
Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, February 3, 2015
7:00 p.m.
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in regular business session. Present: Mayor Denson; Commissioners Dickerson, Sims, Link, Wright, Bailey, NeSmith, Bell, Girtz, and Hamby. Absent: Commissioner Herod.

A motion was made by Commissioner Sims, seconded by Commissioner Girtz, to approve Minutes of meeting of Tuesday, January 6, 2015. The motion passed by unanimous vote.

Written communications

There were no written communications.

Mr. Rick Parker, Executive Director of the Athens Housing Authority, presented Mayor Denson with a check in the amount of \$112,718.72 representing computation of payments in lieu of taxes (PILOT).

RECOGNITIONS

Leisure Services

Mayor Denson recognized the Southern Off-Road Bicycle Association (SORBA). The association received Volunteer awards this year from the Georgia Recreation and Park Association at the State and District level. This group designed, built, and now maintains the Department's first mountain bike trail system, located at Trail Creek Park. Approximately 75 volunteers contributed more than 1,000 hours to design and build the trail, and they also provided mountain bike programs and events for the youth of the community. SORBA's award was presented at the state conference in Jekyll Island. SORBA President Stephen Lush accepted the award.

Mayor Denson recognized Sherrie Hines who is a long-time, year-round volunteer at Bear Hollow Zoo. Sherrie writes and publishes the Zoo's newsletter, and assists with program and training new zoo docents. Sherrie re-vamped the Adopt-an-Animal program, which resulted in more than \$3,000 in donations.

Sherrie also coordinated the 2014 MLK Day of Service at the Zoo. Her team of 36 volunteers planted shrubs and trees, and removed invasive species from almost 2.5 acres of the zoo.

All of this volunteer work resulted in Sherrie receiving this year's Programmers Section – Volunteer Award. Sherrie's award was also presented at the state conference in Jekyll Island.

Solid Waste

In November 2014 the Athens-Clarke County Municipal Solid Waste Landfill was awarded the SWANA (Solid Waste Association of North America) - Georgia Chapter Gold Excellence Award for Recycling. This award, unique for a landfill, highlights the Athens-Clarke County Landfill's push to reduce the amount of waste disposed, reuse as much material as possible, and promote active recycling within the Athens-Clarke County area and surrounding communities. Accepting this award is the Landfill's Administrative Secretary, John Mincemoyer.

Keep Athens-Clarke County Beautiful

Mayor Denson recognized Keep Athens-Clarke County Beautiful (KACCB) Executive Director Stacey Farrell who accepted the following three awards.

KACCB was named the "Keep Georgia Beautiful Affiliate of the Year" from Keep Georgia Beautiful. This prestigious award honors one affiliate each year on their comprehensive work in litter prevention, community improvement, waste reduction, and how they leverage their program to improve the quality of life in their communities. In 2014, KACCB completed 35 outreach events with 9,527 community members attending, engaged 7,286 volunteers into action, and worked with 4176 students in 29 schools and day-care centers.

KACCB also received 2nd place National Affiliate Award from Keep America Beautiful. KACCB was chosen as the Second Place Affiliate of the Year in the 50,001 to 200,001 population category. As a local affiliate of the Keep America Beautiful program, KACCB positively affects the community by bringing State and National programs to Athens and engages citizens in volunteer service. On an annual basis, KACCB administers seven litter prevention programs, eight recycling programs/events, and seven community beautification programs.

Ms. Farrell was named "Executive Director of the Year". The award is named in honor of Barbara Mason, who dedicated her life to preserving the environment and establishing the Keep America Beautiful system in Georgia and the nation. Under her leadership, significant improvements were made in Georgia in the areas of waste reduction, conservation of resources, property maintenance, quality of life and beautification. This award recognizes an affiliate leader with an established record of innovation and success and is the most distinguished professional award one can receive in this industry.

Consent agenda

Items under this section were discussed at prior public meetings and were presented for consideration as a single item. Only one vote was taken.

Citizen input

The following citizen input was received.

1. Dan Lorenz, 325 Lyndon Avenue – supported Boulevard Woods Park lease agreement.

A motion was made by Commissioner Sims, seconded by Commissioner Bailey, to consent to action on the following five items. The motion passed by unanimous vote.

1. ADOPT: The following ordinance (#15-02-02) which was presented by title only.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PARKING RESTRICTIONS ON CLOVERHURST CIRCLE; AND FOR OTHER PURPOSES.

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

SECTION 1. Pursuant to Section 3-3-50 of the Code of Athens-Clarke County, Georgia, parking is hereby prohibited on both sides of Cloverhurst Circle for the entire length thereof, as more fully delineated on the drawing attached hereto, labeled Attachment 1, entitled "Cloverhurst Circle No Parking Signs" and incorporated herein by reference.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

2. ADOPT: The following ordinance (#15-02-03) which was presented by title only.

AN ORDINANCE WITH RESPECT TO AMENDING THE SOUTHEAST FIVE POINTS RESIDENTIAL PARKING DISTRICT; AND FOR OTHER PURPOSES.

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

SECTION 1. Pursuant to the provisions of Section 3-3-48 of the Code of Athens-Clarke County entitled, "Privileges and restrictions on residential parking permits," the Southeast Five Points Residential Parking District is hereby amended by adding thereto that portion of Pinecrest Drive beginning at its intersection with University Drive and extending 420 feet north, as more fully delineated on the drawing attached hereto, labeled Attachment 1, entitled "Residential Parking Program Pinecrest Drive – 300 Block," and incorporated herein by reference.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

3. APPROVE: Athens-Clarke County Police Department School Resource Officer (SR0) Program contract per agenda report dated November 17, 2014 with the Clarke County School District for the 2015-16 school year; and authorize the Mayor and appropriate staff to execute the contract and all related documents.

4. APPROVE: A lease agreement between Unified Government of Athens-Clarke County and Athens Land Trust, Inc. (ALT) as per Attachment #1 of agenda report dated January 6, 2015 for the purpose of constructing Boulevard Woods Park on Barber Street;

AUTHORIZE: The Mayor to execute a driveway easement for the purpose of formalizing an existing joint driveway at a future date as per Attachment #2 of said agenda report;

APPROVE: Transferring Boulevard Woods maintenance responsibilities from the Boulevard Neighborhood Association (BNA) to Athens-Clarke County upon construction completion; and

APPROVE: Athens-Clarke County funding for the crosswalk at the Boulevard Woods location.

5. APPROVE: The transfer of six fulltime State-Paid County Reimbursed (SPCR) positions to the Unified Government of Athens-Clarke County and thereby creating six fulltime positions in the District Attorney's Office as per agenda report dated December 23, 2014; and AUTHORIZE: The Mayor and appropriate staff to sign all necessary documents.

Old/New Business - Discussion

Citizen input

The following citizen input was received.

1. Leonard Bubb, 270 College Avenue, representing Bag to Bag – supported CHaRM project.
2. Luke Ferguson, 275 Ashton Drive, representing Free IT - supported CHaRM project.

Old business – Discussion

A motion was made by Commissioner Girtz, seconded by Commissioner Wright, to approve the project concept for SPLOST #25, Center for Hard to Recycle Materials (CHaRM) as per agenda report revised January 27, 2015; and authorize the Mayor and appropriate staff to execute all necessary documents. The motion passed by unanimous vote.

New business – Consider under suspension of Rules

There was no new business.

Public hearing and deliberation on recommendations from the Athens-Clarke County Planning Commission

A public hearing was held on proposed amendments – Type I, II, III, and IV zoning procedures, uses in commercial zoning districts, planned development approval procedures, special uses, and applications for variances.

Planning Commission recommendation: Approve (unanimous)

Citizen input

The following citizen input was received.

1. Clint McCrory, 390 Franklin Street – supported commission-defined option on special uses.

A motion was made by Commissioner Sims, seconded by Commissioner NeSmith, to adopt the following ordinance (#15-02-04) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO TYPES I, II, III AND IV ZONING PROCEDURES; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 9-4-3 of the Code of Athens-Clarke County, Georgia, entitled "*Type I procedure – General provisions*," subsection A. thereof entitled, "*The following actions shall follow the Type I procedure.*" is hereby amended by adding new item 9 thereto as follows: "9. Special Uses that are not in conformance with the future development designation of the subject property." so that Section 9-4-3 A. is:

A. The following actions shall follow the Type I procedure:

1. The adoption of a zoning ordinance;
2. The adoption of an amendment to the zoning ordinance which changes the text of the zoning ordinance;
3. The adoption of an amendment to the zoning ordinance which rezones property from one zoning map classification to another, which is not in conformance with the future development map, as established in table 9.4, compatibility matrix; or
4. The adoption of an amendment to the zoning ordinance which initially zones property to be annexed into the unified government;
5. The adoption of an amendment to the zoning ordinance, either by changing the text or by rezoning property from one map classification to another, or the grant of a special use permit, which relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency in accordance with the provisions set forth in O.C.G.A. § 36-66-4.
6. The adoption of an amendment to the Athens-Clarke County Comprehensive Plan; or
7. The adoption of an amendment to the Official Future Development Map of Athens-Clarke County, adopted under subsection 9-3-3-A2.
8. Special Uses in the Airport Overlay Zone, to be evaluated under the review criteria established in section 9-13-4.
9. Special Uses that are not in conformance with the future development designation of the subject property.

SECTION 2. Section 9-4-3 of the Code of Athens-Clarke County, Georgia, entitled "*Type I procedure – General provisions*," subsection B. thereof entitled "*Type I zoning or planning actions – Generally*" is hereby amended by adding to item 1 thereof the words "as applicable," by adding to item 1.a. thereof the words "the general plans for the physical development of Athens-Clarke County, and any master plan or portion thereof adopted by the mayor and commission per Section 9-4-3," by deleting from item 1.b. thereof the words "the unified government," by adding to item 1.b. thereof the words "proposed rezoning or special use will not adversely affect the" and "Athens-Clarke County," by adding new item 1.d. thereto as follows: "d. The proposed use meets all objective criteria set forth for that use provided in the zoning ordinance and conforms to the purpose and intent of the comprehensive plan and all

its elements,” by adding to item 2 thereof the words “Except for special uses, which are subject to chapter 9-20,” by adding to item 2.h. thereof the word “and,” and by adding new item 2.i. thereto as follows: “i. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal,” so that Section 9-4-3 B. is:

- B. Type I zoning or planning actions – Generally:
1. Scope – Every Type I application shall address the impact of the proposed change on the following as applicable:
 - a. The future development map and its intended outcome, the general plans for the physical development of Athens-Clarke County, and any master plan or portion thereof adopted by the mayor and commission per Section 9-4-3;
 - b. The proposed rezoning or special use will not adversely affect the balance of land uses in Athens-Clarke County.
 - c. Public facility elements of the comprehensive plan and how the proposed change will affect the provision of the services anticipated in the plan.
 - d. The proposed use meets all objective criteria set forth for that use provided in the zoning ordinance and conforms to the purpose and intent of the comprehensive plan and all its elements.
 2. Except for special uses, which are subject to chapter 9-20, actions in subsection 9-4-3 A. shall be further evaluated under the following factors to balance the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of the property in issue:
 - a. The existing land use pattern surrounding the property in issue;
 - b. The possible creation of an isolated district unrelated to adjacent and nearby districts;
 - c. The population density pattern and possible increase or over-taxing of the load on public facilities, including, but not limited to, schools, utilities, and streets;
 - d. The cost of the Unified Government and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;
 - e. The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity;
 - f. Whether the proposed zoning amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;
 - g. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property as currently zoned is less than its economic value if rezoned as requested will not alone constitute a significant detriment;
 - h. The aesthetic effect of existing and future use of the property as it relates to the surrounding area; and
 - i. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

SECTION 3. Section 9-4-3 of the Code of Athens-Clarke County, Georgia, entitled “*Type I procedure – General provisions*,” subsection C. thereof entitled “*Type I procedure*” is hereby amended by deleting from item 2 thereof the words “in January, March, May, July, September, November” and by adding in lieu thereof of the words “at which the application is to be considered,” by adding to item 7 thereof the words

"or Special Use" and "or Special Use," by adding to item 7.f. thereof the words "or Special Use" and "or Special Use," by adding to item 8.a. thereof the words "or Special Use," by adding to item 8.b. thereof the words "or Special Use," by adding to item 8.c. thereof the words "or Special Use," and by adding to item 8.d. thereof the words "or Special Use" so that Section 9-4-3 C. is:

C. Type I procedure:

1. Initiation of a Type I action may be made by:

- a. Recommendation of the planning commission or any department of Athens-Clarke County.
- b. Recommendation of the Athens-Clarke County Mayor and Commission.
- c. Application of property owner. In case of an amendment to the zoning ordinance that rezones property from one zoning classification to another, application shall be executed by all property owners, including holders of deeds to secure debt, as recorded in the official records of the superior court of Athens-Clarke County, or their authorized agents.

2. Unless initiated by one of the bodies in subsections 1.a. or 1.b. above, complete applications must be submitted at least 90 days prior to the first meeting of the planning commission at which the application is to be considered.

3. If the applicant contends that the current zoning classification of the property in issue constitutes an unconstitutional taking, written notice of such contention, and a written evaluation using the factors set forth in subsection 9-4-3 B. supporting the contention, must be filed with the application; otherwise, the applicant shall be deemed to have waived such contention. Affidavits of fact, appraisals, and related studies shall be filed with the application, in support of applicant's position.

4. A public hearing shall be held before the planning commission in accordance with its adopted rules of procedure. The planning staff shall present their report, followed by the applicant's presentation. The planning commission shall then entertain comments from other proponents or opponents. The planning commission shall adopt and publish written rules governing its hearing procedures, which shall be available for distribution at the hearing.

5. Following the public hearing before the planning commission, the planning commission shall make a report of its findings and recommendations on the proposed action. Such report shall be forwarded to the Athens-Clarke County Mayor and Commission within 15 days of the planning commission's final decision on the proposed action. Failure to timely file a report shall create no presumption either in favor or against the proposed action. The recommendation of the planning commission shall be of an advisory nature and not be binding on the mayor and commission of Athens-Clarke County.

6. Following receipt of the planning commission report, the mayor will set the zoning action on the agenda of the mayor and commission. At the agenda setting session of the mayor and commission preceding the public hearing at the regular business session, the Athens-Clarke County Mayor and Commission shall first hear a summary of the application and relief sought, together with the recommendation of the planning commission, as related by the planning director, or his/her designee. In addition, the applicant(s) or their authorized agent may appear, and answer any questions the mayor and commissioners may have.

7. At the public hearing, all persons supporting or opposing a proposed rezoning or Special Use may take either one of two

different opportunities to address the mayor and commission at the final public hearing on the proposed rezoning or Special Use, as follows:

- a. Proponents shall first present their ten-minute argument and evidence in support of the proposed rezoning, and opponents shall then present their ten-minute argument and evidence in opposition to the proposed rezoning.
- b. Neither side will be required to use all of its ten-minute argument period.
- c. Either side may allocate its ten-minute argument period among any number of speakers, provided that the presentation by all speakers for each side shall not exceed ten minutes per side.
- d. All persons wishing to speak longer than three minutes during one side's ten-minute argument period must register their intent to do so with the clerk of commission not later than the time of the meeting of the mayor and commission at which the final public hearing on the proposed rezoning is to be conducted is first called to order.
- e. In the event that all persons wishing to speak longer than three minutes as a part of one side's ten-minute argument are not able to agree how that side's ten-minute argument period shall be allocated, they shall inform the mayor of their disagreement before either side begins its ten-minute argument, in which event the mayor shall decide and announce the manner in which that side's ten-minute argument period shall be allocated. Any commissioner dissatisfied with the mayor's allocation of that side's ten-minute argument shall have the right to appeal the mayor's allocation decision to the commission before either side begins its ten-minute argument.
- f. After the supporters and opponents of the proposed rezoning or Special Use have concluded their ten-minute arguments, any person who has not yet spoken either for or against the proposed rezoning or Special Use shall be allowed to address the mayor and commission concerning the proposed rezoning or Special Use for no longer than three minutes per person.

8. After closing the public hearing, the Athens-Clarke County Mayor and Commission may:

- a. Vote to approve both the amendment to the Official Future Development Map of Athens-Clarke County and the rezoning or Special Use with conditions or without conditions; or
- b. Vote to deny the rezoning or Special Use and approve amendment to the Official Future Development Map of Athens-Clarke County; or
- c. Vote to send the rezoning or Special Use back to the planning commission and to approve the amendment to the Official Future Development Map of Athens-Clarke County; or
- d. Vote to deny both the amendment to the Official Future Development Map of Athens-Clarke County and the rezoning or Special Use; or
- e. Hold without action for no more than 40 days; or
- f. Rezone the subject property to the most appropriate zoning classification consistent with the Official Future Development

Map of Athens-Clarke County, pursuant to the public notice provisions found in subsection 9-4-9E.3.a.

g. For zoning ordinance text amendments, the mayor and commission may vote to approve or deny the text amendment.

9. Approval of all Type I zoning actions shall be by ordinance only.

SECTION 4. Section 9-4-4 of the Code of Athens-Clarke County, Georgia, entitled "*Type II procedure – General provisions*," subsection B. thereof entitled "*Type II planning actions - Generally*" is hereby amended by deleting from item 1.a. thereof the word "or" and adding to item 1.a. thereof the words "the general plans for the physical development of Athens-Clarke County, and any master plan or portion thereof adopted by the mayor and commission; and," by adding to item 1.c. thereof the word "and," by adding new item 1.d. thereto as follows "d. The proposed rezoning or special use will not adversely affect the balance of land uses in Athens-Clarke County," by deleting from item 2. thereof the word "may" and substituting therefor the word "shall," by adding to item 2. thereof the words "Except for special uses, which are subject to chapter 9-20," by adding to item 2.h. the word "and," and by adding thereto new item 2.i. as follows "i. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal," so that Section 9-4-4 B. is:

B. Type II planning actions – Generally:

1. Actions in subsection 9-4-4 A. may be approved when the following standards are met:

- a. The proposed rezoning or special use conforms to the future development map, the general plans for the physical development of Athens-Clarke County, and any master plan or portion thereof adopted by the mayor and commission; and
- b. The proposed special use meets all objective criteria set forth for that use provided in the zoning ordinance and conforms to the purpose and intent of the comprehensive plan and all its elements; and
- c. Public services, which include physical facilities and staff capacity, exist sufficient to service the proposed rezoning or special use; and
- d. The proposed rezoning or special use will not adversely affect the balance of land uses in Athens-Clarke County.

2. Except for special uses, which are subject to chapter 9-20, actions in subsection 9-4-4 A. shall be further evaluated under the following factors to balance the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of the property in issue:

- a. Existing land use pattern surrounding the property in issue;
- b. Possible creation of an isolated district unrelated to adjacent and nearby districts;
- c. Population density pattern and possible increase or over-taxing of the load on public facilities, including, but not limited to, schools, utilities, and streets;
- d. The cost of the Unified Government and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;
- e. The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity;
- f. Whether the proposed zoning amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;

- g. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property as currently zoned is less than its economic value if rezoned as requested will not alone constitute a significant detriment;
- h. The aesthetic effect of existing and future use of the property as it relates to the surrounding area; and
- i. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

SECTION 5. Section 9-4-15 of the Code of Athens-Clarke County, Georgia, entitled "*Applications and deadlines*," subsection A. thereof is hereby amended by adding to item 1. thereof the words "Any application involving the need to accurately depict property dimensions or property line locations, as determined by the Planning Director, shall be accompanied by a site plan prepared and sealed by a licensed surveyor, architect, landscape architect, or engineer," so that Section 9-4-15 A. is:

A. Type I, Type II, Type III, and Type IV - Completed applications shall be submitted to the planning department by the appropriate application deadlines.

1. Complete applications shall include all of the required information for the specific action requested, on a signed application form, and tender of the appropriate application fee. Any application involving the need to accurately depict property dimensions or property line locations, as determined by the Planning Director, shall be accompanied by a site plan prepared and sealed by a licensed surveyor, architect, landscape architect, or engineer.

2. Incomplete applications are subject to return to the applicant and removal from the applicable agenda. The planning staff will notify the applicant of deficiencies in the application within ten working days of the application deadline. The applicant has 30 days from notification in which to submit a complete application, which may, at the planning director's discretion, be placed on the agenda for the next regularly scheduled meeting, rather than the current agenda. Failure to resubmit a complete application within 30 days will require a new application including, but not limited to, a new fee for application.

3. No application shall be deemed accepted until the planning director, or his/her designee, has certified that it is complete.

4. After review and recommendation by the planning commission, the petitioner must submit the plan to the planning department by noon Monday of the week preceding the week during which the mayor and commission will meet (the third Tuesday of the month). The composition and number of plan copies to be submitted for consideration of the application by the mayor and commission shall be determined by the planning department.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Wright, seconded by Commissioner Link, to adopt the following ordinance (#15-02-05) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO USES IN COMMERCIAL ZONING DISTRICTS; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 9-10-2. of the Code of Athens-Clarke County, Georgia, entitled "*Permitted uses*," legend item L(3) thereof pertaining to the commercial categories of retail sales and service, and professional services and office in C-N Neighborhood commercial zoning districts is hereby amended by deleting therefrom the words "use," "with a maximum of 30,000 square feet of gross floor area per building" and "reviewed following the Type IV procedure specified in chapter 9-4," and adding thereto the words "lot," "per lot" and "subject to approval under the special use procedures section," so that Legend item L(3) of Section 9-10-2 is:

L(3) = Uses are limited to no more than 10,000 square feet of gross floor area per lot, except grocery stores which may have 30,000 square feet of gross floor area per lot; provided however multifamily dwellings and dwellings above businesses are permitted under L(1) above. Any development exceeding these parameters shall be subject to approval under the special use procedures section.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Dickerson, seconded by Commissioner Sims, to adopt the following ordinance (#15-02-06) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PLANNED DEVELOPMENT APPROVAL PROCEDURES; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 9-14-3 of the Code of Athens-Clarke County, Georgia, entitled "*PD approval procedures*," subsection C. thereof entitled, "*Preliminary development plan and application*." is hereby deleted in its entirety and the following substituted in lieu thereof:

C. Preliminary development plan and application.

1. A petition for "PD" zoning must be accompanied by a preliminary site plan and preliminary written report of the project and will only be accepted after a pre-application conference. It is intended that this step in the process will provide an opportunity for the planning commission to comment on the project prior to the preparation of the master development plan. Any comments by the planning commission are for the benefit of the applicant in drafting the master development plan and shall not be binding. The application shall include a report addressing the approval criteria of Chapter 9-4 and a development plan prepared and sealed by a licensed surveyor, architect, landscape architect, or engineer, and including the following information:

1. Vicinity map.
2. North arrow.
3. Depiction and names of all streets within and abutting the subject property, including right-of-way and pavement widths.
4. Depiction of the subject property, including the dimensions of all lot lines.
5. Location and use of all buildings existing and proposed on the subject property.
6. Location of all parking areas, parking spaces, and ingress, egress and traffic circulation for the subject property.
7. Schematic landscaping plan showing area and type of landscaping proposed.

8. For any proposed structural or site improvement, a topographic map of the site showing contour intervals of five feet or less.
9. Approximate location of all existing natural features in areas which are planned to be disturbed, including, but not limited to, all existing vegetation, any natural drainage ways, ponds or wetlands, any substantial outcroppings of rocks or boulders, and protected environmental buffer zones.
10. Project name and designation of the plan as either a "preliminary" or "master" plan, as applicable.
11. Scale (plan must be drawn to a standardized engineering scale).
12. Date of plan origination and latest revision.
13. Tax parcel identification numbers and zoning designations of the subject property and adjacent properties.
14. Existing and proposed public water, sanitary sewer, and access easements, and stormwater management facilities.
15. Total acreage, the area and percentage of lot coverage, the total number of parking spaces, sufficient information for required parking determination for each non-residential use, and the total number of dwelling units (including the number of bedrooms in each dwelling unit for multifamily development).

In addition to the site plan, a planned development application shall include the following:

16. Tree management plan in accordance with section 8-7-17, if required by said section.
17. Traffic Impact Analysis for projects that may be expected to generate 100 vehicle trips within a single hour or 1000 vehicle trips per day, per the specifications of the Athens-Clarke County traffic engineer.
18. Water and sanitary sewer demands per specifications of the Athens-Clarke County Public Utilities Department.
19. Schematic architectural elevations of proposed structures and/or photographs of existing structures, as applicable, with the existing or proposed maximum height denoted.
20. Written description of proposed stormwater management.
21. If the project is to be built in phases, a description of the areas contained in each phase.

SECTION 2. Section 9-14-3 of the Code of Athens-Clarke County, Georgia, entitled ""*PD*" approval procedures," subsection D. thereof entitled, "*Master development plan*." is hereby amended by deleting from item 2 thereof the words "plat for subdivisions (chapter 9-26) and for a site review (chapter 9-25), except that detailed stormwater management engineering information, other than the location of stormwater facilities, is not required prior to site review," and adding to item 2 thereof the words "development plan," so that Section 9-14-3 D. is:

D. Master development plan.

1. Within 30 days following the planning commission's review of the preliminary development plan, the owner shall submit a master development plan for consideration as a Type II planning action. The planning commission shall accept a request from the applicant for a maximum additional 90 days to submit the master plan if a written request is received by the Planning Department prior to expiration of the initial 30-day period. If the request for additional time to submit the master plan is not received prior to expiration of the initial 30-day

period, or, if such a request is duly received but the master plan is not submitted within the additional 90-day period, then the application shall be deemed as withdrawn and a subsequent new application shall be made before further consideration shall be undertaken.

2. If the master plan is approved by the governing body, the planned development regulations shall become the zoning for the property. A master plan shall contain all information required for a preliminary development plan.

SECTION 3. Section 9-14-3 of the Code of Athens-Clarke County, Georgia, entitled "*PD approval procedures*," subsection G. thereof entitled, "*Phase site plan*." is hereby amended by deleting from item 2. thereof the word "and" and adding to item 2 thereof the words "and/or" and "as applicable" so that Section 9-14-3 G. is:

G. Phase site plan.

1. Following the approval of the master development plan, the owner shall submit a detailed site plan of each project phase to the planning director for approval prior to the issuance of any permits. The planning director may refer, at his/her discretion, and shall refer, upon the request of the owner, approval of the site plan to the full planning commission. If the project will not be phased over time, the owner may submit the detailed site plan for consideration by the planning director with the master development plan, subject to the governing body ultimately approving the master development plan. If the project is to be phased, the owner may submit the site plan for the first phase for similar consideration by the planning director with the master development plan.

2. The detailed site plan shall be drawn to scale, fully dimensioned, and shall include the same information as required for a final plat of the subdivision regulations (chapter 9-26) and/or a site review (chapter 9-25), as applicable.

3. The planning director shall approve, and may only approve, the phase site plan if it conforms to the master development plan. Any deviation from the master plan shall be grounds for denial of the site plan and shall necessitate the petitioning for approval of an amendment of the master development plan and "PD" zoning before the site plan can be approved. Approval will be through a staff permit procedure.

4. The approval of the site plan and related information for each phase shall allow the owner to proceed with the installation of improvements and submit (when appropriate) a final subdivision plat for approval, all in accordance with the procedures set forth in chapter 9-26.

SECTION 4. Section 9-14-3 of the Code of Athens-Clarke County, Georgia, entitled "*PD approval procedures*," subsection I. thereof entitled, "*Application of regulations*." is hereby amended by deleting from item 1 thereof the words "For the purposes of zoning compliance, a planned development property shall be treated as one lot." and adding in lieu thereof the words "If any exceptions or variations to the requirements of the zoning ordinance or tree management ordinance are being sought in connection with the planned development, then the application must contain the applicant's requests for such exceptions or variations for hearing, consideration, and decision by the mayor and commission in conjunction with the planned development." so that Section 9-14-3 I. is

I. Application of regulations:

1. If any exceptions or variations to the requirements of the zoning ordinance or tree management ordinance are being sought in connection with the planned development, then the application must contain the applicant's requests for such exceptions or variations for hearing, consideration, and decision by the mayor and commission in conjunction with the planned development.

2. Planned developments shall normally be located on a street having a minimum functional classification of "collector."

3. Uses permitted in a "PD" district shall include all uses permitted in the underlying district. In the case of an underlying residential district, retail and service uses designed and located within the project primarily for the benefit and convenience of the residents of the project shall be permitted; but shall be limited to no more than ten percent of the total project acreage. Permitted retail and service uses serving a residential "PD" shall include any use permitted in the "C-N" District. Total commercial space shall be limited to 50 square feet per residential unit.

4. Total project residential density shall be compatible with that normally permitted in the underlying district, including any density transfers or density bonuses.

5. Adequate guarantee shall be provided for the permanent retention as "open space" for all of the residual open land area resulting from the planned development approval. The guarantee shall be in the form of private reservation for the use of project residents through covenants, deed restrictions, or similar documents, or through dedication as common open space, or as land held in a common undivided interest dedicated to a recognized land trust, or dedicated to Athens-Clarke County. The care and maintenance of such private open space areas shall be similarly provided for.

6. To ensure adequate and proper construction of the following facilities listed below in "a" through "e," the mayor and commission may require that a performance bond or other financial guarantee be submitted by the owner. Such guarantee, if required, shall be in an amount set by the mayor and commission and sufficient to allow Athens-Clarke County to construct the stipulated facilities. In addition, the owner shall be required to grant right-of-entry to Athens-Clarke County to construct such improvements where a bond is required. The bonding requirements shall be the same as required of a subdivision (9-26-5).

- a. Recreation lands and appurtenances;
- b. Streets and sidewalks;
- c. Drainage facilities;
- d. Grading improvements;
- e. Sewer, water, and other utilities.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, to adopt the following ordinance (#15-02-07) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO SPECIAL USES; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 9-20-1 of the Code of Athens-Clarke County, Georgia, entitled "*Special use permits generally*" is hereby amended by deleting therefrom the words "This chapter provides substantive approval criteria by which applications for special use permits are to be evaluated and describes applicable procedures" and "under the Type II procedure and" so that Section 9-20-1 is:

Sec. 9-20-1. - Special use permits generally.

Certain uses are permitted in each zoning district only as special uses. No specially permitted use may be established, enlarged or altered unless the Athens-Clarke County Mayor and Commission first issues a special use permit in accordance with the provisions of this chapter.

SECTION 2. Section 9-20-2 of the Code of Athens-Clarke County, Georgia, entitled "*Definitions*" is hereby deleted in its entirety.

SECTION 3. Section 9-20-3 of the Code of Athens-Clarke County, Georgia, entitled "*Special use permits generally*" subsection B. thereof, is hereby amended by deleting therefrom the words "The application shall include a development plan and report meeting the preliminary plat content requirements of section 9-26-2 A.4. and shall be processed as provided in Chapter 9-4 of this title." and adding in lieu thereof the words "The application shall include a development plan meeting the plan requirements of section 9-20-4 and a report addressing section 9-20-5. The application shall be processed as provided in Chapter 9-4 of this title," so that Section 9-20-3 B. is:

B. The application shall include a development plan meeting the plan requirements of section 9-20-4 and a report addressing section 9-20-5. The application shall be processed as provided in Chapter 9-4 of this title.

SECTION 4. Section 9-20-4 of the Code of Athens-Clarke County, Georgia, entitled "*Plan requirements*" subsection A. thereof, is hereby deleted in its entirety and the following substituted in lieu thereof:

A. Any application involving the need to accurately depict property dimensions or property line locations, as determined by the Planning Director, shall be accompanied by a site plan prepared and sealed by a licensed surveyor, architect, landscape architect, or engineer, and shall include the following information:

1. Vicinity map.
2. North arrow.
3. Depiction and names of all streets within and abutting the subject property, including right-of-way and pavement widths.
4. Depiction of the subject property, including the dimensions of all lot lines.
5. Location and use of all buildings existing and proposed on the subject property.
6. Location of all parking areas, parking spaces, and ingress, egress and traffic circulation for the subject property.
7. Schematic landscaping plan showing area and type of landscaping proposed.
8. For any proposed structural or site improvement, a topographic map of the site showing contour intervals of five feet or less.
9. Approximate location of all existing natural features in areas which are planned to be disturbed, including, but not limited to, all existing vegetation, any natural drainage ways, ponds or wetlands, any substantial outcroppings of rocks or boulders, and protected environmental buffer zones.
10. Project name.
11. Scale (plan must be drawn to a standardized engineering scale).
12. Date of plan origination and latest revision.
13. Tax parcel identification numbers and zoning designations of the subject property and adjacent properties.
14. Existing and proposed public water, sanitary sewer, and access easements, and stormwater management facilities.
15. Total acreage, the area and percentage of lot coverage, the total number of parking spaces, sufficient information for required parking determination for each non-residential use, and the total number of dwelling units (including the number of bedrooms in each dwelling unit for multifamily development).

In addition to the site plan, a special use application shall include the following:

16. A tree management plan in accordance with section 8-7-17, if required by said section.
17. Traffic impact analysis for projects that may be expected to generate 100 vehicle trips within a single hour or 1000 vehicle trips per day, per the specifications of the Athens-Clarke County traffic engineer.
18. Water and sanitary sewer demands per specifications of the Athens-Clarke County Public Utilities Department.
19. Schematic architectural elevations of proposed structures and/or photographs of existing structures, as applicable, with the existing or proposed maximum height denoted.
20. Written description of proposed stormwater management.

21. If the project is to be built in phases, a description of the areas contained in each phase.

SECTION 5. Section 9-20-5 of the Code of Athens-Clarke County, Georgia, entitled "*Approval criteria*" is hereby amended by deleting therefrom the words "Approval criteria" in the title of said section and adding in lieu thereof the words "Action by the mayor and commission," by deleting therefrom the words "A special use permit shall be granted if the approval authority finds that the proposed use conforms, or can be made to conform through the imposition of conditions, with the following approval criteria" and by adding thereto the words "The Athens-Clarke County mayor and commission shall consider the following" so that Section 9-20-5 is:

Sec. 9-20-5. Action by the mayor and commission.

The Athens-Clarke County mayor and commission shall consider the following:

SECTION 6. Section 9-20-5 of the Code of Athens-Clarke County, Georgia, entitled "*Approval criteria*" subsection A. thereof, is hereby amended by deleting therefrom the words "That the use would be" and "type," and by adding thereto the words "Is the proposed use," "concurrently review related variance requests to," "and" and "Such variance requests may be authorized after deliberation of the evidence and a finding that all of the circumstances set forth in section 9-21-3 exist," so that Section 9-20-5 A. is:

- A. Is the proposed use in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant comprehensive plan policies implemented by Athens-Clarke County and with all state or federal laws? The governing authority during the special use process may concurrently review related variance requests to waive or reduce zoning and development standards as they pertain to specific building location, height, and size, lot size, and other space limits of the underlying basic district provided that the spirit and intent of such requirements are complied with in the total plan for the special use. Such variance requests may be authorized after deliberation of the evidence and a finding that all of the circumstances set forth in section 9-21-3 exist.

SECTION 7. Section 9-20-5 of the Code of Athens-Clarke County, Georgia, entitled "*Approval criteria*" subsection B thereof, is hereby amended by deleting therefrom the word "That" and adding thereto the words "Is there" and "that," so that Section 9-20-5 B. is:

- B. Is there adequate capacity of Athens-Clarke County facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation that can and will be provided to and through the subject property?

SECTION 8. Section 9-20-5 of the Code of Athens-Clarke County, Georgia, entitled "*Approval criteria*" subsection C thereof, is hereby amended by deleting therefrom the words "That the special use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone," "impact area," "of livability of the impact area" and "in relation to the target use of the zone" and adding thereto the words "Will the zoning proposal have an adverse impact on the surrounding area," and "surrounding area," by deleting from item 2 thereof the word "Generation" and adding thereto the words "Character and volume", "and vehicular parking generated by the proposed use" and "the", by deleting from item 3 thereof the word "impact" and adding in lieu thereof the word "surrounding," by deleting from item 4 thereof the word "other" and by adding thereto the words "The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding" and "smoke," by adding new item 7 thereto as follows: "Impact on future transportation corridors." and by renumbering existing item 7 to be item 8 so that Section 9-20-5 C. is:

- C. Will the zoning proposal have an adverse impact on the surrounding area? When evaluating the effect of the proposed use on the surrounding area, the following factors shall be considered:
1. Similarity in scale, bulk, and coverage.
 2. Character and volume of traffic and vehicular parking generated by the proposed use and the effects on surrounding streets. Increases

in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.

3. Architectural compatibility with the surrounding area.
4. The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality, including the generation of smoke, dust, odors, or environmental pollutants.
5. Generation of noise, light, and glare.
6. The development of adjacent properties compatible with the future development map and the zoning district.
7. Impact on future transportation corridors.
8. Other factors found to be relevant by the hearing authority for review of the proposed use.

SECTION 9. Section 9-20-6 of the Code of Athens-Clarke County, Georgia, entitled "*Conditions*" subsection N thereof, is hereby amended by adding thereto the words "and use standards," so that Section 9-20-6 N. is:

N. Any condition permitted by chapter 9-25, site design and use standards.

SECTION 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner NeSmith, seconded by Commissioner Bailey, to adopt the following ordinance (#15-02-08) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO APPLICATIONS FOR VARIANCES; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 9-21-2 of the Code of Athens-Clarke County, Georgia, entitled "*Application*" is hereby amended by adding thereto the words "Any application involving the need to accurately depict property dimensions or property line locations, as determined by the Planning Director, shall be accompanied by a professionally sealed site plan per Section 9-4-15. A. 1," so that Section 9-21-2 is:

Sec. 9-21-2. Application.

Except as otherwise specifically provided for in this title, variances shall be a Type IV procedure. Such application shall be accompanied by a legal description of the property and plans and elevations necessary to show the proposed development. Any application involving the need to accurately depict property dimensions or property line locations, as determined by the Planning Director, shall be accompanied by a professionally sealed site plan per Sec. 9-4-15. A. 1. Also to be included with such application shall be a statement and evidence showing that all of the circumstances set forth in section 9-21-3 exist.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Citizen input on items other than those listed on this agenda

The following citizen input was received.

1. Aaron Redman, 1055 Baxter Street – implement Complete Streets Policy and apply to Prince Avenue and Baxter Street.
2. Chris Strother, 187 Lakeover Circle – concerned about use by Police Department of license plate readers.
3. Clint McCrory, 390 Franklin Street – supported rezoning of portions of Reese Street/Hancock Avenue/Cobbham from multi-family to single-family.
4. Danielle Rusk, 1185 Hancock Avenue – supported rezoning of portions of Reese Street/Hancock Avenue/Cobbham from multi-family to single-family.

The following citizens presented letters of support for Sunday transit service.

5. Tim Denson, 290 Midway Road.
6. Chris Dowd, 245 North Harris Street #2.
7. Rick Viock, Colbert.
8. Adam Veale, 173 Magnolia Bluff Drive.
9. Tiffany Eberhart, 195 Kingswood Drive – and \$.05 fee on plastic bags.
10. Elizabeth DeMarco, 327 Hill Street - supported rezoning of portions of Reese Street/Hancock Avenue/Cobbham from multi-family to single-family.
11. Leonard Bubb, 270 College Avenue - supported solar energy and bike lanes on Prince Avenue.

FROM MAYOR DENSON:

1. Proclamations will be issued to the following recognizing participation in the Adopt-A-Highway Program.

<u>Adopting Organization</u>	<u>Location</u>
The Friends of the Winterville Library	Cherokee Road from Athens Road to Bentwood Trail
Pi Kappa Alpha	Willow Street from East Broad Street to College Avenue

2. Announced the following appointments to the Downtown Master Plan Committee.

Commissioner Mike Hamby – Chair
 Commissioner Harry Sims
 Commissioner Melissa Link
 Commissioner Allison Wright
 Commissioner Diane Bell
 Commissioner Kelly Girtz

FROM COMMISSIONER WRIGHT:

1. Stated Department of Transportation is still receiving comments regarding the proposed reconfiguration of the Lexington Road/Loop 10 intersection.

FROM COMMISSIONER LINK:

1. Thanked Transportation and Public Works for assistance with a recent issue.
2. Requested Planning staff consider rezoning from multi-family to single-family parcels in and around the Hancock Corridor and eastern end of Cobbham.

3. Stated interest in rezoning for Hancock/Cobbham, speeding in school zones, infill housing, expanded transit service, Bag to Bag program, downtown master plan, and affordable housing.

FROM COMMISSIONERS WRIGHT, LINK, AND NESMITH:

1. Requested update on plan for implementation of the Complete Streets Policy.

FROM COMMISSIONER GIRTZ:

1. Requested Sunday bus service be considered during upcoming budget work sessions.

FROM COMMISSIONER DICKERSON:

1. Stated the Brookside development is a great asset to the ACC community.
2. Requested space issues at the Courthouse be discussed during upcoming budget work sessions.

FROM COMMISSIONER BELL:

1. Thanked everyone who has assisted her since assuming office.

FROM COMMISSIONER NESMITH:

1. Requested development of an ordinance extending to neighborhoods provisions of Code Section 9-15-16. H. - Home occupations – Parking and business-related vehicles.

FROM COMMISSIONERS GIRTZ, DICKERSON, AND HAMBY:

1. Requested Planning Department review pros and cons of inclusionary zoning.

FROM COMMISSIONER BAILEY:

1. Thanked staff for assistance with numerous projects.
2. Stated charging stations for electric cars will shortly be installed at several locations.

The meeting adjourned at 8:25 p.m.

Clerk of Commission