case shall on-street parking spaces that are farther than 400 feet from a building entrance be allowed to satisfy off-street parking requirements for a use.

Section 9-8-7-9. Screening.

Parking lots, loading docks, dumpsters, other service areas, and outdoor recreation with outdoor lighting shall be screened from adjacent residential property and public rights-of-way by an opaque landscape buffer at least 10 feet wide or a 5-foot wide opaque landscape buffer outside a minimum 3-foot high solid fence or wall that is architecturally compatible with the existing building.

Section 9-8-7-10. Connectivity.

Within a development that includes more than 5 acres, the following standards apply:

- (a) Streets. No public street may be longer than 600 feet without an intersection with another public street. Cul-de-sacs are prohibited, except where approved by the Director, because of unusual site conditions; such as steep topography, streams, lakes, floodplains, wetlands, or stream crossings, safety hazards or other unusual property development or access constraints.
- (b) Pedestrian Walkways. Continuous pedestrian walkways must be provided to connect building entrances to required sidewalks along street frontage.
- (c) Bike lanes. Bike lanes are required on streets where the posted speed limit is greater than 35 mph.
- (d) Sidewalks. Sidewalks shall be provided with a 5-foot minimum width, located on both sides of streets, and at least 5 feet behind curb.
- (e) Crosswalks. All intersections shall contain crosswalks that connect to sidewalks in all quadrants. Crosswalks shall be demarcated with brick pavers.

Section 9-8-7-11. Street Trees.

- (a) Street trees shall be provided in medians and required landscaped strips adjacent to all streets.
- (b) Street trees shall be a minimum of 2 inches diameter breast height (dbh) at the time of planting, and be warranted by the developer for a period of 2 years.
- (c) Street trees shall be spaced an average of 40 feet apart, groupings of trees are allowed at no closer than 10-foot spacings.
- (d) Spacing of street trees and streetlight standards may be adjusted to account for driveways, utility poles, fire hydrants and other obstructions and to provide adequate visual clearance for intersections, driveways and traffic control devices.
- (e) No street tree or streetlight standard shall be placed within 10 feet of another tree, streetlight standard, utility pole or within 5 feet of a fire hydrant.
- (f) Appropriate street tree species include:

1. Eastern Hornbeam.
 2. American Hornbeam
 3. Southern Sugar Maple.
 4. Willow Oak.
 5. Pin Oak.
 6. Post Oak.
 7. Nutall Oak.
 8. Carolina or Pumpkin Ash.
- (g) Other trees similar to the above and suitable for urban pedestrian environment, upon approval of the Director. Applicants should use native trees where possible.
- (h) No more than 25 (or 25 percent of the total number, whichever is greater) of the trees installed may be of any one genus of the same type.

Section 9-8-7-12. Landscaping.

Medians and landscaped strips shall be planted with grass and a variety of low, hardy shrubbery, small ornamental (non-fruit bearing) trees, large branching shrubs that have the appearance of being a small tree, and flowering plants with mulched beds. Areas of exposed earth shall not be allowed. Landscaping shall be approved by the Director. Maintenance, irrigation and replacement of grass, trees and shrubbery in landscaped strips shall be the responsibility of the property owners or property owners' associations.

Section 9-8-7-13. Streetlights.

Streetlights of a design approved by the Director shall be provided for automobiles on all Boulevards and Collectors. Additional streetlights of a design approved by the Director shall be provided for pedestrians and bicyclists along all public streets and along all multi-use trails. These streetlights shall be a maximum of 15 feet in height with average spacing not to exceed 40 feet apart. These streetlights shall be of a low-level, non spill design directed downward.

Section 9-8-7-14. Signs.

Signs in the Midtown Overlay District shall be as permitted in Article 9-18 of this Code, except that compliance with the following regulations shall be required.

- (a) Prohibited signs. Pole signs are prohibited.
- (b) Materials. Freestanding signs shall be monument-style only. All signs shall be compatible with the architectural design of associated building, including colors and materials; unless the existing building is of metal construction, in which case the signage shall be constructed of wood, brick, stone or masonry units.
- (c) Setback. All signs shall be setback 5 feet from the street right-of-way, unless the front of the building is within the setback, for which then the sign may be attached to the building.
- (d) Size. Maximum sign face area shall be 64 square feet.
- (e) Height. Maximum sign height shall be 10 feet.

Section 9-8-7-15. Street Furniture.

Any street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements must be approved by the Director; shall contain no advertisements or signage; and shall not obstruct or impede pedestrian access or motorist visibility.

Section 9-8-7-16. Underground Utilities.

For all new construction and redevelopment, utilities along public streets including detention ponds must be placed underground. The Director may approve an exception, if subsurface rock or other unique hardships make such installation unfeasible.

Section 9-8-7-17. Escrow in Lieu of Improvements.

At the option of the City, the developer shall pay funds into an escrow account in lieu of making project improvements required in this Chapter. Such escrow account shall be established only for the purpose of coordination of such project improvements with a public improvement project that is part of an approved Capital Improvements Program. The amount of the escrow fund shall be established by the Director based on the projected construction cost of the improvements, based on the most recent edition of Georgia Department of Transportation "Item Means Summary," or other comparable standardized cost estimation procedure.

Section 9-8-7-18. Architectural Standards.

- (a) **Street Orientation.** Principal building entrances shall be oriented to public streets. Garage and loading bay entrances shall be oriented to the rear or side of the building and shall not be visible from the street along the building's frontage.
- (b) **Massing and Modulation.** The massing of building façades oriented to public streets shall incorporate modulation with horizontal breaks at least every 50 feet. Massing and modulation changes could include changes in height, horizontal plane, building projections/recessions, roof form and/or other architectural elements. The Director of Planning and Development shall have the authority to increase the modulation of a structure up to 100 feet if the Director finds that such an increase conforms to the vision of the area as presented in the *Redevelopment Plan – The Renaissance of Midtown Gainesville*.
- (c) **Building Materials.** Building materials for front facades oriented to public streets shall be constructed of brick, stone, textured concrete masonry units, or glass. Front facades of single-family dwellings may be constructed with wood siding or similar material approved by the Director.
- (d) **Prohibited Materials.** Metal siding, vinyl siding, and standard concrete block are prohibited as external finish materials.
- (e) **Pitched Roofs.** Facades oriented to streets shall have pitched roofs. Minimum pitch 3:12.
- (f) **Flat Roofs.** No flat roofs over 500 square feet in area are permitted. Flat roofs must be screened with a parapet or false mansard roof.

- (g) Satellite Dish Antennae. No satellite dishes shall be permitted within view from public streets.
- (h) Lighting. Historically-appropriate period lighting fixtures should be used on historic structures where possible.
- (i) Entrances. Building entrances must be inset from the building facade, or emphasized with a canopy or awning.