

Text amendment re. Milledge Avenue Special District Overlay

*STAFF NOTE: Special district overlays are designed to protect and enhance areas with distinctive character. They can also be used to encourage appropriate uses of land, buildings and other structures as well as improving appearances of areas and preventing sprawl and depreciation.*

*Special district overlays operate by establishing design guidelines that effectuate the purpose of the district. The land within the district remains part of the underlying zoning designation. In the event of a conflict, the provisions of the special district overlay apply.*

CHAPTER 9-3. OFFICIAL MAPS.

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

*Special District Overlay*

Milledge Avenue

MA

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

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

Legend:

S = Subject to approval under the Special Use Procedures Section

L(13) = Permitted outright in the Milledge Avenue Special Overlay District as long as provisions of the overlay are met, as provided in Section 9-12-7.

CHAPTER 9-12. SPECIAL DISTRICT OVERLAY

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

A. Purpose and intent. The purpose of the Milledge Avenue Special District Overlay is to address issues of public safety, health, and general welfare, including controlling the visual and architectural character of the Milledge Avenue Special District Overlay. The

use of design requirements will help to ensure that new development is visually compatible with the existing historic character of Milledge Avenue and the adjacent residential neighborhoods and that the permitted uses are compatible with the adjacent neighborhoods. While the underlying zoning district designation generally provides for the allowed uses, the district overlay requires that new construction maintain residential character within the corridor by limiting the location of parking and stormwater management facilities, as well as providing for landscaped yards and open areas.

B. **Boundaries.** The Milledge Avenue Special District Overlay (MA) boundaries include those properties with frontage on Milledge Avenue or parcels adjacent to properties with frontage on Milledge Avenue at the time of the adoption of this ordinance. The boundaries of this special use district begin at the intersection of Milledge Avenue and West Broad Street and continue south to the intersection of Milledge Avenue, South Lumpkin Street, and Milledge Circle, and are specifically designated on the Official Zoning Map of Athens-Clarke County, Georgia, as shown on Attachment A hereto. The Official Zoning Map of Athens-Clarke County, constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with section 9-3-3 and section 9-3-7 thereof, is hereby amended by adding the MA (Milledge Avenue Special District Overlay) as a zoning district to the legend of said map, as shown on Attachment A hereto. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the clerk of commission's office and duly noted in the minutes of the commission meeting.

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

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

D. **General standards.**

<b>Table 9-12-7</b>	Milledge Avenue Special District Overlay
Maximum residential density (bedrooms per gross acre)	16
Minimum lot area	5,000 sq.ft.
Minimum lot width	50 ft.
Minimum lot depth	50 ft.

<b>Table 9-12-7</b>	Milledge Avenue Special District Overlay
Minimum front yard	L(1)
Minimum side yard	6 feet
Minimum side yard, adjacent to street	6 feet
Minimum yard when abutting residential zone	10 feet, plus one foot for each foot of building height above 30 feet.
Maximum FAR	0.5
Maximum lot coverage, except agricultural buildings	65%
Minimum landscaped area	35%
Maximum building height	40 feet

**Legend:**

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

**STAFF NOTE:**

***Setbacks-***

*The front yard setback distances for properties fronting Milledge Avenue in the area between the intersection of Milledge Avenue with Prince Avenue and the intersection of Milledge Avenue with South Lumpkin and Milledge Circle are currently determined in the above manner. Staff feels that this standard should continue to be applied and is compatible with the proposed design guidelines for the historic district designation.*

***Maximum FAR-***

*The maximum FAR for C-O zoned properties is currently 0.75. Floor area ratio (FAR) is the ratio which is the result of dividing the total floor area of a structure by the area of the lot on which it is located. For example, a structure with a floor area of 20,000 square feet, located on a lot of 40,000 square feet has a floor area ratio (FAR) of 0.5. Staff suggests lowering the maximum FAR within the Special Overlay District to 0.5. This ratio would be applied to all uses within the Overlay.*

E. Off-Site Parking. The required parking facilities for fraternities, sororities, semi-public halls, clubs, and lodges may be located on another parcel of land, provided said parcel is within 1000 feet of the use it is intended to serve. The distance from the parking lot to the use shall be measured in walking distance from the nearest parking space to an access to the building housing the use, along a sidewalk or other pedestrian path separated from street traffic. The off-site parking facilities shall be established in accordance with the procedures set forth in Section 9-30-8.

*STAFF NOTE:*

**Altering the distance for shared parking-**

*The required parking facilities are allowed by current regulations to be located on another parcel of land, provided said parcel is within 200 feet of the use it is intended to serve. The average "5 minute walk" (the distance most people will walk between another transportation mode or use and their destination) is 1/4 mile or 1,320 feet. In May 2008 the Mayor and Commission approved a waiver from the 200' standard to an approximately 650' shared parking distance, as part of a sorority's Special Use Permit. As part of the binding plan and report a letter of agreement was also submitted as well as a map illustrating the distance.*

F. Parking Standards.

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

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

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*STAFF NOTE:*

**Preservation of Mature Tree Canopy-**

*Staff is concerned with the possible loss of mature tree canopy during development or redevelopment along this portion of the corridor. Preservation of mature tree canopy can minimize erosion and stormwater runoff, provide buffers between neighboring properties, preserve historic streetscapes, minimize the visual and environmental impacts of paved surfaces and buildings, and ensure landscaping in conjunction with new development and redevelopment in a manner that preserves native vegetation. The properties located within the proposed Special District Overlay are currently zoned C-O (Commercial-Office) and the majority of the uses within the overlay are old homes that have either been converted into offices or are used for Fraternities/ Sororities. The character of this corridor is somewhat residential with large front yard setbacks and mature tree canopy. Staff recently inventoried trees within this proposed Milledge Avenue Special District*

*Overlay that were located in the front yard as defined by the Zoning Code. Staff discovered that approximately 75% of the trees located in the front yard were 10” dbh or greater. It should also be noted that the average Diameter Breast Height for trees located in the front yard within the proposed overlay was approximately 20” and the median was 18”. Staff calculated the average parcel acreage within the overlay at 0.66 ac (28,750 sq. ft.) with a median of 0.575 ac (25,047 sq. ft.).*

#### H. Preservation of Mature Tree Canopy.

1. The Milledge Avenue Special District Overlay shall have a Tree Preservation Area. This area shall extend across the full width of and be situated between the front lot line and the principal structure line projected from the primary front façade corners to the side property lines parallel to the right-of-way. Trees within this area shall be conserved to the greatest extent and in accordance with Sec. 8-7-15. If the property is undeveloped, then the Tree Preservation Area shall be the minimum front yard established in Table 9-12-7.
2. All trees 8” dbh (diameter breast height) and greater within the Milledge Avenue Tree Preservation Area meeting the definition of a “conservable tree” per Section 8-7-6 shall be conserved.
3. No administrative waiver of tree conservation per 8-7-15 (f) shall be granted within the overlay established within this section. Any request for tree removal within the Milledge Avenue Tree Preservation Area shall follow the standards set forth in Section 8-7-13.

#### Tree Management Ordinance amendments

##### Sec. 8-7-6. Definitions.

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

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

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

##### Sec. 8-7-13. Tree Preservation Area.

- A. Trees within a designated Tree Preservation Area that meet the definition of conservable trees are considered protected trees unless otherwise exempt by 9-12. Trees within the Tree Preservation Area that have the designation of “N=Do not

Plant” in the *Athens-Clarke County Tree Species List* are not considered protected trees.

B. Removal of trees within a Tree Preservation Area requires a permit to be issued by the Planning Department following these conditions:

1. Removal in conformance with Sec. 8-7-19-L, or
2. If none of the criteria in Sec. 8-7-19-L are satisfied, the Planning Director may authorize removal if it is mitigated by “replacement trees in lieu of preservation” consisting of an inch for inch replacement of the tree(s) to be removed, unless a lesser replacement is warranted, as determined by the County Arborist. The replacement trees shall be planted within the Tree Protection Area on the property from which the tree(s) were removed, or on adjacent rights-of-way. Any tree planting proposed within the Athens-Clarke County right-of-way must be approved by the Community Forester. If site conditions are such that tree mitigation planting within the Tree Protection Area or right-of-way is not feasible, the County Arborist shall approve an alternate mitigation planting plan.

3. All replacement tree(s) shall be no less than 3 inches caliper at the time of planting.

4. Any action taken by Athens-Clarke County or other governmental entity in an emergency to mitigate an existing or potential hazard is exempt from the Tree Preservation Area Removal Permit.

C. Any tree removal on private property shall not encroach upon, or damage any trees located in preservation areas. Any permit authorizing removal may be subject to such conditions that the Planning Director may deem necessary or appropriate to minimize damage to other trees or vegetation on a site, including installation of protective fencing.

D. Application and plans required. A request for tree removal within a Tree Preservation Area requires a complete application and plans in accordance with Sections 8-7-13-B and 8-7-17.

E. All applicable requirements of the Community Tree Management Ordinance 8-7 must be met.

F. The boundaries of all Tree Preservation Areas on the subject property and on adjacent properties shall be clearly marked in the field for the duration of any land-disturbing activities on the property per Section 8-7-19-h-3.

#### Sec. 8-7-17. Tree management plan

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

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## Parking Ordinance Amendments

### CHAPTER 9-30-2. Spaces Required.

#### 9-30-2-D-9.

Fraternity or sorority and semi-public halls, clubs, or lodges. Required parking shall be determined by the greater of the two following calculations:

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

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

#### *STAFF NOTE:*

##### ***Parking Ratio-***

*In 2006 Staff examined several Fraternity & Sororities for number of members, number of members living the house, square footage of facilities, existing number of parking spaces, and parking requirements based on the above calculations. Staff has provided that chart entitled Fraternity & Sorority Parking Calculations and revised the calculations to include the proposed parking ratio changes.*

*Staff suggests revisions to these required ratios for several reasons. First, the required ratios have proven to be unrealistic given the capacity of intown sites where sororities and fraternities are located. Secondly, the construction of all the required spaces, if physically possible, would likely often have substantially negative aesthetic and environmental repercussions for the site and surrounding area where the parking would be located. These revised ratios would be applied to all fraternities, sororities, semi-public halls, clubs, and lodges - not specifically to those in the Special Overlay District.*

### CHAPTER 9-30-5. Bicycle parking.

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

#### *STAFF NOTE:*

##### ***Bicycle parking-***

*All uses that require off street parking, except within the Commercial-Downtown district, are currently required to provide one bicycle parking space for every 20 required auto parking spaces (Sec. 9-30-5). This additional requirement would be imposed on all fraternities, sororities, semi-public halls, clubs, and lodges - not specifically to those within the Special District Overlay.*

CHAPTER 9-30-8. Limitation, location, use of facilities

**G. Transportation Policy Statement.**

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

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

*STAFF NOTE:*

***Transportation Policy Statement-***

*This would be required for all fraternity or sorority uses and semi-public halls, clubs, or lodges - not specifically to those in the Special District Overlay.*

*STAFF NOTE:*

**On-Street Parking Permit Program-**

Planning Staff has included a copy of the ACC Transportation & Public Works Department Policy/Procedure Statement on the Residential Parking Permit Program, which includes a list of currently approved permit parking areas, as well as streets that are eligible for permit parking. A map of these areas will be distributed at the meeting.

**Boundaries of Proposed Special District Overlay-**

A map with recommendations will be available at the meeting.