

West LaFayette Transformation Plan



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EXECUTIVE SUMMARY

The purpose of the West LaFayette Transformation Plan is to help the community capitalize on investments in housing. By having a plan in place prior to construction by private developers, a community can better accommodate future growth while preserving what makes the City unique. This plan proposes four community concepts—Architectural Design Guidelines; Streetscapes; Greenspace and Walkability Network; and Housing and Development Concepts—to address the community challenges identified—Need for Improved Housing Options, Pedestrian Accessibility, Health Care Access and Economic Development.

The current state of West LaFayette and recommendations for change were discussed with the community through multiple meetings and sessions. The West LaFayette Transformation Plan was developed by the Management and Revitalization Teams. Each group met on a bi-weekly schedule to evaluate the status of and provide recommendations for the West LaFayette Transformation Plan.

The planning process incorporated community events to introduce the community events and get public feedback on what the community wanted and needed. The Initial Kick-off Meeting consisted of introducing the study area and conducting a Visual Preference Survey in which residents voted between two pictures that represented different aspects of a community. After the Initial Kick-off Meeting, an online survey was sent out to residents in order to reach a larger audience. The Online Survey was a condensed version of the Visual Preference Survey that also included community feedback and demographic questions. Along with the Visual Preference Survey and Online Survey, the Team also conducted interviews with stakeholders of the community, allowing us to get opinions on what is needed in West LaFayette and what is necessary to consider for the final plan. These three community events led to the Brainstorming Session—a collaborative design event spanning multiple days to produce a feasible plan with minimal rework that benefits from the support of all stakeholders through its implementation. The Brainstorming Session began with a Kick-Off Meeting and concluded with the presentation of the West LaFayette Transformation Plan to the community.

The community engagement events led to the formation of four key deliverables of the West LaFayette Transformation Plan—Architectural Design Guidelines; Streetscapes; Greenspace and Walkability Network; and Housing and Development Concepts. The intention of the Architectural Design Guidelines is for new construction to be compatible with existing historic mill housing in the area. The Streetscapes are intended to create a safe and aesthetically pleasing route from the Town Square to the Mars Theatre District and school and mountains to the west. The Greenspace and Walkability network is to assist those walking and biking throughout West LaFayette. The network includes greenspaces, community connections and conservation development. The Housing and Development concepts were developed after discussions with the Revitalization Team regarding the needs of the community. The concepts

include single family cottages, duplex and townhomes, garage apartments and live/work loft housing.

The City of LaFayette will utilize various funding resources to implement the goals and recommendations of the West LaFayette Transformation Plan.

INTRODUCTION

The West LaFayette Transformation Plan is a component of a State of Georgia effort helping communities capitalize on investments in housing made by the Department of Community Affairs. By having a plan in place prior to construction by private developers, a community can better accommodate future growth while preserving what makes the City unique.

Known as the “Queen City of the Highlands,” LaFayette, Georgia is the county seat of Walker County. LaFayette is approximately 25 miles south of Chattanooga, Tennessee and two hours (north) of Atlanta, Georgia. The city is located within a half hour drive of numerous outdoor recreation options in the northwest Piedmont region—Cloudland Canyons, Rock City Gardens Chickamauga and Chattanooga National Military Park, Pigeon Mountain and the Chattahoochee National Forest. With these outdoor recreations, LaFayette hopes to attract a hub of outfitters, solidifying their status as Northwest Georgia’s gateway to the highlands. To support this position, the city hopes to attract Bed and Breakfast opportunities along with locally owned restaurants that appeal to new residents and visitors of the city in hopes of it sparking new development, particularly in the West LaFayette area which sits along a ridge that offers exceptional views of the foothills.

LaFayette was chosen as a transformation area because there is an under supply of affordable housing. Important in the redevelopment strategy is the production of affordable housing to attract employees of nearby manufacturing plants (Appendix J) to permanently resettle in LaFayette. The city hopes that quality rental housing will attract the employees to build a life in LaFayette, eventually leading to the construction of new for-sale housing in the area. Equally important in this redevelopment strategy is the creation of parks and multi-use trails and the advancement of healthcare and education in the West LaFayette neighborhoods.

Approximately 7,200 people live in LaFayette. As of 2012, the top employment sector in the city was Retail Trade (20.4%), followed by Manufacturing (19.9%) and Educational, Health Care and Social assistance (16.0%). Currently, 23 percent of the population is living below the poverty level. In 2012, over 43 percent of households in LaFayette had a combined income of less than \$25,000. Currently, the median household income in LaFayette is \$29,688 compared to \$41,632 for Walker County, \$49,620 for the State of Georgia and \$53,889 for the nation. Unemployment rates for Walker County have continued to decrease over the years 2009 (13.9%), 2012 (8.3%) and 2016 (4.6%); however, the lagging economic conditions in LaFayette are apparent compared to the nation and state. (LaFayette Urban Redevelopment Plan, 2013; Census.gov). These weakened economic conditions are especially apparent in the designated study area of West LaFayette, an area of the city that needs to be revitalized. The transformation planning process aims to harness the visions and goals into a guiding document for the revitalization of West LaFayette.

Goals:

We have identified four prioritized challenges of the community along with goals and solutions for each challenge:

Challenge: Need for Improved Housing Options

Goal: *Offer quality housing opportunities for current residents and to attract new residents*

Solution(s):

- The city should adopt policies that provide for a mix of housing types (as provided in Appendix K).
- The city should adopt policies that provide for a mix of housing affordability (as provided in Appendix K).

Goal: Remove Blight in West LaFayette

Solution(s):

- The city should continue in their efforts of blight removal according to their blight removal plan.

Goal: Update Zoning and Architectural Standards

Solution(s):

- The city should establish character area design standards for setbacks and for building typologies (as provided in Appendix K).
- The city should adopt policies and potential variances for reduced setbacks (as provided in Appendix K2).

Goal: Attract Local Builder Groups

Solution(s):

- The city should build upon the local home builders associations.
- The city should host a builder event to market the area by partnering with other builder associations in surrounding cities (Chattanooga, Rome, Ringgold, etc.).

Challenge: Pedestrian Accessibility

Goal: Develop Trail System Map and Access to Gilbert Elementary School

Solution(s):

- The city council should adopt a trail map or plan for trail development (as provided in Appendix G).

Challenge: Health Care Access

Goal: Expand Health Care Accessibility in West LaFayette

Solution(s):

- Rea Ventures Group will provide dedicated health care space in Community Center for Primary Health Care Center services to utilize on daily/weekly basis (Appendix G).

Challenge: Economic Development

Goal: Boost Tourism Industry

Solution(s):

- The city should adopt policies for Bed and Breakfasts to be present in the city for people to stay in LaFayette (as provided in Appendix K4)
- The city should establish a resource center for nearby outdoor activity.

Goal: Provide Space for Attractive New Restaurants

Solution(s):

- The city should establish a live/work development (as provided in Appendix G).
- The city should adopt policies for pop-up urbanism (as provided in Appendix K6).

Consistency with the Urban Redevelopment Plan

The City of LaFayette adopted an Urban Redevelopment Plan for West LaFayette in 2013. The plan's purpose is to "provide a framework for the revitalization efforts of and an action plan for the redevelopment and future growth of West LaFayette and the Mars Theatre District."

The current Transformation Plan builds upon the City of LaFayette's Urban Redevelopment Plan through three major components. The first is that the Transformation Plan expands the initial Urban Redevelopment Plan boundary to include all of West LaFayette, in particular the Linwood neighborhood. Many of the issues stated in the Urban Redevelopment Plan are valued as opportunities for revitalization in the larger Transformation Plan area.

The second component is the documentation of vacant and tax delinquent parcels in the blight removal plan. The City has conducted an inventory of vacant lots and buildings in their Urban Redevelopment area and has documented and set out a plan to remove the blight in West LaFayette, especially blight located near our current Transformation Plan area. The parcels identified for potential development in the current Transformation Plan will assist with the City's blight removal plan by developing abandoned or vacant lots located within walking distance to the Mars Theatre District or to major areas of employment in the city.

The Transformation Plan also builds upon the Urban Redevelopment Plan by helping LaFayette plan for use of open space. The Redevelopment Plan states that although the city has access to several greenspace and park areas, these locations are limited in the redevelopment area. Through the Greenspace and Walkability Network (Appendix G) identified in this Transformation Plan, West LaFayette can have access to multiple pocket parks and recreational fields throughout the area via a multi-use trail network that connects commercial, employment and residential locations throughout the city. The Redevelopment Plan's Beautification Projects explain the need for better landscaping and aesthetics for the city. The Transformation Plan outlines a Streetscape plan (Appendix G) for the two main streets that connect the commercial town square to the neighborhoods and areas to the west of the city, creating a pleasing gateway to the mountains for residents and tourists. The streetscapes provide tree-lined streets with sidewalks and bike lanes. These designs can be adopted by the city (timeline discussed in the 'Recommendations and Implementation' section of this report).

The Urban Redevelopment Plan outlines LIHTC as a leverage source through the use of private developer for housing development. This source will be made a reality with the redevelopment plans in the West LaFayette Transformation Plan.

The City plans to apply the information gathered from the efforts put forth and results of the West LaFayette Transformation Plan to update the Urban Redevelopment Plan. The City plans to build upon the Urban Redevelopment Plan with more detail and action items, continuing redevelopment in the targeted area.

Boundaries of the West LaFayette Transformation Plan

The West LaFayette Transformation Plan area is bounded by Bradley Street on the north, Thornton Street on the south, Oak Street on the east and Flora Street on the west; however, the focus of the West LaFayette Transformation Plan is a half-mile radius from the Mars Theatre District. This boundary contains portions of the West LaFayette Urban Redevelopment area while extending further north, west and south.



COMMUNITY ENGAGEMENT

The current state of West LaFayette and recommendations for change were discussed with the community through multiple meetings and sessions. The Transformation planning process began with the creation of Management and Revitalization Teams consisting of Rea Ventures Group, Southface, local officials and community members. Bi-weekly meetings were held to evaluate the status of and provide recommendations for the West LaFayette Transformation Plan. The following community engagement events led to the formation of four key deliverables of the West LaFayette Transformation Plan—Architectural Design Guidelines; Streetscapes; Greenspace and Walkability Network; and Housing and Development Concepts.

Management Team

The Management Team consists of Rea Ventures Group (developer), Southface and two city officials—City Manager and Director of Economic Development (Appendix B).

Rea Ventures is proposing to develop approximately 60 units of housing in LaFayette, GA. The development will consist of scattered site development over two phases in West LaFayette. Following the Georgia Department of Community Affairs (DCA) guidelines for the Qualified Allocation Plan (QAP) Transformational Communities section, the team worked with local officials and partners to engage the community to develop a shared transformation vision and plan.

Since 1978 Atlanta-based Southface, an independent 501(c)3 organization, has promoted sustainable development and high performance building through education, research, advocacy and technical assistance. Southface performed a scope of services in accordance with implementation planning services for DCA Transformational Communities. Southface utilizes charrettes following the National Charrette Institute model to deliver the Transformation Plan and Narrative outlined in the QAP. The term 'Charrette' was substituted with 'Brainstorming Session' for this particular project based off the decision made by the Revitalization Team as it was a phrase the community had more affinity towards. Southface used the national charrette institute to guide the Brainstorming Session. As part of the Brainstorming Session process, Southface conducted public meetings, stakeholder interviews and feedback and development of the plan as part of a 4 month preparation for the two-day session.

The two City of LaFayette officials, David Hamilton (City Manager) and Kevin Dunn (Director of Economic Development) lent great facilitation of the planning process. The primary role of Kevin was to inform the team of the economic disadvantages present in the West LaFayette area. The primary role of David was to assume the position of the Community Quarterback.

Community Quarterback

The City of LaFayette is under a City Manager form of government; therefore, having David assume the role of Community Quarterback (Appendix A) was vital in making connections within the community and providing knowledge of the current state and processes of the city. As the Community Quarterback, David organized and led the Revitalization Team. David also made the connections for the Stakeholder Interviews we conducted. David supplied essential institutional knowledge related to the current community reinvestment activities, infrastructure redevelopment, planning and zoning challenges and needs, economic development activities, and LaFayette's vision for the future of the city. He will also be instrumental in championing and carrying forward the transformation plans implementation goals.

The Management Team met (via phone and in-person) on a bi-weekly schedule that started January 30, 2017. The Team met a total of five times prior to the Brainstorming Session.

Revitalization Team

The Revitalization Team consists of the Management Team and members of the community (Appendix C). Chris Davis and Judy Meeks both serve on the LaFayette City Council. They provided the citizens' viewpoint as well as the long-term interests of the city. Chris is also a local realtor, along with fellow Team member, Lisa Heyer. As realtors, they provided the team with valuable knowledge of the area and landscape while also assisting with contacting local stakeholders. Matt Harris was our School District Representative. He is the Principal of Gilbert Elementary School in West LaFayette, a school that prides itself on connecting its students with the outdoors. Principal Harris was selected as the Walker County School system representative due to his deep knowledge of an interaction with the West LaFayette community. It was determined that Principal Harris would best be able to fulfill the role of school adviser for the West LaFayette Transformation Plan as it is for the community in which he works; therefore, he can provide the most useful insight into the needs of the community. Principal Harris was essential in informing the team of the structure and functioning of the local school system. He allowed for community meetings to be held at the school and played a key role in distributing information of the meetings and online survey to members of the community. Sandy Matheson is with Primary Healthcare Center, a local health care provider. Sandy helps run the clinic next to the school while also managing community relations. Sandy brought insight into the health needs of the community such as dental care, obesity and accessibility. Sandy also connected the team with the CEO and COO of Primary Healthcare Centers for stakeholder interviews.

The Revitalization Team met (via phone and in-person) on a bi-weekly schedule starting February 20, 2017. The Team met a total of three times prior to the Brainstorming Session.



Initial Kick-Off Meeting

The West LaFayette Transformation Plan process was introduced to the community through an initial kick-off meeting held at Gilbert Elementary School on March 14, 2017. The kick-off meeting consisted of introducing the study area and conducting a Visual Preference Survey in which residents voted between two pictures that represented different aspects of a community (Appendix E). A Visual Preference Survey is a tool Southface uses to get public feedback on planning and design alternatives. It allows the community to participate in the formulation of the West LaFayette Transformation Plan, letting their voice be heard.



Online Survey

In order to reach a larger audience, an online survey (<https://form.jotformpro.com/regional/west-lafayette-transformation-plan>) was sent out to LaFayette residents after the initial kick-off meeting. The Visual Preference Survey was redesigned into a condensed format that allowed the residents to select his/her preference for the community while also providing his/her comments and opinions. The survey consisted of 21 housing and community design concepts and 11 feedback and demographic questions. A total of 93 community members responded to the survey (Appendix F).

 <p>1. Please rate the above single family home:</p> <p>1 2 3 4 5</p> <p>Not Bad <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> Excellent</p> <p>Comments:</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	 <p>20. Please rate the above recreation:</p> <p>1 2 3 4 5</p> <p>Not bad <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> Excellent</p> <p>Comments:</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
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Stakeholder Interviews

Along with the Visual Preference Survey and Online Survey, the Team also conducted interviews with stakeholders of the community (March 31 – April 10, 2017). The stakeholder interviews allowed us to get opinions on what is needed in West LaFayette and what is necessary to consider for the final Plan. Southface spoke with ten community stakeholders (Appendix D) – six by phone and four during the early hours of the Brainstorming Session – and reported the findings below:

- Issue of space in schools as a result of the development that would happen
- Gilbert Elementary School is attracting families to move to LaFayette
- Buses and cars are the primary means of transportation for kids to get to school
- A lot of schools become destination sites to utilize trails (Gilbert Elementary School), parking and playgrounds
- Issue of poverty and health
 - A lot of parents work at Roper, so Gilbert Elementary School and the clinic help take care of the kids during and after school
- Matter of priority and timing rather than funding on whether the schools can accommodate for growth associated with new development
- Walkability
- Need for new business (i.e. bike sales/bike repair shop, bed and breakfast)
- West LaFayette is neglected by the city
- Many people bike in West LaFayette because they don't have any other means to get to the grocery store, etc.
- Pocket parks are desired
- Heavy blue collar town
- Rotary Club began a trail network along the creek to link the old high school and recreation center area. The trail was never finished. Materials used consisted of gravel and railway ties
- Natural resource economic development
- A lot of foot traffic on Chattanooga Street – needs sidewalks and bike lanes with lighting
- Issue of flooding along the creek
- Issue of awareness; lack of information
- New development impacts on surrounding cities
- Clean-up of the area must happen before a developer or potential land owner considers buying in
- There is nowhere to rent in West LaFayette
- Healthcare is a huge need in that area
- The clinic will need more space if they decide to offer services such as dental etc. that require more resources than a normal health screening. They are at capacity with Gilbert Elementary School clinic
- Issue of rent burden: rent so high that residents can't afford things like healthcare
- The lack of transportation is an issue in West LaFayette
- Housing needs quality materials that are compatible with the area and those used for historic mill houses
- Curb and gutter design
- Appropriate trees for the climate and landscape
- Need for an historic district

- Less of a setback for houses so that homes have big backyards and alleys for neighborhood engagement
- Need for cottage community – people want to move out of apartment or mobile home, but can't afford large houses; retirees
- Shortage of subdivisions
- High need for basic childcare and after school programming in the West LaFayette area
- The Head Start provides GED courses to parents of Head Start students
- Upon completion of development, Head Start indicated interest in meeting with residents to explain the Head Start childcare and education opportunities for parents
- The Community Hall will provide monthly meeting space and access to the computer center for GED or employment workshops put on by Head Start for the residents

Brainstorming Session (3-Day Charrette)

Kick-Off Meeting (Public Meeting 2)

A kick-off meeting was held with the community the evening prior to the Brainstorming Session (April 9). During this meeting we reintroduced the study area, went over the results of the online survey and introduced the Brainstorming Session. At the end of the meeting we held a discussion with the community as they expressed their feedback and ideas for the Plan.

Community Comments:

- Mature trees: streetscape, bioswales, sidewalks
- Community neighborhood associations for people to interact
 - Neighborhood watch (especially for kids)
 - Sense of ownership
 - Community garden, edible landscapes (at school to start out), community supported agriculture
 - Community hall
- Rehabilitation of mill villages, historic rehab
 - List of materials/resources for structures
- Corner markets, mix compatible businesses (live/work)
- Possible retirement community

Brainstorming Session (Public Meeting 3)

A brainstorming session is a collaborative design event spanning multiple days (April 10-11). The goal of the session was to produce a feasible plan with minimal rework that benefits from the support of all stakeholders through its implementation. This support is facilitated by the ability of the session to transform the mindsets of the stakeholders. The two-day session allowed for community members to walk through the design studio and comment on area maps and designs.





Presentation of the West LaFayette Transformation Plan (Public Meeting 4)

The Presentation of the West LaFayette Transformation Plan was the final evening of the Brainstorming Session (April 11). It was an interactive 'open house' setting with four different stations—Architectural Design Guidelines; Streetscapes; Greenspace and Walkability Network; and Housing and Development Concepts. Community members walked through the sessions, providing feedback on each concept.



Community Comments:

- Architectural Design Guidelines
 - Three acceptable roof forms: Gables, hips, shed roof (on rear and porches if appropriate)
 - Fenestration: no blank walls, minimum percentage of windows
 - One siding material
 - Minimum porch: 8 foot porch
 - Minimum roof pitch
- Streetscapes
 - Issue of speed and safety on West Main
 - Needs better lighting
- Greenspace and Walkability Network
 - West LaFayette is gateway to the mountains
 - East LaFayette nature center and trail
 - Rental equipment for outdoor activities
 - Real shame to have lost many of the old fortune mills
 - Town should have access to greenspace on West side
 - Need more senior housing
 - Need urban gardens and farm
 - Connectivity
 - Conservation development
 - Need programs and assistance for existing homes (lift the neighborhood)
 - Roof/energy efficiency
 - Bring mountaneousque character into the town
 - Grade school should be connected to agriculture sites; way for kids to be connected

Deliverables

- Housing Concept for 3-5 sites (Appendix G)
- Trail concept next to creek (Appendix G)
- Streetscape for Villanow (Appendix G)
- Streetscape for West Main (Appendix G)
- Impact Analysis for school district (Appendix H)
- Architectural design guidelines (zoning updates) (Appendix K3)
- Sidewalk, bike lane, creek trail and pocket park network (Appendix G)
- Community Hall (Appendix G)
- Rehabilitation of historic buildings (Appendix K7)
- Pop-up retail (Appendix K6)

WEST LAFAYETTE TRANSFORMATION PLAN

The community engagement events discussed earlier led to the formation of four key deliverables of the West LaFayette Transformation Plan—Architectural Design Guidelines; Streetscapes; Greenspace and Walkability Network; and Housing and Development Concepts—which are explained in detail below.

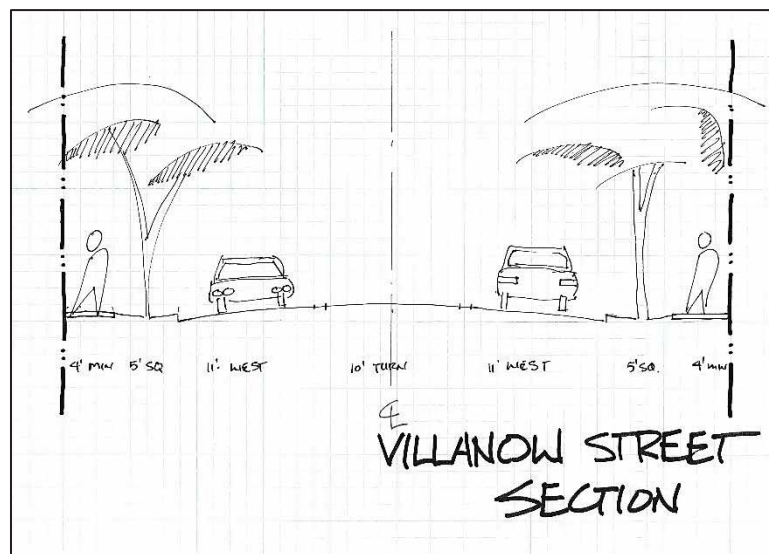
Architectural Design Guidelines

The guideline recommendations in Appendix K3 may be adopted as an overlay zoning requirement for the West Lafayette study area. The intention is for new construction to be compatible with existing historic mill housing in the area. The guidelines are designed to be administered by the building official. Future steps could include a historic district in which these guidelines would be expanded and administered by an independent historic commission.

Streetscapes

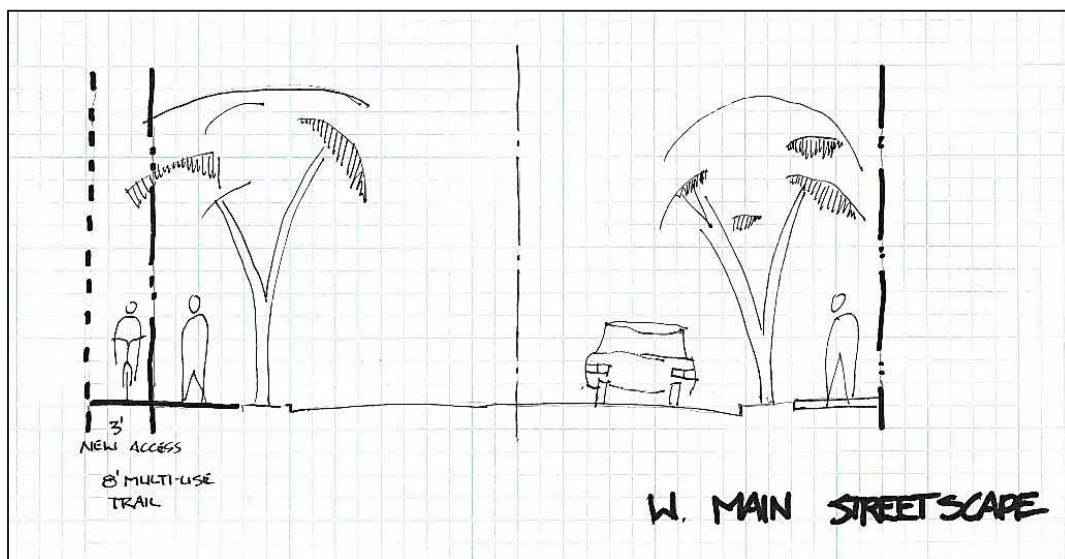
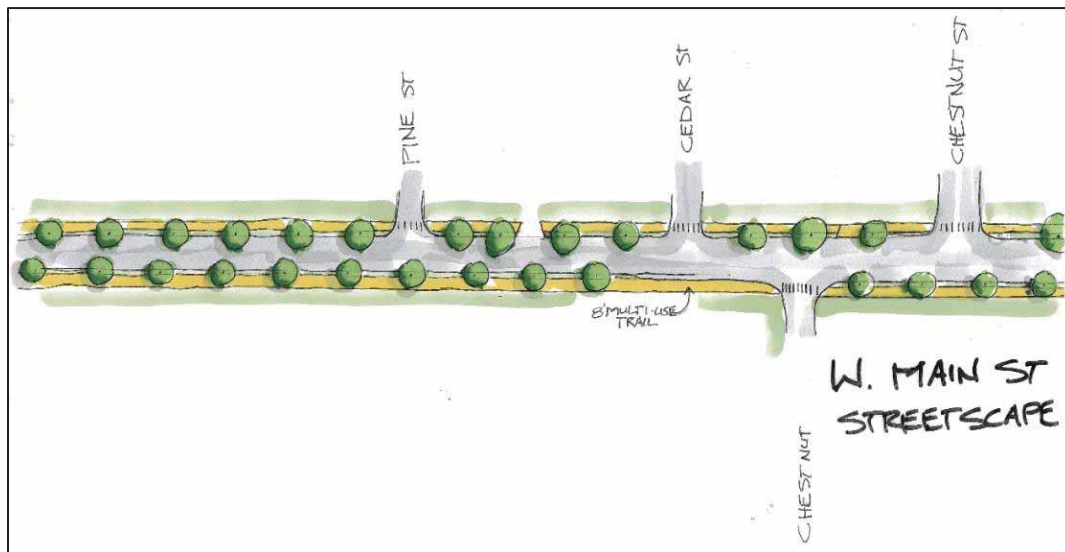
West Villanow Street

The Mars Theatre District on Chattanooga Street in West LaFayette is a third of a mile away from the Town Square via West Villanow Street. Considering the close proximity, we designed a streetscape for West Villanow Street (Appendix G) to connect the communities on either sides of the railroad tracks. The streetscape includes four-foot sidewalks on each side of the road, with a five foot square tree plot set low between the sidewalk and the street that allows for runoff capture from the sidewalk. The trees lining the street were suggested by Matt Searels, a stakeholder and arborist, based on landscape and proximity to buildings. The trees chosen for along the creek include Pecan, River Birch, Sycamore and Hemlock. Zelkova trees were chosen to line the businesses next to the street because the branches grow up rather than out, allowing for lessened contact with the neighboring building. Azaleas were chosen for the areas in front of buildings set back from the street due to their low height so that pedestrians and cars are able to see the businesses from the sidewalks and street. The remaining trees selected were Red Maple, Dogwood (Kousa) and Redbuds to bring height variety and aesthetics to the street. The West Villanow streetscape promotes interaction between residents while also giving them access to an up-and-coming commercial district (Mars Theatre District).



West Main Street

West Main Street is the street used by residents to get to Gilbert Elementary School and the mountains further west. The street has high traffic and is not well lit for kids to walk or ride their bikes to school, so a streetscape was designed for the road. The streetscape (Appendix G) includes a sidewalk on one side of the road, separated by thin trees and an eight-foot multi-use path on the other side which would require an additional three feet of right-of-way to maintain a tree planting separation strip from the road. The trees lining the street inhibit long views, prompting drivers to lower their speed. Street lighting is also necessary to create a safer commute for kids biking and walking to school. This streetscape and associated multi-use path are the "spine" from which the network of neighborhood connections are made.

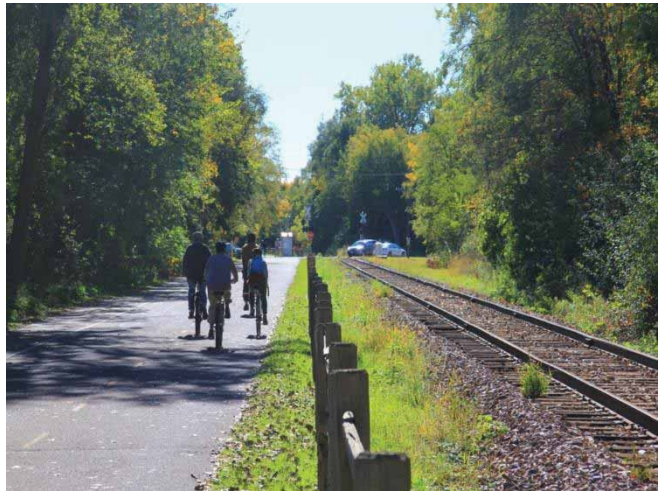


Greenspace and Walkability Network

The focal point of the West LaFayette Transformation Plan is a half-mile radius from the Mars Theatre District. This is the optimal distance for a walkable community. To further assist those walking and biking throughout West LaFayette, we designed a Greenspace and Walkability Network (Appendix G). This network includes greenspaces (parks and pocket parks), connections (greenway multi-use trail, street multi-use trail, street striped trail and on-street bikeway) and conservation development (development opportunities for preservation of greenspaces in and adjacent to town and greenway trail development). *The Next American Metropolis* states that in order for a multi-use trail to be successful, it must “be located along or visible from all streets and provide clear, comfortable and direct access to the core commercial area.” The greenway network provides access to important community areas—Head Start, parks, Community Hall, Recreation Center, housing (Workforce, Senior, Housing Authority), employment, Town Square and conservation development—through multiple means (walking, biking, running, etc.). The plan includes a greenway along Big Spring Creek. This path will provide a much needed amenity for the east and west sides of the city on a creek that currently is a divider of the two communities. The greenway connects to the West Main streetscape and onto the trails of Gilbert Elementary School so that students can safely bike along nature paths away from the danger of cars.

Further Recommendations:

- Visible from all streets
 - Provides adequate surveillance away from auto access
- Provides clear, comfortable and direct access to the core commercial area
- Bordered by residential fronts, public parks, plazas or commercial uses
- Paths through parking lots and away from streets are avoided
- Interruptions in the path and inconvenient walking routes are avoided as they discourage pedestrian travel
- Crosswalks are provided at all signalized arterial intersections
- Housing and Development Concepts



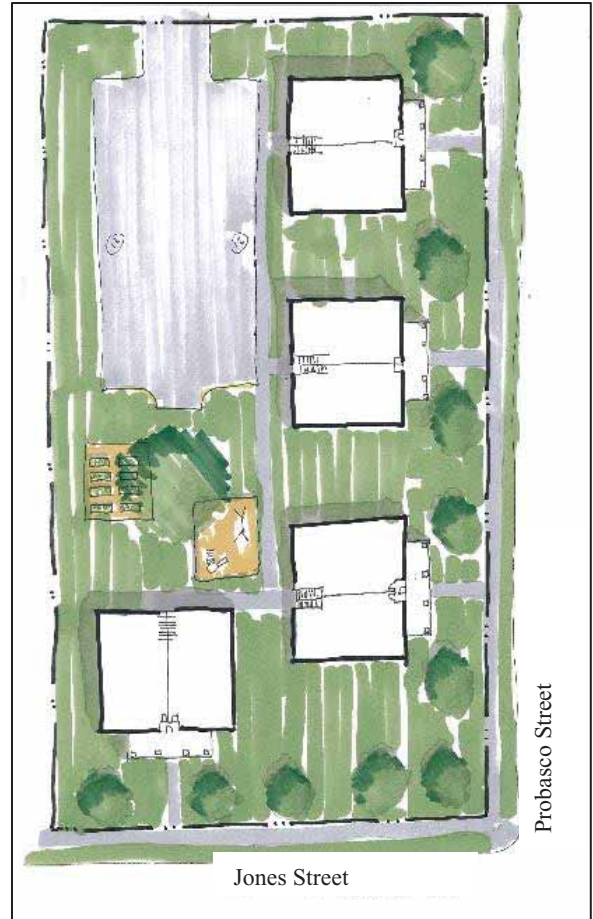
RootsRated.com; Elm Creek Park Reserve

Housing and Development Concepts

These concepts were developed after discussions with the Revitalization Team regarding the revitalization needs of the community. The Team identified the West LaFayette area, and in particular the Linwood community, as an area in need of housing revitalization. In an attempt to bring modern workforce housing back to the area, we have designed four concepts to incorporate a mix of housing types at an increased density. The concepts show single family cottages (one bedroom), duplex and townhomes (two and three bedrooms), garage apartments (studios), and live/work loft housing. The designs incorporate architectural elements to match existing housing in LaFayette with features chosen after feedback from our community Visual Preference Survey results. One distinct element of these concepts is that the multifamily homes are designed to appear as larger single family homes with features such as shared

front porch and heights limited to two-stories. Homes are built closer to the street to mimic traditional housing development in the West LaFayette neighborhood with parking accessed via alleyways and hidden from the street by the homes.

The Probasco Street concept shows a high density design that includes two-story quadplex apartments (two-bedroom units; sketch). These quadplex apartments are designed to appear as a single larger home with a single front porch. The units would then be accessed through an interior foyer giving the impression of a traditional single family home from the street. The aerial map of the Probasco Street concept can be found in Appendix G.



The Ann Street design reflects the City's desire to increase housing options near the Mars Theatre district and supply an additional retail component to compliment the revitalized retail on N. Chattanooga St. The hope is to attract an arts district to this location including live/work loft housing. The aerial map of the Ann Street concept can be found in Appendix G.

The Community Hall concept was designed to show a new community space which incorporates health care services in a shared community space.

Health care access was identified as a big need through our public input process. The community hall concept also incorporates a public park as well as three single family cottage homes, illustrating another potential housing type that can be re-introduced into the community. The aerial map of the Community Hall concept can be found in Appendix G.



The N. Steel Street concept shows the full potential of a mix of housing types on a single development parcel. Density is greatly increased through the use of townhomes, duplex and garage apartments. This concept shows housing types to accommodate different needs within the community including studio apartments above a garage, two bedroom duplexes and three bedroom townhomes. The aerial map of the N. Steele Street concept can be found in Appendix G.



RECOMMENDATIONS AND IMPLEMENTATION

Blight Documentation and Removal Plan

As part of any revitalization effort in an economically depressed area, the West LaFayette neighborhood is known to have blighted structures. The City has an active and ongoing strategy to demolish blighted structures (Appendix I). In 2016, the City invested \$30K from the general fund for blight removal and has an additional \$30K budget for 2017. Among the recently removed blighted structures are five parcels Rea Ventures Group has under contract for their nine percent LIHTC application-Abbington at Linwood.

6-Month Timeline for City Adoption of Recommendations

June 2017: Townhouse zoning guidelines adopted by the city (Appendix K1). Setbacks zoning guidelines adopted by the city (Appendix K2). Greenspace and Walkability Network plan adopted by the city (Appendix G).

July 2017: Architectural Design Guidelines adopted by the city (Appendix K3).

August 2017: Bed and Breakfast zoning guidelines adopted by the city (Appendix K4).

September 2017: Cottage Community zoning guidelines adopted by the city (Appendix K5).

October 2017: Pop-up Retail zoning guidelines adopted by the city (Appendix K6).

November 2017: Streetscape (and right-of-way addition) adopted (Appendix G).

1 Year: Historic Preservation zoning guidelines adopted by the city (Appendix K7).

RESOURCES

Historic Preservation Tax Incentives

The Georgia Department of Natural Resources – Historic Preservation Division allows state and federal tax incentives for “owners of a historic property who carry out a substantial rehabilitation.” These properties must be listed in, or eligible for, the National/Georgia Register of Historic Places, and must meet the Secretary of the Interior’s/Department of Natural Resources Standards for Rehabilitation. The three tax incentives are the Federal Rehabilitation Investment Tax Credit (RITC), the State Preferential Property Tax Assessment for Rehabilitated Historic Property and the State Income Credit for Rehabilitated Historic Property (Georgia DNR, Historic Preservation Division - <http://georgiashpo.org/incentives/tax>). This resource will be utilized to implement historic preservation of the West LaFayette study area.

Other Funding Resources for City Implementation

Looking forward, the Community Quarterback (David Hamilton, City Manager) will be in charge of leading all local efforts to implement suggestions with the plan. This consists of the goals formulated at the conclusion of the Initial Kick-off Meeting and Stakeholder Interviews. It is the City’s goal to utilize CDGB funding, SPLOST funding, GEFA Loans and ARC Grants, as well as leveraging LIHTC funding in order to achieve many of the goals of the West LaFayette Transformation Plan.

APPENDIX

COMMUNITY QUARTERBACK LETTER OF PARTNERSHIP

MANAGEMENT TEAM

REVITALIZATION TEAM

STAKEHOLDERS

VISUAL PREFERENCE SURVEY RESULTS

ONLINE SURVEY RESULTS

HOUSING AND DEVELOPMENT CONCEPT MAPS

IMPACT ANALYSIS FOR SCHOOL DISTRICT

BLIGHT DOCUMENTATION AND REMOVAL MAP

WALKER COUNTY LARGEST EMPLOYERS

ZONING UPDATES

Townhouses

Setbacks

Architectural Design Guidelines

Bed and Breakfast

Cottage Community Ordinance

Pop-up Retail

Historic Preservation

APPENDIX A: COMMUNITY QUARTERBACK LETTER OF PARTNERSHIP



CITY OF LAFAYETTE

207 SOUTH DUKE STREET

P.O. BOX 89

LAFAYETTE, GEORGIA 30728-2807

TELEPHONE: 706-639-1501

FACSIMILE: 706-638-7465

ANDY ARNOLD
MAYOR

DAVID HAMILTON
CITY MANAGER

May 22, 2017

Georgia Department of Community Affairs
Office of Affordable Housing
60 Executive Park South
NE Atlanta, GA 30329

RE: Community Quarterback for West LaFayette Transformation
Plan Abbington at Linwood
LaFayette, Georgia

To Whom It May Concern:

This letter is intended to outline my role as the selected Community Quarterback for the West Lafayette Transformation plan. In spring of 2016 our economic development director and myself began discussions with Rea Ventures Group (RVG) employees Matt Monroe and Trey Coogle regarding potential housing development needs in the City of LaFayette. At that time, we expressed to RVG the need for affordable and modern housing to attract workers from growing local industry to resettle in LaFayette. Specifically, we discussed the need to revitalize the Linwood neighborhood of West LaFayette where such housing options might serve as a catalyst to attract new development interest. The Linwood area is close to our downtown core but, over time, new development has concentrated to the north and east perimeter areas of LaFayette leading to disinvestment in the central part of our community.

Our discussion also concerned our current urban redevelopment plan (URP) goals which included infrastructure improvements, greenspace enhancement, as well as leveraging LIHTC to develop affordable housing. The opportunity to expand our URP to include the West Lafayette and Linwood area was a good opportunity to unite the city's goals. We expressed the housing options, design, and style needed to be sensitive to our existing community and to be seen by residents as a positive form of growth.

To usher the transformation plan through the visioning process, I volunteered to lead the local organizational needs for the plan's development. In partnership with RVG, Southface Energy Institute was brought in to facilitate the planning and design, stakeholder participation, and report preparation.

My goal as the community quarterback was to organize the transformation team consisting of local

government officials, realtors, business owners, public school administrative officials, and a local health care provider. As community quarterback, I organized our stakeholder team meetings and in consultation with Southface organized, advertised, and led the broader public input sessions which were instrumental in developing our plan's vision. I also served as the main point of contact for the Project Team (led by RVG with assistance from Southface) and will remain the primary person of accountability for partners and investors should Abbingdon at Linwood receive tax credit funding. Finally, I provided insight into the city's planning and zoning process for the development of potential site layouts for housing development in the Linwood neighborhood of West LaFayette. Neither myself nor any affiliate of the City of LaFayette was a part of the Project Team for the planned Abbingdon at Linwood workforce housing development.

Looking forward I will be in charge of leading all local efforts to implement suggestions with the plan. This consists of the goals we formulated at the conclusion of our public visioning meeting and stakeholder interviews. It is our goal to utilize CDBG funding, SPLOST funding, GEFA Loans and ARC Grants as well as leveraging LIHTC in order to achieve many of the goals set forth in our final report.

The city remains excited about the potential identified within the transformation plan process and is hopeful such goals will bring about substantial revitalization to the West LaFayette neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "David Hamilton".

David Hamilton
City Manager

APPENDIX B: MANAGEMENT TEAM

NAME	ORGANIZATION
Robert Reed	Southface
Matt Monroe	Rea Ventures Group, LLC
Austin Robinson	Southface
David Hamilton	City of LaFayette – City Manager, Community Quarterback
Kevin Dunn	City of LaFayette – Director of Economic Development

APPENDIX C: TRANSFORMATION TEAM (AKA REVITALIZATION TEAM)

NAME	ORGANIZATION
Robert Reed	Southface
Matt Monroe	Rea Ventures Group, LLC
Austin Robinson	Southface
David Hamilton	City of LaFayette – City Manager, Community Quarterback
Kevin Dunn	City of LaFayette – Director of Economic Development
Matt Harris	School District Representative, Gilbert Elementary School
Sandy Matheson	Primary Healthcare Center Clinic
Chris Davis	City of LaFayette City Council, Local Realtor
Judy Meeks	City of LaFayette City Council
Lisa Heyer	Local Realtor

APPENDIX D: STAKEHOLDERS

NAME	ORGANIZATION
Conrad Fryar	Local Contractor
Damon Raines	Walker County School Superintendent
David Boyle	Community Member, Historian
Diana Allen	Primary Healthcare Center – CEO
Lacey Wilson	Walker County Chamber of Commerce – President
Matt Searels	Arborist
Melanie Forsythe	Primary Healthcare Center – COO
Nathan Neal	Local Business Owner
Paula Bacon	Georgia Head Start – Program Director
Ruth Bass	LaFayette Housing Authority – Director
Shannon McConnell	Roper Corporation, LaFayette Housing Authority
Steve Ensley	Local Business Owner

WEST LAFAYETTE TRANSFORMATION PLAN

Visual Preference Survey RESULTS

SINGLE FAMILY HOME 1

A



80%

B



20%

A: more privacy, homey, rustic, nice landscaping

B: like the porch, more affordable

SINGLE FAMILY HOME 2

A



85%

A: like the porch

B: looks commercial, not LaFayette

B



15%

SINGLE FAMILY HOME 3

A



79%

B



21%

A: nice lawn, looks like home
B: low-maintenance

SINGLE FAMILY HOME 4

A



30%

B



70%

Both can fit in in LaFayette

SINGLE FAMILY HOME 5

A



95%

B



5%

A: traditional

B: mixed whether to allow in LaFayette or not

GARAGE SUITE 1

A



29%

B



71%

GARAGE SUITE 2

A



30%

B



70%

COTTAGES 1

A



33%

B



A lot of opportunities for these in LaFayette

COTTAGES 2

A



50%

B



50%

A: like the outdoor space and porch

B: fits in better in LaFayette

COTTAGES 3

A



95%

B



5%

B: do not like the concrete planters, too commercial

TOWNHOMES 1

A



55%

B



45%

A: looks like a military base, easier to heat and cool

B: like the siding

TOWNHOMES 2

A



58%

B



42%

A: do not like stucco

B: do not like stucco, maybe can fit in the square

TOWNHOMES 3

A



33%

B



67%

A: street parking has its place somewhere in LaFayette

B: not enough character

DUPLEXES 1

A



15%

B



85%

B: looks neater, natural colors, looks like a home

DUPLEXES 2

A



25%

B



75%

A: like the porch, must have matching doors for each entrance

RESIDENTIAL PARKING 1

A



70%

B



30%

B: more functional

RESIDENTIAL PARKING 2

A



14%

B



86%

B: getting cars off of main street is good, cars under living quarters is dangerous

RESIDENTIAL NEIGHBORHOOD

A



37%

B



63%

A: lighting and safety issues at night

SCREENING METHOD

A



50%

B



50%

Both have their place

RESIDENTIAL STREET LIGHTING 1

A



55%

B



45%

Both have their place

RESIDENTIAL STREET LIGHTING 2

A



60%

B



40%

A: good for neighborhood
B: not in residential

RESIDENTIAL SIGNAGE 1

A



21%

B



79%

RESIDENTIAL SIGNAGE 2

A



60%

B



40%

A: has its place, good for subdivisions
B: has its place

BED & BREAKFAST

A



59%

B



41%

A: too big, may not fill up in LaFayette

WALKING PATHS

A



68%

B



32%

Both are good

BIKE PATHS

A



10%

A: make only for bikes, not for pedestrians

B: good

B



90%

MIXED-USE DEVELOPMENT

A



14%

B



86%

B: looks like LaFayette

SHOPPING/DINING 1

A



52%

B



48%

SHOPPING/DINING 2

A



14%

B



86%

B: likes the trees

SHOPPING/DINING 3

A



10%

B



90%

PARKS AND RECREATION 1

A



38%

B



62%

A: kayak launch
B: good for kids

PARKS AND RECREATION 2

A



33%

B



67%

COMMUNITY FEATURES

A



77%

B



23%

ADDITIONAL COMMENTS

- Base design off of where they are in town/different neighborhood styles
- Front porch to build a community feel
- Grass/greenspace/landscaping
- Pedestrian streets: good
- Need businesses
- Wrong side of the tracks mentality needs to go away
- Connectivity
- LaFayette has access to good water; focus mission on water aspect
- Kayaking rentals/outdoor businesses
 - Gateway to outdoor adventures
 - Pigeon Mountain, Lookout Mountain
 - Brochures
- Clearing the abandoned and burnt down lots
- More family restaurants
- Need more options

WEST LAFAYETTE TRANSFORMATION PLAN

Online Survey RESULTS

SINGLE FAMILY HOMES



Average Rating:
4.6 out of 5

- ✓ Perfect for small town charm
 - ✓ Perfect fit
 - ✓ Good curb appeal
 - ✓ Clean yard
 - ✓ Vintage charm and timeless style
 - ✓ Suitable for any neighborhood
-
- Issue of affordability
 - Not enough yard

SINGLE FAMILY HOMES



Average Rating:
4.3 out of 5

- ✓ Historic
- ✓ Beautiful
- ✓ Old time looking
LaFayette home

SINGLE FAMILY HOMES



Average Rating:
4.5 out of 5

- ✓ Nice porch
- ✓ Classic model to blend in with most neighborhoods
- ✓ Beautiful

SINGLE FAMILY HOMES



Average Rating:
2.7 out of 5

- ✓ Nice sustainable landscape
 - ✓ Good for smaller families and retirees
 - ✓ Cute
 - ✓ Nice home
-
- Not accessible for everyone
 - Not a fit
 - Too beachy for LaFayette

COTTAGE COMMUNITY



Average Rating:
4.5 out of 5

- ✓ Very nice
 - ✓ Good for young professionals
 - ✓ Nice home
-
- Issue of affordability
 - Too rich looking for the neighborhood; prefer simple small houses

TOWNHOMES



Average Rating:
2.9 out of 5

- ✓ Great appeal
- Too cluttered
- Too beachy
- Needs greenspace



Average Rating:
2.9 out of 5

- ✓ Beautiful
- ✓ Great concept
- ✓ Great
- Too urban for West LaFayette
- Dull
- Looks like business offices
- Not enough greenspace

RESIDENTIAL PARKING



Average Rating:
2.8 out of 5

STREET LIGHTING



Average Rating:
4.1 out of 5

- ✓ Quaint
 - ✓ Love these lights
 - ✓ Seems homey
-
- Doesn't provide enough light
 - Not practical for residential

RESIDENTIAL SIGNAGE



Average Rating:
4.1 out of 5

✓ Heritage-looking

RECREATION



Average Rating:
4.4 out of 5

- ✓ Creative and safe
- ✓ Need this to bring people out



Average Rating:
4.5 out of 5

- ✓ Great for kids

WHAT TYPE OF HOUSING WOULD YOU LIKE TO SEE IN WEST LAFAYETTE?	
Single Family Homes	49%
Cottage Homes	27%
Townhomes	11%
Duplexes	7%
Other	6%
PLEASE RANK THE GREATEST NEEDS FOR WEST LAFAYETTE FROM MOST (8) TO LEAST (1)	
Quality Housing Options	8
Public Safety	7
New Business	6
New Parks/Recreation Options	5
Improved City Services	4
School/Education or Afterschool Care	3
Healthcare Options	2
Transportation	1
WE NEED _____ THE MOST IN THE CITY OF LAFAYETTE	
Improved Housing Opportunities	33%
New Business	26%
New Parks/Recreation	21%
Broadband Internet Services	8%
Campus or Tech School	3%
Improved Downtown Area	3%
Other	3%
WHAT WOULD MAKE YOU WANT TO BUY/BUILD/LIVE IN LAFAYETTE, PARTICULARLY WEST LAFAYETTE?	
Quality Housing	
Affordable housing	
Clean up the area	
Make it safer	
Improve aesthetics	
Improve sidewalks	
Make it family-friendly	
More recreation options	
Introduce quality and successful restaurants and shopping	
Add greenspaces	
Hiking and biking trails	
Restore homes	
Create historic district	
Availability of kid-friendly activities/areas	

APPENDIX G: HOUSING AND DEVELOPMENT CONCEPT MAPS

Probasco Street



Ann Street



Community Hall

N. Steel Street



Streetscapes



Greenspace and Walkability Network



APPENDIX H: IMPACT ANALYSIS FOR SCHOOL DISTRICT

The analysis for the school district was developed from demographic data obtained from similar past projects of Rea Ventures Group. We applied the data to a 60-unit development below:

School Level	Age	Percent of units occupied*	Estimated number of units occupied*
Pre-K, Daycare, Other	0 – 4	28%	16.8
Elementary School	5 – 10	21%	12.6
Middle School	11 – 13	8%	4.8
High School	14 – 18	13%	7.8
No kids	NA	30%	18

*for a 60-unit development

APPENDIX I: BLIGHT DOCUMENTATION AND REMOVAL PLAN

The West Community Transformation Plan acknowledges blight as an issue in the community and a major opportunity to continue the revitalization of West LaFayette and the Linwood neighborhood. Blight removal is listed under Challenge 1 in our goals and solutions report. Disinvestment in the West LaFayette community began with the closure of local factories and the shuttering of local business. The city has taken great efforts to document the blight and develop a blight removal program stemming from the West LaFayette Urban Redevelopment Plan. The city invested \$30,000 towards blight removal in FY2016 and has invested the same amount for FY2017. The current plan is to renew the blight removal program into the future.

Today, while certain blight still exists, it is also evident that some new community investment is occurring with the renovation of homes and the overall removal of blighted structures to make room for new development. The Mars Theatre district has seen extensive rehabilitation and now includes a locally owned restaurant (The Stable House), the renovated MARS Theatre, and an outdoor guide (G-3). Many of the cities recent capital improvement projects have been focused in West LaFayette in hopes that fixing the infrastructure from the underserved community will spark both economic investment opportunities, housing rehabilitation, and new construction of for sale homes and quality rental properties.



Reinvestment in West LaFayette, the Mars Theatre district, within ¼ mile of Abbington at Linwood.



Blighted homes typical of the Linwood neighborhood in close proximity to the Abington at Linwood site.



CITY OF LAFAYETTE

207 SOUTH DUKE STREET

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ANDY ARNOLD
MAYOR

DAVID HAMILTON
CITY MANAGER

5/23/17

Georgia Department of Community Affairs
Office of Affordable Housing
60 Executive Park South NE
Atlanta, GA 30329

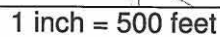
RE: Community Investments in Infrastructure
Abbington at Linwood
LaFayette, Georgia

To Whom It May Concern:

The City of LaFayette has made major investments in Water, Wastewater, and streets to help shore up the infrastructure necessary for further development and redevelopment. Since 2014 we have invested \$1.68 Million in a new 2MM Water tank at the top of "Reservoir Hill", at the corner of Hickory Street and 2nd Avenue. This includes a new Water Main tie in down Henderson Street and North Chattanooga Street to Probasco Street. We have spent over \$800 Thousand dollars rehabilitating the influent pump station at our Waste Water Treatment Plant, which serves the entire City. We have also spent \$351 Thousand replacing Water main and services under Thompson Street, Cherokee Street, and South Chattanooga Street to improve existing service water and in preparation for repaving. We have spent \$680 Thousand repaving Probasco Street, Chattanooga Street, Thompson Street, Cherokee Street, and Chestnut Street. We have funded these projects through SPLOST Funding, GEFA Loans, ARC Grants, and LMIG (GDOT) funding. We have also spent more than \$30 Thousand remediating blight through our General Fund, and have another \$30 Thousand budgeted this year to continue the project. This does not include the blight remediation that has been funded by property owners whom have come into compliance with our Building and Property Maintenance Code.

Sincerely,

David Hamilton
City Manager



APPNEDIX J: WALKER COUNTY LARGEST EMPLOYERS

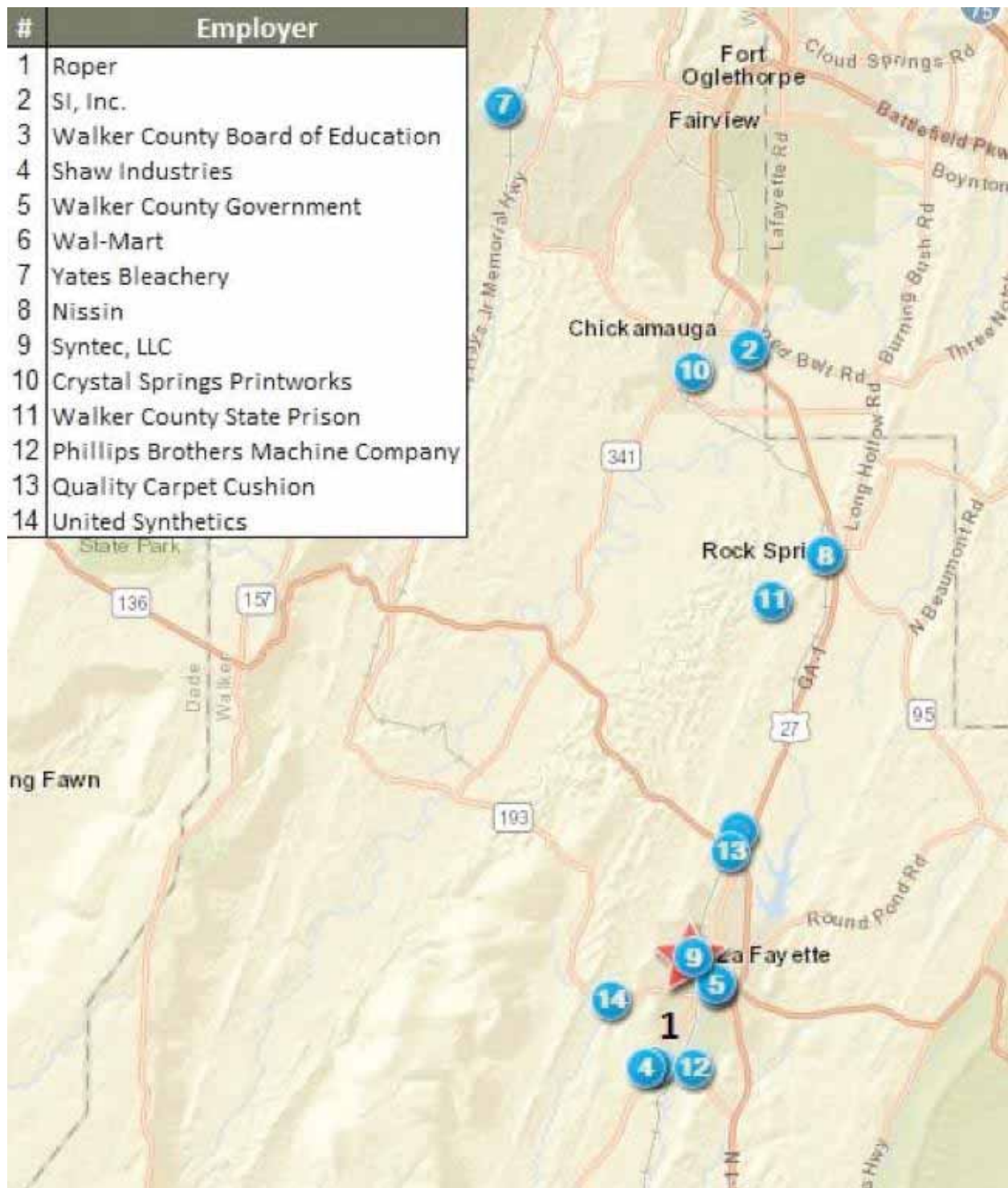
Largest Manufacturing Companies

COMPANY	NUMBER OF EMPLOYEES	TYPE OF BUSINESS
Roper	1,800	Gas & Electric Ranges/Cooktops
Shaw Industries	494	Carpet Yarn
Yates Bleachery	250	Bleach Cloth
Syntec, LLC	200	Nylon Yarn
Nissin	210	Brake Components
Buy the Truck	70	Carpet Backing
United Synthetics	60	Carpet
US Vinyl	40	Carpet
Enviroquip	35	Equipment Parts
Euclid Chemical	20	Chemical
Audia	60	Plastic, Third Tier Automotive
Unique Fabricating	100	Automotive Plastics

Largest Non-Manufacturing Companies

COMPANY	NUMBER OF EMPLOYEES
Walker County Board of Education	1,224
Walker County Government	309
Wal-Mart	275
Walker County State Prison	125

#	Employer
1	Roper
2	SI, Inc.
3	Walker County Board of Education
4	Shaw Industries
5	Walker County Government
6	Wal-Mart
7	Yates Bleachery
8	Nissin
9	Syntec, LLC
10	Crystal Springs Printworks
11	Walker County State Prison
12	Phillips Brothers Machine Company
13	Quality Carpet Cushion
14	United Synthetics



APPENDIX K: ZONING UPDATES

- K1. Townhouses
- K2 Setbacks
- K3. Architectural Design Guidelines
- K4. Bed and Breakfast
- K5. Cottage Community Ordinance
- K6. Pop-up Retail
- K7. Historic Preservation

K1. Townhouses and K2. Setbacks

LaFayette's zoning ordinance dates from 1974. While amended, it remains in roughly its original state. Zoning in the 1970's and prior was focused on auto centric planning paradigms that were transforming communities across the nation into drivable suburbs. While LaFayette has not enjoyed substantial growth in the time since adoption many communities that have grown substantially are suffering from unforeseen consequences of drivable suburban development regulations. Drivable suburban development creates unbalanced growth whose consequences include, as documented by the Brookings Institute:

- Traffic congestion
- Increased Vehicle Miles Traveled (VMT)
- Environmental endangerment
- Spatial mismatch of jobs and housing

Drivable suburban regulations often do not fit existing pre-World War II communities with their more walkable layouts and services in close proximity to housing. This is the case in Lafayette. During the Brainstorming Session an analysis of West LaFayette, with its mill town street patterns, found less than 40% of existing homes in compliance the zoning requirements for front yards.

The ordinance dating from 1974 has a distinct conservation vision that survives edits. Future edits should build on the conservation subdivision potential existing within the ordinance.

Therefore, in the interest of a simple update to the existing zoning ordinance, the following recommended changes with embedded explanations are recommended. These changes will allow more walkable and convivial development to occur. Many of the recommended changes came from the model zoning ordinance of the Department of Community Affairs.

The preamble should remove the words:
lessening congestion in the streets,

Research on the effects of conventional zoning ordinances like LaFayette's finds that separation of uses actually causes congestion through increased vehicular trips.

preventing the overcrowding of land, avoiding undue concentration of population

Overcrowding of land and concentration of population are relative terms. The public interest lies not in individual uses and density, but rather their impact on the general welfare and provision of services.

(16) *Dwelling, Multiple-Family*: A building or portion thereof designed or altered to provide dwelling units for three (3) or more families.

a. *Dwelling, Upstairs*: A portion of a building which is:

- (1) Designed or altered, and used for residential occupancy; and
- (2) Located above the street level story of a building that is located and operating as a permitted use in either a B-1 Commercial District (Central Business District) or a B-2 Commercial District (General Business District). ~~No pets shall be permitted in any upstairs dwelling. (Ord. No. 08-7, § 1, 4-14-2008)~~

It is suggested to repeal the prohibition of pets and to adopt pet feces removal requirements in the commercial district. This goes to livability for your business districts.

Section 29-35. - Corner and double frontage lots.

On lots having frontage of more than one street in residential districts, ~~a minimum front yard~~ **a double side yard** shall be provided **on the longer frontage of a corner lot** ~~for each street~~ in accordance with the provisions of this Chapter.

Reduced setbacks enhance a community's conviviality and walkability.

(10) *Design Requirements for Blocks.*

1. *Block Length*. Intersecting streets shall be provided at such intervals so as to provide adequate cross traffic. Blocks in residential subdivisions should not exceed **twelve hundred (1200) feet** ~~eighteen hundred (1,800) feet~~ ~~nor be less than six hundred (600) feet~~ **in length in residential districts and eight hundred (800) in commercial districts**, except where topography or other conditions justify a departure from these standards. The Planning Commission may require pedestrian ways Page 23 and/or easements through the block be located near the center in blocks longer than eight hundred (800) feet. **Revise Figure**

Excessive block length reduces street network connectivity, a leading cause of congestion.

(11) *Design Requirements for Lots.*

2. *Access and Minimum Lot Frontage.* Each lot shall have access to a public street and a minimum of seventy-five (75) feet in R-2, R-3 and B-2 zones and ninety (90) feet for R-1 zoning for lots adjacent to public street, flag lots are allowed to have twenty-five (25) feet or more of lot frontage on a public street; provided, however, that the local governing body may permit one or more lots Page 24 to be accessed by private streets, as more fully specified in this ordinance; provided further, that in the case of a lot accessed by a circular cul-de-sac, the minimum lot frontage may be reduced to thirty (30) feet with a minimum width of seventy-five (75) feet at the setback line. All lot widths except for the flag lot may be given a variance if reviewed and approved according to ordinance. Only in conservation subdivisions may lots be accessed by private streets.

Lot requirements are governed by Article V:

7. *Lot Width.* No portion of a lot shall be narrower than that established by the zoning ordinance in which the subdivision exists, with the exception of cul-de-sac lots at the street frontage and flag lots that have a minimum of twenty-five (25) feet. If sewers are not available the health department must establish the lot size requirement if a septic system is allowed.

8. *Lot Depth.* Lots shall have a depth of not less than one hundred (100) feet, unless circumstances make these limitations impracticable.

Cul-de-Sacs should be removed from allowed street configurations as they inhibit connectivity concentrate traffic on collector streets and created excessive run off. Section (20) 1 should suffice for control of these features. Hammer head should terminate streets that are to be continued.

11. *Corner Lots.* Corner lots shall have adequate width to meet the front building setback requirements, if applicable, from all rights-of-way.

Preliminary plats in compliance with this section shall be approved by the building official. Planning commission shall review only rezoning requests, and preliminary plats of conservation subdivisions and those requiring variances.

(20) Standards for Configuring New Streets.

5. *Dead-End Streets and Cul-De-Sacs.* Streets that dead-end shall terminate in a cul-de-sac. The maximum length of such streets shall be six hundred (600) feet in urban areas and twelve hundred (1,200) feet in rural areas. Streets that are planned to continue at some future date shall provide a temporary hammer head as required by the Building Official.

5. *Dead-End Streets and Cul-De-Sacs.* Streets that dead-end shall terminate in a cul-de-sac. The maximum length of such streets shall be six hundred (600) feet in urban areas and twelve hundred (1,200) feet in rural areas. Streets that are planned to continue at some future date shall provide a temporary cul-de-sac as required by the Building Official.

6. *Marginal Access Streets.* Whenever a major subdivision is proposed abutting the right-of-way of a U.S. or State highway, a marginal access street approximately parallel and adjacent to such right-of-way may be required by the Planning Commission at a distance suitable for the appropriate use of land between such marginal access street and highway right-of-way. The Page 37

~~Planning Commission may also require a twenty-foot no-access easement and planting strip along the major arterial street to~~

Marginal Street should be allowed but not required rather commercial and mixed uses should line highways.

3. *Radius at Street Intersections.* The right-of-way radius at street intersections shall be a maximum of fifteen (15) feet, ~~with larger radii for streets serving nonresidential development, as approved Page 38~~

~~by the Building Official. The minimum pavement (curb) radius at street intersections shall be twenty-five (25) feet.~~

5. <i>Minimum Street Right-of-Way and Pavement Widths.</i> Street right-of-way and pavement widths shall at minimum meet the following: Street Type	Minimum Right-Of-Way Width (Feet)	Minimum Pavement Width (Feet)
Major arterial street	Per thoroughfare plan	Per thoroughfare plan
Collector street	60	36
Local street with curb and gutter	40	24(back of curb to back of curb)
Local street without curb and gutter	50	24
Cul-de-sac turn around radius	50	42(back of curb)
Alley	20	16 (12 if pull outs are provided every 250')

(25) Curb and gutter should only be required soil and slope conditions warrant. Street cross sections with ditch drainage shall be the preferred section for local streets.

(4) *Minimum number of parking spaces required.* On each lot where a building, structure, or use exists, offstreet parking shall be provided according to Table 3. No existing facility used for offstreet parking shall be reduced in capacity to less than the minimum required number of spaces, or altered in design or function to less than the minimum standards. Page 49

Table 3 Minimum Number of Offstreet Parking Spaces Required **Use**

Commercial Uses

Art gallery

Auto parts store

Automobile sales

Parking Spaces Required (Per Gross Floor Area Devoted to the Use, or Per Employee on Largest Shift, Except as Otherwise Specified)

One per 2000 square feet

One per 400 square feet plus one per employee

One per employee, plus one per 150 square feet of repair space, plus one per 600 square feet of showroom

Automobile service and repair	Two per service bay
Bank, credit union, savings and loan	One per 1000 square feet (also see stacking requirements for drive-through facilities)
Barber shop or beauty parlor	One per 1000 and one-half per operator's chair, plus one per employee
Bed and breakfast inn	Two for the owner-operator plus one 0.6 per guest bedroom
Billiard hall/amusement arcade	One per 1000 square feet
Bowling alley	Two for each alley, plus one per each employee
Convenience store	One per 1000 SF for stores less than or equal to 2000 SF Otherwise, One per 250 square feet plus one per employee
Dance hall or school	One space per 150 square feet
Funeral home or mortuary	One per four seats, plus one per two employees, plus one for each hearse, ambulance, or company vehicle
Furniture, carpet, appliance and home furnishing store	One per 1,000 square feet plus one per employee and one per delivery truck
Grocery or food store	One per 400 square feet
Hardware store	One space for the first 5000 square feet. Beyond that One per 400 square feet plus one per employee
Health or fitness club	One for the first 2500 square feet, Ten plus one per each 400 square feet over 1,000 square feet
Hotel or motel	One 0.6 per guest room, plus one per employee, plus one per specified requirements for restaurants and meeting rooms as applicable
Kennel	One per 1000 square feet, plus one per employee
Laundromat	One per each 5 washer/dryer combinations
Nursery or greenhouse	One per 2500 square feet devoted to sales
Office	One per 1000 square feet
Photographic studio	One per studio
Restaurant, bar, or tavern	One per 400 square feet up to 4000 square feet one per 250 beyond
Self storage facility (mini-warehouse)	One per facility manager, plus one per each forty storage units, with two spaces total minimum
Service station	One per two employees plus three for each service bay

Shopping center	Four and one-half spaces per 1,000 square feet
Theater, cinema	One per 5 fixed seats up to 300 seats one per two seats beyond
Veterinarian, animal hospital	Two per practitioner

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Institutional Uses

Church, temple, synagogue and place of worship	One per four seats in room with greatest seating capacity
Day care center	One per employee, plus one per eight children, plus one space for each vehicle associated with facility
Government office	One per 300 square feet
Hospital	One per four beds, plus one per two employees
Library or museum	One per 300 square feet
Nursing home	One per three patient beds
Post office	One per 200 square feet
School - elementary	One per employee plus one additional per ten employees
School - middle	One per ten students or one per five seats in auditorium or main assembly area, whichever is greater

Residential Uses

Apartment, one bedroom	One per unit
Apartment, two bedroom	One and one-half per unit
Apartment, three bedroom	One and one-half per unit
Boarding or rooming house	One space for each two guest rooms, plus one additional space for the owners, if resident on the premises
Residence within building containing a nonresidential use	One per unit
Single-family detached or attached (including manufactured home)	One per unit where on street parking is available otherwise Two per unit
Two family dwelling	One per unit where on street parking is available otherwise Two per unit

Section 29-63. - Developmental standard for townhouses.

A. General provisions

(1) *Separation requirements:* No portion of a townhouse or accessory structure in or related to one group of contiguous townhouses shall be closer than 10' feet to any portion of a townhouse or accessory structure related to another group, or to any building outside the townhouse area.

~~(2) *Open space between units and buildings:* The front or rear face of a dwelling unit shall be not less than 50 feet from the front or rear face of another dwelling unit. The unattached side of a building shall be not less than 20 feet from the side face of another such building and not less than 40 feet from the front or rear face of another such building or unit.~~

(3) *Alignment:* No dwelling unit shall be situated so as to face the rear of another dwelling unit unless terrain differences or vegetation will provide effective visual separation.

(4) *Parking:* **Where on street parking is available one space per dwelling, otherwise at** least two parking spaces shall be provided for each dwelling unit off the public right-of-way.

(5) *Preservation of common areas:* If common areas are provided for in a development, the developer or homeowner's association created by the developer, by recorded covenants and restrictions running with the land, shall preserve and maintain for the owners and occupants of the units the lands set aside for open space, parks, recreation use, or common off-street parking places.

(6) *Buffer areas:* There shall be a buffer area with a minimum depth of **6'** feet consisting of a mixture of trees (evergreen) and shrubs. A buffer is required on all sides of the property **adjoining R2 and R1 zoning** except that side abutting a public street.

(7) *Accessory uses:* A planned development shall be allowed accessory uses as defined in this Ordinance; however, accessory uses are prohibited per individual townhouse lot.

B. Specific standards for townhouses

(1) The development of townhouses involves a subdivision of land and all applicable rules of any subdivision regulations of the City of LaFayette shall apply.

~~(2) Not more than eight contiguous townhouses nor fewer than three shall be built in a single building.~~

(3) The minimum width for the portion of the lot on which the townhouse to be constructed shall be 16 feet, but the minimum average width of a single unit in a contiguous group of three (3) or more units shall be 20 feet.

C. Procedures for approval of townhouses

(1) *Application for approval; site plan required:* A site plan of the proposed development drawn to scale shall be submitted to the Board of Appeals as provided in Section 29-60 of this Ordinance. Each site plan shall be drawn at an appropriate scale and shall show the following:

a. Name: Name(s) of the proposed development. Name(s) and address(es) of the owner(s) and the designer(s) of the site plan.

b. Date: Date, approximate north arrow and scale.

c. Boundaries: The boundary line of the tract to be developed drawn accurately to scale and with accurate linear and angular dimensions.

d. Location map: A map to an appropriate scale showing the location of the development.

e. Contours: Contours with a minimum vertical interval of five (5) feet referred to sea level datum shall be provided for both existing and proposed topography. (This provision may be waived if topography is substantially level and/or contours are not necessary for the provision of water and sewer.)

f. Existing features: The location and dimensions of existing and platted property lines, streets, buildings, watercourses, railroads, bridges, water mains, sewers, culverts, drain pipe, and public utility easements, both on the land to be developed and on the portion of the land immediately adjoining which abuts the land to be developed, and any other pertinent characteristics of the land; the names of adjoining subdivision or the names of record owners of adjoining parcels of unsubdivided land; and the zoning of the property.

g. Proposed improvements: The names, where appropriate, and locations and dimensions of proposed streets, alleys, sidewalks, easements, buildings, parking, recreation areas and facilities, yards and other open spaces.

h. Utility and drainage plans: Utility and drainage plans shall be provided including all information required by the Health Department, Mayor and Council, and other City authorities to determine that

water, sewer, sanitary disposal, and storm drainage improvements will be made and located in accordance with City requirements.

i. Buffer areas: Location, dimensions and treatment of all required buffer, landscaped or planted areas including fences.

j. Proposed protective covenants: A preliminary outline of proposed protective covenants, including provisions for the organization and financing of a landowner's association where appropriate.

Section 29-50. - Use, Area, Yard, and Height Requirements.

			MINIMUM LOT SIZE		LOT COV- ERAGE	MAXIMU M BUILDING HEIGHT	MINIMUM YARD DIMENSIONS		
DISTRICTS	PERMITTED USES	CONDITIONAL USE	Area (Sq. Ft.)	Width (Feet)	% of Total (Lot)	(Stories)	Front (Feet)	Side (Feet)	Rear (Feet)
	Single-Family Residence		12,000	75	35	2½	35	12	40
	Elementary School		3 acres				50	20	50
	High School		5 acres				50	20	50
29-50.1 R-1	Governmenta l Building (excluding garage & storage)		12,000	90	40		35	12	40
	Accessory Sign								
	Accessory Uses		Minimum of three feet from property line						
		Public Utility Stations							
	Churches	Group Housing Projects	1 acre			3	75 (See	75	75

							Note 2)		
	Single-Family Dwelling	All Other R-1 Conditional Uses	8,000	75	AVG – 35	2½	AVG – 30 (See Note 3)	10	35
	All Other R-1 Uses		Same as R-1 above						
		Small Lot							
29-50.2 R-2 Residential	Two-Family Dwelling		7,500	50	50	2½	AVG – 15 (See Note 3)	5	20
		Nursery School or Kindergarten							
	Churches		1 acre			3	75	75	75
		Fee Simple Townhouses	1,815/unit	16 (except as modified by Section 29-63)		2	AVG – 15 (See Note 3)	Zero with party wall; 10-ft other- wise	10
		Barber Shop and Beauty Parlor							
	Single-Family Dwelling	Personal Care Home	8,000	75	50	2½	AVG – 15 (See Note 3)	10	10

	All Other R-1 and R-2 Uses	All Other R-1 and R-2 Conditional Uses	Same as R-1 above						
		Small Lot							
29-50.3 R-3 Residential	Two-Family Dwelling		7,500	50	50	2½	AVG – 15 (See Note 3)	5	20
	Multifamily Dwelling		5,000	75	60	3	AVG – 15 (See Note 3)	5	20
	Churches		1 acre			3	75	75	75
		Telephone Exchange (including office space and equipment storage)							
	Medical Buildings		9,000	75	25		30	8	15
		Home Occupation							
		Mobile Home Park							
		Mobile Home							
		Nursery School/Kindergarten							
		Personal Care Home							

	Automobile Sales								
	Retail Bakery Shop Bank, Office, Studio Hotel		<p>No minimum yard or lot areas shall be required in the B-1 District except as follows:</p> <p>a. When existing buildings located on each side of a proposed new building have established a building line, then the new building shall conform to that line.</p> <p>b. When lots in this District are adjacent to and adjoining a Residential District, those lots shall have a minimum yard of 10 feet on the side or sides adjacent to the Residential District.</p>						
		Small Lot							
29-50.4 B-1 Commercial	Amusement Centers								
	Public Building Wholesale (excluding warehousing) Radio Stations (excluding transmission facilities) Newspaper Office and Print Shop Mortuary Restaurant, Cafe Parking Lot & Parking Garage Taxicab and Bus Station		<p>No minimum yard or lot areas shall be required in the B-1 District except as follows:</p> <p>a. When existing buildings located on each side of a proposed new building have established a building line, then the new building shall conform to that line.</p> <p>b. When lots in this District are adjacent to and adjoining a Residential District, those lots shall have a minimum yard of 10 feet on the side or sides adjacent to the Residential District.</p>						
	Telephone Exchange Other Retail								

	Uses Business Sign								
		Advertising Sign							
		Rooming House							
	B-1 Uses						30	10	25
	Cold Storage Plants						30	10	25
	Milk and Soft Drink Bottling and Distribution Plant						30	10	25
	Building Materials						30	10	25
	Dwelling, Upstairs	One bedroom efficiency	Min. Sq. Ft. 600; Max No. Occupants-2; Max No. Vehicles-2						
		Two bedroom unit	Min. Sq. Ft. 800; Max No. Occupants-4; Max No. Vehicles-3						
29-50.5 B-2 Commercial	Food Processing (except meat, fish or fowl)						30	10	25
	Tourist Court or Motel						30	10	25
	Feed Store						30	20	25
	Multiple- Dwelling Units		See Note 1	See Note 1	70	3	AVG – 20	10	15
	Auto Repair and Garage (except auto storage)						30	10	25
		Planned Shopping Center	3 acres				50	20	50

29-50.6 I-1 Industrial	Food Manufacturing Bottling Plant Building Material Yard Equipment Storage Warehousing Service Station Ice Plant Storage Yard (except junkyard) Nursery and Greenhouse	Adult Entertainment Establishment	No minimum yard or lot areas shall be required in the I-1 District except as follows: a. All uses shall have a minimum front yard of 30 feet; b. When lots in this District are adjacent to and adjoining a Residential District, those lots shall have a minimum yard of 25 feet on the side or sides adjacent to the Residential District. c. The minimum area of a Mobile Home Park shall be 5 acres.						
	Restaurant Print Shop Truck Terminal Pet Shop, Kennel and Veterinarian Hospital Places of Amusement								
	Customary Accessory Uses								
		Office Trailer (Accessory Building)							
		Outdoor Advertising Sign							
		Borrow pit							
	I-1 Permitted Uses								
	Asphalt Products		No minimum yard or lot areas shall be required in the I-2 District except as follows:						

		Tattoo Studio							
29-50.7 I-2 Industrial	Blacksmith and Machine Shops Textile Products Lumber and Wood Products Grain Mill Products Chemical Plants Cement Products Structural Clay Products	Adult Entertainment Establishment	<p>a. All uses shall have a minimum front yard or 30 feet.</p> <p>b. When lots in this District are adjacent to and adjoining a Residential District, those lots shall have a minimum yard of 25 feet on the side or sides adjacent to the Residential District.</p>						
		Office Trailer (Accessory Building)							
		Meat and Dairy Processing Junkyards Borrow pit							
29-50.8		Any type open space which is customarily accessory or incidental to uses in the adjoining district, such as parking lots, used car lots, storage of movable equipment, loading and unloading areas, gardens, public and private open- type recreation areas, etc.							
29-50.9 F-2 Floodway	Accessory uses	Uses permitted in the F-1 District, plus landfills and	Where portions of other						

(An Overlapping district)	Accessory buildings	structures with first floor elevations above that subject to flood.	districts also fall in this District, all uses, other than those listed as permitted in this section, become conditional. (See Section 29-60.)						
29-51 O-1			Personnel Placement Offices						
			Churches						
			Personal care homes						

Note— 1: Minimum lot size area requirements shall be a minimum of 5,000 sq. ft. for the first dwelling unit, an additional 1,000 sq. ft. for the second unit, and 2,000 sq. ft. for any and all additional units.

Minimum lot size width requirements shall be increased by ten feet for each added dwelling unit.

Note— 2: Where the property line is a street line, the front yard setback established for the district shall apply.

Note— 3: Where 50 percent of existing lots in a block face are developed, the average set-back of those lots shall determine the set-back for that block face. Otherwise, the numerical set-back indicated shall govern.

(Ord. of 4-14-86, § B; Ord. of 2-9-87; Ord. No. 1-88, §§ A, B, 1-11-88; Ord. No. 98-5, § 1, 11-9-98; Ord. No. 99-9, § 2, 10-11-99; Ord. No. 99-10, § 1, 10-11-99; Ord. No. 00-4, § 1,

2-14-2000; Ord. No. 00-10, §§ 2, 3, 7-10-2000; Ord. No. 02-01, 1-14-2002; Ord. No. 03-13, § 1, 12-8-2003; Ord. No. 04-15, §§ 1, 2, 11-8-2004; Ord. No. 06/01, §§ 1, 2, 5-8-2006; Ord. No. 06/02, § 1, 5-8-2006; Ord. No. 08-7, §§ 2, 3, 4-14-2008; Ord. No. 09-08, § 1, 12-14-2009)

K3. Architectural Design Guidelines

- Materials/Resources
 - Exterior door: solid wood panel or single-pane fixed glass; be composed of no more than 50 percent glass
 - Siding: wood clapboard, wood, or smooth-surface cementitious lap siding.
 - Foundation: brick, stone, smooth finish stucco, smooth finish concrete
 - Roofing: asphalt shingles or metal panels
 - Chimney: faced in brick
 - Porch: wood, brick, or cast in place or precast concrete; metal steps are not permitted
- Porch requirements: eight foot minimum depth, 128 square feet minimum area
- Foundation: 14 inches minimum; four feet maximum above the surface of the ground at the front property line. Exception: Where grade slope between the front property line and the front setback exceeds 20 percent foundation may be as high as 6 feet.
- Front yard build to line: The primary façade of the house must be within 5 feet of the front setback.
- Roof form requirements
 - Minimum roof slope 6:12, maximum 12:12
 - Three acceptable roof forms:
 - Gabled
 - Hipped,
 - Shed roof (on rear of homes and porches as appropriate)
 - Boxed gable returns not permitted
- Fenestration:
 - Front and side elevations shall have a minimum of 25 percent fenestration
 - Windows: shall be vertical in proportion, not constructed in combination of more than two units, and be double-hung wood sash.

Examples of current architectural styles in LaFayette can be found below:



Free Classic Victorian (balcony added)



Vernacular Cottage



New South Cottage



Folk Victorian



Side Gable Cottage



Renovated Bungalow



Bungalow



Georgian Cottage



New South Cottage



Folk Victorian

K4. Bed and Breakfast (Madison, GA)

ARTICLE III. - BED AND BREAKFASTS^[3]

Footnotes:

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Editor's note— Amd. of 3-28-2011(2), § 1, repealed the former Art. III, §§ 22-91—22-108, 22-110, and enacted a new Art. III as set out herein. The former Art. III pertained to similar subject matter and derived from Amd. of 7-10-2006, § 1.

State Law reference— Tourist courts, O.C.G.A. § 31-28-1 et seq.; operators of hotels, inns and roadhouses, O.C.G.A. § 43-21-1 et seq.; local excise taxes on rooms, lodgings and accommodations, O.C.G.A. § 48-13-50 et seq.

Sec. 22-91. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section. If there should ever arise a discrepancy by an amendment, then the current definition as provided in the official zoning ordinance shall control.

Bed and breakfast means an owner-occupied single-family dwelling providing lodging or lodging and breakfast for no more than four guest rooms for compensation, operated by the domiciliary, resident, natural person owner with a 50 percent or larger ownership interest, under prescribed conditions of use. The primary use is for a residence as opposed to a business use.

Operator means the owner, domiciliary, resident, natural person owner with a 50 percent or larger ownership interest.

Owner-occupied means claimed as the domicile, as well as resided in, by a natural person with 50 percent or larger ownership interest. Evidence of domicile and/or residence shall include but not limited to the 50 percent or larger owner's providing the following evidence that the property is that person's primary residence:

- (1) He/she sleeps overnight at the property 183 or more nights a year;
- (2) He/she receives mail at the property as that person's primary address;
- (3) His/her voter registration is at the property address;
- (4) Bank account shows the property as his/her address;
- (5) Vehicles are registered at the property address; and
- (6) IRS records show the property as his/her primary address.

(Amd. of 3-28-2011(2), § 1(Exh. A))

Sec. 22-92. - Exceptions.

This article shall not apply to hotels, inns, motels, or other lodging establishments providing rooms to guests for compensation. No bed and breakfast shall be permitted in the city except as in accordance with

the minimum requirements and prescribed conditions set forth in the official zoning ordinance. No bed and breakfast shall be operated except as in accordance with the minimum operational standards as set forth in this article.

(Amd. of 3-28-2011(2), § 1(Exh. A))

Sec. 22-93. - Temporary establishments.

This article shall not apply to a bed and breakfast operated on a temporary basis for charitable purposes or non-profit organizations provided, however, [sections] 22-97 and 22-100 hereof shall apply. Such a bed and breakfast shall be permitted at the reasonable discretion of the city council via formal approval upon written application for no more than four consecutive days and for no more than eight days per calendar year. The fee for such temporary establishments shall be a fee as set forth in the schedule of fees and shall be paid upon filing of an application for a temporary license. Any residence offered as lodging for less than 30 days shall be subject to this section.

(Amd. of 3-28-2011(2), § 1(Exh. A))

Sec. 22-94. - License required.

It shall be unlawful for any person to operate a bed and breakfast without having first obtained a license. The annual fee for such a license shall be a fee as set forth in the schedule of fees and charged for the whole or any part of one year, and shall be paid at city hall no later than December 15 of the preceding year or upon the filing of an application for the license.

(Amd. of 3-28-2011(2), § 1(Exh. A))

Sec. 22-95. - Guest register.

Each operator shall keep a register of all guests of the bed and breakfast. Such list shall be available for inspection by the city or its agents at all reasonable times.

(Amd. of 3-28-2011(2), § 1(Exh. A))

Sec. 22-96. - Materials needed for license application.

An applicant for a bed and breakfast license shall submit the following materials for review:

- (1) A completed application form signed by the owner(s).
- (2) A floor plan for the single-family dwelling unit, specifically denoting square footage of the residence as well as portions of the residence allotted for guest use and illustrating that the proposed operation will comply with all ordinances and regulations of the city and all other governmental agencies or bodies.
- (3) A plat of survey of the subject real estate by a state registered surveyor which shows all improvements located on the real estate and the distance from the proposed bed and breakfast to the nearest residence with a licensed bed and breakfast.

- (4) A nonrefundable license application fee as set forth in the schedule of fees and charges. This fee is in addition to the annual license fee, which license fee must be paid at the same time and is refundable if the license application is not approved.

(Amd. of 3-28-2011(2), § 1(Exh. A))

Sec. 22-97. - Inspection of premises.

No bed and breakfast license shall be granted to any applicant until the bed and breakfast premises has been inspected by the appropriate building, fire, and health code officials noting their written findings that the proposed residence and the areas to be used for the accessory purpose are judged to be in safe and satisfactory condition and compliant with all applicable codes.

(Amd. of 3-28-2011(2), § 1(Exh. A))

Sec. 22-98. - License period.

All licenses granted under this article shall be issued for a period of one year or until December 31 of the year the application is made, whichever date is earlier.

(Amd. of 3-28-2011(2), § 1(Exh. A))

Sec. 22-99. - Financial records.

An operator shall maintain separate records which show all activities of the bed and breakfast and shall keep a profit and loss statement. All of such documents and related papers shall be available to the city or its agents at all reasonable times.

(Amd. of 3-28-2011(2), § 1(Exh. A))

Sec. 22-100. - Council consideration of license.

In deciding whether or not to grant, renew, suspend or revoke a license under this article, the council shall consider the following:

- (1) Compliance by the applicant or license holder with the provisions of this article and all other relevant laws or ordinances, regulations and resolutions of the city and any other governmental body or agency.
- (2) The character and reputation of the applicant or license holder.
- (3) The conduct of the business of the applicant or license holder.
- (4) The actual or proposed effect of the bed and breakfast on nearby properties, including but not limited to traffic, parking, deliveries, noise, dust, vibration, odor, smoke, glare, electrical interference, pollution, dirt, property values and all other relevant considerations.
- (5) The actual or proposed effect of the bed and breakfast on the city, including but not limited to, the services and utilities of the city.

- (6) The profit and loss of the proposed bed and breakfast and the reason for its operation by the applicant or license holder.
- (7) Conditions of use, and compliance therewith, established as part of granting of a conditional use permit.
- (8) All other relevant issues, including but not limited to the public health, safety, morals, interest, and convenience.

The city council, in its reasonable discretion, may consider any and all relevant circumstances which may reflect favorably or unfavorably on the applicant or license holder, the application or proposed location of the bed and breakfast. If in its reasonable judgment circumstances are such that the grant, suspension, or revocation of the license would or would not be in the best interest of the general public, such circumstances may be grounds for the decision of the city council.

(Amd. of 3-28-2011(2), § 1(Exh. A))

Sec. 22-101. - Site requirements and conditions.

No bed and breakfast shall be allowed except in accordance with the minimum requirements and prescribed conditions set forth in the official zoning ordinance.

From zoning ordinance:

Bed and Breakfast (B&B): an owner-occupied single-family dwelling providing lodging or lodging and breakfast for no more than four (4) guest rooms for compensation, operated by the domiciliary, resident, natural person owner with a 50% or larger ownership interest, under prescribed conditions of use; the primary use is for a residence as opposed to business use

Minimum parking spaces: in addition to single-family dwelling requirement, 1 space per guest room

Bed and Breakfast Inn (B&B Inn): a lodging establishment located in an owner-occupied building with five (5) to twelve (12) guest rooms that provides overnight accommodations and meals to paying guests. The inn's primary use is for business as opposed to residential use, may include commercial restaurant and kitchen facilities, and may serve special events, such as weddings, small business and civic meetings under prescribed conditions of use

(Amd. of 3-28-2011(2), § 1(Exh. A))

Sec. 22-102. - Minimal operational standards.

No residence or its premises shall be utilized for a bed and breakfast operation unless all of the following standards have been met:

- (1) The bed and breakfast shall be totally operated in the residence and not to any degree in any accessory structure;
- (2) No visible exterior changes, with the exception of a sign and vegetative landscaping improvements, shall be made to the residence or its premises within six months of the date of application;
- (3) Indoor lavatories and bathing facilities must be available to all guests;
- (4) No pets of the guests shall be allowed either inside the residence or on the premises;

- (5) No cooking by guests shall be allowed;
- (6) No sale of alcoholic beverages, beer and/or wine to any guest shall be allowed;
- (7) No more than one nonfamily worker shall be allowed on the premises exclusive of maintenance personnel. All family workers must permanently reside inside the premises;
- (8) A bed and breakfast shall meet the minimum level of occupation of 24 guest room rentals per annum or average gross room rental revenues of \$3,500.00 per annum; and
- (9) No meals except breakfast may be served to any guest.

(Amd. of 3-28-2011(2), § 1(Exh. A))

Sec. 22-103. - Activities restricted.

Operation of the bed and breakfast shall remain consistent with and respectful of neighboring residences and shall not extend beyond the operational standards as outlined in this article nor the minimum requirements and prescribed conditions of the official zoning ordinance. No for-profit activity or commercial operations shall be conducted on any portion of the premises with the exception of guest room rental revenues.

(Amd. of 3-28-2011(2), § 1(Exh. A))

Sec. 22-104. - License voided upon sale of real estate.

A bed and breakfast license shall be immediately voided upon the sale or transfer of the subject real estate.

(Amd. of 3-28-2011(2), § 1(Exh. A))

Sec. 22-105. - Period prior to reapplication for license.

In all instances in which an application is denied under the provisions of section 22-100, the applicant shall not reapply for a license for the same premises for at least one year from the final date of such denial.

(Amd. of 3-28-2011(2), § 1(Exh. A))

Sec. 22-106. - Discrimination prohibited.

No owner of a bed and breakfast shall discriminate regarding his guests on the basis of race, color, sex, religion, creed, age, or natural origin.

(Amd. of 3-28-2011(2), § 1(Exh. A))

Sec. 22-107. - Applicability of hotel/motel tax.

A bed and breakfast shall be subject to the hotel/motel tax of the city.

(Amd. of 3-28-2011(2), § 1(Exh. A))

Sec. 22-108. - Applicability of occupational tax.

As a residence with only portions thereof periodically used for accessory bed and breakfast operations, a bed and breakfast shall not be subject to an occupational tax.

(Amd. of 3-28-2011(2), § 1(Exh. A))

Secs. 22-109—22-140. - Reserved.

K5: Cottage Community Ordinance (Atlanta, GA)

COTTAGE DEVELOPMENT DISTRICT (CHD)

[Statement of Purpose and Intent](#)

[CHD Defined](#)

[Parcel Eligibility and Density Calculation](#)

[Permitted Principal Uses and Structures](#)

[Development Standards](#)

[Design Standards and Guidelines](#)

[Median Income Housing](#)

[Local Ordinance Review](#)

[Reference Materials](#)

Statement of Purpose and Intent

The CHD District is intended to address the changing composition of households, which are trending towards smaller families, and in-town living, as well as the need to increase the environmental quality of urban areas with conservation oriented development. The goals of the CHD District are as follows:

- (1) To benefit the health, safety, and general welfare of its citizens by promoting a CHD Ordinance.
- (2) To address the need for smaller, more diverse, and more affordable housing choices with the changing composition of households.
- (3) To encourage conservation oriented site development by reducing the size of lots and homes and preserving green space and green space connectivity.
- (4) To encourage pedestrian interaction in the community by orienting homes closer to the street, onto community gathering spaces, and by clustering parking at the periphery of the site thereby, encouraging a "park and walk" interactive orientation.
- (5) To reduce car dependency by emphasizing the location of CHD's District's close to services, transit, and other neighborhood transportation infrastructure.
- (6) To verify that the CHD District fits appropriately into the existing context and is in compliance with the CHD Ordinance, the Comprehensive Land Use Plan and related regulations.

Authors Note: Comprehensive land use plan, development, and subdivision ordinances may need to be amended to allow for the CHD form of development to occur. Additionally, subdivision and development regulations may need to be amended to allow for the CHD form of development.

CHD Defined

Cottage Development is a small lot/home development made up of Cottage residential units clustered around a shared central open space, with the majority of the parking clustered and detached. By definition, a CHD is restricted in square footage, density, and architectural standards. Components of the CHD include:

- (1) Cluster: Each CHD is comprised of one or more clusters of cottage units. A Cluster is defined by a minimum of 4 homes and a maximum of 12 units.
- (2) Cottage: A detached, single-family dwelling unit in a CHD may not exceed 2 bedrooms and 750 square feet (sq. ft.).

Parcel Eligibility and Density Calculation

Cottage Development is suitable for the following districts: single family detached, duplex- and low density multifamily. **R-1 through Sector 2 Multifamily**. Approvals may be secured administratively as follows

- (1) By- right development (Administrative approval) is allowed when the CHD:
 - a) Parcel requirements refers to total parcel to be subdivided
 - a. Minimum parcel size 22,400 square feet
 - b. Maximum parcel size 62,000 square feet
 - c. Maximum parcel dimension ratio of 4:1
 - d. Minimum street frontage 75'

- b) Meets the requirements of the Chart _____

Land Use Designation	Current Density	Density where units are <751SF
Single Family Residential	N/A	12/ac
Low Density Residential	0-16/ac	20/ac
Medium Density Residential	0-29/ac	38/ac

Chart _____

- c) Complies with the underlying zoning lot coverage requirements;

- d) Complies with the requirements of this section.

Principal Uses and Structures

The CHD District allows the following principal uses and structures:

- (1) All uses allowed in the underlying zoning districts not in conflict with the CHD district.
- (2) Parcels designed for delivery of modular units not exceeding 20% of units

Accessory Uses, Accessory Structures, and Other Authorized Uses

Following are accessory uses of land and structures which are authorized in the CHD District:

- (1) Accessory uses and structures incidental to any authorized use.
- (2) Accessory Dwelling Units (ADUs) for CHD guests, caretakers and gardeners.
 - a) Calculation: ADUs are in addition to the Cottage units allowed. Number of ADUs is not to exceed 25 percent of the number of Cottage units in the CHD.
 - b) Size: Not to exceed three hundred (300) sq. ft. in area per ADU.
 - c) Location: ADUs may be free standing, placed as a second floor over garages, or contained/attached in a community building.
- (3) Clubhouse and recreation facilities including swimming pools, tennis courts, outdoor play areas, bikeways, walking trails, picnic pavilions, clubhouses, and similar recreation facilities designed for and used principally by the residents of the CHD.
- (4) Devices for the generation of energy such as solar panels, wind generators, and similar devices.
- (5) Home occupation involving persons residing on the premises.
- (6) Urban Agriculture: Agricultural uses as allowed in underlying zones.

Special Permits

The following uses are allowed by special permits of the type indicated below:

- (1) Special administrative permit:
 - a) Home occupation involving customer contact and employee other than a person residing on the premises.
 - b) Approval of off-site parking to meet on-site parking requirements.
 - c) Temporary outdoor sales, seasonal (for farm stand/urban gardens).
 - d) Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed seven (7) days duration, parking provisions are provided, and

where the same property or any portion thereof is not used for more than one (1) such seven-day time period within any season.

Development Standards

This section shall apply to all construction or land development in the CHD District.

(1) Lot requirements

- a) Lot size refers to the individual Cottage unit lot and does not include the CHD commons areas.
 - i. Minimum Cottage lot size is 750 sq. ft.
- b) Lot width: 10 feet
- c) Lot coverage is calculated for the overall CHD and not individual cottage lots and must conform with the underlying district lot coverage requirements.

d) Yard requirements

a) Front yard

- i. CHD commons open space frontage: Average of 10 feet with a minimum of 5 feet.
- ii. Public right-of-way frontage: Average Front yard setback as indicated by 16-28.007(5) (c). Where no average is determinable a minimum of 10 feet.

b) Side yard

- i. Minimum: 3 feet (combustible surfaces) or minimum requirement for fire setback requirement (whichever is greater).

c) Back yard

- i. Minimum: 10 feet.

d) Transitional buffer zone requirements at perimeter of property to meet the following requirements:

- i. 10 feet planted buffer where CHD parking lot abuts a perimeter single family district lot line.
- ii. 10 feet planted buffer where CHD district units overlook an adjacent single family district back yard.

e) Floor area

- a. The total floor area of each Cottage shall not exceed one thousand two hundred 750 sq. ft.

(2) Height requirements:

- a) Building height shall not exceed 35'.
- b) Garages with accessory dwelling units shall not exceed 20 feet.

- (3) Roof form: For gabled or hipped roofs a minimum 6:12 roof pitch. Shed roofs: no requirement.
- (4) Porch requirements: Each unit with public street right-of-way frontage shall have a covered porch with a minimum area of 64 sq. ft. per unit and a minimum dimension of 7 feet on all sides. Units with an entrance on the common open space shall have a stoop with a minimum area of 15 sq. ft. and a minimum dimension of 3 feet on all sides.
- (5) Existing dwellings: Detached dwelling units and or duplex units may remain on the subject property and will be counted as units.
- (6) Required Open Space Preservation: The categories of preserved open space include Common Open Space and Green Space. Common Open Space is intended for common activities adjacent and in relationship to the Cottages on a common green, plaza or courtyard(s). Green Space is intended for gardens/farms, woodlands, wildlife habitats and storm water bio-retention. Combined Open Space and Green Space preservation is calculated as a percentage of the site according to the underlying zoning and does not include the non-developable areas such as wetlands, streams and their buffers. The required Common Open Space shall be a minimum of 400 square feet per unit and shall be maintained to provide for passive and/or active recreational activities for the residents of the development.

Required Open Space Preservation (common open space and green space combined) per underlying zoning category as follows:

- a) R4- Sector 2 Multi-family: 20 percent of developable area
 - b) R-3 zoning district or equivalent : 30 percent of developable area
 - c) R-2 zoning district or equivalent: 50 percent of developable area
 - d) R-1 zoning district or equivalent: 70 percent of developable area
- (7) Common Open Space characteristics and relationships
- Common open space shall maintain the following characteristics and relationships to the Cottages and surrounding green space.
- a) Each area of common open space shall be in one contiguous and usable piece with a minimum dimension of 20 feet on all sides.
 - b) Land located between dwelling units and an abutting right-of-way or access easement greater than 21 feet in width may not serve as required common open space, unless the area is reserved as a separate tract, and does not contain pathways leading to individual units or other elements that detract from its appearance and function as a shared space for all residents.
 - c) All of the Cottage units shall be within 300 feet walking distance of the centrally located primary common open space and be connected by a common walkway.

- d) The common open space shall have cottages fronting at least 2 sides. Unless the shape or topography of the site precludes the ability to locate units adjacent to the common open space, the following standards must be met:
 - i. 30- 50 percent of the units in the development shall front upon the central common open space.
 - ii. All remaining units shall abut secondary common spaces such as walkways and courtyards.

(8) Green Space characteristics and relationships

The Green Space shall maintain the following characteristics and relationships to the Cottages and surrounding neighborhood.

- a) To the extent feasible based on the site configuration, the Green Space shall be in one contiguous piece that best meets the requirements for preserving existing woodlands and existing wildlife habitats, watershed protection and location of garden/farm areas.
- b) Planned connections shall be established between the CHD Green Space and adjacent off-site greenspaces.
- c) The Green Space shall be connected to the CHD by a common walkway or natural path to allow passive recreation.
- d) To the extent feasible based on the site configuration, the Green Space shall connect to the public right of way for visibility to garden/farm and green space areas and activities.

(9) Clubhouse.

Building height for a clubhouse shall not exceed underlying district height restrictions for homes.

(10) Off street parking

Parking spaces for each cottage home unit shall be provided as follows:

- a) Number of required spaces
 - i. 1 space per unit
 - ii. On-site resident and guest only swimming pool, clubhouse, or similar use: No required parking.
- b) Parking reduction
 - i. Within ¼ mile of transit station: 50 %
 - ii. Within ¼ mile of neighborhood services: 25 %
 - iii. Within ¼ mile of a neighborhood park: 10 %
 - iv. On-street parking directly adjacent: 0.75 on-site parking space reduction for each on-street space provided.
- c) Parking location
 - i. Parking shall be located on the property unless a parallel parking area is available or an off-site parking area is approved.
 - ii. Parking shall be located in shared detached garages or shared surface parking. A maximum of 25 % of parking may be attached to individual dwellings.
 - iii. Parking between structures is only allowed when it is located toward the rear of the principal structure and is served by an alley or private driveway.

- iv. Parking may not be located in any front yard.
 - v. Parking may be located between any structure and the rear lot line of the lot or between any structure and a side lot line which is not a street side lot line.
 - vi. Shared detached garage structures shall not exceed four garage doors per building.
 - vii. For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.
 - viii. Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development and storage areas.
 - ix. Surface parking areas may not be located in clusters of more than 8 spaces. Clusters must be separated by a distance of at least 6 feet.
 - x. The design of carports must include roof lines similar and compatible to that of the dwelling units within the development.
- d) Screening
- i. Parking shall be screened from the public right of way by building fences, landscaping or garage doors.
 - ii. Fences may not be located within required open space areas. Fences between open space areas and fronts of units shall not exceed 4 feet in height. Fences between open space areas and side yards may be full privacy height.

Design Standards and Guidelines

(1) Orientation of dwelling units

Dwellings within a CHD shall be oriented to promote a sense of community, both within the development, and with respect to the larger community outside of the cottage project. A CHD should not be designed to “turn its back” on the surrounding neighborhood.

- a) Where feasible, each dwelling unit that fronts a common open space shall have a primary entry and/or covered porch oriented to the public right-of-way and the common open space or right of way.
- b) Each dwelling unit abutting a public right of way (not including alleys) should have an inviting facade, such as a primary or secondary entrance or porch, oriented to the public right-of-way. If a dwelling unit abuts more than one public right-of way, the City shall determine to which right-of-way the inviting facade shall be oriented.

(2) Community buildings

Community buildings are encouraged in CHD.

- a) A clubhouse or pavilion is an effective way of extending the efficiency of the smaller size of the dwelling units (having a secondary gathering area in inclement weather).
- b) Clubhouse or pavilion should be placed in a central location adjacent to the primary open space and gardens.

(3) Shared detached garages and surface parking design

Parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single-family character along public streets.

- (4) Fences, walls or vegetative screening: Fences, walls, or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise, or other off-site or on-site influences, or to protect occupants of adjoining residential districts from similar adverse influences within the CHD District.
- (5) Variation in unit sizes, building and site design
Cottage projects should establish building and site design that promotes variety and visual interest that is compatible with the character of the surrounding neighborhood.
 - a) Projects should include a mix of unit sizes within a single development.
 - b) Proposals are encouraged to provide a variety of building styles, features and site design elements within cottage housing communities. Dwellings with the same combination of features and treatments should not be located adjacent to each other
- (6) Private open space
Open space around individual dwellings should be provided to contribute to the visual appearance of the development, and to promote diversity in landscape design. Back courtyards and side court/yards should be scaled appropriately and screened adequately for privacy.
- (7) Pedestrian flow through development
Pedestrian connections should link all buildings to the public right-of-way, common open space and parking areas.
- (8) Landscape
 - a) Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained. Additionally, all plantings should be of a regionally native or adapted species.
 - b) Gardens and farms should be located adjacent or within viewing distance of the common open space, and preferably located at a lower elevation for drainage/irrigation and overlooking views

-END PROPOSED ORDINANCE_

CHD Policy recommendations

Local Ordinance Review

For By-Right CHD approvals all applicants shall be required to hold a pre-application meeting for the purpose of reviewing procedures, requirements and preliminary assessment of the site and building prototypes for a CHD. The purpose of this review is to assess site, zoning-CDP related issues as well as the By-Right requirements including open space preservation and architectural design guidelines.

In addition to the information and materials required as part of the application each applicant for the CHD District shall submit an existing conditions map, a yield plan/calculation from the underlying district and a proposed CHD site plan. Each shall include the following information:

- (1) An Existing Conditions Map at the time of application for rezoning to a CHD District. Applicant shall submit an Existing Conditions Site Plan, sealed by an engineer or landscape architect registered in the applicable state, designating the following site features and information based on a survey prepared by a Georgia licensed surveyor:
 - (a) Property boundaries;
 - (b) Topography (surveyed or County) on subject site for developed areas and adjacent property within 200 feet as required to assess runoff effects;
 - (c) Slopes greater than or equal to twenty-five (25%) shall be labeled and identified through cross-hatching and/or separate colors;
 - (d) Identification of steep slope areas, defined as slopes having a 2 horizontal to 1 vertical ratio or steeper;
 - (e) Streams, lakes, rivers, waters of the State, 100-year floodplains, applicable buffers, and wetlands, including source information;
 - (f) Identify non-buildable areas, i.e., rock outcroppings, steep slopes, wetlands, water-bodies and associated buffers;
 - (g) Identification of tree lines, natural woodland, open fields or meadows, and peaks or rock outcroppings;
 - (h) Identification of scenic vistas, historic or archaeological sites, wildlife habitats or other significant environmental features;
 - (i) Identification of green space, trails or public parks adjacent to the property subject to the rezoning application; and,
 - (j) Existing roads, buildings, structures, and utility easements.
- (2) A yield calculation or plan for the property which complies with this underlying zoning district.
- (3) A proposed CHD site plan including the following:
 - (a) Existing, proposed new dedicated, and future reserved rights-of-way of all streets, roads, pedestrian/bicycle paths, and railroads adjacent to and on the subject property.

- (b) Boundaries of areas to be developed and green space, including which areas are to be permanently protected.
- (c) Proposed building locations, setbacks, height restrictions, and parking.
- (d) Proposed storm water management facilities.
- (e) Proposed locations of water supply, sewer lines, and storm water management facilities and other above-ground or below-ground utilities.
- (f) Preliminary development envelopes showing all impervious surfaces including but not limited to paved areas, trails, and building footprints and area of substantial grading.
- (g) Proposed methods for ownership, maintenance and permanent protection of the green space.

Authors Note: Each CHD approval is subject to its Special Administrative Review process. It is important to hold a pre-application meeting with a review of the subject property including existing conditions, yield calculation and conceptual CHD site plan.

Median Income Housing

From Kirkland Washington Zoning Code

1. Requirement to provide median income housing – Projects including 10 or more housing units shall be required to provide 10 percent of the units as affordable to median income households.

The level of affordability shall be determined according to the following schedule:

Median income dwelling units shall have the same general appearance and use the same exterior materials as the market rate dwelling units, and shall be dispersed throughout the development.

The type of ownership of the median income housing units shall be the same as the type of ownership for the rest of the housing units in the development.

10-unit project: 1 unit affordable to households earning 100% Area Median Income (AMI).

11-unit project: 1 unit affordable to households earning 98% of AMI.

12-unit project: 1 unit affordable to households earning 96% of AMI.

13-unit project: 1 unit affordable to households earning 94% of AMI.

14-unit project: 1 unit affordable to households earning 92% of AMI.

15-unit project: 1 unit affordable to households earning 90% of AMI.

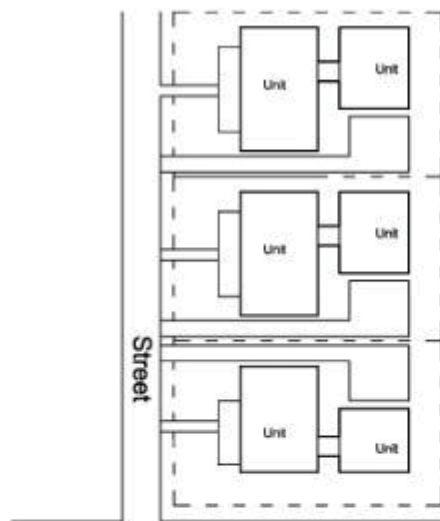
16-unit project: 1 unit affordable to households earning 88% of AMI.
17-unit project: 1 unit affordable to households earning 86% of AMI.
18-unit project: 1 unit affordable to households earning 84% of AMI.
19-unit project: 1 unit affordable to households earning 82% of AMI.
20-unit project: 2 units affordable to households earning 100% of AMI.
21-unit project: 2 units affordable to households earning 98% of AMI.
22-unit project: 2 units affordable to households earning 96% of AMI.
23-unit project: 2 units affordable to households earning 94% of AMI.
24-unit project: 2 units affordable to households earning 92% of AMI.

As noted in KZC 113.25, any median income units, and any attached garages for the median income units, provided under this section shall not be included in the FAR calculation for the development.

2. Agreement for median income housing units: Prior to issuance of a certificate of occupancy to the satisfaction of the planning director, an agreement in a form acceptable to the City Attorney shall be recorded. The agreement shall address price restrictions, homebuyer or tenant qualifications, long-term affordability, and any other applicable topics of the median income housing units. The agreement shall be a covenant running with the land and shall be binding on the assigns, heirs, and successors of the applicant.

Median income housing units that are provided under this section shall remain as median income housing for a minimum of 50 years from the date of initial owner occupancy for ownership median income housing units and for the life of the project for rental median income housing units.

Site Applications

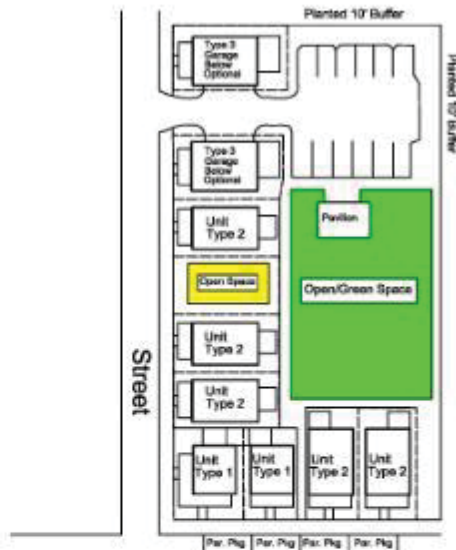


Duplex Lots

Site Area: 27,240 s.f. (.62 acres)
 Typical Duplex yield = 6 units - 9 units per acre
 Typical Duplex Lots: min. 7500 sq.ft./.172 acres
 Lot Coverage: maximum 55 percent
 Floor Area; minimum 1800 sq.ft.
 Parking: 1 space per unit

Duplex Lot Example

Cottage Model Ordinance



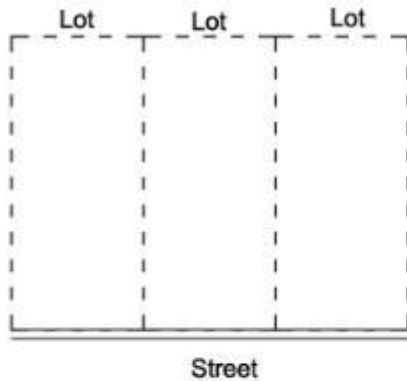
Cottage Lot Conversion

Cottage Yield: 6 units x 1.5 = 9 Cottages
 ADU Yield: 9 cottages x .25% = 2 ADU units
 Lot Coverage: maximum 55 percent
 Open/Green Space Preservation: minimum contiguous space 20%
 Parking: (9 cottages x 1.5 + 2 ADU x 1) - (4 x .75 per pkg) = 12 spaces

Cottage Areas

Cottage Lots
 - Type 1(1000s.f.), Type 2(1200s.f.), Type 3(1500 s.f.)
 Cottage Foot Print
 - Type 1(400sq.ft.), Type 2(600sq.ft.), Type 3(650 sq.ft.)
 Cottage Floor Area
 - Type 1(800sq.ft.), Type 2(1000 sq.ft.), Type 3(1200 sq.ft.)

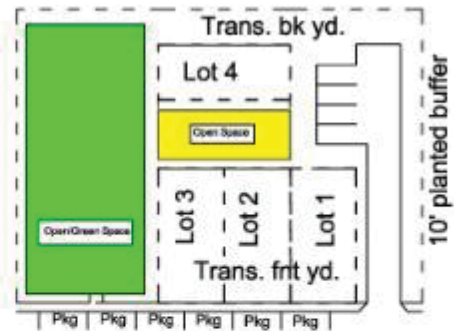
Site example for underlying Two family/Duplex zoning district – By-Right – Cottage (Cottage) and ADU Density



Single Family - 7500 sq.ft.
 Site Area: 22,609 s.f. (.52 acres)
 Typical Lot yield: 3 units - 5.7 units per acre
 Typical Lots: min. 7500 sq.ft./ .172 acres
 Lot Coverage: maximum 35 percent
 Floor Area: minimum 1200 sq.ft.
 Parking: 1 space per unit

Single Family Lot Example

Cottage Model Ordinance



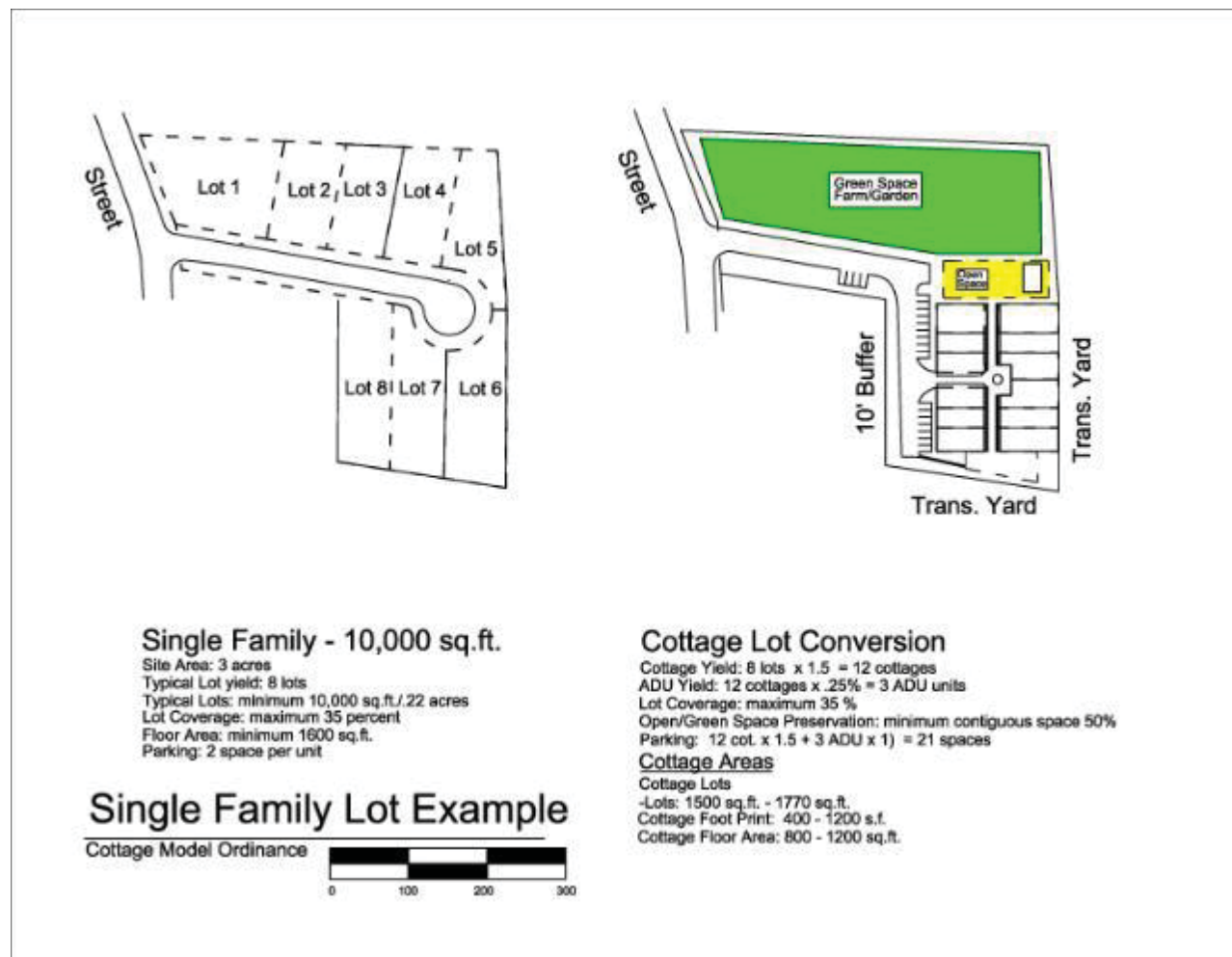
Cottage Lot Conversion

Cottage Yield: 3 units x 1.5 = 4 cottages
 ADU Yield: 4 cottages x .25% = 1 ADU units
 Lot Coverage: maximum 35 %
 Open/Green Space Preservation: minimum contiguous space 30%
 Parking: (4 cottages x 1.5 + 1 ADU x 1) - (4 x .75 par.pkg) = 4 spaces

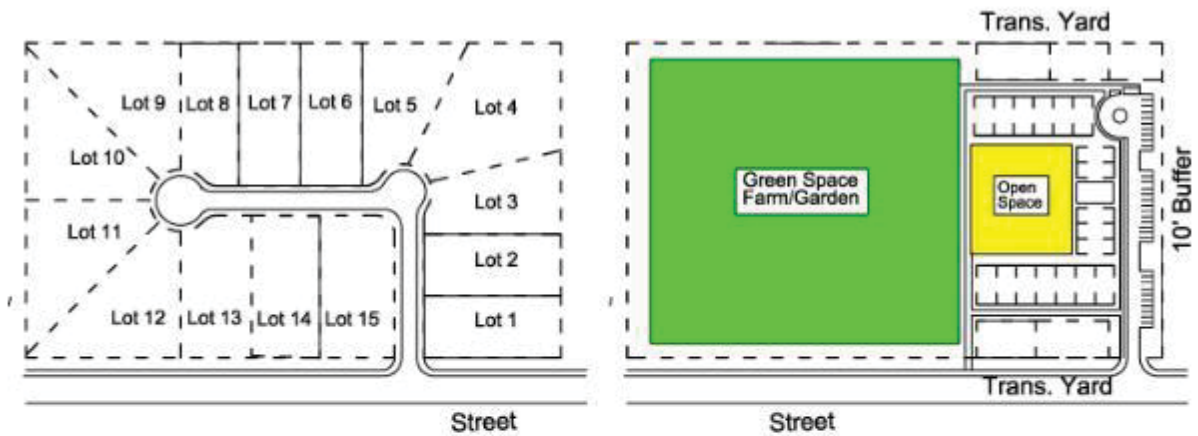
Cottage Areas

Cottage Lots
 -Lots 1- 4: 1842 sq.ft.
 Cottage Foot Print: 400 - 800 s.f.
 Cottage Floor Area: 800 - 1200 sq.ft.

Site example for underlying R-7500 zoning district – By-Right – Cottage (Cottage) and ADU Density



Site example for underlying R-10,000 zoning district – By-Right – Cottage (Cottage) and ADU Density



Single Family -20,000 sq.ft.

Site Area: 10 acres
 Typical Lot yield: 15 lots
 Typical Lots: minimum 21,780 sq.ft./ . acres
 Lot Coverage: maximum 30 percent
 Floor Area: minimum 2000 sq.ft.
 Parking: 2 space per unit

Single Family Lot Example

Cottage Model Ordinance



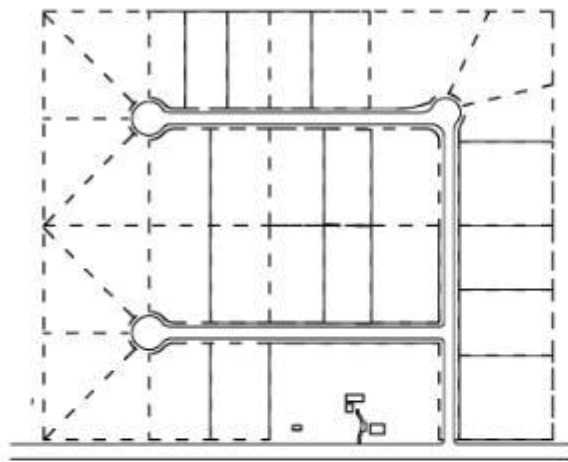
Cottage Lot Conversion

Cottage Yield: 15 lots x 1.5 = 22 cottages
 ADU Yield: 22 cottages x .25% = 5 ADU units
 Lot Coverage: maximum 30 %
 Open/Green Space Preservation: minimum contiguous space 70%
 Parking: 22 cottages x 1.5 + 5 ADU x 1) = 38 spaces

Cottage Areas

Cottage Lots
 -Lots: 1500 sq.ft. - 4000 sq.ft.
 Cottage Foot Print: 400 - 1200 s.f.
 Cottage Floor Area: 800 - 1200 sq.ft.
 Transitional Cottage Lots
 Cottage Floor Area: 1200 sq.ft.
 Cottage Foot Print: 1200 s.f.

Site example for underlying R-20,000 zoning district – By-Right – Cottage (Cottage) and ADU Density

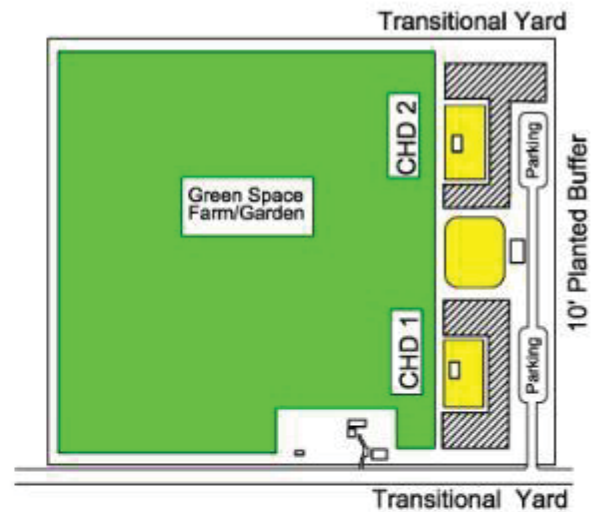


Single Family - 1 acre

Site Area: 50 acres
 Typical Lot yield: 32 lots
 Typical Lots: minimum 2 acres
 Lot Coverage: maximum 25 percent
 Floor Area: minimum 2000 sq. ft.
 Parking: 2 space per unit

Single Family Lot Example

Cottage Model Ordinance



Cottage Lot Conversion

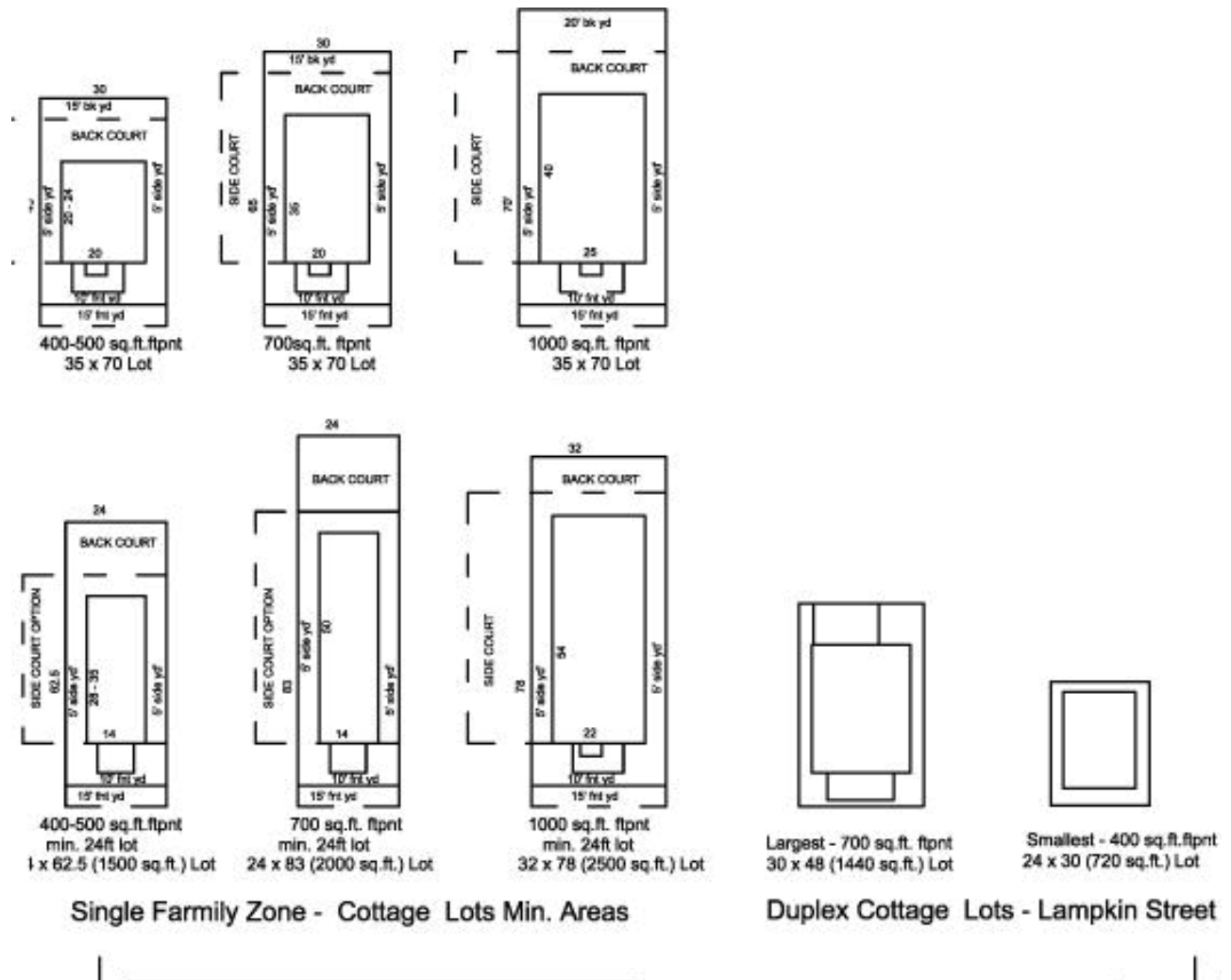
Cottage Yield: 32 lots x 1.5 = 48 cottages (2 CHD's)
 ADU Yield: 48 cottages x .25% = 12 ADU units
 Lot Coverage: maximum 25 %
 Open/Green Space Preservation: minimum contiguous space 80%
 Parking: 48 cottages x 1.5 + 12 ADU x 1 = 84 spaces

Cottage Areas

Cottage Lots
 -Lots: 1500 sq. ft. - 5000 sq. ft.
 Cottage Foot Print: 400 - 1200 s.f.
 Cottage Floor Area: 800 - 1200 sq. ft.
 Transitional Cottage Lots
 Cottage Floor Area: 1200 sq. ft.
 Cottage Foot Print: 1200 s.f.

Site example for underlying 1 acre zoning district – By-Right – Cottage (Cottage) and ADU Density

Lot Examples



Reference Materials

Langley Washington - Municipal Code on Cottage Housing

Kirkland Washington - Cottage Zoning Code

Cottage Company - Introduction on Cottage Housing

Seattle Housing Development Partnership – introduction on Cottage Housing
Clarkston Georgia – Planned Development/Cottage House Ordinance

Cottage Examples

Lampkin Street – Robert Reed

Langley Washington –

Sec. 142-38. - Food and beverage sub-permit.

(a)

A food and beverage sub-permit is required for all outdoor festivals where food and/or beverages will be served. A food and beverage sub-permit is also required for any other outdoor event where food and/or beverages will be served and where the county in which the outdoor event is located regulates the type of food and/or beverage service that will occur at the outdoor event. For purposes of this article, "beverage" includes water but does not include alcoholic drinks.

(b)

There is no fee for a food and beverage sub-permit.

(c)

The food and beverage sub-permit application shall be submitted to the SEM with the outdoor event application. Where the outdoor event application is due less than 30 days prior to the outdoor event, the food and beverage sub-permit application must none-the-less be submitted to the SEM no later than 30 days before the outdoor event. The food and beverage sub-permit application must include a certificate from Fulton County showing that the county has approved the serving of food and/or beverages at the outdoor event. Where the outdoor event is occurring in DeKalb County, the application must include a certificate from DeKalb County showing that the county has approved the serving of food and/or beverages at the outdoor event. Where the county in which the outdoor event is occurring does not require a certificate for the type of food and beverages being served at the outdoor event, the applicant shall indicate this fact on the sub-permit application.

(d)

The SEM shall forward the food and beverage sub-permit application to the fire rescue department's special operations division. The fire rescue department shall be the sole decision-maker of whether to issue the sub-permit. In determining whether to approve or deny the sub-permit application, the fire rescue department shall determine solely whether the applicant has met the food and beverage permitting standards required by the county in which the outdoor event is occurring.

(Ord. No. 2006-66, § 15, 9-26-06)

Sec. 142-36. - Electricity sub-permit.

(a)

An electricity sub-permit is required where supplemental electricity will be utilized at an outdoor event located on public property; or where electricity will be utilized at an outdoor event located on private property, but only when this chapter requires said private property outdoor event to be permitted. For purposes of this [section 142-36](#), "supplemental electricity" shall mean all electrical devices except for electrical outlets mounted on the public property by the city and grounded extension cords. Supplemental electricity shall include without limitation generators and additional electrical wiring.

(b)

The electricity sub-permit fee shall be established in writing by the director of the bureau of buildings, but in no event shall be less than \$50.00.

(c)

Applicants may obtain an electricity sub-permit in one of two ways. The first option is that the applicant may obtain an electricity sub-permit directly from the bureau of buildings electrical division. The second option is that the applicant may obtain an electricity sub-permit as part of her/his outdoor event application process.

(d)

Where the applicant chooses to obtain an electricity sub-permit directly from the bureau of buildings electrical division, the applicant shall submit an electricity sub-permit application to the SEM with the outdoor event application that merely states that the sub-permit is being obtained directly from the bureau of buildings electrical division. The applicant need not provide any other information or an electricity sub-permit fee to the SEM.

(e)

Where the applicant chooses to obtain an electricity sub-permit as part of the outdoor event application process, s/he shall submit the electricity sub-permit application, including the necessary fee, to the SEM with the outdoor event application. Where the outdoor event application is due less than 30 days prior to the outdoor event, the electricity sub-permit application must none-the-less be submitted to the SEM no later than 30 days before the outdoor event. The SEM shall submit the electricity sub-permit application to the bureau of buildings electrical division, and said division shall be the sole decision-maker of whether to issue an electricity sub-permit.

(f)

All electricity sub-permits shall be issued based on the plans submitted either directly to the bureau of buildings electrical division or with the sub-permit application, but the sub-permit shall be subject to inspection of the electrical service by the bureau of buildings at the outdoor event at the time that the service commences.

(g)

The city shall have the right to terminate the use of supplemental electricity at an outdoor event where the host fails to meet the requirements of this [section 142-36](#), including without limitation where the host utilizes an extension cord that is not grounded.

(Ord. No. 2006-66, § 15, 9-26-06)

- **Sec. 142-39. - Portable restroom sub-permit.**

(a)

A portable restroom sub-permit is required for all outdoor events located in Fulton County that are required by Fulton County to provide portable restrooms, for all outdoor events located in DeKalb County that are required by DeKalb County to provide portable restrooms, or that wish to provide portable restrooms. In addition, where the Fulton County Health Standards applied to for-profit organizations would require portable restrooms for the applicant's outdoor event, if the applicant were a for-profit organization located in Fulton County, the applicant must obtain a portable restroom sub-permit.

(b)

There is no fee for a portable restroom sub-permit.

(c)

The portable restroom sub-permit application shall be submitted to the SEM with the outdoor event application. Where the outdoor event application is due less than 30 days prior to the outdoor event, the portable restroom sub-permit application must none-the-less be submitted to the SEM no later than 30 days before the outdoor event.

(d)

The portable restroom sub-permit application must include the name of the portable restroom company providing the service, the number of portable restrooms being provided, the desired location of the portable restrooms, the desired time of delivery and removal of the portable restrooms, and a copy of the contract between the applicant and the portable restroom company. It must also include a certificate from either Fulton or DeKalb County, depending upon the location of the outdoor event, showing that the county has approved the use and quantity of portable restrooms at the outdoor event.

(e)

For Class A, B, and C outdoor festivals located in a park that contains public restrooms, the sub-permit application must also include a specific plan for cleaning and re-stocking the restrooms every two hours. By way of example, said plan may include evidence that the cleaning and re-stocking responsibility is part of the proposed outdoor festival's cleaning contract or evidence of assignment of outdoor festival staff to perform the responsibility.

(f)

The SEM shall forward the portable restroom sub-permit application to the fire rescue department's EMS and special operations divisions. The fire rescue department shall be the sole decision-maker of whether to issue a sub-permit, but the exact terms of the sub-permit shall be determined by the office of parks or the department of public works, where applicable, as set forth below in subsections (g) and (h) of this [section 142-39](#). In determining whether to approve or deny the sub-permit application, the fire rescue department, at a minimum, shall apply the

health standards that Fulton County requires for for-profit organizations. The fire rescue department shall require, at a minimum, that these for-profit health standards be met, regardless of whether the applicant is a non-profit or for-profit entity. The fire rescue department shall have the right to require more portable restrooms than would be required by Fulton County should the fire rescue department determine that public health mandates the greater quantity.

(g)

If the sub-permit application indicates that the portable restroom(s) will be located in a park, the SEM shall forward the application to the office of parks, which shall establish the exact location for the portable restrooms, and the time of portable restroom delivery and removal. For Class A, B, and C outdoor festivals located in a park that contains public restrooms, the office of parks shall also determine whether the applicant's plan regarding said restrooms, as required pursuant to [section 142-39](#)(e) above, is acceptable. Where the plan is deemed unacceptable by the office of parks, the director of said office, or her/his designee, shall work with the applicant to modify the plan.

(h)

If the sub-permit application indicates that the portable restroom(s) will be located on city right-of-way, but not in a park, the SEM shall forward the application to the department of public works, which shall establish the exact location for the portable restrooms, and the time of portable restroom delivery and removal.

(Ord. No. 2006-66, § 15, 9-26-06)

- **Sec. 142-40. - Solid waste sub-permit.**

(a)

A solid waste sub-permit is required for all outdoor events that are required by Fulton County or DeKalb County, depending upon the location of the outdoor event, to provide a solid waste plan. In addition, where the Fulton County Health Standards applied to for-profit organizations would require a solid waste plan for the applicant's outdoor event, if the applicant were a for-profit organization located in Fulton County, the applicant must obtain a solid waste sub-permit.

(b)

There is no fee for a solid waste sub-permit. Where an outdoor event utilizes the city's office of solid waste services for solid waste services, however, the bureau shall assess a solid waste fee, as described in [section 142-22](#)(f).

(c)

The solid waste sub-permit application shall be submitted to the SEM with the outdoor event application. Where the outdoor event application is due less than 30 days prior to the outdoor event, the solid waste sub-permit application must none-the-less be submitted to the SEM no later than 30 days before the outdoor event. The solid waste sub-permit application must include the name of the company providing solid waste services, the types of services being

provided by the company, and a copy of the Applicant's agreement with the solid waste company. This information must be submitted even if the provider of solid waste services is the city's office of solid waste services. The application must also include a certificate from Fulton County or DeKalb County, depending upon the location of the outdoor event, showing that the county has approved the solid waste plan for the outdoor event.

(d)

The SEM shall forward the solid waste sub-permit application to the office of solid waste services. The office of solid waste services shall be the sole decision-maker of whether to issue a sub-permit. In determining whether to approve or deny the sub-permit application, the office of solid waste services, at a minimum, shall apply the health standards that Fulton County requires for for-profit organizations. The office of solid waste services, at a minimum, shall require that these for-profit health standards be met, regardless of whether the applicant is a non-profit or for-profit entity. The office of solid waste services shall have the right to require more solid waste services than would be required by Fulton County should the office of solid waste services determine that public health mandates the additional services.

(Ord. No. 2006-66, § 15, 9-26-06)

Sec. 142-41. – Temporary Structure Sub-permit.

(a)

A Temporary Structure sub-permit, is required where the outdoor event includes use of a temporary structure that is:

(1)

A tent that is 200 square feet or larger; or

(2)

Two or more tents that are closer than 12 feet apart, regardless of the size of the tent; or

(3)

A non-tent that is 120 square feet or larger; or

(4)

Any type of temporary structure that is 100 square feet or larger and will be located inside of a park; or

(5)

Any type of temporary structure, regardless of size, that will contain a cooking device that uses electricity, gas, or a flame.

(b)

Applicants shall submit the following fees with the temporary structure sub-permit application:

(1)

Tents that are 200 square feet or larger, or are closer than 12 feet apart, require a fee of \$66.00, and the chief of staff or his designee shall forward this fee to the fire rescue department. This fee is a flat fee that shall apply regardless of how many tents will be erected during the outdoor event.

(2)

Non-tent temporary structure that are 120 square feet or larger require two fee payments which cannot be combined. The first fee is \$50.00, which the chief of staff or his designee shall designate as belonging to the bureau of buildings. The second fee is \$66.00, and the chief of staff or his designee shall forward this money to the fire rescue department. These fees are flat fees, and apply regardless of how many temporary structures will be created and/or erected during the outdoor event.

(3)

Temporary structures that will contain a cooking device, as described above, and that are smaller than 120 square feet, require a fee of \$66.00 per event regardless of how many temporary structures will be created and/or erected during the outdoor event, and the chief of staff or his designee shall forward the fee to the fire rescue department.

(4)

Temporary structures that are 100 square feet or larger and will be located inside of a city park require no fee, unless the temporary structure also meets the criteria set forth in subsection (b)(1), (b)(2), or (b)(3) above.

(c)

The temporary structure sub-permit application, including necessary fees, shall be submitted to the SEM with the outdoor event application.

Where the outdoor event application is due less than 30 days prior to the outdoor event, the temporary structures sub-permit application must none-the-less be submitted to the SEM no later than 30 days before the outdoor event. For temporary structures that are 120 square feet or larger, as part of the sub-permit application, the applicant must submit a copy of liability insurance covering the temporary structure.

(d)

OSE shall submit the temporary structure sub-permit application to each of the following departments or bureaus, as applicable, and said departments and bureaus shall be the decision-makers of whether to issue a sub-permit. Temporary structures that qualify for more than one of the categories described below in this section shall follow the procedure below for each of the categories that apply to the temporary structure.

(1)

Where the structure is a tent that is 200 square feet or larger, or is two or more tents located less than 12 feet apart, the SEM shall forward the sub-permit application to the fire rescue department. The fire rescue department must approve the issuance of a sub-permit in order for the temporary structure to be permitted. The fire rescue department may forward a copy of any sub-permit application to the bureau of buildings for consideration if the department, in its sole discretion, deems bureau of buildings approval to be a prerequisite to giving the department's approval for that particular application; and

(2)

Where the structure is a non-tent, 120 square feet or larger, the SEM shall forward the sub-permit application to the fire rescue department and the bureau of buildings. If the structure is 200 square feet or larger, the plans submitted with the sub-permit application must indicate approval by a Georgia Registered Professional Engineer or Architect. Both the fire rescue department and the bureau of buildings must approve the issuance of a sub-permit in order for the temporary structure to be permitted; and

(3)

Regardless of size, where the structure will contain a cooking device that uses electricity, gas, or a flame, the SEM shall forward the sub-permit application to the fire rescue department. The fire rescue department must approve the issuance of a sub-permit in order for the temporary structure to be permitted; and

(4)

Where the structure is 100 square feet or larger and will be located inside of a city park, the SEM shall forward the sub-permit application to the department of parks and recreation, and the department's commissioner must provide written approval of the structure, including its location, in order for the temporary structure to be permitted.

(e)

For any temporary structure that is listed in [section 142-41](#)(a)(1), (2), (3), or (5), a sub-permit shall be granted only if the temporary structure is certified as flameproof by the fire rescue department's fire marshal's office.

(f)

All temporary structure sub-permits shall be issued based on the plans submitted with the sub-permit application, but shall be subject to inspection upon actual set-up of the temporary structure, and are subject to revocation if the city determines that public safety is jeopardized. A report of the results of said inspection(s) shall be submitted to the SEM. For temporary structures that are 120 square feet or larger, the director of the bureau of buildings, or her/his designee, and the fire chief, or her/his designee, shall make a complete inspection of the erected temporary structures and premises to determine their safety. Said city officials shall make certain that the proper equipment and exits are installed for the safety of the public. The fire chief shall place such officers and members of the fire rescue department around the premises as the fire chief deems necessary. The police chief shall assist the fire chief in carrying out the fire chiefs' orders and instructions.

(g)

In the event that a permitted temporary structure shall be located in the public right-of-way, the SEM shall send written notice of this fact to the department of police within three business days of the issuance of the sub-permit.

(Ord. No. 2006-66, § 15, 9-26-06; Ord. No. 2013-27(13-O-1088), § 4, 6-26-13)

Sec. 142-42. - Water sub-permit.

(a)

A water sub-permit is required for all Class A, B, and C outdoor festivals and all assemblies that include organized group movement from one location to another, including without limitation races, walks, marches, and parades.

(b)

There is no fee for a water sub-permit.

(c)

The water sub-permit application shall be submitted to the SEM with the outdoor event application.

(d)

The SEM shall forward the water sub-permit application to the fire rescue department's special operations division. The fire rescue department shall be the sole decision-maker of whether to issue the sub-permit. In determining whether to approve or deny the sub-permit application, the fire rescue department shall determine solely whether the applicant has met the fire rescue department's standards regarding availability of free water to outdoor event attendees. The fire rescue department shall create a set of standards by which it determines whether the availability of free water is acceptable, and shall apply the standards uniformly for all applicants.

(Ord. No. 2006-66, § 15, 9-26-06)

- **Sec. 142-103. - Large gathering—More than seventy-five attendees.**

(a)

A large gathering is an outdoor event on public property that lasts for more than one hour, has more than 75 attendees, and does not meet the definition of outdoor festival nor assembly. In addition, the term 'large gathering' shall include an overnight event of any size, even with an attendance of fewer than 75 people, provided that the overnight event meets all other elements of the large gathering definition.

(b)

Anyone wishing to hold a large gathering must receive a large gathering permit. Except as set forth in subsection (b)(2) below, anyone wishing to obtain a large gathering permit must file an application with the SEM.

(1)

Any application for a large gathering to be held on any public property other than a park shall be processed by the SEM. The chief of staff shall issue the permit if s/he approves the application.

(2)

Any application for a large gathering to be held, at least in part, in a park, shall be filed with the SEM or with the office of parks. The application shall be processed by the department of parks, recreation, and cultural affairs' office of parks, and the office shall issue the permit if the application is approved. Where a large gathering application is accepted by the SEM, the SEM shall forward the application to the office of parks within one business day for processing and permit issuance if appropriate. After a large gathering application has been processed by the office of parks, the office shall forward, within one business day, the processed application and permit, if any, to the SEM for informational and calendaring purposes, and the SEM shall maintain the file on such outdoor event.

(c)

Except as set forth in subsection (1) and (2) below, a large gathering application must be filed at least 30 days prior to the outdoor event so that the city can provide adequate solid waste and security services.

(1)

If the large gathering includes an activity that requires a sub-permit, the applicant must file the sub-permit application with the SEM within the timeframe set forth in article IV above.

(2)

If the timing of the large gathering is based upon the occurrence of an identifiable event or decision, the date of which could not have been predicted with certainty, including but not limited to an announcement regarding a military action, an announcement of a court decision, or a death, and if the large gathering occurs within 48 hours of the identifiable event, the 14-day requirement for filing the application shall be waived, as long as the large gathering does not interfere with nor impede the flow of vehicular and/or pedestrian traffic. This waiver shall not apply to overnight events or to sub-permit applications.

(A)

The host or organizer of such a large gathering shall notify the SEM that the assembly shall be occurring, and shall provide as much information as possible about the large gathering, including but not limited to location, date, time, and approximate size, so that the city can attempt to provide adequate services for the large gathering.

(B)

The notification described in subsection (2)(A) shall be made by hand delivery, telephone and/or email, and shall be made within two hours of the decision to hold the large gathering.

(d)

The application fee for a large gathering is \$50.00. Where the large gathering occurs, at least in part, in a city park, the application fee shall be deposited in an account to be utilized solely by the department of parks, recreation, and cultural affairs to offset the department's administrative costs associated with large gatherings. An application fee owed for a large

gathering that meets the criteria of [section 142-103\(c\)\(2\)](#) above may be paid within five business days after the large gathering occurs.

(e)

There is no permit fee for a large gathering permit, except that, where a large gathering includes the reservation of a park facility, a park reservation facility permit fee will be applied, as set forth in [section 110-3](#) of the Atlanta Code of Ordinances.

(f)

A large gathering permit does not include the privilege to vend.

(g)

A permit to hold a large gathering in a park does not include the privilege to erect any temporary structure or tent.

(Ord. No. 2006-66, § 15, 9-26-06; Ord. No. 2009-33(09-O-0805), §§ 1—3, 6-23-09; [Ord. No. 2013-62\(13-O-1243\)](#), §§ 2, 3, 11-27-13)

- **Secs. 142-104—142-109. - Reserved.**

K7. Historic Preservation (Madison, GA)
Chapter 42 - HISTORIC PRESERVATION^[1]

Footnotes:

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Editor's note— The list of properties located in the Madison Historic District, together with the names of owners of such properties, is maintained in the office of the city clerk.

Cross reference— Buildings and building regulations, ch. 18; environment, ch. 38; planning, ch. 54; streets, sidewalks and other public places, ch. 62; subdivisions, ch. 66; utilities, ch. 82; zoning, ch. 90.

State Law reference— Georgia Register of Historic Places, O.C.G.A. § 12-3-50.2; fire safety requirements for historic buildings or structures, O.C.G.A. § 25-2-13; grants to municipal corporations for repairs on facilities of historical value, O.C.G.A. § 36-40-1; Georgia Uniform Conservation Easement Act, O.C.G.A. § 44-10-1 et seq.; Georgia Historic Preservation Act, O.C.G.A. § 44-10-20 et seq.; historic preservation commissions, O.C.G.A. § 44-10-24; historic landmark or district designation procedure, O.C.G.A. § 44-10-26; certificates of appropriateness, O.C.G.A. § 44-10-28; certification as rehabilitated historic property for purposes of preferential assessment, O.C.G.A. § 48-5-7.2; landmark historic property for purposes of ad valorem taxation, O.C.G.A. § 48-5-7.3; The Uniform Act for the Application of Building and Fire Related Codes to Existing Buildings, O.C.G.A. § 8-2-200 et seq.

ARTICLE I. - IN GENERAL

Sec. 42-1. - Purpose, authority and enactment.

The mayor and council find that the historical and cultural heritage of the city is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people of the city and of the public generally. Therefore, pursuant to the authority conferred by the National Historic Preservation Act of 1976, as amended, (16 USC 470 et seq.) and by the Georgia Historic Preservation Act of 1980, as amended, (O.C.G.A. § 44-10-21 et seq.), and for the purposes of establishing a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of historic properties and historic districts, having a special historical and cultural interest or value; protecting and safeguarding the city's historic and cultural heritage, as embodied and reflected in such properties and districts; stabilizing and improving the property values of such properties and districts to retain and attract residents and to encourage restoration and rehabilitation efforts; protecting and enhancing the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; strengthening the economy of the city; enhancing the opportunities for federal and state tax benefits under relevant provisions of federal and state law; seeking to participate in federal and state programs that provide for the designation, protection, preservation and rehabilitation of such properties and districts; fostering civic pride in the beauty and accomplishments of the past; promoting the use of such properties and districts for the education, pleasure, and welfare of the people of the city; all in accordance with the city's adopted comprehensive plan, as amended, the mayor and council hereby ordain and enact into law this chapter.

(Ord. of 12-14-1998, § 102)

Sec. 42-2. - Jurisdiction.

The provisions of this chapter shall govern all land, buildings and structures within the incorporated limits of the city.

(Ord. of 12-14-1998, § 103)

Sec. 42-3. - Definitions.

The following words, terms and phrases when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certificate of appropriateness means a document evidencing approval by the historic preservation commission of an application to make a material change in the appearance of a designated historic property or of a place, district, site, building, structure, object or work of art located within a designated historic district.

Commission means the historic preservation commission created and established pursuant to article II of this chapter.

Design review process means the procedure set forth in article IV of this chapter for the consideration, assessment and decision of applications for certificates of appropriateness.

Designation means a decision by the mayor and council wherein a property or district proposed for preservation is located to designate such property or district as a "historic property" or as a "historic district" and thereafter to preclude all material changes in appearance of such property or within such district prior to the issuance of a certificate of appropriateness by the historic preservation commission.

Exterior architectural features means the architectural style, general design and general arrangement of the exterior of a building or other structure, including, but not limited to the kind or texture of the building material; the type and style of all windows, doors and signs; and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Exterior environmental features means all those aspects of the landscape which affect the historic character of the property or the development of the site, including but not limited to parking areas, driveways, walkways, fences, wall, landscaping, signs or other permanent landscape elements; and other appurtenant environmental fixtures, features, details or elements relative to the foregoing.

Historic (in terms of the designation criteria set forth in subsection 42-56(3)c) means properties or a place, site, building, structure, object or work of art within historic districts generally of 50 years old or older.

Historic district means a geographically definable area designated by the mayor and council as a historic district pursuant to the designation criteria established in subsection 42-56(3)a.2.

Historic preservation jurisdiction means the area within the incorporated limits of the city.

Historic property or landmark means an individual place, site, building, structure, object or work of art including the adjacent area necessary for the proper appreciation thereof designated by the mayor and council as a historic property or landmark pursuant to the designation criteria established in subsection 42-56(3)a.1.

Material change in appearance means a change that will affect either the exterior architectural or environmental features of a historic property or of any place, district, site, building, structure, object or work of art within a historic district, including but not limited to the following:

- (1) A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
- (2) Demolition or relocation of a historic property;
- (3) Commencement of excavation;
- (4) Advertising visible from the public right-of-way; or
- (5) The erection, alteration, restoration or removal of any building or other structures within a designated historic district, including walls, fences, steps and pavements or other appurtenant environmental features.

Owner means the holder of the title in fee simple.

Parties in interest means persons in possession of such property and all individuals, associations and corporations who have an interest of record in the county where the property is located in a place, site, building, structure or work of art, including executors, administrators, guardians and trustees.

(Ord. of 12-14-1998, § 105)

Cross reference— Definitions generally, § 1-2.

Sec. 42-4. - Penalties.

Violations of any provisions of this chapter shall be punished as provided in section 1-12. Each day that work is conducted without a certificate of appropriateness, each day that work does not comply with an issued certificate of appropriateness, or each day that work is not initiated to remedy a lack of minimum maintenance and repair constitutes a separate violation and is subject to the penalties set forth for such violations.

(Ord. of 12-14-1998, § 603)

Sec. 42-5. - Affirmation of existing local ordinances.

Nothing in this chapter shall be construed as to exempt property owners from complying with the existing city building code, nor to prevent any property owner from making any use of his property not prohibited by other statutes, ordinances or regulations. Designated historic properties and historic districts shall constitute the historic preservation (HP) overlay zone within the context of the city zoning ordinance, and the specific provisions, regulations and guidelines adopted pursuant to this chapter shall be considered more restrictive and govern the established overlay zone.

(Ord. of 12-14-1998, § 701)

Secs. 42-6—42-25. - Reserved.

ARTICLE II. - HISTORIC PRESERVATION COMMISSION

Sec. 42-26. - Title; authority.

- (a) The title of the commission shall be the "Madison Historic Preservation Commission" (hereinafter referred to as the "commission").
- (b) The commission shall have authority as established in sections 42-28 and 42-29, shall be considered a part of the planning and development functions of the city government, and shall be administrated by the staff of the planning and development department.

(Ord. of 12-14-1998, § 201)

Sec. 42-27. - Membership; appointment and terms; compensation.

- (a) *Composition and expertise.* The commission shall consist of seven members, who shall reside within the historic preservation jurisdiction and shall have demonstrated special interest, experience or education in history, architecture, historic preservation, landscape architecture, archeology or a related field.
- (b) *Appointment and terms.* Commission members shall be appointed by the mayor and council and shall serve two-year terms. In order to achieve staggered terms, initial appointments shall be four members for one-year terms and three members for two-year terms.
- (c) *Compensation.* Commission members shall serve without compensation.

(Ord. of 12-14-1998, § 202)

Sec. 42-28. - General powers.

The commission shall be authorized to:

- (1) Perform historic preservation activities as an official agency of the city's historic preservation program;
- (2) Prepare an inventory and conduct surveys of all properties within its respective historic preservation jurisdiction having the potential for designation;
- (3) Recommend to the mayor and council specific places, districts, sites, buildings, structures or works of art to be designated by ordinance as historic properties or historic districts;
- (4) Recommend to the mayor and council that the designation of any place, district, site, building, structure or work of art as a historic property or as an historic district be revoked or removed;
- (5) Review applications for certificates of appropriateness, and recommend such certificates of appropriateness to the mayor and council in accordance with the provisions of O.C.G.A. § 44-10-28;
- (6) Recommend to the mayor and council the restoration or preservation of any historic properties acquired by the city;
- (7) Promote the acquisition by the city of conservation easements in accordance with O.C.G.A. §§ 44-10-1—44-10-8;
- (8) Conduct an education program on historic properties located within its historic preservation jurisdiction;

- (9) Make such investigations and studies of matters relating to historic preservation as the mayor and council or the commission itself may from time to time deem necessary or appropriate for the purposes of this chapter;
- (10) Consult with historic preservation experts in the historic preservation division of the state department of natural resources, the Georgia Trust for Historic Preservation, Inc., or other historic preservation consultants and professionals as necessary for the purposes of this chapter;
- (11) Submit to the historic preservation division of the state department of natural resources a list of historic properties or historic districts designated as such pursuant to O.C.G.A. § 44-10-26 and article III of this chapter;
- (12) Review and make comments to the historic preservation division of the state department of natural resources concerning the nomination of properties within its jurisdiction of the National Register of Historic Places and the state register of historic places;
- (13) Seek out state and federal funds for historic preservation and make recommendations to the mayor and council concerning the most appropriate use of any funds acquired; and
- (14) On behalf of and for the city, the commission may receive donations, grants, funds or gifts of property, provided that the commission shall not obligate the city without prior consent and that such funds do not displace appropriated governmental funds.

(Ord. of 12-14-1998, § 203)

Sec. 42-29. - Rules of procedure.

The commission shall adopt rules for the transaction of its business; shall provide for the time and place of regular meetings, and for the calling of special meetings. The commission shall have the flexibility to adopt and amend rules of procedure without amendment to this chapter. A quorum shall consist of a majority of the members. The latest edition of Robert's Rules of Order, Newly Revised, shall serve as a reference in the determination of the order of business at all meetings.

(Ord. of 12-14-1998, § 204)

Sec. 42-30. - Conflict of interest.

At any time the commission reviews a project in which a member of the commission has ownership or other vested interest, that member shall abstain from voting or discussion of the project, other than answering direct questions.

(Ord. of 12-14-1998, § 205)

Sec. 42-31. - Records.

A public record shall be kept of the commission's resolutions, proceedings and actions. The commission shall keep a copy of all historic resource surveys, planning studies, designation reports, design review criteria and applications for certificates of appropriateness and recommendations of action.

(Ord. of 12-14-1998, § 206)

Secs. 42-32—42-55. - Reserved.

ARTICLE III. - DESIGNATION OF HISTORIC PROPERTIES AND DISTRICTS

Sec. 42-56. - Preliminary procedures.

No ordinance designating any property as a historic property and no ordinance designating any district as a historic district nor any amendments thereto may be adopted by the mayor and council nor may any property be accepted or acquired as historic property by the mayor and council until the following preliminary procedural steps have been taken by the commission:

- (1) *Preliminary research and/or historic resource surveys.* The commission shall make or cause to be made an investigation of the historic and cultural significance of places, districts, sites, buildings, structures or works of art within its jurisdiction prior to designation. The commission shall compile and collect information or conduct historic resource surveys as necessary.
- (2) *Designation nominations.* The commission shall identify historic properties and historic districts eligible for designation and shall periodically review all properties within its jurisdiction for such eligibility. Historic properties and historic districts may also be nominated by historical societies, neighborhood associations and property owners. The commission shall review all designation nominations for eligibility, utilizing the established designation criteria.
- (3) *Designation criteria: historic properties and historic districts.*
 - a. *Eligibility.*
 1. *Historic property.* A property shall be eligible for designation if it is a place, site, building, structure or work of art which constitutes an example which is:
 - i. An outstanding representative of its era;
 - ii. One of the few remaining of a past architectural style or building form;
 - iii. Associated with an event or person of historic or cultural significance to the municipality, county, state or region; or
 - iv. Of natural or artistic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, county, state or region.
 2. *Historic district.* A district shall be eligible for designation if it constitutes a geographically definable area, urban or rural, which contains places, sites, buildings, structures or works of art, or a combination thereof which:
 - i. Have special character or special historical or cultural interest or value;
 - ii. Represent one or more periods or styles of architecture typical of one or more eras in the history of the municipality, county, state or region; and
 - iii. Cause such area, by reason of such factors, to constitute a visually perceptible section of the municipality.
 - b. *Physical boundary.* For historic properties, the physical boundary of the historic property shall include all places, sites, buildings, structures or works of art, as well as any adjacent area, necessary for the proper appreciation of the historic property. For historic districts, the physical boundary of the historic district shall delineate a geographically definable area,

urban or rural, and encompass all places, sites, buildings, structures or works of art, or a combination thereof in such area, including both historic and nonhistoric properties in such area.

- c. *Status.* Historic districts, and in some instances historic properties, include multiple places, sites, buildings, structures, or works of art, which shall be classified by age, historic (more than 50 years old) or nonhistoric (less than 50 years old), and evaluated in terms of compatibility, integrity and condition. The commission shall periodically update and revise the status of all properties within its jurisdiction.
- (4) *Designation reports.* The commission shall prepare formal designation reports when recommending the designation of historic properties or historic districts. These reports shall be used to educate the community and to provide a permanent record of the designation. The report will follow the guidelines for nominations to the National Register of Historic Places and shall consist of:
 - a. A physical description;
 - b. A statement of significance;
 - c. A map of the proposed boundary; and
 - d. Representative photographs.
- (5) *Notification of the historic preservation division of the state department of natural resources.* The commission shall provide designation reports to the historic preservation division of the state department of natural resources or its successor, which will be allowed 30 days to prepare written comments concerning the designation report.
- (6) *Recommendation to the mayor and council.* The commission shall make a formal recommendation and provide a designation report to the mayor and council regarding specific places, districts, sites, buildings, structures or works of art to be designated by ordinance as historic properties or historic districts.

(Ord. of 12-14-1998, § 301)

Sec. 42-57. - Designation ordinance requirements.

Ordinances adopted by the mayor and council to designate historic properties or historic districts shall be subject to the following requirements and the designation procedure as set forth in this section:

- (1) *Physical boundary.* Designation ordinances shall require that the designated property or district be shown on the official zoning map of the city to provide notice of such designation in addition to other notice requirements specified by this section and within section 42-58.
- (2) *Property description.* Designation ordinances shall describe each historic property to be designated, and for a historic district, shall include a description of the boundaries of the district with a list of each property located in such district.
- (3) *List of owners.* Designation ordinances shall set forth the name of the owner of the historic property, and for a historic district, shall set forth the name of the owner of each property located in such district.
- (4) *Design review process: certificate of appropriateness.* Designation ordinances shall require that a certificate of appropriateness be obtained from the commission prior to any material change in

the exterior appearance of the designated historic property or of any place, site, building, structure or work of art located within the designated historic district.

(Ord. of 12-14-1998, § 302)

Sec. 42-58. - Designation procedure.

- (a) *Public hearing and predesignation public notice.* The commission and the mayor and council shall hold a public hearing on the proposed designation ordinance. Notice of the public hearing shall be published in at least three consecutive issues of the official organ of the county, and written notice of the public hearing shall be mailed by the commission to all owners and occupants of the subject properties. Notices shall be published and mailed not less than ten nor more than 20 days prior to the date set for the public hearing. A letter sent via the United States Postal Service to the last known address of the owners of the subject properties shall constitute legal notification under this chapter.
- (b) *Action by mayor and council.* Following the public hearing, the mayor and council may adopt the designation ordinance as prepared, adopt the ordinance with any amendments it deems necessary, or reject the proposal.
- (c) *Post-designation public notice.* Within 30 days immediately following the adoption of the ordinance, the owners of each designated historic property and the owners of each place, site, building, structure or work of art located within a designated historic district shall be given written notification of such designation by the mayor and council, which notice shall apprise the owners and occupants of the design review process and the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in the exterior appearance of a designated historic property or a property within a designated historic district.
- (d) *Notification of other agencies.* The commission shall notify all necessary agencies with the city of the designation ordinance, including the building official and local historical and cultural organizations.
- (e) *Moratorium pending designation.* If a historic property or historic district is being considered for designation by ordinance, the commission shall notify the city who shall suspend the work status and issue no building, construction or demolition permits for the subject property or properties for a period of four months from the initiation of a designation report.

(Ord. of 12-14-1998, § 303)

Secs. 42-59—42-80. - Reserved.

ARTICLE IV. - DESIGN REVIEW PROCESS^{[2](#)}

Footnotes:

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Editor's note— Amd. of 2-8-2016, § 1(Exh. A), repealed former Art. IV, §§ 42-81—42-90, in its entirety and enacted new provisions as herein set out. Former Art. IV pertained to similar subject matter and derived from Ord. of Dec. 14, 1998, §§ 401—409, 601.

Sec. 42-81. - Certificate of appropriateness requirement.

After the designation by ordinance of a historic property or of a historic district, no material change in appearance of the historic property or of a structure, site, or work of art within the historic district shall be made or be permitted to be made by the owner or occupant thereof unless and until completing the design review process, specifically obtaining a certificate of appropriateness which has been submitted to, approved, and issued by the commission. Local governments shall notify the commission 45 days prior to beginning an undertaking that would otherwise require a certificate of appropriateness and allow the commission an opportunity to comment.

(Amd. of 2-8-2016, § 1(Exh.A))

Sec. 42-82. - Application for certificate of appropriateness.

An application for a certificate of appropriateness is required prior to any material change in appearance. Design review applications for certificates of appropriateness shall be submitted by the deadline set by the commission. Applications shall be accompanied by such elevations, drawings, photographs or plans as may be required by the commission and the fee established by resolution of the mayor and council. The commission shall not approve applications for demolition without reviewing at the same time post-demolition plans.

(Amd. of 2-8-2016, § 1(Exh.A))

Sec. 42-83. - Interior alterations.

In its review of an application for a certificate of appropriateness, the commission shall not consider changes having no effect on exterior architectural features nor interior arrangement, unless and except where interior features and arrangement impact the structural integrity of the building.

(Amd. of 2-8-2016, § 1(Exh.A))

Sec. 42-84. - Conceptual review; preliminary proposal.

All proposals for new construction shall be presented to the commission for conceptual review and recommendations prior to submitting a design review application for certificate of appropriateness. Preliminary proposals for conceptual review shall be accompanied by such elevations, drawings, photographs or plans as may be required by the commission and the fee established by resolution of the mayor and council.

(Amd. of 2-8-2016, § 1(Exh.A))

Sec. 42-85. - Administrative review: identified items; application modifications.

To expedite the design review process, the commission may identify within its rules of procedure items and application modifications which qualify for administrative review. Applications may be submitted at any time and shall be accompanied by such elevations, drawings, photographs or plans as may be required by the commission and the fee established by resolution of the mayor and council. Administrative review shall be limited to proposed work which constitutes either an identified administrative review item which clearly

and distinctly complies with the established design criteria or a minor modification to a previously approved application for certificate of appropriateness which clearly and distinctly complies with the established design criteria. The administrative review shall follow the procedure set forth within the commission's adopted rules of procedure. All administrative review decisions shall be reported to the commission at the next regular meeting.

(Amd. of 2-8-2016, § 1(Exh.A))

Sec. 42-86. - Public hearings: notification.

At least seven days prior to reviewing a design review application for a certificate of appropriateness, the commission shall take such action as may reasonably be required to inform the owners of any property likely to be affected materially by the application and shall give the applicant and such owners an opportunity to be heard. In cases where the commission deems it necessary, it may hold a public hearing concerning the application. For such public hearings, the commission shall publish notice of the pending application in the official organ of the county and shall post notice in the form of a sign in a conspicuous place on the property in question.

(Amd. of 2-8-2016, § 1(Exh.A))

Sec. 42-87. - Criteria.

When considering applications for a certificate of appropriateness, the commission shall evaluate the proposed material change in appearance for any substantial adverse effect on the aesthetic, historical, or architectural significance and value of the designated historic property or designated historic district. In making this determination, the commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance; architectural style; general design, arrangement, texture, and material of the architectural features involved; and the relationship thereof to the exterior architectural style and pertinent features of other structures in the immediate neighborhood. The commission shall also be guided by the most current edition of The Secretary of the Interior's Standards for the Treatment of Historic Properties, along with any other design guidelines, criteria and policy statements adopted by the commission.

(Amd. of 2-8-2016, § 1(Exh.A))

Sec. 42-88. - Decision on application.

- (a) *Deadline for decision.* The commission shall approve or reject a complete application for a certificate of appropriateness within 45 days after the filing thereof by the owner or occupant of a designated historic property or of a building, structure, site or work of art located within a designated historic district. Failure of the commission to act within said 45 days shall constitute approval, and no other evidence of approval shall be needed. This deadline may be extended with consent of the applicant.
- (b) *Types of decision.*
 - (1) *Approval.* When considering an application for a certificate of appropriateness, the commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change in appearance would not have a substantial adverse effect on the aesthetic,

historical or architectural significance and value of the designated historic property or designated historic district.

- (2) *Approval with conditions.* If the commission identifies elements of a proposed material change in appearance which are not in compliance with the design review criteria, the commission may make recommendations or set such conditions and/or changes which render the application for a certificate of appropriateness in compliance, thereby avoiding a substantial adverse effect on the aesthetic, historical or architectural significance and value of the designated historic property or designated historic district. If the applicant agrees to such conditions and/or changes, the commission shall approve the application and issue a certificate of appropriateness.
- (3) *Denial.* When considering an application for a certificate of appropriateness, the commission shall deny the application for a certificate of appropriateness if it finds that the proposed material change in appearance is not in compliance with the design review criteria and will have a substantial adverse effect on the aesthetic, historical or architectural significance and value of the designated historic property or designated historic district. The commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he so desires, may make modifications to the plans and may resubmit the application at any time after doing so.

(Amd. of 2-8-2016, § 1(Exh.A))

Sec. 42-89. - Alternative action for unusual circumstances.

Where, by reason of unusual circumstances, the strict application of any provision of this chapter would result in the exceptional practical difficulty or undue hardship upon any owner of a specific property, the commission in passing upon applications, shall have the power to vary or modify strict adherence to such provision, or to interpret the meaning of such provisions, so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of such provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this chapter. An undue hardship shall not be a situation of the owner's or occupant's own making.

(Amd. of 2-8-2016, § 1(Exh.A))

Sec. 42-90. - Notification of decision.

- (a) *Applicant.* The commission shall provide notification of each decision, in writing, to each applicant. In the event that the commission rejects an application, the commission shall state its reasons for doing so within the notification.
- (b) *Mayor and council.* The commission shall provide a list of decisions to the mayor and council, and in instances of denials, shall provide to the mayor and council a copy of the notification of the applicant.
- (d) *Building official.* The commission shall provide a list of decisions to the building official or his designee. In cases where a material change in appearance would require a building permit, the denial of an application for a certificate of appropriateness by the commission shall be binding upon the building official or his designee or other administrative officer charged with issuing building permits, and in such a case, no building permit shall be issued.

(Amd. of 2-8-2016, § 1(Exh.A))

Sec. 42-91. - Certificate of appropriateness—scope; expiration and renewal; failure to comply; amendments.

- (a) *Scope.* A certificate of appropriateness shall be limited to those elements presented to and approved by the commission. Approval of other elements whether related or unrelated to the project presented shall not be implied.
- (b) *Expiration; renewal.* A certificate of appropriateness shall be void if work does not commence within six months of the date of issuance. A certificate of appropriateness shall permit work in compliance thereof for a period of 12 months from the date of issuance. A renewal for a period of six months may be obtained upon submission of a request by the owner and issuance of written approval by the commission.
- (c) *Failure to comply with certificate of appropriateness.* All work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of such certificate and any amendments or modifications shall require review. In the event work is performed not in accordance with such certificate, the building official or his designee shall issue a stop work order, and all work shall cease. No person, firm or corporation shall undertake any work on such project as long as such stop work order shall continue in effect. Violations of this section shall be punished as provided for in section 42-4.
- (d) *Amendments or modifications.* Change work items or changes to approved plans must be submitted and approved prior to beginning work on any aspect of that plan. The owner may submit a new application for a certificate of appropriateness or request administrative review of such modifications which meet the criteria set forth in section 42-85.
- (e) *Failure to apply for a certificate of appropriateness.* A certificate of appropriateness shall be obtained prior to any material change in the appearance, including but not limited to new construction, addition, restoration, rehabilitation, renovation, remodeling, alterations, site changes, demolition or relocation. In the event work is performed without a certificate of appropriateness, the building official or his designee shall issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such project as long as such stop work order shall continue in effect. The owner shall submit an application for a certificate of appropriateness for the material change in appearance. At the next meeting, the commission shall review the application without prejudice, as if no work had been completed. Violations of this section shall be punished as provided for in section 42-4.

(Amd. of 2-8-2016, § 1(Exh.A))

Sec. 42-92. - Same—appeals.

Any person adversely affected by any action of the commission relative to the issuance or denial of a certificate of appropriateness may appeal such action to the mayor and council. The appeal must be filed with the city clerk within 30 days after the decision is rendered or, in the case of a failure of the commission to act, within 30 days of the expiration of the 45-day period allowed for the commission to act. The city council may approve, modify or reject the decision made by the commission, if the governing body finds that the commission abused its discretion in reaching its decision. In determining abuse of discretion, the city council shall rely on the record of the commission including the commission's findings and decision. An abuse of discretion may be found where the record contains no evidence to support the decision of the

commission. Appeals from decisions of the city council may be taken to the superior court of the county in the manner provided by law for appeals from convictions of municipal ordinance violations, namely, via petition for writ of certiorari.

(Amd. of 2-8-2016, § 1(Exh.A))

Secs. 42-93—42-110. - Reserved.

ARTICLE V. - MAINTENANCE OF HISTORIC PROPERTIES

Sec. 42-111. - Ordinary maintenance and repair.

Ordinary maintenance or repair of any exterior architectural feature in or on an historic property, to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a change in the design, material, texture or the exterior appearance thereof, does not require a certificate of appropriateness.

(Ord. of 12-14-1998, § 501)

Sec. 42-112. - Standards of minimum maintenance and repair.

The commission and the city shall further insure that all designated historic properties and places, sites, buildings, structures and works of art within designated historic districts are kept free from the following structural defects and conditions which threaten the deterioration or loss of such properties. Owners shall maintain their structures as to not endanger the property by permitting the following conditions which jeopardize structural integrity:

- (1) *Foundations.* Deteriorated or inadequate foundations jeopardize structural integrity. All foundations shall support the structure as originally constructed, and at all points shall be free of holes, wide cracks and buckling.
- (2) *Structural members.* Defective or deteriorated floor supports, or any structural members of insufficient size to carry imposed loads with safety jeopardize structural integrity. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration jeopardize structural integrity. Structural members of ceilings and roofs, or other horizontal structural members, which sag, split or buckle due to defective materials or deterioration or are of insufficient size to carry imposed loads with safety jeopardize structural integrity. Interior staircases shall be maintained in good repair.
- (3) *Exterior surfaces and materials.* Floors, exterior walls and roofs having holes, wide cracks and loose, warped, protruding or rotting boards or any other condition admitting moisture or other elements jeopardize structural integrity. Exterior surfaces exposed to the weather shall be repaired and weatherproofed, where appropriate, to protect them from further deterioration. Masonry joints shall be maintained. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration, or are of insufficient size or strength to carry imposed loads with safety jeopardize structural integrity.
- (4) *Weather protection and ventilation.* Lack of weather protection, any fault or defect in the building which renders it structurally unsafe or not weathertight jeopardizes structural integrity. Windows,

exterior doors and exterior siding shall be watertight. Exterior flashing, including that at chimneys, doors, and windows, shall be maintained in good repair. Downspouts and gutters shall be maintained so that rain runoff is directed away from the structure. Foundation and attic vents shall be maintained to ventilate the crawl and attic spaces.

- (5) *Stairways, porches and appurtenances.* Exterior staircases, porches and appurtenances thereto shall be maintained in good repair.
- (6) *Rodent and termite infestation.* Structures shall be free of wood boring insects and rodent infestation.
- (7) *Security and utilities.* Buildings which are no longer occupied shall be properly secured to prevent intrusion, and all utilities shall be properly connected or disconnected.
- (8) *Dependencies and additional site features.* Ancillary structures and accessory buildings shall be maintained in good repair. Tree limbs shall be trimmed away from the building, and tree roots shall be cleared away from all foundations. Soil erosion and soil deposition shall not be allowed to endanger any structures.

(Ord. of 12-14-1998, § 502)

Sec. 42-113. - Failure to provide minimum maintenance and repair.

Owners shall not allow historic properties and places, sites, buildings, structures or works of art within designated historic districts to deteriorate by failing to provide minimum maintenance and repair. The failure to provide minimum maintenance and repair not only adversely impacts the historic and cultural value of the historic community, but due to decay, deterioration and structural defects, jeopardizes structural integrity and poses additional safety hazards. The purpose of this section is to require an owner to engage in the minimum maintenance and repair necessary to correct decay, deterioration, structural defects and safety problems.

(Ord. of 12-14-1998, § 503)

Sec. 42-114. - Monitoring of condition.

The commission and the city shall monitor the condition of all designated historic properties and places, sites, buildings, structures and works of art within designated historic districts. The commission shall report all failures to provide minimum maintenance and repair to the building official of the city. Such conditions as those outlined in section 42-112 shall constitute a failure to provide minimum maintenance and repair.

(Ord. of 12-14-1998, § 503.1)

Sec. 42-115. - Condition assessment.

Upon notification by the commission, the building official or his designee shall be authorized to enter upon premises for the purpose of making examinations and inspections regarding conformity to the requirements hereunder. Such entry shall be made in such a manner as to cause the least possible inconvenience to any persons in possession. The city may appoint and affix the duties of such agents,

designees and employees as reasonably necessary to carry out the purposes of this chapter. The building official shall prepare a condition assessment for the commission.

Ord. of 12-14-1998, § 503.2)

Sec. 42-116. - Notice and remedy time allowance.

If the commission finds a failure to provide minimum maintenance and repair, nonconformity with section 42-112, the commission will give notice as described in this section and set forth the steps necessary to remedy the situation. Notice shall be served upon the owner and all parties in interest. The owner of the property will have 30 days from receipt of such notice to respond in writing and outlining his intentions and steps being taken to remedy the situation. The owner of the property will have 60 days from the receipt of such notice to begin the steps necessary to remedy the situation, and shall have 180 days from receipt of the notice to complete the work, unless such time shall be extended due to the expense and/or complexity of the repairs. In no event shall such extension exceed 180 additional days.

(Ord. of 12-14-1998, § 503.3)

Sec. 42-117. - Public hearing and recommendation of action.

Within 30 days of receipt of the notice provided for in section 42-116, the owner or any other party in interest who takes exception to such notice may request a public hearing on the matter. The owner or other party with an interest shall then be given an opportunity to appear before the commission, in person or otherwise, and present testimony pertaining to the notice issued. Notice of the date, time and place of the hearing shall be given via certified mail. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the commission although all parties shall be provided a fair and impartial hearing and shall be entitled to present all relevant evidence. If the commission agrees with the original notice, it shall state its reasons for doing so, and shall transmit a recommendation of action and reasons in support thereof, in writing, to the affected party and to the mayor and council.

(Ord. of 12-14-1998, § 503.4)

Sec. 42-118. - Review by mayor and council.

The mayor and council will review the recommendation of action by the commission regarding the finding of a failure to provided minimum maintenance and repair. The mayor and council will consider the matter on the merits and render a written decision which will include the reasoning therefor. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the city although all parties shall be provided a fair and impartial hearing and shall be entitled to present all relevant evidence. If the owner or other party in interest fails to comply with the notice and does not seek a hearing, or a hearing upholding the notice is had and no appeal is taken, or all appeals rights are exhausted and the notice has been upheld, the city may then perform or cause to be performed such minimum maintenance as is necessary to stabilize and prevent further deterioration of the property or prosecution may commence in municipal court, as provided for in section 42-4.

(Ord. of 12-14-1998, § 503.5)

Sec. 42-119. - Lien for minimum maintenance and repairs.

At the direction of the mayor and council of the city, minimum maintenance and repair necessary to prevent deterioration or demolition by neglect may be performed by someone other than the owner. The owner of the property shall be liable for the cost of such maintenance and repair. The amount of the cost of such maintenance or repair shall be a lien against the real property upon which the maintained or repaired structure is situated. The lien shall attach to the real property at the time of payment of all costs of maintenance or repair by the city, and the filing of an itemized statement of the total sum of such costs by the city in the office of the city clerk on a lien docket maintained by the city clerk regarding liens for work performed on unfit buildings. Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

- (1) A public officer of the city, or any adult citizens of this state, may execute an affidavit of service reciting that a copy of the notice was served upon such persons either personally, or by leaving a copy at the place of each person's residence. This shall be sufficient evidence as to the proper service of the person in possession, owner and party in interest.
- (2) If any of the aforementioned persons reside outside of the city but within the state, service shall be effected by causing a copy of the notice to be served upon such party or parties by the sheriff or any lawful deputy of the county of residence of such party, or such service may be made by any adult citizen, as to personal service or service by leaving a copy at such party's residence, shall be conclusive as to such service.
- (3) Nonresidents of this state shall be served by publishing the notice for two successive weeks in the legal organ of the county, and by posting a copy of such notice in a conspicuous place on premises affected by the notice. Where the address of such nonresidents is known, a copy of such notice shall be mailed to them by registered or certified mail.
- (4) In the event either the owner or any party in interest is a minor or an insane person or person laboring under disabilities, the guardian or other personal representative of such person shall be served, and if such guardian or personal representative resides outside the city or is a nonresident, he shall be served as provided above in such cases. If such minor or insane person or person laboring under disabilities has no guardian or personal representative or in the event such minor or insane person lives outside the city or is a nonresident, service shall be perfected by serving such minor or insane person personally or by leaving a copy at the place of his residence which shall be sufficient evidence as to the service of such person or persons. In the case of other persons who live outside of the city or are nonresidents, service shall be perfected by serving the judge of the probate court of the county, who shall stand in the place of and protect the rights of such minor or insane persons or appoint a guardian ad litem for such person.
- (5) In the event the whereabouts of any owner or party in interest is unknown and the whereabouts cannot be ascertained by the public officer in the exercise of reasonable diligence, the public officer shall make an affidavit of that effect, and the service of such notice upon such person shall be made in the same manner as provided in subsection (3) of this section, and service may be further perfected upon any person, firm or corporation holding itself out as an agent for the property involved.
- (6) A copy of such notice shall also be filed in the proper office or offices for the filing of lis pendens notice in the county, and such filing of the notice shall have the same force and effect as other lis pendens notices provided by law. Any such notice or an appropriate lis pendens notice may contain a statement to the effect that a lien may arise against the described property maintained by the city.

- (7) The city may enforce the collection of any amount due on such lien only in the following manner:
- a. The owner or parties at interest shall be allowed to satisfy the amount due on such lien by paying the city within 30 days after the perfection of such lien, a sum of money equal to 25 percent of the total amount due and by further paying to the city the remaining balance due on such lien, together with interest at the rate of seven percent per annum, in three equal annual payments, each of which shall become due and payable on the anniversary date of the initial payment made as prescribed in this subsection;
 - b. Should the property upon which such lien is perfected be sold, transferred or conveyed by the owner or parties at interest at any time prior to the termination of the three-year period, then the entire balance due on such lien shall be due and payable to the city at the time of the sale, transfer or conveyance; and
 - c. Should the amount of such lien or any portion thereof, be unpaid after the passage of such three-year period, or upon the occurrence of the contingency provided for in subsection (7)b of this section, the city may enforce the collection of any amount due on such lien for repair of dwellings, buildings or other structures in the same manner as provided in O.C.G.A. § 48-5-358, and other applicable state statutes. This procedure shall be subject to the right of redemption by any persons having any right, title or interest in or lien upon such property, all as provided by O.C.G.A. § 58-4-40 et seq.

(Ord. of 12-14-1998, § 504)

Sec. 42-120. - Appeals of minimum maintenance and repair decisions.

Any owner or other party of interest who takes exception to the city's decision relative to a recommendation of action regarding the failure to provide minimum maintenance and repair may appeal such decision to the superior court of the county in the manner provided by law for convictions of municipal ordinance violations, namely, via petition for writ of certiorari.

(Ord. of 12-14-1998, § 602)