

ORDINANCE 2018-15

AN ORDINANCE BY THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES (ZONING), SECTION 720 OF THE CODE OF ORDINANCES OF THE CITY OF SMYRNA

BE IT ORDANINED BY THE MAYOR AND COUNCIL OF THE CITY OF SMYRNA, GEORGIA

WHEREAS, State law provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law; and

WHEREAS, the Mayor and Council of the City of Smyrna are charged with the protection of the public health, safety, and welfare; and

WHEREAS, the Mayor and Council now wish to update the City of Smyrna Code of Ordinances regarding Section 720 of the City’s Zoning Ordinances

NOW, THEREFORE, the Mayor and Council of the City of Smyrna, pursuant to their authority, do hereby adopt the following amendments.

Section 720 of the Zoning Ordinance shall be amended to expand the purpose and intent of the Mixed Use zoning district and to correct typing and grammatical errors. The proposed sections shall read as follows (amended portions are underlined or deleted).

ARTICLE VII. – USE PROVISIONS

Sec. 720. - [MU], mixed use district.

The regulations of the MU mixed use district are as follows:

(720.1) *Purpose and intent.* The MU district is established to provide locations for planned and mixed use development of commercial, office and residential uses. This is intended to encourage compatible mixed uses within the boundaries of properties delineated within or on the edge of a central business district, mixed use_community activity center or regional activity center as define and shown on the most recently adopted version of the City of Smyrna Comprehensive Plan.

(720.2) *Permitted uses.* Permitted uses are as follows:

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- (1) Colleges; universities, commercial schools; schools providing adult training in any of the arts, sciences, trade and professions; and dormitories for students or staff for hospitals.
 - (2) Day care centers, nursing homes, rest homes and homes for the aged.
 - (3) Dwelling, detached, attached, multifamily, townhouse, and condominiums.
 - (4) Noncommercial public recreation parks and playgrounds.
 - (5) YMCA's, buildings for social fraternal, social service, union and civic organizations, and comparable organizations.
 - (6) Institutional uses such as churches, synagogues, Sunday school buildings, community recreation centers, libraries, museums, theaters, and art galleries, police and fire stations, public and private elementary and high schools.
 - (7) Retail sales; apparel, department, furniture stores and stores for home furnishings and office supplies; automobiles and boats if wholly within a building; garden supply stores; secondhand goods; food stores, drugstores, camera equipment, book stores, jewelry, and souvenir shops; florists, card and stationery stores. Professional business and general offices such as banks; clinics; medical, dental and doctors' offices; government and public utility office buildings; post offices; opticians' offices; and similar uses.
 - (8) Hotels, motels, room renting, and tourist houses.
 - (9) Services such as beauty shops, barbershops, laundries and dry cleaning establishments (pick-up and drop-off only).
 - (10) Coffee shops with or without drive-thrus.
 - (11) Restaurants, including open-air cafes but excluding those with a drive-thru. Drive-thru facilities and associated uses are prohibited.
 - (12) Studios for artists; designers; photographers; musicians; sculptors; gymnasts; potters; wood and leather craftsmen; glass blowers; weavers; silversmiths; and designers of ornamental and precious jewelry.
 - (13) Off-street parking as a principal use providing for public parking, private parking, or parking in conjunction with other permitted uses.
 - (14) Utility and related facilities such as distribution lines; railroad rights-of-way; and telephone repeater stations.
 - (15) Temporary buildings and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, such temporary uses to be terminated upon the completion of construction.
 - (16) Outside open market on private or public property for the selling of fresh food, not to be consumed on the premises, and plants, or other goods but shall require a special temporary permit issued by the city council.
 - (17) Banks and pharmacies with or without drive-thru facilities.
 - (18) Fitness facilities.
- (720.3) Lot size and setback requirements. Lot size and setback requirements are as follows:
- (1) Minimum lot size and building setbacks (Non-residential and mixed-use buildings):
 - a. *Minimum lot size:* None
 - b. *Minimum setbacks.*
 1. Front—Zero feet
 2. Rear—20 feet (may be zero feet if adjacent to a public or private alley)

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3. Side—Zero feet
- c. *Maximum setbacks.*
 1. Front—20 feet
 2. Side—20 feet
- (2) *Minimum lot size and building setbacks (single-family detached):*
 - a. *Minimum lot size:* 6,250 square feet
 - b. *Minimum public road frontage:* 50 feet.
 - c. *Minimum setbacks:*
 1. Front—20 feet
 2. Rear—30 feet (may be zero feet if adjacent to a public or private alley)
 3. Side—7.5 feet (15 feet between buildings)
 4. Minimum driveway length—22 feet (except for units served by a private alley)
- (3) *Minimum lot size and building setbacks (single-family attached and multi-family):*
 - a. *Minimum lot size or project area of single-family attached and multi-family:* 20,000 square feet.
 - b. *Setbacks.*
 1. Front—20 feet (Residences may be built to the edge of the right-of-way if parking/garage located in the rear or detached)
 2. Rear—40 feet
 3. Side—15 feet
 4. *Building separations:*
 - Side to side—20 feet
 - Side to back—30 feet
 - Back to back—40 feet
 - Front to side—30 feet
 - Front to back—40 feet
 - Front to front—40 feet

(720.4) *Landscape buffer and screening requirements.* Unless otherwise noted within this district's requirements, any property within an MU district which abuts single-family or multi-family residentially zoned property without an intervening street shall have a minimum ten-foot landscaped screening buffer adjacent to all residentially zoned property. Buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. The design of the buffer shall comply with [section 503](#) of the city's Zoning Code.

(720.5) *Building and structure requirements.* Maximum building height (excluding spires, belfries, cupolas, chimneys, elevator housings, roof access stairs, parapets or decorative towers or structures placed above the roof level and not intended for human occupancy) is 66 feet, with no more than five stories above ground. For the purposes of this section, building height shall be measured from the average finish ground or rooftop of underground deck elevation to the bottom of the roof structure (roof bearing). Below-ground parking

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structures shall not be included in the total height or story calculations provided a minimum of two sides of the top level of said deck are below grade.

(720.6) Parking requirements shall be based upon those associated with the central business district. See article IX for paved parking specifications.

(720.7) *Lighting requirements.* Lighting levels shall not exceed .25 footcandles when measured at adjacent residentially zoned properties. There shall be no limitation on lighting levels when adjacent to non-residential properties.

(720.8) *Use limitations.*

- (1) All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities with three-sided brick/stone/stucco walls with an opaque gate.
- (2) Outside display, storage or sale of merchandise shall be limited to an area which is within a display area enclosed on all sides by a six-foot high wall or under a building overhang/canopy or located no greater than five feet from the exterior building wall; unless otherwise provided for herein.
- (3) No outside runs are permitted with any veterinary office use permitted within this district.
- (4) Overhangs associated with balconies, shutters, canopies, etc. may be permitted to encroach a maximum of five feet into any required setback or right-of-way provided they are a minimum of ten feet above the ground.

(720.9) *Special requirements:*

- (1) Residential density shall not exceed twenty-five dwelling units per acre. Densities up to 30 units per acre are permitted if at least 15 percent of the proposed "for sale" residential units are connected and integrated with a proposed non-residential use and considered affordable. For the purpose of this section, affordable shall mean units built for and initially sold to households earning no more than 80 percent of the Atlanta Metropolitan Statistical Area's (MSA) median household income, as may be adjusted from time to time.
- (2) The minimum floor area of any detached residential dwelling shall not be less than 1,800 square feet. Attached dwelling units, condominium units and other multi-family units may not be less than an average of 900 square feet in area.
- (3) All retail sales and personal service establishments shall be located on the ground floor. However, a residential building may have its resident services located above the first floor. The retail portion of any building may not exceed 47,000 in gross floor area. For the purposes of this section, gross floor area shall mean the total building area designated for retail use less restrooms and mechanical rooms.
- (4) The gross floor area occupied by nonresidential uses shall not exceed 50 percent of the total gross floor area within a development.
- (5) Front setbacks for all uses shall create a consistent building edge along a public sidewalk (which exists or is proposed). This shall not be construed as meaning that

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- building facades may not articulate for doors, storefront windows, columns, or similar architectural features.
- (6) Off-street surface parking shall be prohibited between a building and the adjacent street. The street fronting ground floor of all parking structures shall have a use other than parking within the first 20 feet of the structure as measured from the street fronting facade of the parking structure.
 - (7) Any development (excluding attached and detached single-family) shall provide public plazas or spaces which are connected to pedestrian zones with features such as: porches, covered awnings, side-walk cafes, storefront shops and street furniture. Significant gathering places such as public gardens, monuments, public art or educational features shall be provided within these public spaces. Developers shall attempt to combine common areas wherever possible.
 - (8) Multimodal connections or transit stop/plaza shall be integrally connected to any development (excluding single-family) in excess of either one acre or 10,000 square feet of building area.
 - (9) Accessory buildings, structures, uses and decks are permitted pursuant to section 501 of the city's Zoning Code.
 - (10) An MU development shall have its primary ingress and egress only on a major or collector street or state highway. This shall not apply to single-family attached or detached uses.
 - (11) Where authorized, drive-through facilities and associated queuing facilities shall not be located between any building and the adjacent street. Furthermore, when said facility is within 50 feet of an existing or proposed public sidewalk, and when queuing lanes and service windows, bays or lanes would otherwise be visible from the major pedestrian route, then landscaping shall be installed to screen the service windows, bays or lanes from view to the maximum extent practicable.
 - (12) All applicable standards from [section 1201](#) shall govern the residential portions of the mixed-use development.
 - (13) Fifteen percent of the total number of proposed residential units may be rentals if connected and integrated with the proposed non-residential uses. Any new rental units must replace existing rental units contained in an approved and code-compliant apartment building within a one-half-mile radius of the project area at a rate of one new rental unit for every two existing rental units to be replaced.
 - (14) Where a development has more than 600 feet of frontage along an existing public street of four or more travel lanes, a new public or private street may be constructed parallel to said street for the purpose of ensuring a safe pedestrian environment. Said street shall be built as one of the following two types and shall connect to another public or private street at both ends; dead-end streets are prohibited.
 - a. *Frontage Street*: A frontage street shall have a maximum of two 12-foot wide travel lanes, plus on-street parking adjacent to the building. On-street parking may include parallel parking, angled parking, or perpendicular parking, provided that trees are planted a maximum distance of 75 feet on-center within said parking zone. In addition, a publicly accessible green space improved for pedestrian use and having a minimum continuous depth of 40 [feet] shall be provided between said new street and the existing street; shade trees with a minimum mature height of 40 feet shall be planted around the

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perimeter of said space (a maximum of 50 feet on-center). Sidewalk meeting all city requirements for a public street shall also be provided along one side of said new street. These sidewalks shall be located on the side of the street opposite the publicly accessible green space and shall taper into existing city sidewalks where the property abuts another.

- b.** *Boulevard Street:* A boulevard street shall have a maximum of one 14-foot wide travel lane, plus on-street parking adjacent to the building. On-street parking may include parallel parking or angled parking. In addition, a landscape strip having a minimum continuous depth of ten feet shall be provided between said new street and the existing street; shade trees with a minimum mature height of 40 feet shall be planted a maximum within said strip with a maximum of 50 feet on-center. Sidewalk meeting all city requirements for a public street shall also be provided along one side of said new street. These sidewalks shall be located on the side of the street opposite the landscape strip and shall taper into existing city sidewalks where the property abuts another.

Renumbering. It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Smyrna, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

This Ordinance shall take effect and be in force from and after the day of its adoption, the public welfare demanding it.

The above Ordinance was read and approved by the Mayor and Council of the City of Smyrna, Georgia, on the 19th day of February 2018.

Max Bacon, Mayor

Attest:

Terri Graham, City Clerk

SEAL

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As to form:

Scott Cochran, City Attorney