

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO ZONING – MILLEDGE AVENUE CORRIDOR SPECIAL DISTRICT OVERLAY ESTABLISHED; REZONING FROM C-O (COMMERCIAL –OFFICE) TO C-O (MAC) (COMMERCIAL-OFFICE)(MILLEDGE AVENUE CORRIDOR SPECIAL DISTRICT OVERLAY) ON 75 PARCELS OF LAND; REZONING FROM C-O(PD) (COMMERCIAL – OFFICE PLANNED DEVELOPMENT) TO C-O(PD)(MAC) (COMMERCIAL-OFFICE PLANNED DEVELOPMENT)(MILLEDGE AVENUE CORRIDOR SPECIAL DISTRICT OVERLAY) ON 3 PARCELS OF LAND; REZONING FROM C-O▲(COMMERCIAL –OFFICE WITH SPECIAL USE) TO C-O▲(MAC) (COMMERCIAL-OFFICE WITH SPECIAL USE)(MILLEDGE AVENUE CORRIDOR SPECIAL DISTRICT OVERLAY) ON 5 PARCELS OF LAND; REZONING FROM C-O\* (COMMERCIAL –OFFICE WITH ZONING CONDITIONS) TO C-O\*(MAC) (COMMERCIAL-OFFICE WITH ZONING CONDITIONS) (MILLEDGE AVENUE CORRIDOR SPECIAL DISTRICT OVERLAY) ON 1 PARCEL OF LAND; REZONING FROM C-O▲\*(CU) (COMMERCIAL –OFFICE WITH SPECIAL USE AND CONDITIONAL USE AND ZONING CONDITIONS) TO C-O▲\*(CU) (MAC) (COMMERCIAL-OFFICE WITH SPECIAL USE AND CONDITIONAL USE AND ZONING CONDITIONS) (MILLEDGE AVENUE CORRIDOR SPECIAL DISTRICT OVERLAY) ON 1 PARCEL OF LAND; ALL PARCELS OF LAND ARE LOCATED ON MILLEDGE AVENUE BETWEEN ITS INTERSECTION WITH BROAD STREET AND ITS INTERSECTION WITH LUMPKIN STREET; AMENDING LEGEND TO THE OFFICIAL ZONING MAP OF ATHENS-CLARKE COUNTY; PERMITTED USES IN THE COMMERCIAL OFFICE (C-O) DISTRICT; PARKING; TRANSPORTATION POLICY STATEMENT; TREE MANAGEMENT; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Section 9-3-2, entitled “Classification of districts,” of the Code of Athens-Clarke County is hereby amended by adding a new special district overlay alphabetically to the list of the special district overlays as follows:

Sec. 9-3-2. Classification of districts.

*Special District Overlay*

Gaines School Road Corridor	GSRC
“Milledge Avenue Corridor	MAC”
Mixed Density Residential Limited	RM-LTD

SECTION 2. Section 9-10-2, entitled “Permitted Uses,” of the Code of Athens-Clarke County is hereby amended by deleting the introduction to the Table of Uses and substituting the following in lieu thereof:

“Sec. 9-10-2 Permitted Uses. The following uses and their accessory uses are permitted as shown in the use table below:”

SECTION 3. Section 9-10-2, entitled “Permitted Uses,” of the Code of Athens-Clarke County is hereby amended by amending the permitted uses in the rows for “Boarding House, Rooming House,” and “Dormitory” under the column for “Residential Categories” and in the rows for “Fraternity and Sorority Houses,” and “Semi-Public Halls, Clubs, and Lodges” under the column for “Institutional Categories” in the Table of Permitted Uses and by amending the Legend thereto by adding “L(13)” thereto as follows:

Zoning Districts	C-O Office
Residential Categories	
Boarding House, Rooming House	S, L(13)
Dormitory	S, L(13)
Institutional Categories	
Fraternity and Sorority Houses	S, L(13)
Semi-Public Halls, Clubs, and Lodges	S, L(13)

Legend:

“L(13) = Special use approval in the Milledge Avenue Corridor Special District Overlay is not required for expansion of less than 40% of the heated floor space existing on April 6, 2010 for existing legal nonconforming uses on existing lots of record. Multiple expansions over time shall be added together to determine the percentage of expansion. The exception for expansion of less than 40% does not apply to currently existing special uses with binding site plans. In addition to the approval criteria for special uses provided in Section 9-20-5, in evaluating the effect of a 40% or more expansion of an existing use or establishment of a new use in the Milledge Avenue Corridor Special District Overlay, the proximity to similar uses shall be a relevant factor to be considered in review of the proposed use.

SECTION 4. Chapter 9-12, entitled “Special District Overlay,” is hereby amended by adding a new section thereto as follows:

“Sec. 9-12-7. Milledge Avenue Corridor Special District Overlay.

A. Purpose and intent. The purpose of the Milledge Avenue Corridor Special District Overlay is to address issues of public safety, health, and general welfare, including controlling the visual and architectural character of the Milledge Avenue Corridor Special District Overlay. The use of design requirements will help to ensure that new development is visually compatible with the existing historic character of Milledge Avenue and the adjacent residential neighborhoods and that the permitted uses are compatible with the adjacent neighborhoods. Special use requirements will help provide a balanced mix of uses within the Milledge Avenue Corridor and help ensure that the future establishment of or expansion of institutional residential uses or boarding house or dormitory uses will not overly-dominate the character of the Milledge Avenue Corridor and will help ensure future compatibility of these uses with adjacent residential neighborhoods. While the underlying zoning district designation generally provides for the allowed uses, the district overlay requires that new construction maintain residential character within the corridor by limiting the location of parking and stormwater management facilities, as well as providing for landscaped yards and open areas.

B. Boundaries. The Milledge Avenue Corridor Special District Overlay (MAC) boundaries include those properties with frontage on Milledge Avenue or parcels adjacent to properties with frontage on Milledge Avenue at the time of the adoption of this ordinance. The boundaries of this special district overlay begin at the intersection of South Milledge Avenue and West Broad Street

and continue south to the intersection of South Milledge Avenue and South Lumpkin Street, and are specifically designated on the Official Zoning Map of Athens-Clarke County, Georgia, as shown on Attachment A hereto. The Official Zoning Map of Athens-Clarke County, constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with section 9-3-3 and section 9-3-7 thereof, is hereby amended by adding the MAC (Milledge Avenue Corridor Special District Overlay) as a zoning district to the legend of said map, as shown on Attachment A hereto. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the Clerk of Commission's office and duly noted in the minutes of the Mayor and Commission meeting.

C. Permitted uses. In addition to the uses permitted in Section 9-10-2, the following uses would be permitted in the Milledge Avenue Corridor Special District Overlay, as long as all other applicable requirements are met:

1. Residential Categories.
  - a. Boarding Houses, Rooming Houses.
  - b. Dormitory.
2. Institutional Categories.
  - a. Fraternity or Sorority;
  - b. Semi-Public Halls, Clubs or Lodges.

D. General standards.

<i>Table 9-12-7</i>	Milledge Avenue Corridor Special District Overlay
Maximum residential density (bedrooms per gross acre)	16
Minimum lot area	5,000 sq.ft.
Minimum lot width	50 ft.
Minimum lot depth	50 ft.
Minimum front yard	L(1)
Minimum side yard	6 feet
Minimum side yard, adjacent to street	6 feet
Minimum yard when abutting residential zone	10 feet, plus one foot for each foot of building height above 30 feet.
Maximum FAR	0.5
Maximum lot coverage, except agricultural buildings	65%
Minimum landscaped area	35%

<i>Table 9-12-7</i>	Milledge Avenue Corridor Special District Overlay
Maximum building height	40 feet

Legend:

- (L1)1. The minimum front yard setback shall not be less than the existing front yard setback that is closest to the public right-of-way on an abutting property.
2. The maximum front yard setback shall not exceed the existing front yard setback that is furthest from the public right-of-way on an abutting property.
3. If a subject property abuts an undeveloped tract, public street, private way, or alley, the front yard setback distance of the next adjacent property that fronts Milledge Avenue shall be used to determine minimum and maximum front yard setback distances. (Sec. 9-15-9)

E. Off-Site Parking. The required parking facilities for fraternities, sororities, semi-public halls, clubs, and lodges may be located on another parcel of land, provided said parcel is within 1,000 feet of the use it is intended to serve. The distance from the parking lot to the use shall be measured in walking distance from the nearest parking space to an access to the building housing the use, along a sidewalk or other pedestrian path separated from street traffic. The off-site parking facilities shall be established in accordance with the procedures set forth in Section 9-30-8.

F. Parking Standards.

1. No less than 20 percent of the required parking spaces and any additional parking shall be constructed of dust-free pervious paving materials pursuant to section 9-30-9(E) of this title.
2. Parking areas shall be located behind the building. No parking shall be located in the front yard or in a side yard adjacent to a street.

G. Location of stormwater management facilities. Stormwater management facilities shall not be located in the front yard or in a side yard adjacent to a street, except for vegetated, natural facilities, such as a bio-filtration facility. Approval of a landscape plan identifying all plants to be incorporated in the vegetative stormwater facility shall be obtained prior to any site construction.

H. Preservation of Mature Tree Canopy.

1. The Milledge Avenue Corridor Special District Overlay shall have a Tree Preservation Area. This area shall extend across the full width of and be situated between the front lot line and the principal structure line projected from the primary front façade corners to the side property lines parallel to the right-of-way. Trees within this area shall be conserved to the greatest extent and in accordance with Sec. 8-7-15. If the property is undeveloped, then the Tree Preservation Area shall be the minimum front yard established in Table 9-12-7.
2. All trees 8" dbh (diameter breast height) and greater within the Milledge Avenue Tree Preservation Area meeting the definition of a "conservable tree" per Section 8-7-6 shall be conserved.

3. No administrative waiver of tree conservation per 8-7-15 (f) shall be granted within the overlay established within this section. Any request for tree removal within the Milledge Avenue Tree Preservation Area shall follow the standards set forth in Section 8-7-13.”

SECTION 5. Section 9-30-2, entitled “Spaces Required,” Paragraph D, entitled “Institutional and public uses,” subparagraph 9, subparts a and b of the Code of Athens-Clarke County are hereby amended by deleting said subparts in their entirety and substituting the following in lieu thereof:

“a. Dividing the gross square footage of the building by 200. The result of this calculation will determine the number of people allowed to live on the premises; required parking is one parking space per 1.5 persons.

b. Dividing the number of total square feet of the building able to be used as assembly space found on the premises by 15. The result of this calculation will determine the number of people allowed to gather in the space; required parking is one parking space per three persons. For purposes of calculating parking, assembly spaces shall be all heated floor space not dedicated to bedrooms, kitchens, utilities, bathrooms or similar uses.”

SECTION 6. Section 9-30-5, entitled “Bicycle parking,” of the Code of Athens-Clarke County is hereby amended by adding a new paragraph thereto as follows:

“E. Fraternities, sororities, semi-public halls, clubs, and lodges shall provide four on-site bicycle spaces for every 20 required auto parking spaces. A fraction resulting from the application of this ratio shall be rounded up to the next whole space. At least 50% of the required bicycle parking shall be sheltered bicycle storage in order to encourage and prioritize this mode.”

SECTION 7. Section 9-30-8, entitled “Limitation, location, use of facilities,” of the Code of Athens-Clarke County is hereby amended by adding a new paragraph thereto as follows:

“G. Transportation Policy Statement. A transportation policy statement shall accompany proposals for additions or other new facilities, such as parking lot expansions, for fraternities, sororities, semi-public halls, clubs, and lodges. The policy statement is intended to raise awareness with respect to traffic impact and to reduce demand for parking and the frequency of single-occupancy vehicle trips by promoting a range of viable commuting alternatives, including public transit, bicycling, walking, and carpooling. The Transportation Policy Statement would include the following at a minimum:

1. Outline the alternative transportation program (including public transit, bicycling, walking, and rideshare/carpooling) for chapter meetings and special events. During the plans review process the applicant will submit the proper documentation in order for Staff to determine if applicant is providing realistic, adequate mitigation and accountability for the impact that their chapter meeting and special events have on the surrounding neighborhoods.
2. Acknowledge how many full-time residents are permitted to park onsite. This number cannot exceed 80% of the provided spaces onsite.”

SECTION 8. Section 8-7-6, entitled “Definitions,” of the Code of Athens-Clarke County is hereby amended by deleting the definition of “protected trees” and substituting the following in lieu thereof, and by adding definitions of “replacement trees” and “tree preservation area” alphabetically thereto as follows:

*“Protected trees.* Trees planted or conserved to meet the requirements of this chapter, Athens-Clarke County trees, designated landmark trees, and trees within a designated Tree Preservation Area.”

*“Replacement trees.* Trees located on the *Athens-Clarke County Tree Species List* that are appropriate to be planted to meet the requirements of this chapter.”

*“Tree Preservation Area.* Area determined by the Mayor and Commission to be of unique and intrinsic value to the general public because of its size, age, historic association, cultural or ecological value.”

SECTION 9. Chapter 8-7, entitled “Community Tree Management,” of the Code of Athens-Clarke County is hereby amended by adding a new section thereto as follows:

“Sec. 8-7-13. Tree Preservation Area.

- A. Trees within a designated Tree Preservation Area that meet the definition of conservable trees are considered protected trees unless otherwise exempt by Chapter 9-12. Trees within the Tree Preservation Area that have the designation of “N=Do not Plant” in the *Athens-Clarke County Tree Species List* are not considered protected trees.
- B. Removal of trees within a Tree Preservation Area requires a permit to be issued by the Planning Department following these conditions:
  - 1. Removal in conformance with Sec. 8-7-19-L, or
  - 2. If none of the criteria in Sec. 8-7-19-L are satisfied, the Planning Director may authorize removal if it is mitigated by “replacement trees in lieu of preservation” consisting of an inch for inch replacement of the tree(s) to be removed, unless a lesser replacement is warranted, as determined by the County Arborist. The replacement trees shall be planted within the Tree Protection Area on the property from which the tree(s) were removed, or on adjacent rights-of-way. Any tree planting proposed within the Athens-Clarke County right-of-way must be approved by the Community Forester. If site conditions are such that tree mitigation planting within the Tree Protection Area or right-of-way is not feasible, the County Arborist shall approve an alternate mitigation planting plan.
  - 3. All replacement tree(s) shall be no less than 3 inches caliper at the time of planting.
  - 4. Any action taken by Athens-Clarke County or other governmental entity in an emergency to mitigate an existing or potential hazard is exempt from the Tree Preservation Area Removal Permit.
- C. Any tree removal on private property shall not encroach upon, or damage any trees located in preservation areas. Any permit authorizing removal may be subject to such conditions that the Planning Director may deem necessary or appropriate to minimize damage to other trees or vegetation on a site, including installation of protective fencing.

- D. Application and plans required. A request for tree removal within a Tree Preservation Area requires a complete application and plans in accordance with Sections 8-7-13-B and 8-7-17.
- E. All applicable requirements of the Community Tree Management Ordinance 8-7 must be met.
- F. The boundaries of all Tree Preservation Areas on the subject property and on adjacent properties shall be clearly marked in the field for the duration of any land-disturbing activities on the property per Section 8-7-19(h)(3)."

SECTION 10. Section 8-7-17, entitled "Tree management plan," of the Code of Athens-Clarke County is hereby amended by adding a new paragraph (k) thereto as follows:

"(k) *Tree Preservation Area.* The boundaries of all Tree Preservation Areas shall be clearly identified on the Tree Management Plan."

SECTION 11. The Official Zoning Map of Athens-Clarke County, Georgia referred to in Section 9-3-3 of the Code of Athens-Clarke County is hereby amended by adding the Milledge Avenue Corridor (MAC) Special District Overlay to the legend thereto and by rezoning the 85 parcels of land on Milledge Avenue from its intersection with Broad Street to its intersection with Lumpkin Street from C-O (Commercial Office) to C-O(MAC) (Commercial-Office Milledge Avenue Corridor Special District Overlay) on 75 parcels of land, from C-O(PD) (Commercial Office) (Planned Development) to C-O(PD)(MAC) (Commercial Office Planned Development) (Milledge Avenue Corridor Special District Overlay) on 3 parcels of land, from C-O▲ (Commercial Office with Special Use) to C-O▲(MAC) (Commercial-Office with Special Use) (Milledge Avenue Corridor Special District Overlay) on 5 parcels of land; from CO▲\*(CU)(Commercial Office with Special Use and Conditional Use and zoning conditions) to C-O▲\*(CU)(MAC) (Commercial-Office with Special Use and Conditional Use and zoning conditions)(Milledge Avenue Corridor Special District Overlay) on 1 parcel of land, from C-O\* (Commercial Office with zoning conditions) to C-O\*(MAC) (Commercial-Office with zoning conditions)(Milledge Avenue Corridor Special District Overlay) on 1 parcel of land, as set forth in Attachment A hereto, which is incorporated herein by reference.

SECTION 12. The binding site plans and the binding written reports adopted by the Mayor and Commission in association with special uses and planned developments in existence on April 6, 2010 in the Milledge Avenue Corridor Special District Overlay are hereby saved from repeal.

SECTION 13. All ordinances or parts of ordinances in conflict herewith are hereby repealed.