

**ORDINANCE NO. 16-02**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF AVONDALE ESTATES; TO PROVIDE FOR A NEW CENTRAL BUSINESS DISTRICT PLANNED DEVELOPMENT ZONE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Board of Mayor and Commissioners is desirous of providing a mechanism whereby substantial developments in the CBD may be approved on a site-specific basis pursuant to certain criteria.

**NOW THEREFORE, BE IT ORDAINED BY** the City of Avondale Estates, as follows:

**SECTION 1.** Appendix A to the Code of Ordinances, known as the Zoning Ordinance of the City of Avondale Estates, is hereby amended to add new Section 1115, as follows:

**“Section 1115. Central Business District Planned Development Zone**

**Section 1115.01. Policy and Intent of District.**

The Central Business District – Planned Development Zone (“CBD-PD”) is intended to promote development of the Central Business District consistent with the intent of the Downtown Master Plan Update dated March 2014 by providing a mechanism to approve substantial development projects according to site-specific plans. The CBD-PD is intended as a site-specific overlay zone whereby the Board of Mayor and Commissioners may approve a development as a whole which might otherwise not strictly comply with one or more development controls for the Central Business District zone. When considering an application for CBD-PD overlay zoning, the Board of Mayor and Commissioners shall consider the extent to which the proposed development is consistent with the development controls set forth in § 1113.04 through § 1113.10 and whether the proposed development will contribute towards development of the Central Business District consistent with the intent of the Master Plan Update dated March 2014.

**Section 1115.02. Permitted Uses.**

Permitted uses for a CBD-PD development shall be the same as those listed for the relevant underlying Central Business District Area wherein the subject property is located as listed in Article 9 of the Zoning Ordinance. No use may be approved through CBD-PD zoning which is not “permitted” or “conditional” under Article 9.

**Section 1115.03. Conditional Uses.**

Available conditional uses for a CBD-PD development shall be the same as those listed for the relevant Central Business District Area where the subject property is located as listed in Article 9 of the Zoning Ordinance. Conditional uses may be approved simultaneously with approval of CBD-PD Zoning where such conditional use is specifically identified and approved by a Development Agreement pursuant to Section 1115.08.

**Section 1115.04. Variances.**

To the extent that a development approved as a CBD-PD zoning is not consistent with the development controls for the underlying Central Business District zone, the applicant shall not be required to separately obtain variance from the Board of Appeals. The Board of Mayor and Commissioners specifically reserves to itself the power to effectively approve variances when approving a CBD-PD zoning notwithstanding the provisions of Section 1610 of the Zoning Ordinance, which shall otherwise remain in full force and effect.

**Section 1115.05. Minimum Project Size.**

CBD-PD zoning is only available for parcels or assemblages of contiguous parcels which constitute at least two (2) acres of property.

**Section 1115.06. Required Submittals.**

CBD-PD zoning is site-specific. Therefore, an applicant zoning must submit the following documentation along with the application for rezoning to CBD-PD in order for such application to be considered:

- a) scaled site plan;
- b) elevations for each proposed building face;
- c) a description of the proposed uses for each aspect of the proposed development, including the number of residential units;
- d) usable space square footage calculations for each component part of the proposed development, along with total square footage proposed for residential uses, total square footage for office uses, and total square footage for commercial uses; and
- e) a parking plan identifying the number and locations of parking spaces for the proposed development.

**Section 1115.07. Subdivision.**

Where specifically approved by the Board of Mayor and Commissioners in the written development agreement that accompanies approval of a CBD-PD zoning, the parcel(s) so zoned may subsequently be subdivided. When so approved, zoning compliance for the CBD-PD zoned project shall be assessed based on the original CBD-PD zoning boundary notwithstanding subsequent subdivision.

**Section 1115.08. Written Development Agreement.**

At the time of approving a CBD-PD zoning, the Board of Mayor and Commissioners shall also approve a written agreement with the property owner/applicant which shall govern the development of the project.

**Section 1115.09. Recordation of Approval.**

Upon approval of a CBD-PD zoning, the parcel(s) so zoned shall be designated as "CBD-PD" followed by a unique number on the official City Zoning Map. The City Clerk shall maintain on file at City Hall the Written Development Agreement and any exhibits thereto, which shall constitute the approved development controls for the property so zoned."

**SECTION 2.** This amendment shall become effective immediately upon its adoption in conformance with the Zoning Procedures Law.

**SECTION 3.** In the event any section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional by a Court of competent jurisdiction, such declaration or adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this ordinance, which shall remain of full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The Board of Mayor and Commissioners hereby declares that it would have passed the remaining parts of the ordinance if it had known that such parts or parts hereof would be declared or adjudged invalid or unconstitutional.

First Reading:	<u>7.20.16</u>
Second Reading:	<u>7.21.16</u>
Third Reading:	<u>7.27.16</u>
Advertised	<u>6.30/7.7/7.14</u>
PZB Public Hearing	<u>7.18.16</u>
Advertised	<u>7.7/7.14/7.21</u>
BOMC Public Hearing	<u>7.27.16</u>

ADOPTED this 27 day of July, 2016.

ATTEST:

BOARD OF MAYOR AND COMMISSIONERS,  
CITY OF AVONDALE ESTATES, GEORGIA

By Gina Hill  
Gina Hill, City Clerk

[Signature]  
Jonathan Elmore, Mayor

(SEAL)

Approved as to Form

[Signature]  
Robert E. Wilson, City Attorney