

ORDINANCE NO. 04-12-091

TO AMEND TITLE 17, CHAPTER 17.04 OF THE CITY OF LOCUST GROVE CODE OF ORDINANCES, WHICH PROVIDES FOR ZONING REGULATIONS; TO REPEAL SECTION 17.04.050 AND INSERT A NEW SECTION 17.04.050 ENTITLED "SECTION 3-7-147 - R-3 MEDIUM/HIGH-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT ADOPTED AS AMENDED;" TO REPEAL INCONSISTENT PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS

SECTION 1. Chapter 17.04, Section 17.04.050 is hereby repealed in its entirety and inserting in lieu thereof the following:

Section 17.04.050 Section 3-7-147 - R-3 medium/ high-density single-family residential district adopted as amended.

Section 3-7-147 as adopted by Henry County, Georgia, is repealed by the City of Locust Grove and replaced with Section 17.04.050.

(a) Purpose. It shall be the purpose of this R-3 district to provide for single-family dwellings of a medium- to high-density character on individual lots when served by adequate public water and public sewer facilities. Areas available for development in accordance with the standards of this district shall be designated for medium- to high-density development in the Henry County/Cities Joint Comprehensive Development Plan. Residential subdivisions in this district shall have access onto a major arterial street, a minor arterial street, or a collector street.

(1) Definitions. For purposes of this Section, the following terms shall have the meaning prescribed, unless the context clearly indicates otherwise:

"Amenities" shall mean the area(s) set aside for active and passive recreation for the residents inside the development (or for the general public) according to the standards set forth herein. Recreation areas may include passive areas, such as trails, picnic areas, or parks with landscaping providing no facilities for active sports; and active areas, with ball fields, soccer facilities, swimming areas, and other facilities for sports activities.

"City" shall mean the city of Locust Grove or its designee.

"Classification" shall mean the R-3 district referred to herein.

"County" shall mean Henry County or its designee.

"Facade" shall mean all exterior faces of a building except eaves, soffits and gables.

"Impervious cover" or impervious surface shall mean any roads, driveways, parking areas, buildings, swimming pools, concrete, pavement, rooftop landscapes and other impermeable construction covering the natural land surface which impedes the free passage of water, air, or nutrients through the soil to the natural watershed, aquifer, or water zone located below the surface. Except as otherwise provided in this section, impervious cover is the total horizontal area of covered spaces, paved areas, walkways, and driveways in a proposed development. Impervious cover excludes ponds and areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians. For an uncovered wood deck that has drainage spaces between the deck boards and that is located over a pervious surface, fifty percent (50%) of the horizontal area of the deck is included in the measurement of impervious cover.

"Master development plan" shall mean a written and graphic submission for a development in this district which represents a tract of land; proposed subdivision; the location and bulk of structures; density of development; streets, alleyways, sidewalks, and multiuse paths; parking facilities; common recreation areas, amenities, and open space; public facilities; impervious cover; and all conditions, covenants, and restrictions relating to use thereof. The master development plan is submitted in conjunction with a rezoning application for the R-3 district.

"Maximum allowable net density" shall mean the total number of dwelling units or housing structures per net useable acre. The maximum allowable net density shall

not exceed the density established by this Section and applicable law.

"Net useable acre" (n.u.a.) shall mean an acre of land which residential structures may be built but exclusive of streets; right of ways; 100 year flood plains or flood hazard areas; detention or retention ponds; land used solely for commercial, office, institutional, or industrial uses, and public lands. Easements for drainage, sanitary sewer, etc. shall not be excluded from a net usable acre.

"Open space" shall mean land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common ownership and use by the residents of the developments and may include complementary structures and improvements as are necessary and appropriate for recreation or other complementary activities. Acreage within the 100 year flood plain and wetlands under common ownership shall also be included in open space.

"Owner" shall mean all parties applying for rezoning, including but not limited to the property owner and his agents or assigns.

"Private alleyway" shall mean an alley located in the rear of single-family residences that provides residents with vehicular access. Private alleyways shall be maintained pursuant to the rules, regulations and policies of the City at the expense of the adjoining property owners or homeowners' associations. The developer or landowner shall grant the appropriate easement so that the public may use the private alleyway. Private alleyways shall be constructed to meet the following requirements: private alleyways shall be a minimum of eighteen feet (18') in width and sixteen feet (16') thereof shall be paved with concrete or asphalt. Concrete alleyways shall be reinforced and have a minimum depth of six inches (6") with appropriate base. Asphalt alleyways shall consist of a minimum of two inches (2") of type "E" or "F" asphalt topping, binder, and six inches (6") of graded aggregate base. Private alleyways, at a minimum, shall be constructed so as to provide adequate turning radii onto public streets, driveways, residential parking garages and carports for full-size, non-commercial,

two-axle vehicles. Curbs and gutters are not required, but should be installed so as to control stormwater runoff where appropriate. Private alleyways shall not have dead-ends.

"Residential parking garage" shall mean an enclosed structure attached to or part of the principal dwelling used for housing at least two (2) vehicles and has the following minimum dimensions: vehicular entrance height, eight feet (8'); interior height, ten feet (10'); vehicular entrance width, sixteen feet (16'); and overall garage width and depth, twenty-four feet (24'). The floor shall be constructed of concrete. Concrete floors shall be reinforced, where appropriate, and a minimum of four inches (4") in thickness with appropriate fill and base. Where residential parking garages are constructed, such structures shall not be enclosed for living space, storage purposes or any other purpose without first obtaining a variance from the City and constructing an attached residential parking garage.

"Streets" shall include the land between the right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, curb and gutter, sidewalks, drainage ditches and structures and other areas within the street right-of-way lines. Streets shall be classified as follows:

(1) Expressway. The expressway system includes high volume limited access thoroughfares through the City, the county, and region beyond. These include I-75 and U.S. 42.

(2) Major arterial. An arterial street which is designed or intended for moderate to high levels of traffic flow for the City, the county, and region beyond and is designated on the future thoroughfare plan in the Henry County/Cities Joint Comprehensive Development Plan, and also includes the state and federal highway system for the City and county.

(3) Minor arterial. An arterial street similar in function to a major arterial but

which is intended to provide moderate levels of traffic flow and greater access to abutting properties. Minor arterials serve as traffic feeders to major arterials and for cross-country and regional travel.

(4) Collector street. A street which carries traffic from local streets to minor and major arterial streets, and may include the principal entrance of a development.

(5) Local street. A street designed to provide access to adjoining properties within a subdivision or other development.

"Useable acre" shall mean an acre of land in the development less any portion thereof located in the one hundred year flood plain.

In addition, all other definitions set forth in Chapter 17.04 and Chapter 3-7 of the Henry County Code of Ordinances are incorporated by reference to the extent they are not inconsistent with these terms.

(b) Permitted Uses.

(1) Those permitted uses common to all single-family residential districts.

(c) Accessory uses. Those accessory uses common to all single-family residential districts.

(d) Conditional Uses. Upon application to, and recommendation by the planning commission and a favorable decision thereon by the Mayor and Council, the following conditional uses are permitted in this district:

(1) Those conditional uses common to all single-family residential districts.

(e) Conditional Exceptions. Those conditional exceptions common to all single-family residential districts, with the exception of taxidermy, are permitted in this zoning district.

(f) Development Standards. Except as otherwise provided for herein, the following standards shall apply in this

zoning district.

Any applicant who shows that compliance with any standard marked with an asterisk (*) would be impossible or would constitute an undue hardship may, upon due application, be granted an administrative variance by the Director of Community Development. An administrative variance for a standard marked with an asterisk shall not vary more than ten percent (10%) from the applicable criteria. An administrative variance for other standards shall be subject to the limitations, if any, set forth below.

- (1) Maximum acreage size: A development under an R-3 zoning classification shall not exceed fifty (50) acres;
- (2) Minimum lot area: 12,000 sq. ft.;
- (3) Minimum lot width(*): 80 feet;
- (4) Minimum front yard(*): where the lot has rear vehicular access via a private alleyway, the minimum front yard shall be thirty feet (30') from the public right-of-way. Where the lot has front vehicular access via an internal street with parallel parking, the minimum front yard shall be forty feet (40') from the public right-of-way line;
- (5) Minimum side yard(*): 10 feet; 30 feet between buildings;
- (6) Minimum rear yard(*): where the lot has rear vehicular access via a private alleyway, the minimum rear yard shall be forty feet (40') from the rear property line. Where the lot has front vehicular access via an internal street with parallel parking, the minimum rear yard shall be thirty feet (30') from the rear property

- line;
- (7) Maximum height: 40 feet;
- (8) Minimum floor area: 1,700 heated square feet for single story dwelling units and 2,200 heated square feet for multi-story dwelling units;
- (9) Curb and Gutter: Required;
- (10) Paved Driveway: Required;
- (11) Sidewalk: Required, on both sides of all streets within any development developed under the standards of this district. Sidewalks must be made of concrete a minimum of four (4) inches in depth and four (4) feet in width and located at least three (3) feet from the backside of the curb so as to provide a buffer between the street and sidewalk. A multiuse path, as described in subparagraph (14), may be substituted for a sidewalk;
- (12) Streetlights: Required;
- (13) Underground Utilities: Required;
- (14) Residential parking garages Required; however, the maximum coverage of the front facade of any dwelling unit by the garage may be no greater than 40%; for those residences adjacent to private alleyways, the residential parking garage shall be located in the rear of the main structure with the garage opening facing the alleyway and with a driveway

provided for access from the private alleyway to the garage.

(15) Alleyways and Alternative Parking.

(a) Private alleyways are required except along the perimeter of the property. Private alleyways shall be located adjacent to, but not in, the rear setback of the lot. Where private alleyways are not provided along the perimeter of the property, the internal street in front of such lots shall have at least an additional ten feet (10') of paved surface for parking in front of said lots for a total minimum street width within the public right-of-way of at least thirty-two feet (32') as measured in accordance with the subdivision ordinance. Said additional paved surface shall meet same construction requirements as set for residential street under the subdivision ordinance. Parallel parking spaces shall be demarked every twenty feet (20'). Approximately every twelve (12) spaces shall be broken by landscaping, but said landscaping shall be located in between dwellings rather directly in front of a dwelling. Said landscaping area shall be no less than nine feet (9') wide and twenty feet (20') long.

(b) As an alternative to required private alleyways, a developer may request one of the three following alternatives. Such request shall be in writing and shall specify the reasons justifying the request. The request shall be subject to City Council approval, denial, or approval with conditions.

(i) Parallel parking. If the request is approved or approved with conditions, all designated internal streets shall have, in addition to the minimum required width for streets in the subdivision, ten feet (10') of paved surface on both sides of the street for parallel parking, except where all lots on that side of the street have rear access via a private alleyway. Construction and landscaping of said parallel parking areas shall meet the minimum requirements set forth in subparagraph (f)(15)(a) above.

(ii) Neighborhood Parking Facilities. At the request of the developer, and approval of the City Council, another alternative to alleyways is to allow for designated parking areas. The number of parking areas shall be at least one parking space per every two dwellings in the neighborhood. Said parking areas shall be inter-dispersed throughout the neighborhood and within a reasonable walking distance from the dwellings they are to serve.

(iii) Combination of Alleyways, Parallel Parking and/or Neighborhood Parking Facilities. At the request of the developer, and approval by the City Council, a combination of alleyways, parallel parking and/or neighborhood parking can be constructed.

Alternative parking plans are subject to the review and approval of the City Council prior to final plat approval.

(16) Multiuse Paths.

(a) Multiuse paths are required in all developments developed under the standards of this district. Such paths shall be constructed to connect each residential lot with all the amenity areas of the development and those commercial, office, and industrial areas inside and outside the development as prescribed under subparagraph (15)(b). Multiuse paths may not be constructed in lieu of streets or alleyways, nor may streets or alleyways constitute any portion of multiuse paths except where such paths cross over the width of a street or alleyway. Multiuse paths shall be a minimum of four (4) inches in depth, ten (10) feet in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet of the width of the path is solely for pedestrian use and the remaining portion of the width of the path may be used for bicycles and golf carts. Multiuse paths shall be constructed of concrete, asphalt, some pervious material approved by the City or a combination thereof. If pervious material is used, it shall not be a loose material (e.g., wood chips, gravel, sand, or dirt) and it shall have a life span comparable to or better than that of

asphalt.

(b) In addition, the landowner or developer shall extend the multiuse path from the development to the nearest commercial area. Upon application by the owner or developer, however, the City reserves the right to reduce, eliminate, or modify this requirement if: (i) the landowner or developer tenders to the City or its designee funds, equal to the amount which would be expended by the developer to design and construct the multiuse path extension required under this subsection; (ii) the City or its designee confirm that the funds deposited will be used for design and construction of a multiuse path benefiting the public at large, consistent with applicable law; (iii) the City or its designee votes to accept such funds and exercise the right to reduce, eliminate, or modify the multiuse path requirement in this subsection in a manner and to a degree acceptable to the landowner or developer; (iv) the City or its designee places such funds in escrow to be used solely for the purposes outlined in this section; and (v) all documents necessary to satisfy this section are executed, subject to approval by the City Attorney as to form. In determining whether to reduce, eliminate, or modify the multiuse path requirement under this subsection, the City or its designee shall consider whether doing so will promote public health, safety, and welfare by enabling the public at large to receive a higher quality multiuse path in a more cost-efficient manner.

(17) Residential Facades. Within a development developed under these standards, a minimum of thirty percent (30%) of the structures shall be brick on all exterior facades and thirty percent (30%) of the structures shall be stucco, stone, brick or any combination thereof on all exterior facades. The remaining forty percent (40%) of the structures shall consist, in any ratio the Developer chooses, of stone, brick, stucco, hardiplank or other masonry siding, wood or any combination thereof. Vinyl or aluminum siding shall not be permitted, except by variance. If a variance is granted, the grade of vinyl shall be a minimum of 0.048 of an inch in thickness.

(18) Landscape requirements. See the City of Locust Grove Landscaping Ordinance.

- (19) Recreation/Open Space: A minimum of fifteen percent (15%) of the net useable acres of any development developed under the standards of this district must be set aside as open space and/or useable recreational areas;
- (20) Sewerage system: Public Sanitary sewer required;
- (21) Water system: City or County water system required.
- (22) Phased development: Fifty percent (50%) of the recreational facilities and amenities shall be constructed prior to issuance of certificates of occupancy for fifty percent (50%) of the houses. The remaining recreational facilities and amenities shall be completed prior to issuance of certificates of occupancy for eighty percent (80%) of the houses. A sworn certificate shall be submitted to the City or its designee prior to issuance of certificates of occupancy for eighty percent (80%) of the houses confirming compliance with this Section and all requirements imposed by the Locust Grove Watershed District ordinance.
- (23) Required Amenities.
- (a) Except as otherwise provided for herein, all developments under this Section shall provide one or more of the following amenities:
- A clubhouse of 1,300 minimum square feet
 - A minimum sized adult pool of 20'x 40'
 - A wading pool for children, in addition to the adult sized pool, consisting of a minimum of 200 sq. ft.
 - Tennis Courts - one lighted and enclosed facility featuring a minimum of 2 playing courts.
 - Walking Trails - at least 2,000 feet, 3 feet in width. Multiuse paths can constitute walking trails so long as they are appropriately demarcated to designate that at least four feet (4') of the width is solely for pedestrian use.
 - A Baseball Field - (reg.) regulation size
 - A Baseball Field - (LL) little league size
 - A Softball Field - regulation size (adult)

- A Soccer Field - regulation size
- A Multiuse Field - football and soccer
- A Multiuse Field - football and baseball
- A Football Field - regulation size
- A Lake with access to trails
- A regulation-size basketball court with two backboards, hoops, and net structures

The amenities required shall depend on the number of dwelling units included in each development, as follows:

<u>Units</u>	<u>Amenities Required</u>
0 - 25	0
26 - 50	1
50 - 100	2
101 - 150	3
151 - 200	4

For developments featuring more than 200 dwelling units, one amenity shall be required for each additional 50 units or fraction thereof.

(b) City Provided Amenities. Upon application by the owner or developer, however, the City reserves the right to reduce, eliminate, or modify this requirement if: (1) the landowner or developer tenders to the City or its designee funds, equal to the amount which would be expended by the developer to design and construct the amenities required under this subsection; (2) the City or its designee confirm that the funds deposited will be used for design and construction of amenities benefiting the public at large, consistent with applicable law; (3) the City or its designee votes to accept such funds and exercise the right to reduce, eliminate, or modify the amenities requirement in this subsection in a manner and to a degree acceptable to the landowner or developer; (4) the City or its designee places such funds in escrow to be used solely for the purposes outlined in this section; and (5) all documents necessary to satisfy this section are executed, subject to approval by the City Attorney as to form. In determining whether to reduce, eliminate, or modify the amenities requirement under this subsection, the City or its designee shall consider whether doing so

will promote public health, safety, and welfare by enabling the public at large to receive higher quality amenities in a more cost-efficient manner than would be provided by the Developer. Land that would have been necessary to construct the amenities shall be maintained as open space within the development.

(g) Miscellaneous Provisions.

(1) Maximum allowable net density shall not exceed three (3.0) dwelling units per net usable acre (du/acre), with City or county water and public sanitary sewer systems, and this shall be reflected on the Master Development Plan.

(2) Impervious Cover Requirements. The Master Development Plan shall demonstrate that the development will comply with all impervious cover requirements set forth in the City Zoning Ordinance, Watershed District Ordinances, Wetland Ordinance, Soil Erosion and Sedimentation Control Ordinance, and Stormwater Runoff Ordinance, as applicable. Compliance with the impervious requirements shall be certified by a licensed surveyor, engineer, landscape architect, or any other professional authorized to render similar services under state law.

(3) To the extent common areas, recreational facilities, and amenities are constructed by a landowner or developer pursuant to this ordinance, they shall ultimately be transferred to, owned by, and maintained by a mandatory property owners association, as established in accordance with state law, and restrictive covenants and bylaws consistent with this requirement shall be recorded prior to receiving a building permit for any dwelling unit located in this classification.

(4) In the event of a conflict between this Ordinance and any other ordinance or code provision, the terms of this Ordinance shall control.

(5) Failure to comply with any of the requirements set forth herein will entitle the City or its designee to suspend any and all permits issued concerning the development, including building permits, to issue a stop work order, and to take other measures designed

to ensure compliance with this Section, to the extent provided by law.

SECTION 2. This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

SECTION 3.

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 4. **Repeal of Conflicting Provision.** Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. **Effective Date.** This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Locust Grove.

SO ORDAINED this 6th day of December 2004.


LORENE LINDSEY, Mayor

ATTEST:


THERESA BREEDLOVE, City Clerk
(seal)

FIRST READING/
ADOPTION: 12-6-04

Version 4