

Avondale Estates Zoning Ordinance  
Potential Redline Changes and Section References  
05.17.2021 – PZB Recommendations

**Zoning Ordinance**

- a) Section 3.2.6 – limited the 5-foot fluctuation to the Tudor Village elevation to buildings within 300 feet of MARTA:

<b>Elevation</b>	Maximum	In no case shall any building exceed the elevation of the Tudor Village (1094 feet), provided that a fluctuation of up to five (5) feet <u>is permitted for buildings or portions of buildings within 300 feet of edge of railroad/MARTA rail line.</u>	
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- b) Section 3.2.8. – added bonuses to the provisions of Section 3.2.8 – Streets and Blocks and affiliated updates:

**Applicability.**

- At a minimum, the full construction and dedication requirements of Section 3.2.8.B - Block Requirements and Section 3.2.8.E - Streetscapes apply to all developments in the CBD. As of right standards are applied to developments that comply with the baseline street and block improvements.
- Bonuses are offered to developments that address public safety and operational impacts resulting from additional demand on the existing road network. Bonus standards are predicated on the full dedication and construction of the street grid in accordance with this Section.
- Standards are applied based on Table 3.2.8.A - Development Bonuses.

<u>Table 3.2.8.A - Development Bonuses</u>				
<u>Standard Type</u>	<u>Maximum Height</u>	<u>Maximum Density</u>	<u>Minimum Unit Size (residential)</u>	<u>Air Rights</u>
<u>As of right</u>	<u>3 stories or 36 feet</u>	<u>40 units/acre</u>	<u>1,300 sf</u>	<u>not permitted</u>
<u>Bonus</u>	<u>per Sections 3.2.4, 3.2.5, and 3.2.6</u>	<u>none</u>	<u>none</u>	<u>per Section 3.2.8.G</u>

**Block Requirements.**

- ***Maximum.*** The maximum block perimeter for the CBD is 1,600 feet. The required block length is a maximum of 400 feet or consistent with the adopted ***Downtown Avondale***

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**Estates Street Grid Plan.** Exemptions or departures from these standards pertain to certain blocks based on the **Street Grid Plan**.

- **Divisions.** Block faces shall be divided by either multi-use paths a minimum of ten (10) feet in width or streets defined and referenced herein.
- **Measurement.** Block perimeter shall be measured from the centerline of the existing or proposed facility (street or multi-use path) used to divide the block face.
- **Waiver.** The City Manager may grant a Tier 1 waiver to increase the block perimeter/length by up to 20 percent (20%) when steep slopes, waterways, flood zones, railroads, stream buffers, greenways, open space, or easements would make the block requirements infeasible.

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**Conditions of Improvements.**

- Construction Obligations. All improvements shall be constructed and dedicated to the City by the developer.
- Partial Improvements. Where the subject property is adjacent to an existing or new street that needs to be brought into compliance, the developer shall be responsible for only the improvements from the centerline in toward the subject property. Streets may be constructed as one-way until the adjacent property redevelops.
- Omit from Lot Calculations. Any new or reconstructed streets constructed as a function of this Section shall not count against maximum lot coverage and shall not be included in the lot size for calculating open space dimensions, tree density requirements, or any other standard determined using the area of the lot. In these cases, the area of the road can be completely omitted from the lot area calculation (i.e.: the area taken up by the road is not used in the coverage area, nor in the total lot area).
- Timing. All improvements shall be installed prior to the final Certificate of Occupancy, project close-out, or prior to approval of a final plat.

**Air Rights.**

- The City will grant air rights to permit habitable bridge structures that span streets by connecting portions of buildings across rights of way, provided they comply with the provisions herein.
- A maximum of one (1) bridge is permitted per block.
- Bridges are only permitted on structures that exceed three (3) stories in height.

c) Table 3.2.9 – reconciled parking garage section with other adjustments made in Section 6.2.5 – Design Standards for Parking Garages:

Parking Garage use	<u>Prohibited directly adjacent to Type A streets and City open spaces and parks, unless liner buildings are provided. Design requirements in accordance with Table 6.2.5 - Design Standards for Parking Garages.</u>	Section 6.2.5, 6.3.4
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- d) Section 3.3.2.E. – required that PUDs provide a minimum of 10 sustainability points:

PUDs shall achieve a minimum of ten (10) points from a minimum of three (3) different parent “categories” identified in Table 6.8.3 - Sustainability Measures and Values. Categories include: tree canopy, energy, water, transportation, public health, arts, and alternate.

- e) Section 5.5.8 – added requirement for a B&B to hold a business license.

An occupational tax certificate is required to operate a Bed and Breakfast.

- f) Section 5.5.13.E – added definition of “smoking lounge” and prohibited the use.

**Smoking Lounge.** An establishment which promotes the smoking of tobacco products or other legal substances on its premises. The term “smoking lounge” includes but, is not limited to: cigar lounges, hookah cafes, tobacco lounges, tobacco clubs, or tobacco bars.

- g) Section 5.9.12 – removed “rear” yards to accommodate realistic locations for compost bins. All food waste shall be placed within rodent-resistant compost bins, which are prohibited in front ~~and rear~~ yards, and shall be set back at least ten (10) feet from all lot lines.

- h) Section 5.10.1 – relocated and clarified construction structure requirements (no new content, just reorganized):

### **Section 5.10.1 - Temporary Construction Structures**

**Construction Dumpsters.** Temporary refuse containers to store trash and recycling during affiliated construction activities, which are not enclosed.

**Portable Storage Containers.** Designed for the temporary storage of fixtures, furnishings, equipment, or other household goods and materials. Portable storage containers exclude structures designed for the occupancy by any individual or domestic animal or used as a place of business.

When not associated with a valid permit, portable storage containers may not be parked or stored in R-zoned districts for more than 15 consecutive days or a total of more than 30 days during any calendar year.

**Temporary Construction Trailers.** Occupiable structures used for temporary management of construction activities and related services.

#### **Standards applying to all Temporary Construction Structures:**

Temporary Construction Structures may be parked or stored on any lot when used in conjunction with a valid, unexpired building or land development permit.

All Temporary Construction Structures shall be completely removed from the premises within 30 days of issuance of the final Certificate of Occupancy or project close-out pertaining to the building(s)/land development associated with the construction.

- i) 6.1.4.G – added lot frontage exemption for single-family attached projects:

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**Frontage.** Each lot shall front upon an ~~existing~~ paved private or public street. For single-family attached uses, this requirement shall apply to the parent lot so as to not require fee simple ownership.

j) Table 6.2.5 – made minor updates to parking garage standards table for clarity:

Table 6.2.5 - Design Standards for Parking Garages			
Adjacent Street Type or Use	Design Standard		
	Lined with <u>ground floor</u> habitable/occupiable floor space	Similar architectural materials to match the primary building	Ornamental grillwork, artwork, or similar architectural features to conceal the deck openings
● = Required      ○ = <u>Permitted Encouraged, but a lower standard is permitted</u>			
Type A/ <u>City Open Spaces</u>	●	○ <u>(only for upper stories)</u>	-
Type B	○	●	-
All other street types	○	○	●

a) 6.2.13.F – added very minor clarifications to ensure private sidewalks adjacent to streets comply as well (deleted instances of “public sidewalk” and replaced with “street-facing sidewalk.”

b) Section 6.3.5 – made minor adjustments for how excess supplemental zone space may be counted toward open space requirements:

All other requirements of open spaces shall be met for the area being counted in this subsection. The 50-foot dimension shall be required only on the edge most parallel to the street, and but the minimum area identified in **Table 6.3.5.G - Open Space Dimensions** ~~shall be provided~~ is not required for any supplemental zone counted toward open space.

c) Section 6.3.5 – made minor adjustments to open space dimensions:

Table 6.3.5.G - Open Space Dimensions	
Measurements	
Minimum Size	2,500 sq ft

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Maximum Size	25,000 sq ft
Minimum Length Dimension	50 ft
<b>Open Space Coverage Maximum</b>	
Impervious Surfaces	50%
Decorative Water Feature	25%

- d) Section 6.7.3 – made adjustments to outdoor lighting ordinance for exempt lighting based on public input:

~~Security lighting controlled and activated by a motion sensor device for a duration of ten (10) minutes or less.~~

- e) Section 6.7.5 – made adjustments to outdoor lighting ordinance for general regulations based on public input:

Flood or spot lamps must be positioned no higher than 45 degrees above straight down (half-way between the vertical and the horizontal) when the source is visible from any off-site residential property or public roadway but even lower than 45 degrees, if necessary, in order to facilitate compliance with Section 6.7.5.D.2.

- f) Section 6.7.5 – made adjustments to outdoor lighting ordinance for security lighting based on public input:

~~Security lighting Sensor activated lighting~~ shall be maintained ~~located~~ in such a manner as to prevent ~~direct~~ glare and lighting into properties of others or into a public right-of-way, and the system also shall be designed and maintained so that lights are not activated by activity off of the subject property.

- g) Division 6.8 – rebranded “Sustainability Requirements” to “Resiliency Requirements” in the heading and every reference therein.

- h) Section 6.8.2.A.1.b. - required PUDs to pull from a minimum of three (3) categories:

Points shall be obtained by implementing measures from a minimum of two (2) different parent “categories” identified in **Table 6.8.3 - Sustainability Measures and Values**. Categories include: tree canopy, energy, water, transportation, public health, arts, and alternate. For PUDs enabled in Division 3.3 - Planned Unit Development (PUD) District, a minimum of three (3) categories shall be utilized. Implementation of only one (1) measure from the arts category may count toward the minimum points required.

- i) Section 6.8.2.A.2. – required single-lot single-family residential development to comply with sustainability requirements:

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Each lot for single-family development shall achieve a minimum of three (3) points (i.e.: each lot in a project ~~with the development of more than one lot~~). ~~Individual lot development or redevelopment is not required to fulfill sustainability requirements of this Division.~~

- j) Section 6.8.3.A.2 – added requirement for specific trees to count toward this measure:

*Surplus Tree Planting.* Addition of ten percent (10%) improvement over the tree canopy requirements above any City regulations, provided the additional tree canopy is advisable and will not impact overall survivability or health of existing or added trees. Tree varieties shall be large deciduous shade trees from Parks and Greenspace trees from Official Tree Species List provided in Section 17-46.

- k) Table 6.8.3 – amended the table to clarify the EV measure requires installation of charging stations and increased to 2 points from 1.

Electric Vehicle Parking <u>and Charging</u>	<u>2</u> points
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- l) Section 6.8.3.F. – actively encouraging the arts through the addition of arts measures in the sustainability section:

*Arts Measures.*

*Visual Public Art.* Incorporate public art into the design of the project. Art may be sculptural, murals, or other visual media. Credit will only be given if the art installment is not being used to satisfy the amenity requirements of Section 6.3.5 - Open Space.

*Outdoor Performing Arts Facility.* Provide a stage or other surface for the use or rental of the community to perform outdoor concerts and performances. The venue shall allow for space for an audience of at least 30 people standing to experience the performances.

*Open Air Market.* Provide facilities for a minimum of five (5) booths at least 100 square feet in size a piece in an open air market. Facilities shall be equipped with access to power, loading areas, and shall provide visibility and pedestrian access for patrons when the space is activated.

*Arts Space or Venue.* Allocate and program a minimum of 2,000 square feet or 10 percent (10%) of the building area, whichever is less, to an arts use. Examples of art uses include museums, galleries, classroom and/or production space, and performing arts venues. To receive credit for this measure, the space shall be deed restricted until such a time that redevelopment occurs or an alternate sustainability measure is fulfilled.

<u>ARTS</u>	<u>Visual Public Art</u>	<u>1 point</u>
	<u>Outdoor Performing Arts Venue</u>	<u>1 point</u>
	<u>Open Air Market</u>	<u>2 points</u>

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	<u>Arts Space or Venue</u>	<u>4 points</u>
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- m) Section 6.9.1 – clarified two additional permits processes that trigger bond requirements
- Before plat recordation, land disturbance permit, building permit, or other project close-out, the City Manager shall certify that the developer/subdivider has obtained the necessary bonds, other sureties, and/or agreements that ensure completion of all required public and private improvements on the subject property.

- n) Section 7.1.4 – added section that requires disclosure of brownfield contamination for any applications:

**Section 7.1.4 - Brownfield Sites**

Properties suspected of environmental contamination shall be disclosed at the time of application to the City.

- o) Section 7.1.13 – Added Zoning Procedures Law Provisions:

**Section 7.1.13 - Procedure for public hearings required by the Zoning Procedures Law.**

- A. Applicability. The procedures in this section shall be observed whenever the Board of Mayor and Commissioners conducts a public hearing in connection with a zoning decision, as required by O.C.G.A. § 36-66-4. Examples of zoning decisions include:

1. Amending the text of the Zoning Ordinance,
2. Rezoning one or more parcels from one zoning designation to another,
3. Zoning property to be annexed into the City, or
4. Approving a Conditional Use Permit.

- B. Zoning Public Hearing Procedures.

1. Total time allotted for public hearing. Before the public hearing is opened for public comments, the Mayor (or presiding officer) shall announce a total time allotted for the public hearing. The total time allotted shall be no less than twenty minutes (ten minutes per side) and no longer than one hour (thirty minutes per side). At all zoning public hearings, the proponents and opponents of the application shall collectively be allotted equal time to present their views to the Board of Mayor and Commissioners.

2. Time allotted to each speaker. Except for the applicant, each speaker shall initially be limited to a maximum of three minutes to speak. In the event that all individuals desiring to speak on one side of an application have had an opportunity to speak and a portion of the total time for that side (proponents or opponents) remains unused, speakers will have an opportunity to speak again within the total time allotted for their side.

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3. Order of public comment at hearing.

- a) Proponents. The Board shall first hear from the proponents of the application. The applicant will have the first opportunity to speak. Then individuals that desire to speak in support of the application shall have the opportunity to speak, in the order that they are recognized by the Mayor (or presiding officer).
- b) Opponents. After the proponents' comments are complete, the opponents shall have the opportunity to speak. Individuals desiring to speak in opposition to the application shall have the opportunity to speak in the order that they are recognized by the Mayor (or presiding officer).

4. Public hearing not an opportunity for dialogue. The public hearing is strictly for proponents and opponents to express their opinions regarding the application to the Board. Speakers shall not direct questions to the applicant, Mayor, Commissioners or City staff during the public hearing. Board members may wish to question the applicant and/or proponent(s) and/or opponent(s) of the application as part of the Board's consideration of the application. However, any such dialogue will be conducted outside of the public hearing portion of the meeting.

- p) Sections 7.2.6.B, 7.4.7.B, and 7.6.6.B – updated to require notices for each public hearings instead of specifying the board.
- q) Section 7.4.2 – allowed waiver requests for any supplemental use standard (instead of a variance request):

Reduce, alter, or eliminate any supplemental use standards in Divisions 5.3 - 5.10, unless a different review process is outlined in the respective Division.

- r) Section 7.5.5 – adjusted advertising requirement for City-initiated rezonings to reflect current practice:

**Newspaper Notice.** Newspaper notice shall be published at least 15 days before but not more than 45 days before the date of the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners public hearings.

If a proposed Zoning Map amendment, change of conditions, or major site plan modification is initiated by a party other than the Mayor and City Council, then the following additional notices are required:

**Mailed Notice.** Mailed notice shall be mailed to all owners of property included within the area included in the proposed amendment or conditional use and all owners of property within 250 feet of the subject property. Notices shall be deposited in the mail at least 15 days before but not more than 45 days before the date of the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners public hearing.



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**Posted Notice.** Posted notice (signs) shall be posted at least 15 days but not more than 45 days before the date of the Planning, Architecture, Zoning Board and Board of Mayor and Commissioners public hearings.

- s) Section 8.3.6 – reduced trigger for loss of nonconforming status for discontinuation of a use from 1 year to 6 months
- t) Section 8.3.9 – Reorganized and refined full redevelopment threshold section for clarity and simplification.

**Section 8.3.9 - Improvements Required for Redevelopment**

**Applicability**

- a Renovations, alterations, adaptations, additions, restorations, repairs, or other redevelopment of a structure, or portions of a structure or site, that was in existence prior to the adoption of this Zoning Ordinance, shall be subject to the this Section.
- b Redevelopment projects require compliance with standards for new construction in the Zoning Ordinance when the value of the proposed improvements exceeds the thresholds in **Table 8.3.9 - Redevelopment Improvements**.
- c Notwithstanding the above applicability, the added cost to construct the improvements shall not exceed 125 percent (125%) of the fair market value of the structure immediately prior to such redevelopment or \$20,000.00, whichever is greater. In such cases, the provisions requiring completion shall be applied in the order listed in the table below until the 125 percent (125%) cap is met.

**Exemptions**

- a This Section shall not apply to single-family attached or detached uses or projects developed in accordance with the standards in **Division 4.2 - Adaptive Reuse Overlay District**.

**Method of Calculating Thresholds.**

- a Fair market value of a structure or site shall be determined by the DeKalb County Tax Assessor.
- b The phrase “construction costs” in this Section shall encompass all costs, including phased project costs, for a cumulative period of 36 months after the date of the initial redevelopment application.
- c Construction costs shall be calculated based on uses listed in the ICC Building Valuation Data Construction Cost Table (latest published edition).

Table 8.3.9 - Redevelopment Improvements

Construction costs as a percentage of the fair market value  
of the structure

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Applicable Standard	40%-60%	61%-80%	81% or more
Streetscapes (Section 3.2.8D)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bicycle Parking (Section 6.2.3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pedestrian Access (Section 6.2.13.E)	-	<input type="checkbox"/>	<input type="checkbox"/>
Activated Streets (Section 6.2.13.F)	-	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability Requirements (Division 6.8)	-	<input type="checkbox"/>	<input type="checkbox"/>
Standards for new construction (remainder of Chapter 21)	-	-	<input type="checkbox"/>

u) Section 9.1.2 – added interpretation of the word, “adjacent” for clarity:

The term “adjacent” shall mean to be separated by common property lines, lot lines, or a street or alley; abutting, adjoining, contiguous, or touching.

v) Additional untracked, clean-up edits (non-substantive).