

City of Pine Lake
State of Georgia

ORDINANCE NO. 2019-02

AN ORDINANCE TO READOPT THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF PINE LAKE; TO MAKE TECHNICAL CORRECTIONS; TO REPEAL COMPETING LAND USE REGULATIONS; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF PINE LAKE HEREBY ORDAINS:

Section 1. That the Zoning Ordinance attached hereto as Exhibit A is hereby readopted in its entirety as the Zoning Ordinance of the City of Pine Lake.

Section 2. That the Zoning Map attached hereto as Exhibit B is hereby readopted in its entirety as the Zoning Ordinance of the City of Pine Lake.

Section 3. All former versions of the zoning ordinance and zoning map are hereby repealed.

Section 4. In the event any portion of this Ordinance shall be declared or adjudged invalid or unconstitutional for any reason, it is the intention of the City Council of the City of Pine Lake that such provision be severed and that such adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this Ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause, or phrase were not originally a part of this Ordinance.

Section 5. All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

SO ORDAINED this 24 day of SEPTEMBER, 2019.

CITY OF PINE LAKE


MELANIE HAMMET, MAYOR

ATTEST:


Missye Varner, City Clerk *Acting City Clerk*

Exhibit A

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Article 1 Introduction

Section 1-1 Purpose and intent

Section 1-2 Title

Section 1-3 Authority

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Section 1-6 Applicability

Section 1-1 Purpose and intent

For the purpose of promoting the health, safety, morals, convenience, order, and general welfare of the municipality; lessening congestion in the streets; securing safety from fire, panic and other dangers; providing adequate light and air, encouraging such distribution of land and classification of land uses to facilitate economic development and facilitate the adequate provisions of transportation, sewage, schools, parks and other public requirements; conserving the value of buildings; providing for the orderly evolution of a retail district within a mixed-use corridor along Rockbridge Road that is responsive to neighborhood needs, made with reasonable consideration of the character of the city and its peculiar suitability for particular uses, with a view to promoting and protecting a clean healthy lake and natural environment, and creating sustained protection and stability of the single-family neighborhood; protecting properties against blight and depreciation and promoting the general stability and prosperity of the city, all in accordance with a comprehensive plan, the City of Pine lake does ordain and enact into law the following articles and sections.

Section 1-2 Title

This ordinance of the City Code will be known as the “Pine Lake Zoning Ordinance” and will be referred to as the “Zoning Ordinance.”

Section 1-3 Authority

This Ordinance is adopted under the authority of the Charter of the City of Pine Lake, as approved by the Governor; in pursuance of the authority given by the Art. IX, Sec. II; Para. IV of the Georgia Constitution of 1983, granting powers to municipal corporations, and is subject to all requirements of the Zoning Procedures Law of the State of Georgia, O.C.G.A., Sec. 36-66-1 et seq.

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Section 1-4 Severability

Should any article, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid, each article, clause and provision hereof being declared severable.

Section 1-5 Conflicts

Insofar as the provisions of The Zoning Ordinance are inconsistent with the other ordinances of Pine Lake, the provisions of this ordinance shall be controlling. The requirements of, and restrictions imposed by, and powers conferred by, this ordinance shall be in addition and supplemental to the requirements of, and restrictions imposed by, and powers conferred by other ordinances of the City. In the event of conflicts within this Ordinance, the most stringent requirement shall apply.

Section 1-6 Applicability

These regulations shall apply to all present and future land use and development on property located within the corporate limits of Pine Lake, Georgia. Standards adopted in this Ordinance are intended to be minimum requirements necessary to implement the purposes of this Ordinance. This Ordinance shall regulate the height, number of stories, and the size of buildings and other structures; the percentage of lot that may be occupied; the dimensions of yards and other open spaces; the density and distribution of population; the location and use of buildings and other structures; and the use, manner of use or occupancy of land; This Ordinance shall also create districts for such purposes and establish district boundaries; define certain terms used here; provide for the methods of administration, enforcement and amendment; provide for penalties and resolutions and for other purposes.

Article 2 Zoning Map and Districts

[Section 2-1 Official zoning map](#)

[Section 2-2 Authentication; location for public inspection](#)

[Section 2-3 Authority to interpret zoning map](#)

[Section 2-4 General districts established](#)

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Section 2-1 Official zoning map

- A. The City of Pine Lake, Georgia is divided into districts as shown on the Official Zoning Map, attached as Exhibit B to the Ordinance adopting this ordinance, together with all explanatory notes thereon, and the zoning map, is hereby adopted by reference and declared an essential element of this zoning ordinance. Such Official Zoning Map shall be the official record of the zoning status of all property within the city limits of Pine Lake.
- B. Where the scale of the general zoning map is inadequate for presentation of details in a particular area, such area may be cross-referenced on the official zoning map to separate inset maps at the appropriate scale.
- C. No change of any nature shall be made in the official zoning map except in conformity with the procedures and requirements of this Ordinance.

Section 2-2 Authentication; location for public inspection

The Official Zoning Map, properly recorded and attested, shall be on file and available for public inspection in the office of the city clerk, and shall be the final authority as the zoning status of lands.

Section 2-3 Authority to interpret zoning map

Should there be any question of interpretation of any boundary or other information on the official zoning map, the final authority shall be the zoning official. Appeals of any such administrative decision shall be heard and determined by the Mayor and Council.

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Section 2-4 General districts established

The city is hereby divided into general districts and subareas of districts known as follows:

- A. R-1 Single-family District: encompasses and protects the existing, single-family Pine Lake neighborhood.
 1. The R-1 Single-family district includes the following subarea:
 - R-1-PD Residential Planned Development Subarea: Regulates the redevelopment of existing duplex, multifamily and large vacant lots within the R-1 District.

- B. C Commercial District is a walkable mixed-use district, which is divided into the following subareas:
 1. VC Village Commercial Subarea: The retail core of the Commercial District and providing a mix of retail, office, lodging and service uses.
 2. TR Transitional Subarea: Permitting a mix of retail, service, office, lodging and residential uses and providing a transition between the R-1 district and more intense VC subarea.

- C. Mixed Use Overlay is a set of regulations and standards intended to supplement the underlying zoning and foster a mix of residential, office and commercial uses featuring public and private open space and buffering of adjacent neighborhoods.

- D. OS Open Space District protects the lake, wetlands, and associated public open space from inappropriate structures and uses.

Section 2-5 Conditional zoning

Each district and each subarea of a district shall have a sub classification thereunder, known as “conditional” for that classification, which shall comply with the following procedures.

- A. All zoning districts and subareas of districts with a suffix “C” after the district designation (i.e. R-1-C), as shown on the official zoning map, shall denote that the parcel is zoned “conditional” under previous ordinance amendments by the Mayor and Council.
- B. A list of such conditional ordinances shall be recorded in chronological order on the official zoning map. Such conditions shall remain in effect unless and until the subject parcel is rezoned by the Mayor and Council, and copies of such conditional ordinances may be obtained from the city clerk.

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After approval of a conditional zoning ordinance, a request for a building permit shall be submitted to the zoning official, who shall make the determination if the final building and site plans are in conformance with the approved site plan and any with and conditions attached to the conditional zoning ordinance by the Mayor and Council.

Section 2-6 Recording amendments to official zoning map

On the effective date of the amendment of the official zoning map, the change shall be posted to the official zoning map in an appropriate manner, and records made upon and accompanying the map shall identify the official action by which such zoning amendment was made, the date of such action and the date of posting.

Section 2-7 Replacement of official zoning map

The following governs the replacement of the official zoning map.

- A. If the official zoning map becomes damaged, lost, or difficult to interpret by reason of the nature or number of changes, the Mayor and Council may by ordinance authorize a new official zoning map which shall supersede the prior map.
- B. The new official zoning map shall be authenticated and attested as for the original, with wording indicating when and by what instrument the prior document was adopted.
- C. Unless the prior official zoning map has been lost or wholly destroyed, said documents or significant remaining parts thereof shall be preserved, together with any significant records pertaining to its adoptions or amendment, as a permanent guide to the prior zoning status of areas.
- D. A copy of the current and all previous official zoning maps shall be kept together at city hall and shall be available for viewing by the general public.

Section 2-8 Rules for interpreting the official zoning map

The following rules govern the interpretation of the official zoning map.

- A. Boundaries: Where boundaries may generally follow the centerline of streets, alleys, easements, waterways, and the like, boundaries shall be interpreted as following such centerlines unless boundaries are clearly shown on the official zoning map as following the property lines adjacent to such areas. In the event of a closure of a public street, alley

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or other right-of-way, the boundary shall be construed as the center line of such street, alley or public right-of-way; unless a specific amendment is made otherwise.

- B. Dimensions: Where dimensions are not otherwise indicated on the map, the scale of the map shall govern.
- C. Error of omission of district indication: Where a district designation is not indicated for an area of the official zoning map, it shall be construed to be zoned R-1. Upon discovery of such omission, unless research reveals the correct official zoning status of the land, a corrective amendment shall be initiated by the City.
- D. Boundary changes with changes in jurisdictional boundaries: Where territory is removed from the jurisdictional limits of the city, zoning boundaries shall move with the jurisdictional limits. Where territory is added to the city, a zoning amendment shall be adopted concurrent with such annexation.
- E. Zoning Official action in case of uncertainty of map :Where natural or man-made features existing are inconsistent with those shown on the official zoning map, or in any other circumstances of inconsistency not covered above, upon request by the Mayor, Council, or by any affected property owner, or on the zoning official's own initiative upon determination that such inconsistencies exist, the Zoning Official shall make a finding and interpretation concerning the boundaries involved in accord with the intent and purposes found in this ordinance.
- F. Divided lots of record: It is the policy of the city that no new zoning shall be approved that divides an existing lot of record into two (2) or more zoning districts. Where an owner of property desires to make use of property under two or more zoning districts, the owner shall be required to subdivide the property in such a manner that all portions of the subdivision, meet the standards of the affected districts. In cases where the zoning district boundary divides a lot of record at the time the boundary was established, the zoning official, upon application by the owner of the property owner or duly authorized agent, shall make findings and prepare recommendations as to this boundary line. The matter may then be advertised for rezoning in accordance with the Zoning Procedures Law.

Article 3 Application of Regulations

Section 3-1 Intent

Section 3-2 Yards and lots

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Section 3-1 Intent

No land or structure shall be used or occupied, and no structure or part thereof shall be erected, reconstructed, enlarged, moved, or structurally altered except in conformity with the regulations of the district in which it is located and in conformity with general regulations. In particular, no structure or lot shall exceed the districts regulations for height, floor area, lot coverage, limited parking, yard area or depth, front yard depth, sign area or other district maximum limitations; and no structure or lot shall be less than the requirements for off-street parking, building setbacks, fenestration, trees, sidewalk area, open space, or other district minimum requirements.

Section 3-2 Yards and lots

- A. No part of a yard, area, open space or parking or loading area required for one structure or use shall be included as meeting requirements for another, except where hereinafter provided in this ordinance.
- B. All yards and lots created after February 13, 2017 shall meet the minimum and maximum requirements set forth for the district in which it is located.
- C. No yard or lot existing on or before February 13, 2017 shall thereafter be reduced in size below the minimum required dimensions or increased in size above the required maximum dimensions.
- D. No parking or loading space or area shall be altered or removed unless the new or altered parking or loading space or areas meets the requirements of the district in which it is located.

Article 4 Nonconformities

[Section 4-1 Intent](#)

[Section 4-2 Legal nonconforming and illegal nonconforming](#)

[Section 4-3 Maintaining legal status of nonconforming structures](#)

[Section 4-4 Maintaining legal status of nonconforming lots](#)

[Section 4-5 Variance for nonconforming lots](#)

[Section 4-6 Nonconforming uses](#)

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Section 4-1 Intent

- A. It is the intent of this ordinance to regulate nonconformities within the districts created by this zoning code or the districts created by later amendments that may be adopted, where there exist structures or characteristics of structures, lots or characteristics of lots, and uses of land and structures or characteristics of use of land and structures, which were lawful before this ordinance was passed or later amended, but would be prohibited, regulated, or restricted under the terms of this ordinance or any future amendments to this ordinance.
- B. Nonconformities shall not be used as grounds for further increasing such nonconformities, nor increasing other nonconformities, nor adding other structures or uses prohibited elsewhere in the same district.
- C. Nonconformities shall not be expanded by attaching a building, nor adding accessory structures, nor adding any other structure that can be seen off-premises, nor adding other uses generally prohibited in the same district.
- D. To avoid undue hardship, nothing in this ordinance shall be construed as requiring a change in any use or structure under which construction was lawfully begun prior to the adoption of this ordinance.

Section 4-2 Legal nonconforming and illegal nonconforming

- A. Legal nonconforming, also known as “grandfathered”: Nonconforming buildings, structures, lots and uses that do not conform to the requirements of the district in which they are located, but which legally existed prior to the adoption of this ordinance, are considered to be legally nonconforming as of the adoption of this ordinance and, as such, thereafter have a legal status known as “grandfathered”.
- B. Illegal nonconforming: All new buildings, structures, lots and uses that are put in place on or after the effective date of this ordinance, and which do not conform to all requirements

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- C. of this ordinance, are illegal. Furthermore, except as specifically provided by [Section 7-4-D](#), increases in degree of nonconformity are illegal and, as such, grandfathered buildings, structures, lots and uses shall become illegal and lose their grandfathered status at such time as changes are made that increase the degree of nonconformity to district regulations.
- D. Illegal nonconforming buildings, structures and uses shall be removed: Illegal nonconforming buildings structures, and uses, including illegal nonconforming changes or additions, are subject to having all approved permits and certificates of occupancy revoked, the illegal building, structure or use removed, fines levied, and other consequences and corrective measures in keeping with the regulations set forth in this ordinance and other parts of the code.
- E. Previously permitted buildings and structures: In order to avoid hardship, if any building, structure or use is permitted prior to February 13, 2017, and is in keeping with all code requirements that were in place at the time the permit was issued, and is completely in place within a period of one (1) year from the date of such permit being issued, such building, structure or use shall be considered legal nonconforming, or grandfathered.

Section 4-3 Maintaining legal status of nonconforming structures

Grandfathered lots, buildings and structures may make certain changes, as described below, which shall maintain the grandfathered status. Buildings and structures in violation of these regulations are subject to being removed and all current and previously approved permits revoked.

- A. **New structures and additions:** New building and structures, including new additions, shall comply with all requirements of this ordinance.
- B. **Destruction of a legal nonconforming structure:** Should any structure be destroyed by any means, by more than either fifty (50) percent of its floor area, or by fifty (50) percent of its replacement value at the time of such destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance; provided that homes and dwelling units within the R-1 district may be reconstructed in accordance with Section 7-4 F
- C. **Moving a legal nonconforming structure is subject to approval by the City.** A nonconforming structure may be moved on its own lot only to the degree that such movement does not increase the degree of nonconformity and reduces the degree of nonconformity to the maximum extent that is reasonably feasible, subject to an administrative approval by the zoning official.
- D. **Altering a legal nonconforming building façade on non-residential buildings:** When any element of a grandfathered non-residential building facade regulated under this ordinance undergoes an alteration that increases the degree of non-conformity, at that time and thereafter the grandfathered status of that part or element is removed. When such alterations constitute sixty (60) per cent or more of a building facade face, the entire building facade face shall lose its grandfathered status. However, such facade alterations

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do not remove the grandfathered status of other parts of the building that are not altered, such as any unaltered roof, porch, footprint, or other building element.

- E. **Removing a legal nonconforming element or feature of a building:** When any part, element or feature of a legal nonconforming building facade regulated under this ordinance is removed, at that time and thereafter the grandfathered status of that part, element or feature is removed.
- F. **Repair of legal nonconforming structures:** Repair and maintenance of existing building materials with the same material is permitted and does not change the grandfathered status, provided that when sixty (60) percent or more of a building facade material, not including roof material, is removed or covered, the entire building facade material is required to be a material approved under district regulations. Grandfather status will not change when building material upgrades are in keeping with building materials permitted under district regulations.
- G. **Internal renovations to nonconforming buildings outside the R-1 district:** Internal renovations are permitted and do not alter the grandfathered status of a building outside the district; provided that such renovations do not alter the building's roof, height, size, shape, facade or footprint; and further provided that changes to floor-to-ceiling height must not increase the degree of nonconformity to floor-to-ceiling height requirements of the district, and internal changes must not increase the degree of nonconformity to any other requirements of this ordinance.
- H. **Changes to conforming structures on the same lot with a nonconforming structure or use:** No change shall be made to individual conforming site elements, such as parking, loading, lighting, walls, or any structure, when such change creates a nonconformity for that site element or increases the degree of nonconformity for the lot or any other structure or element on the lot; however, changes may be made which result in the same or a lesser degree of nonconformity.

Section 4-4 Maintaining legal status of nonconforming lots

All nonconforming lots are subject to the following regulations. Lots in violation of these regulations are subject to having current uses removed, all current and previously approved permits revoked, and requests for any future permits on such lot refused.

- A. **Nonconforming lots of record:** Where a lot, which was a legal lot of record prior to February 13, 2017, is below the minimum dimensions set forth in the district in which such lot is located, such lot may at a minimum be permitted to build a single-family dwelling in keeping with all other requirements of the district. Variances of yard and setback requirements within nonconforming lots of record shall be obtained only through variance action by the Mayor and Council.

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- B. Reduction in lot size for a public purpose: When a conforming lot is reduced in size due to a public taking or permanent public easement for a public purpose, whether such taking took place before or after the adoption of this ordinance, such lot shall thereafter be considered a conforming lot with all the rights and privileges of a conforming lot.
- C. Reduction in lot size or shape due to re-platting: No lot shall be reduced in size, altered in shape, or re-platted in any manner, such that lot width or depth, yard size or depth, lot area, or any other requirement of this ordinance is not met.
- D. Yards, parking and loading spaces shall not be double-counted: No part of a required yard, off-street parking, or loading space in connection with or required for any building or use, shall be included as part of the yard or off-street parking or loading spaces required for another building.

Section 4-5 Variances for nonconforming lots

Although it is not the intention to allow reduction of yards and setbacks within nonconforming lots, the property owner of the following lot types has the privilege of requesting a variance for reduction in yards and setbacks.

- A. Variance for lots reduced in size due to a public purpose: When any lot, whether conforming or nonconforming, has been reduced in size due to a public taking, the property owner has the privilege of requesting a variance to reduce required yards and setbacks, provided that minimum sidewalk requirements shall be provided and shall not be reduced.
- B. Variance for eliminating buffers between two (2) districts located within a single lot: Although it is not the intent to establish more than one (1) zoning district within a lot, wherever the line of demarcation between two (2) districts of different usage divide a lot of record, such that either one or both sections are made to not meet minimum lot size or frontage requirements within a district, and are made too small for advantageous use of the property, the property owner has the privilege of requesting a variance to use said lot for the permitted use of the more restrictive district, without having to conform to any otherwise required yards and buffers between the two districts, in keeping with the use standards found in this ordinance in [Article 11 Special Use Permits](#).

Section 4-6 Discontinuance of Nonconforming uses

All nonconforming uses are subject to the following regulations and violation of these regulations shall result in the use permit, business permit, or certificate of occupancy being revoked.

- A. Discontinuance of a nonconforming use: When a nonconforming use is discontinued for a continuous period of six (6) months, thereafter the nonconforming use shall not be

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resumed. Where any nonconforming use is superseded by any conforming use, for any length of time, such nonconforming use may not be resumed.

- B. Expansion of nonconforming uses: No building or structure, which houses a nonconforming use, may be enlarged or expanded in any way. Nonconforming uses are permitted be expanded within a building originally constructed for and intended for that use but may not occupy any land outside of such building.
- C. Outdoor nonconforming uses to be discontinued: Any nonconforming uses not carried on within a building, except those that are incidental and necessary to activities with a building such as parking, shall be discontinued within a period of two (2) years from February 13, 2017, or from the date of any amendment to this ordinance that causes the subject use to be nonconforming. Nonconforming outdoor uses to be discontinued include nonconforming outdoor sales areas, parking lots, junkyards, outdoor storage, and other nonconforming outdoor uses; and including any structures incidental to such uses.
- D. Previously approved uses: Uses or characteristics of uses previously approved under a special use permit prior to the adoption of this ordinance shall be considered legally nonconforming, if in lawful existence on February 13, 2017.

Article 5 Definitions

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Section 5-1 Application

For the purposes of this ordinance, certain terms, words or phrases used herein shall be defined, and requirements, restrictions or limitations shall be applied as defined in this ordinance.

Section 5-2 General

- A. The following words, or groups of words, shall have certain meanings as indicated below when used in this ordinance, except as clearly indicated by context or stated intent.
1. Words used in the present tense include the future tense. Words used in the singular include the plural and words in the plural include the singular.
 2. The word *building* includes the word “structure”, and includes the words “intended, designed or arranged to be used or occupied”.
 3. The word *land* includes the words “water, marsh, or other wetland”.
 4. The word *lot* includes the words “plot” or “parcel”.
 5. The word *map* or *zoning map* means the "Official Map of the City of Pine Lake, Georgia".
 6. The word *shall*, the word *will*, and the word *must* is always mandatory.
 7. The word *person* includes a firm, association, organization, partnership, trust company or corporation as well as an individual.
 8. The word *used or occupied*, as applied to any land or building, shall be construed to include the words “intended, arranged or designated to be used or occupied”.

Section 5-3 Definitions

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purpose of this ordinance, certain words or terms used herein are defined as follows:

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Accessory building: A subordinate building, such as a garage or workshop, the use of which is incidental to that of the principal building on the same lot.

Accessory dwelling: A secondary dwelling unit located on the same lot as the principal dwelling unit. An accessory dwelling unit must be one of the following dwelling types:

- a. In-home accessory dwelling: Located within a principal single-family dwelling, including a unit above an attached garage.
- b. Garage accessory dwelling: Located above a detached garage.
- c. Outbuilding accessory dwelling: Located in an accessory building that is not a garage.

Accessory structure: A structure that is subordinate to the principal dwelling and accessory buildings, such as outdoor cooking facilities, patios, gazebos, arbors, fireplaces, trash receptacle enclosures and other such accessory structures, as opposed to accessory buildings that are enclosed by building walls and a roof for the protection of persons and property from the elements.

Accessory use: A use customarily incidental and subordinated to the principal use of a building and located on the same lot with such principal use of a building.

Alley: A private or public thoroughfare which affords only a secondary means of access to abutting property, located along the rear or side yard of such property and not intended for general traffic circulation.

Assisted living facilities: A facility licensed by the State for the residency of elderly and/or disabled persons in which individual assistance or supervision is provided to residents with medication, and with essential activities of daily living such as eating, bathing, grooming, dressing and toileting. See also: Personal care home

Auto parts and accessory store: A store that sells new automobile parts, tires and accessories. Minor parts installation may occur only in service bays where such are included within the store.

Bar: An eating or drinking establishment where sales of alcoholic beverages consumed on-premises are more than twenty-five (25) percent of the total income derived from such business. See *eating and drinking establishments*.

Basement: That portion of a building that is partly or completely below grade and has a height of at least six and one-half (6 ½) feet.

Block: A parcel of land whose perimeter is bounded on all sides by street rights-of-way without an intervening street, not including alleys.

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Block face: A portion of a block perimeter that is located between two (2) intersecting streets.

Building: Any structure with a roof, permanently attached to the ground or set upon permanent footings, and intended for shelter, housing or enclosure of persons, animals or chattels.

Building facade: The exterior wall of a building, not including any roof area, and not including attached chimneys, eaves or other protruding features that are permitted to extend into required yard setbacks in the district in which the building facade is located.

Building height: See Height

Building line: Within R districts, a line establishing the minimum allowable distance between the building street facade and the nearest street curb.

Building, principal: A building in which is conducted the main or principal use of the lot on which the building is situated.

Building street facade: (Also see *Street facade*) The exterior wall of a building that faces the street, not including any roof area; and not including attached chimneys, eaves, porches, stoops and steps or other protruding features that are permitted, in certain areas, to extend into required front yard setbacks or supplemental front yards.

Build-to-line: Within the Commercial district and other districts other than R districts, a line that marks the maximum distance between the building street facade and the nearest street curb, which is established by the maximum sidewalk area width requirements for that street. The build-to-line extends along the back of the required sidewalk, adjacent to the sidewalk supplemental front yard.

Street facade requirements apply to building facades along the build-to-line. Where public or private open space is adjacent to the sidewalk area, the build-to-line shall extend around the perimeter of such open space.

Business service centers: An establishment providing services to business establishments on a fee or contract basis, including but not limited to advertising services, business equipment and furniture sales or rental, or protective services. The term includes but is not limited to an employment agency, photo copy center, commercial photography studio, or mailing service.

Car wash: An establishment for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

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Centerline of street: That line surveyed and recorded as the centerline of the street, or if such centerline has not been surveyed, it shall be that line running midway between the outside curbs or ditches of such street.

Code enforcement officer: An employee of the City of Pine Lake, who is charged with issuing building code and zoning code citations, and with enforcing the city's building code and zoning code requirements.

Convenience store: A retail store generally containing less than 2500 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers. It is designed to attract a large volume of stop and go traffic.

Curb extension: An area where the sidewalk has been extended out into the street, often at an intersection to shorten the crosswalk distance, and provide for better visibility for the pedestrian. Sometimes referred to as sidewalk bulb-outs, or sidewalk extensions, curb extensions do not involve the loss of a lane but may narrow the lane or road width as a whole. Curb extensions are subject to an administrative approval.

The following applications of curb extensions, when located on a public street or a private street that functions as a public street, require Mayor and Council approval.

1. **Choker:** A choker is two opposite curb extensions that narrow the road width. A choker that reduces the effective number of traffic lanes requires Mayor and Council action.
2. **Chicane:** Chicanes consist of staggered curb extensions or parking areas that create a curve or horizontal shift in the traffic lanes to slow motor vehicle travel speed. Chicanes require Mayor and Council action.

Day care facility: (See *Personal care home* for extended care facilities.) Day care facility includes nursery/kindergarten schools and includes facilities whose primary purpose is the care and/or training of children or adults, regardless of age, outside of their home for less than twenty-four (24) hours a day. Such facility may or may not be operated for profit.

Day Care Facilities also include adult day care for those persons who do not require twenty-four (24) hour per day institutional care, but who, because of physical and/or mental disability, are not capable of full-time independent living, and who may require daily medical supervision, nursing and other health care support, psychosocial assistance, or appropriate socialization stimuli or a combination of these.

The numbers of persons enrolled in a day care facility define the type of facility. The following are types of day care facilities.

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- **Family day care:** Enrolls six (6) or fewer persons.
- **Group day care center:** Enrolls seven (7) through eighteen (18) persons.
- **General day care:** Enrolls more than eighteen (18) persons.

Day spa: A commercial establishment that employs professional, licensed therapists whose services include massage and body and facial treatments. Make-up consultation and application, manicure and pedicure services, yoga, exercise, and other classes may be provided as additional services.

Drive-through service window: An opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles.

Dwelling, multiple family: A building designed to be occupied by three (3) or more families living independently of each other in separate dwelling units, and cooking in their individual units.

Dwelling, single-family: A building containing only one (1) dwelling unit designed to be occupied by not more than one (1) family.

Dwelling, townhome. Attached single-family residential dwelling units erected in a row as part of a single building consisting of three or more dwellings on adjoining lots, where no residential unit is above or below another residential unit, and where each residential unit is separated from adjoining units by an approved fire-resistant party wall or walls extending from the basement or foundation through the roof.

Dwelling, two-family (duplex): A building containing two (2) dwelling units and not more than two (2) kitchens, designed to be occupied by not more than two (2) families living independently of each other, and where neither unit is an in-home accessory dwelling.

Dwelling unit: A dwelling or portion thereof, which provides facilities for one or more persons living as a non-profit, single, housekeeping unit.

Duplex: See **Dwelling, two-family**.

Eating and drinking establishments: An establishment such as a restaurant, cafe, coffee shop or similar establishment, where the primary business is the sale of food and beverages offered for sale to the public for consumption at tables or counters on-premises either inside or outside the

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building, or where a take-out service of food and beverages for off-site consumption is provided. See *bar*.

Easement: An incorporeal interest in land owned and legally titled by another, permitting its limited use or enjoyment on, over, or under said land without actual occupancy.

Façade: The exterior wall of a building, not including any roof area, and not including attached chimneys, eaves or other protruding features that are permitted to extend into required yard setbacks.

Fenestration: The design and placement of windows in a building. Fenestration area is always calculated separately for each building facade, and includes glass within facade doors, but not sky lights located on a roof area.

Fence: A structure forming a physical barrier or enclosure, which is so constructed such that more than thirty-five (35) per cent of the vertical surface is open to permit the transmission of light, air, and vision through such vertical surface in a horizontal plane.

Where fences are placed on a retaining wall the following shall apply:

1. To the extent that a retaining wall extends above the grade level of a retained surface, that additional height shall be counted towards the allowed height of any fence placed upon a retaining wall.
2. The portion of a retaining wall extending above grade shall be including in calculating the maximum allowed vertical closed surface of any fence placed upon such retaining wall.

Fitness center: A facility designed for the major purpose of physical fitness or weight reduction which includes, but is not limited to, such equipment as weight resistance machines, cardiovascular equipment, whirlpools, saunas, showers, and lockers. Personal trainers may be available in some facilities for clients.

Floodplain: That area within the intermediate regional flood contour elevations subject to periodic flooding as designated by the DeKalb County Roads and Bridges Director based upon the U.S. Corps of Engineers' Floodplain Information Reports and other federal, state or county hydraulic studies.

Family: One or more persons occupying a single dwelling or lodging unit, provided that, unless all members are related by blood, marriage, civil union or adoption, no such family shall contain over four (4) persons, with the following exceptions.

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- In a single-family and duplex dwelling unit, a maximum of two (2) rooms that do not contain independent kitchen facilities may be occupied by a total of 2 (two) or less roomers per room, who may also board with the family who may be compensated for accommodating the roomer, for any period, including daily, weekly or monthly periods.
- Accessory dwellings, as permitted under R Districts and other districts, are considered a separate dwelling, which are permitted to house no more than three (3) persons unrelated by blood, marriage, civil union or adoption; and may not house boarders in addition to the family.
- Group homes meeting the definition of this ordinance are considered a “family”
- The term "family" shall not be construed to mean fraternity, sorority, club, student center, and similar uses, and is distinguished from persons occupying lodging in a hotel, inn or boarding/rooming house as herein defined.

Front facade: The *Building street facade*, which in R districts is nearest to the required front yard, and which in districts other than R districts is nearest the required sidewalk area, or adjacent to the supplemental zone. See *sidewalk area*.

Garage, private: An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of main building, with a roof and fully enclosed with a minimum of three (3) fixed sides and one side that can be closed and secured. When such building is not fully enclosed, it is considered a carport.

Gasoline and fuel stations: Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, and where repair service, if any, is incidental to the sale of fuels, and conducted only in bays inside an enclosed building.

Group living: A residential establishment holding a license by the State and which provides resident services to no more than six (6) individuals of whom one or more are unrelated. The individuals are handicapped, aged, or disabled, are undergoing rehabilitation or extended care, and are provided specialized services to meet their needs. See also Personal care home.

Habitable space: Covered and conditioned building floor area utilized for any principal permitted use except parking, storage, digital industry switchboards, power generators, and other relay equipment.

Height: The vertical distance of a structure other than a building measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

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Height of a building: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof. The term “building height” does not include steeples, cupolas, decorative towers, antennas and mechanical equipment attached to a building.

Home occupation: Any occupation or activity carried on by a member of a family residing on the premises, in connection with which no sign is used other than a name plate not more than two (2) square feet in area or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; there is no commodity sold on the premises; there is no group instruction, assembly or activity of more than three (3) persons; no person is employed other than members of the immediate family residing on the premises and one (1) other person; no noise is created which can be heard beyond any property line; no dust, odor, smoke, vibrations, glare, electric disturbances or other disturbance is created that is perceptible beyond any property line.

Interior floor area: The interior floor area includes any interior heated space and any air-conditioned space, including interior lofts and, as such, includes basements, attics and garages that have either heat or air conditioning.

Junked motor vehicle: Any vehicle which is wrecked, dismantled, partially dismantled, or inoperative, or is without current registration.

Landscaping: Trees, shrubs, ground covers, mulch, grass and other planting materials, which are installed and are permanently maintained.

Live/work unit: A residential occupancy, by a single housekeeping unit, of one or more rooms or floors in a building which includes (1) cooking space and sanitary facilities in conformance with city building standards; and (2) adequate work space accessible from the living area, reserved for and regularly used by one or more persons residing therein.

Lodging: Living quarters for a family which are rented, leased, or otherwise provided by the owner for a definite period of time, which includes hotels, inns, and rooming/boarding houses, and is not permitted in any R-district. This definition shall exclude the limited lodging permitted under the definition of "family". See **Family**.

1. **Hotel:** A building containing one or more guest rooms offering transient lodging accommodations, available at daily rental rates, to the general public. For purposes of this definition, "transient lodging accommodations" shall mean temporary sleeping accommodations, with or without independent kitchen facilities, offered to persons traveling from one place to another, stopping overnight or otherwise in need of a temporary place to stay. Accessory uses, such as restaurants, meeting rooms, reception

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facilities, banquet facilities, and recreational facilities, may be provided, except where such accessory uses are prohibited in the regulations of a particular district.

2. ***Inn:*** A type of hotel, with a maximum of twenty (20) rooms for temporary lodging, and which may provide meals to the lodgers, but to no other guests. Adjunct eating and drinking establishments are permitted only when otherwise permitted in the district in which it is located. Independent kitchen facilities are not permitted.
3. ***Rooming house/lodging house/boarding house:*** An establishment, other than a hotel or motel, that rents rooms for a definite period of time, and a minimum stay of one (1) week, and which has between three (3) and twenty (20) lodging rooms, and may provide meals as part of the lodging fee. A rooming house is not permitted to provide independent kitchen facilities, nor meals to non-lodgers, nor meetings rooms.

Lot: A parcel of land, which is a lot of record or a combination of lots of record, and which can be described by metes and bounds. Unless otherwise indicated, the term “lot” as used in this ordinance shall mean a conforming lot.

Lot, conforming: A conforming lot is a parcel of land meeting the requirements of this ordinance as to dimensions, frontage and access.

Lot width: The shortest distance between the side lot lines, measured at the midpoint of the building line.

Non-conforming use: A use, which lawfully occupies a structure or land, and which use does not conform to the use regulations of the district in which it is situated.

Massage therapist: Any person who, licensed by the State to do so, administers massages for good or valuable consideration in accordance with standards established by the State.

Mixed use development: means any development, building or project that blends a combination of residential with commercial, office, cultural or institutional uses, and where those functions are physically and functionally integrated, including pedestrian connectivity.

Multifamily: See *Dwelling, multiple family*.

One and one-half story home: A residential structure that is designed such that it appears that a half-story living space has been created in the attic space of a one-story single-family home, in the space between top of the first-floor ceiling joists and the roof rafters, and which may also have a basement or elevated foundation, and which is further regulated in the R-1 district.

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Open space: Private open space and public open space appropriately improved for pedestrian use and amenity and not including areas used for motorized vehicles, except for incidental service, maintenance, or emergency actions only. Open space shall be exterior and computed as the total square footage of said spaces. Open space shall meet the requirements of at least one of the following types.

Permitted open space types:

1. **Private open space:** Open space that is private courts, fields, lawns, gardens, terraces, or balconies, which restrict access to residents of adjacent development.
2. **Public open space:** A park, plaza, or hard surface trail that is open to the public during normal city park hours; street medians and street islands; and public sidewalk area that is located on private property. Visibility into public open space from adjacent sidewalks and streets shall be maximized as much as possible.
3. **Park:** A park shall have streets along a minimum of thirty (30) percent of its perimeter, shall be completely landscaped, and shall have no more than twenty (20) percent of its area covered with impervious surfaces with the exception of hard surface trails. A park provides recreation amenities and gathering places.
4. **Plaza:** An open space that is fronted by buildings, either civic or private, and is available for public activities, but may have public access limited for the purposes of providing outdoor dining areas. A plaza shall have adjacent streets with sidewalks along a minimum of twenty (20) percent of its perimeter and shall have clear views in to the plaza from all such points along adjacent streets. A plaza shall be completely landscaped utilizing durable pavement, and trees and other plant materials.
5. **Square:** A public open space that has streets along 100% of its perimeter. A square shall be completely landscaped and may or may not consist of durable pavement.
6. **Street medians and street islands:** A public open space that is surrounded by a street and located entirely within a public right-of-way and is not intended for active or passive recreational use. Such area is landscaped and may contain sculpture, fountains, flags, or similar features.
7. **Hard surface trail:** Hard-surface, multi-use trails for use by pedestrians and non-motorized vehicles. Hard surface trails shall have minimum requirements as established and approved by the city.
8. **Preferred Open Space:** Open space that is so designated by the Mayor and Council, and which may be counted towards open space requirements when acquired and dedicated to the city, in accordance with the City's adopted regulations.

Outbuilding: See *Accessory building*

Parcel: A legal lot of record.

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Parking structure: A structure of one (1) story or more used for the temporary storage of vehicles whether located above or below grade.

Parking lot: A parcel of land utilized for an at-grade temporary storage of vehicles.

Parking facility: A parking structure and/or a surface parking lot.

Park-for-hire facility: Any facility for the parking of motorized vehicles, for which service the operator thereof charges a fee.

Pawn shop: Any business engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as part of or in conjunction with the business activities described in this definition. Business licensed as title pawn businesses under State law are included within the definition of pawn shop.

Personal care home: A facility within which is provided two (2) or more beds and other facilities and services, including room, meals and personal care, for non-family ambulatory persons that require personal care. Caretakers are on the premises on a twenty-four (24) hour basis. This term does not include facilities that are devoted to independent living units, boarding and lodging houses that do not provide personal care, or institutions devoted primarily to the provision of chronic or convalescent care including medical and nursing services. Personal care homes shall be licensed and/or permitted by appropriate governmental regulatory agencies.

1. **Family personal care home:** A home in a family-type residence, non-institutional in character, which offers care to two (2) through six (6) persons and has house parent(s) who occupy and assume responsibility for the premises on a twenty-four (24) hour basis.
2. **Group personal care home:** A home in a residence, non-institutional in character, which offers care to seven (7) through fifteen (15) persons.
3. **Congregate personal care home:** A home offering care to sixteen (16) or more persons.

Planned street: Proposed new streets as indicated on the controlling plan.

Primary structure: The primary building on a lot, or the building that houses the primary use on a lot. Within the R-1 District, a single-family dwelling is the primary structure, and garage accessory dwellings and outbuilding accessory dwellings are secondary structures.

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Private club: Buildings and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated primarily for profit or to render a service which is customarily carried on as a business.

Professional office: A building or portion of a building used primarily for services rendered by occupations with specialized knowledge or expertise such as architects, engineers, lawyers, doctors, bankers, realtors, financial and insurance services, and similar services, as opposed to buildings used for manufacturing, storage or sale of goods.

Religious institution: A building, together with its accessory buildings and grounds, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and associated grounds, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Residential front yard: Within R districts, a residential front yard is an area between a street right-of-way and the primary dwelling. For new homes on corner or through lots, such street is the same as the street address. For existing grandfathered homes on corner or through lots, such street is the street the front door is facing or, if not facing, the street nearest the front door or from which an entry area to the front door is defined. Changes to front door orientation on corner or through lots require that all other code requirements for the new front and side yards are met, and are subject to approval by the Mayor and Council for a change of residential front yard street orientation.

Regulating plan: An area map, or series of maps, which illustrates a plan for the location or alignment of desired new public amenities, such as streets, blocks, alleys, trails and parks.

Restaurant: A place of business authorized to prepare, cook and sell food (including nonalcoholic beverages) for immediate consumption either on or off the premises, and where the preparation and sale of alcoholic beverages for immediate consumption on the premises, may be incidental to the sale of such food, for adequate pay.

Restaurant, fast-food: An establishment that offers quick food service, accomplished through a limited menu of items for which payment is generally made at time of ordering. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

Restaurant, full-service: An establishment primarily engaged in providing food services to patrons who order and are served by wait staff and pay after eating.

Restaurant, limited-service: An establishment primarily engaged in providing food services (except snack and nonalcoholic beverage bars) where patrons generally order or select items and

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pay before eating. Food and drink may be consumed on premises, taken out or delivered to the customer's location.

Retail sale: The sale of any goods to the general public, such as food, drink, clothing, gasoline, or other tangible items, not including service establishments or wholesale businesses.

Roadside stand: A structure used for display and sale of farm products, artisanal foods, art and crafts.

Roof, flat: A roof having a pitch of not more than 1-5 inches in 12 inches.

Self-storage: A facility used for the storage of household and personal property, with no commercial transactions permitted other than the rental of the storage units.

Sidewalk arcade: An arched or covered passageway that is supported by columns and is located adjacent to the sidewalk. Sidewalk arcades shall have minimum width of six (6) feet, not including column width.

Sidewalk area: An area that begins at the street curb, includes intervening driveways, and consists of a contiguous **Sidewalk landscape zone**, **Sidewalk clear zone**, and **Sidewalk supplemental front yard** as described below.

Sidewalk landscape zone: The portion of a sidewalk area adjacent to the street curb and reserved for the placement of trees, groundcover, and street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, traffic control boxes, tree grates, newspaper boxes, bus shelters, sandwich boards as defined under the Sign Ordinance, bicycle racks, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.

Sidewalk clear zone: The portion of a sidewalk area that is reserved for pedestrian passage and is unobstructed by permanent objects to a height of eight (8) feet including but not limited to steps and stoops, traffic control boxes, and utility structures. The sidewalk clear zone shall be adjacent to and between the sidewalk landscape zone and the sidewalk supplemental front yard and shall have a consistent cross-slope not exceeding two (2) percent.

Sidewalk supplemental front yard: (Also referred to as the **Supplemental front yard** or **Supplemental yard**). The area located between the back of the sidewalk clear zone and the build-to-line. Adjacent to **storefront treatments**, the sidewalk supplemental front yard may be used for pedestrian amenity elements such as benches, merchandise display, potted plants, and decorative fountains. Outdoor dining is permitted only when adjacent to permitted bars/eating premises and establishments. Public access may be restricted only for areas adjacent to residential treatment, and for permitted outdoor dining areas.

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Elements that are prohibited in the supplemental front yard include: Parking and drives; recreation areas and facilities such as swimming pools and tennis courts; fences and walls greater than forty-eight (48) inches in height; service elements such as large trash and garbage containers often called dumpsters; loading docks and similar elements; and mechanical features. Adjacent to required *storefront treatments*, or on designated *storefront streets*, no element shall be attached to the sidewalk supplemental front yard in any way.

Single-family dwelling: A single residence, also called a home, on a fee-simple lot, which may also include a maximum of one (1) accessory dwelling unit as defined in this section.

Street: A public or private thoroughfare, not less than thirty (30) feet wide, which is open to the public and which affords the principal means of access to abutting property and to alleys that provide such access.

Street facade: See *Building street facade*.

Street, major: A street designated as an arterial or collector street by DeKalb County.

Street facade: The exterior wall of a building, not including extruding structures such as porches, stoops, or bay windows, which is facing the street and located along the build-to-line, and without an intervening building or street wall.

Street facade frontage: The percent of street facade along the build-to-line.

Street wall: A wall, which is no less than seventy-five (75) percent opaque and built along the build-to-line and coplanar with the street facade, often for the purpose of masking a parking lot from the street. Street Walls shall be a minimum of forty-two (42) inches in height and consist of dense evergreen hedge or constructed of a material matching the adjacent street facade. Street walls shall be discontinued no more than necessary to allow automobile and pedestrian access. Street walls greater than fifty-four (54) inches in height shall have other individual openings not exceeding four (4) square feet in area each, at a height not less than forty-two (42) inches.

Structure: Anything constructed or erected on the ground or attached to something on the ground. Structures include buildings.

Subdivision: The process of dividing a parcel of land into smaller buildable sites. The result of such division is also called a subdivision, which may include blocks, streets, open space and public areas and the designation of the location of utilities and other improvements as required by

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code and includes all divisions of land involving a new public or private street to which the public has access.

Supplemental front yard: See *Sidewalk supplemental front yard*.

Tire stores: See *Auto parts and accessory stores*.

Townhouse: See *Dwelling, townhome*

Vehicle repair services: The replacement or repair of any part of an automobile or other motor vehicle or trailer, excluding body work, frame work, welding and major painting services.

Vehicle servicing area: A hard surface work area associated with a gasoline and fuel station or car wash, and on which minor servicing of vehicles occurs, such as fueling operations, washing of windshields, vacuuming, tire inflation and polishing of vehicles following a carwash. Repair work and replacement of vehicle parts in vehicle servicing areas is prohibited.

Wall: Any structure forming a physical barrier or enclosure, which is so constructed that fifty (50) percent or more of the gross vertical surface is closed and prevents the passage of light, air and vision through said surface in a horizontal plane.

Wall, retaining: A structure whose primary function is to contain earth so as to provide a stable surface at a grade higher than the adjacent grade level.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, front: A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear: A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof, other than the projections of uncovered steps, or un-enclosed balconies, provided that said projections be at least ten (10) feet from the rear lot lines. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

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Yard, side: A yard between the main building and the side line of the lot, extending from the front lot line to the rear yard, being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto.

Visibility triangle: At street corners where two (2) projecting street right-of-way lines intersect, the area bounded by the first twenty (20) feet of each such intersecting lines, and a line connecting the ends of such intersecting lines, is the visibility triangle. Similarly, where the edge of commercial or multi-family driveway intersects with a street curb or the edge of the street including any on-street parking, the area outside of the driveway that is bounded by the first twenty (20) feet of such intersecting lines, and a line connecting the ends of such intersecting lines is the visibility triangle.

Nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede visibility from a street or driveway, between the heights of two and one-half (2 ½) feet above the grade of the adjoining sidewalk and right-of way, or driveway surfaces, for a distance of eight (8) feet within the visibility triangle.

Zoning code: The zoning code of the City of Pine Lake, Georgia

Zoning official: A permanent or contract employee of the City of Pine Lake, who is responsible for administering the city's zoning code.

Article 6 Streets and Blocks

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Section 6-1 Scope

- A. This article applies to the Commercial District, including all Mixed-Use projects approved for the Commercial District
- B. Prior to any construction, improvements, planting or any other modifications within any streets, alleys, sidewalks, or parking areas, plans or drawings for such construction, improvements, plantings or modification shall be subject to review by the Zoning Official certifying that all requirements of this article have been met.

Section 6-2 Purpose

The purpose of this article is to provide regulations governing the construction, reconstruction, and alteration of streets and blocks within the city.

Section 6-3 Measurements

- C. Block and lot standard measurements shall be made at the edge of the full right-of-way.
- D. Sidewalk landscaped area width and total sidewalk width measurements shall be taken from the back of curb nearest the sidewalk.
- E. Sidewalk clear zone width measurements shall be taken between the nearest edges of the landscaped zone to the nearest edge of the sidewalk supplemental front yard.

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- F. Sidewalk supplemental yard width measurements shall be taken from the building line, or the nearest building street facade, to the edge of the clear zone.

Section 6-4 Block sizes

Whenever a development of four (4) acres or greater is to be developed or redeveloped, maximum block size requirements shall apply.

- A. The maximum block size is two hundred (200) feet by four hundred (400) feet. An increase in the maximum block size may be approved only when it is determined that such size is not feasible due to limitations imposed by existing street locations or other fixed structural or topographical features; provided that the increase in block size is approved by variance.
- B. The minimum length of a single block face is one hundred eighty (180) feet. A decrease in block face length may be approved by the Mayor and Council when it is determined that such minimum length is not feasible due to limitations imposed by existing street locations or other fixed structural or topographical features, and that pedestrian and vehicular safety is not impaired.
- C. Blocks shall be formed by streets, not alleys.

Section 6-5 Sidewalks

A sidewalk shall be located at the sole expense of the developer or builder along all streets within the Commercial District, and along all arterial and collector streets within the City, in keeping with the following requirements

- A. Three parts of a sidewalk: Sidewalks consist of three required areas, a sidewalk landscape zone for street trees and street furniture, a sidewalk clear zone for pedestrian travel, and a supplemental front yard for commercial outdoor dining and product displays, and for residential steps, stoops and porches. Width requirements for each of the three areas of the sidewalk are as indicated on the Street Type and Sidewalk Area Table located at the end of this section.
- B. Street configuration shall not intrude into the required sidewalk area: Buildings shall be located a sufficient distance from the back of the street curb, in order to ensure that all required sidewalk landscaped zone, clear zone, and supplemental yard widths are met or exceeded. Further, sidewalk width, including the sidewalk landscaped zone, shall not be reduced adjacent to a street's right-turn lane.
- C. Reduction of sidewalk landscaped zone at intersections: At street intersections and driveway crossings, the landscaped zone may be reduced within the area where street pavement widens to provide a turning radius for right-turning vehicles.

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- D. At street intersections, the corners of buildings shall be cut at an angle, curved, or otherwise setback an additional distance, where needed to ensure that all sidewalk clear zone and supplemental zone requirements are met or exceeded.
- E. Within the sidewalk landscape zone, the following applies.
1. Street trees are required, as indicated in the Street Type and Sidewalk Area Table that follows at the end of this section.
 2. Newly planted trees shall be a minimum caliper of three and one-half (3-5) inches measured twelve (12) inches above ground level and have a minimum mature height of fifty (50) feet. Trees may be reduced in size, subject to a variance and only upon the Zoning Official making a written determination that an overhead or underground obstruction such as utilities or bedrock, prevent trees of a greater height, and approving an alternate tree size or type, subject to meeting all other street tree requirements.
 3. Street trees shall be planted a maximum of fifty (50) feet on center and spaced equal distance between streetlights and in-line with end stripes of any adjacent parallel parking spaces. New street trees may be planted a greater distance from existing trees, subject to a variance and only upon the Mayor and Council approving an alternate location and making a written determination that either a new tree should be moved from beneath an existing, healthy tree canopy; or a determination that strictly meeting minimum spacing requirements would be detrimental to the health of a tree; and subject to meeting all other street tree requirements.
 4. New trees installed within the Commercial District shall be 16 feet or taller. Street trees shall be pruned to a minimum height of 10 feet above the sidewalk surface at the time of planting when located in the Commercial District. All other street trees shall be maintained such that all limbs are a minimum of seven (7) feet above the sidewalk surface.
 5. Street trees along arterial streets shall have a minimum planting area of seventy (70) square feet, and along all other streets shall have a minimum planting area of forty-nine (49) square feet.
 6. Tree planting areas and unpaved areas between tree planting areas shall be planted with evergreen ground cover such as Liriope Spicata, Mondo Grass, or other evergreen ground cover with a maximum mature height of eighteen (18) inches, as approved by the city. Evergreen shrubs with a maximum mature height of three (3) feet may be planted, when such areas are located adjacent to arterial streets and not adjacent to on-street parking.
 7. Street furniture and trees: Street furniture and pavers where installed, and all street trees, shall have a location and type subject to approval by the city, including but not limited to the following: benches, waste receptacles, tree grates, bicycle racks, newspaper stands and pedestrian lights. Tree grates are not encouraged and shall be permitted only where sidewalk area is limited and shall be a minimum size of eight

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(8) feet by five (5) feet. Any pedestrian lights shall be spaced equal distance between street trees.

8. On-street parking on a narrow street: On narrow local streets where street width is limited, and on-street parking is required or desired, street trees may be provided in landscaped areas located between on-street parking spaces, also known as landscaped bulb-outs, subject to approval by the Mayor and Council. The minimum planting area within such landscaped bulb-outs shall be sixty (60) square feet.
9. The Tree Conservation Ordinance applies to all development, construction or redevelopment within the Commercial District.

F. Within the sidewalk clear zone, the following applies.

1. Nothing shall be permitted to be located in or intrude upon the clear zone, up to a distance of eight (8) feet above the clear zone surface. Permitted steps, raised stoops, porches and terraces shall be set back a minimum of six (6) inches from the clear zone.

G. Within all sidewalk supplemental front yards, the following applies.

1. Nothing shall be placed within the supplemental front yard that blocks visibility or direct pedestrian access from the sidewalk clear zone to the primary pedestrian entrance on the front building facade.
2. Width requirements for supplemental front yards include a minimum width and an average minimum width, which is intended to encourage variety in the distance of building facades from the sidewalk clear zone. See the Street Type and Sidewalk Table below.
3. Where buildings, which existed before Feb 13, 2017, are adjacent to supplemental front yards that are less than five (5) feet in width, outdoor dining may encroach a maximum of two (2) feet into the sidewalk clear zone, as measured from the front building facade.

H. Supplemental front yards adjacent to storefront treatment, and all supplemental front yards within the Commercial District have the following additional requirements.

1. Hardscaping shall be provided for a minimum of eighty (80) percent, and up to one hundred (100) percent, of the supplemental zone's horizontal surface area adjacent to storefront treatments.
2. No landscaping shall be installed that would block pedestrian travel within a distance of five (5) feet from the storefront display window, not including moveable decorative planters.
3. No structure or object, including any fence, wall, or decorative feature, shall be permanently attached to the supplemental yard in any way, nor shall exceed forty-eight (48) inches in height.
4. No portion of a building may intrude into a supplemental front yard.
5. Porches, stoops, and steps must be recessed into the building, so that there is no intrusion into the supplemental front yard.

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6. Supplemental zone widths will be measured from the face of any permanent building protrusions that is located within eight (8) feet vertical of the sidewalk area. Such permanent building protrusions do not include permitted signs, but do include protrusions such as bay windows, balconies, columns and turrets.
- I. Supplemental front yards that are adjacent to residential treatment, and that are within the Commercial District have the following additional requirements:
 1. Terraces, porches, and stoops are permitted to encroach a maximum depth of sixty (60) percent of the supplemental yard depth.
 2. Stairs may be located from a building to within six (6) inches of the clear zone.
 3. Any porches shall be a minimum width of six (6) feet as measured from the building street facade, and a minimum length of eight (8) feet.
 4. Terraces, porches, and stoops that are not a required “accessible route into and through the dwelling unit,” as established by Sec. 804 [42 U.S.C. 3604] (3) (C) (iii) (I) of the Fair Housing Act, shall have a minimum finished floor height of twenty-four (24) inches above the sidewalk grade. Such terraces, porches, and stoops shall not be considered street facade.
 5. The height of walls and fences, including retaining walls, shall not exceed forty-eight (48) inches above sidewalk grade, and railings and safety walls around porches, stoops, and steps shall not exceed forty-eight (48) inches above the height of the adjacent walking surface. Steps shall have hand rails.
 6. Within the Commercial District landscaping shall cover a minimum of forty (40) percent of the supplemental front yard.
 7. Landscaped areas adjacent to the sidewalk clear zone shall be separated from the clear zone by a raised edge of masonry or concrete, with a minimum height of six (6) inches and a minimum width of six (6) inches.
 8. Inclusion of outdoor dining in the landscaped zone: Within the Commercial District the sidewalk supplemental front yard width requirement may be reduced subject to a variance approved by the Mayor and Council, provided that the sidewalk area is adjacent to a storefront treatment, and provided that the sidewalk landscape zone is increased by an additional minimum width of six (6) feet for purposes of locating outdoor dining.

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| Required new streets, any new public streets, and new sidewalk areas are subject to the following: | | | | | |
|--|--|----------------------|--|--|-----------------------------|
| | Sidewalk Landscape Zone | Sidewalk Clear Zone | Sidewalk Supplemental Front Yard | Street Trees in Sidewalk | Total Sidewalk Area Width * |
| | Minimum Width** | Minimum Width | Minimum Width | Landscape Zone | |
| Rockbridge Rd | - 15' (5' paved shoulder adjacent to the street curb + 10' landscaped) | 10' | - 5' min. - 7.5' min. average - hard surface | -Max. 50' on center, equally spaced between street lights and in-line with adjacent parking stripe. -Limbed up to min. 7' above Sidewalk Area, 8' in front of storefronts. - Planting area min 70 SF | - 19' min - to 40' max |
| Arterial/Collector | 10' | 10' | - 5' min. - 7.5' min. average - Paved next to storefronts - min 30% landscaped next to residential fronts | | |
| Local Street with storefronts | 7' ** | 10' Poplar St. 6' | - 4' min - 5' min average - hard surface | | |
| Local Street with residential treatment | 7' ** | 6' | - 9' - min. 40% of area landscaped | | |
| <p>* Total sidewalk width includes sidewalk landscape zone, sidewalk clear zone, and sidewalk supplemental front yard.</p> <p>**Parking may be located in the sidewalk landscaped zone between trees, by variance, when sidewalk area width is restricted.</p> | | | | | |

Section 6-6 New streets

- A. Prior to the issuance of a Certificate of Occupancy (CO) for any new building located on a new street or proposed new street, the street shall be either constructed or guaranteed through bonds to the standards established herein.
- B. One-way streets, including one-way pairs, are prohibited except where traffic lanes split to completely surround a park area.
- C. No acceleration/deceleration lanes are permitted. Arterial streets are permitted right-turn lanes at street intersections, provided sidewalk requirements are met.
- D. Property access along arterial streets shall be provided such that driveway cuts are eliminated wherever possible. Driveway cuts that cannot be eliminated shall be consolidated or reduced in width as much as possible.
- E. The property owner is responsible for the dedication of the right-of-way in accordance with the provisions established by the City of Pine Lake.

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- F. New streets' right-of-way shall include sidewalks.
- G. When new streets are developed and dedicated in accordance with requirements for streets and sidewalks provided herein, the maximum building floor area that would have otherwise been allowed within such dedicated street right-of-way shall be allowed to be developed elsewhere on the site, subject to a variance to increase height requirements. Increased heights shall not be permitted within height limitation areas adjacent to R districts, and as otherwise prohibited.
- H. Streets shall be designed to accommodate natural features and preserve mature trees to the maximum extent practicable. A grid pattern is allowable for streets but not required, however, continuity is required. Dead-end streets and cul-de-sacs are prohibited.
- I. The right-of-way for all new streets shall be platted on a final survey plat according to specified street requirements as indicated on the Street Type Table.
- J. New streets shall be a local street. See Street Type Table, below.

| Street Type Table—Street Pavement Requirements** | | | | |
|---|----------------------------|---------------------------|---|--|
| Existing and new streets shall be subject to the following: | | | | |
| | No. of Total Travel Lanes* | Lane Width | On-Street Parking Spaces*** | Total Pavement Width** (not including median or parking) |
| Arterial/Collector (non-county streets) | 2 + turn lanes | 10-12 ' with 5' bike Lane | 7.5 to 8.5' not required | 31 to 51'. |
| Local street with Storefront retail | 2 | 10-11' | 7.5' required Poplar St.— South side only | 35-37' |
| Local street with residential mixed use | 2 | 9-10' | 7' required Poplar St.-- south side only | 32-34' |
| *Not including center turn lanes. | | | | |
| **Dimensions do not include required curbs. | | | | |
| ***Poplar Street has parking between trees in landscaped zone | | | | |

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Section 6-7 Alleys

- A. Alleys shall be provided only from local streets.
- B. Alleys are required to be provided through a block, or along the rear property line, whenever feasible.
- C. Service areas and off-street parking shall have access provided from an alley, unless such access is not feasible.
- D. Alleys shall meet widths, setbacks and edge of right-of way requirements as set forth in the Alley Requirements Table below.

| Street Type Table— Alley Pavement Requirements | | | | | |
|--|--------------------------------|---|---|------------------------------------|-------------------------------|
| Existing and new alleys shall be subject to the following: | | | | | |
| | Pavement Width | Alley shoulder min. width | ROW width from alley | Required. setback | Edge of ROW |
| Commercial | 10-12' one-way; 18-20' two-way | 4' paved min. | 26-28' | none | none |
| R1 | 8-9' | 4' min. to 5' max. grass or crushed stone | 4' min. to 5' max. grass or crushed stone | 5' min. (not incl. fences & walls) | continuous fence/wall between |

Section 6-8 Pedestrian crossings

- A. Street crossings: A pedestrian crossing shall be clearly marked at the intersection of all streets.
- B. Width of pedestrian crossings: Pedestrian street, alley and driveway crossings shall connect and be directly in-line with opposing sidewalks and shall have a width that is equal to or greater than the width of the clear zone of such opposing sidewalks.
- C. Intervening driveways and alleys: Any paving, including concrete and special or decorative paving, within the sidewalk landscape zone, sidewalk clear zone or sidewalk supplemental front yard shall continue across any intervening driveway or alley, which will signal vehicles that pedestrians have the right-of way.

Section 6-9 On-street parking.

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- A. On-street parking is required for local streets on which commercial properties front. On-street parking is prohibited on any road included in the county road system, including Rockbridge Road and Allgood Road. On-street parking may be either parallel or angle parking and shall be subject to the approval of the Mayor and Council through site plan approval at the time of development. Once initial development occurs utilizing either parallel or angle parking, any additional parking added through subsequent construction on property within the area included within the site plan or within 500 feet of the boundaries of an approved site plan shall utilize an identical form of on-street parking.
- B. Angle parking, where permitted on new streets, shall meet the following dimensional requirements. Forty-five-degree (45°) angle parking shall require a parking space depth of 19 feet, nine feet in width and two (2), ten (10) foot wide travel lanes. Sixty-degree (60°) angle parking shall require a parking space depth of 20 feet, nine feet in width and two (2), eleven (11) foot wide travel lanes.
- C. Parallel parking, where permitted on new streets, shall meet the following dimensional requirements: Each space shall be a minimum of twenty (20) feet in depth and nine (9) feet in width.

Article 7 R-1 Single Family Residential District.

[Section 7-1 Purpose](#)

[Section 7-2 Permitted uses](#)

[Section 7-3 Accessory uses](#)

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Section 7-1 Purpose

The purpose of this Article in establishing the R-1 Residential District is as follows:

- A. Preserve the architectural traditions and history of Pine Lake as a camp-like retreat nestled in the woods, with century-old trees, natural landscapes, diverse and creative residential designs, and modestly-sized cottage-type dwellings, while incorporating them into a dynamic, progressive 21st century community.
- B. Sustain and enhance the affordability of dwellings for people of all occupations, incomes, ages and lifestyles.
- C. Encourage unique and varied residential designs, so that each new dwelling has a distinct architectural character and opportunity for individual creative expression.
- D. Facilitate preservation of dwellings consistent with the unique style of cottage-type dwellings.
- E. Protect and enhance the lake, streams, wetlands and parks; the bird sanctuary and wildlife diversity; and the entire natural environment.
- F. Promote effective solutions for reducing energy and water consumption and improving the quality of storm water runoff.

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- G. Reinforce the safety of residents through dwelling design and placement that provide “eyes on the street,” allowing each resident to become a watchful presence, and through other practices that promote crime prevention through environmental design.
- H. Foster social interaction among neighbors and their friendly engagement in community events and activities, through thoughtful planning and design of public streets, “walkability,” open space and public facilities.
- I. Advance creative and responsive project planning and design.
- J. Capitalize on Pine Lake as an arts community attracting artists and visitors from across the region by a mixture of sizes and types of dwelling units with liberal allowances for work space.

Section 7-2 Permitted uses

- A. The following uses shall be permitted as of right in the R-1 Single Family Residential District:
 - 1. Single family detached dwellings
 - 2. Group homes
 - 3. Home child day cares
 - 4. Home occupations
 - 5. Single family attached dwellings, duplexes, triplexes, quadraplexes and apartment buildings when located in an approved PD Planned Development.
- B. Existing multifamily structures consisting of duplexes, triplexes, quadraplexes and apartments located in the R-1 district but not located in an approved PD Planned Development are permitted to continue, subject to the following restrictions:
 - 1. No external additions may be permitted on any existing structure.
 - 2. At such time as the owner of the multifamily structures desires to replace them, the owner shall be permitted to demolish the existing building(s) and replace them with the same or a lesser number of multifamily units, so long as the following minimum yard requirements are maintained by the new structure(s):
 - a. Duplexes and Triplexes:
 - Front yard: 20 feet
 - Side yard: 15 feet
 - Rear yard: 25 feet
 - b. Quadraplexes and Apartments:
 - (i) Front yard: 25 feet
 - (ii) Side yard: 20 feet
 - (iii) Rear yard: 30 feet
 - 3. The owner of multifamily structures shall maintain such units at all times in accordance with the International Existing Building Code and the International Property Maintenance Code. Internal remodeling is permitted in accordance with standard

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Georgia construction codes. External remodeling that does not increase the footprint of an existing multifamily structure is also permitted in accordance with such codes.

Section 7-3 Accessory uses

- A. The following customary accessory uses are permitted in the R-1 District:
 - 1. Accessory dwellings
 - 2. Detached garages
 - 3. Accessory structures
- B. Table 1 summarizes the range of uses allowed in the R-1 District and accompanying standards.

Table 1. Range of uses and Development Standards in the R-1 District.

| R-1, Single Family Residential District | |
|--|--|
| Permitted Uses | Development Standards |
| Single family detached dwelling | |
| Group home | Maximum of six (6) disabled individuals and two (2) on-site house parents or guardians |
| Home child day care | Maximum of six (6) children |
| Home occupation | |
| Accessory Uses and Structures | |
| Accessory dwellings | |
| Detached garages | |
| Accessory structures | |

Section 7-4 Yards and lots

- A. Minimum building setbacks shall be as follows:
 - 1. Front yard setback: twenty (20) feet.
 - 2. Side yard setback: ten (10) feet for single story construction; 15 feet for two-story construction. The minimum setback on the street side of a corner lot shall be the minimum front yard setback.
 - 3. Rear yard setback: ten (10) feet.
 - 4. Notwithstanding the minimum building setbacks of this section, any structure damaged or destroyed after Feb 13, 2017 may be rebuilt to its former condition as to height, floor area and setback, among other standards, provided all life safety codes are met.
- B. Any legal, nonconforming structure that existed prior to Feb 13, 2017 requiring repairs involving more than fifty percent (50%) of the floor area, or that otherwise would be

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considered new construction, may, subject to approval by the Mayor and Council, rebuild the nonconforming structure on the same footprint as the pre-existing structure, notwithstanding applicable lot coverage and setback requirements. No more than a five percent (5%) increase in floor area of the structure being replaced shall be permitted. The new structure must conform to all other requirements of new construction.

C. Limitations on projections into required setbacks:

1. Eaves, sills, belt courses, cornices, bays, chimneys, stoops, steps, decks and ornamental features may project no more than thirty-six (36) inches into any required yard.
2. Flues, ducts, pipes, energy generation devices, air conditioners, and the like may project no more than thirty-six (36) inches into any required rear yard.
3. Unenclosed porches, stoops, and entries may be located within a required front yard, provided such porches, stoops and entries or steps accessing such structures extend no more than ten (10) feet into the required front yard. In no event shall such structures be established less than 10 feet from the front property line.

D. Minimum lot dimensions shall be as follows:

1. Lot width: A minimum of 60 feet of continuous street frontage along a single street.
2. Lot depth: A minimum of 100 feet at all points along the required street frontage.
3. Lot area: A minimum of 6,000 square feet.

Section 7-5 Dwelling unit floor area

No minimum floor area shall apply to a principal dwelling. However, to control scale and bulk on traditional single-family lots, the following floor area standards shall apply to development in the R-1 District:

- A. The maximum floor area of a principal dwelling shall be 2,600 square feet when located on a lot having a lot width of no more than 60 feet or a lot area of no more than 6,000 square feet.
- B. The maximum floor area of a principal dwelling on all other lots shall be 2,600 square feet plus an additional eight (8) square feet for every one hundred (100) square feet of lot area above 6,000 square feet, up to a maximum of 3,200 square feet.
- C. Floor area of the principal dwelling shall include the floor area of any in-home accessory dwelling unit. Basement floor area shall not be used in calculating floor area.
- D. No variance shall be approved that would allow construction of a dwelling that would not comply with paragraphs (A) through (C) above.

Section 7-6 Lot coverage

The following maximum lot coverage shall apply to all lots in the R-1 District:

- A. Lot coverage shall be calculated as all impervious surfaces on the lot.
- B. Maximum lot coverage on any lot shall be 35 percent.

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- C. Lot coverage credit for decks: To encourage low-impact expansion of living areas through the use of decks, one (1) square foot may be deducted from the lot coverage area for every two (2) square feet of deck area, up to a maximum credit of one hundred fifty (150) square feet of deck area per lot, provided that:
 - 1. Grass, ground covers or other plants can be sustained, and stabilize the ground beneath the deck; or that ground area not maintained in vegetation is entirely mulched with gravel, stone or other City-approved mulch, and
 - 2. Spacing between decking boards is a minimum of one-quarter (1/4) inch.
- D. Lot coverage credit for front porches: Owners of property having a front porch that is within thirty (30) feet of the street right-of-way on which the dwelling faces, serves as the front entrance to the dwelling and has no other story above, may deduct up to one hundred (100) square feet of the porch area from total lot coverage. Such deduction may be taken even in the event the lot coverage exceeds the maximum lot coverage.

Section 7-7 Building height

Building height shall be calculated as described in the Definitions provided by this Ordinance.

- A. Maximum building height
 - 1. Principal dwellings slab-on-grade: 30 feet.
 - 2. Principal dwellings on a raised foundation: 32 feet.
 - 3. Detached garages and detached accessory dwellings: No detached garage or detached accessory dwelling shall exceed the height of the principal dwelling or a maximum of 24 feet, whichever is lower.
 - 4. All other structures other than energy generating devices: Fifteen (15) feet, or no higher than the height required for proper functioning, but in no event greater than the height of the principal dwelling.
- B. Maximum height of certain energy devices: The height of non-polluting, energy generating devices such as wind generators, solar panels, solar water heaters and similar devices when attached to a structure or building shall not exceed 120 percent of the maximum allowed height of such structure or building, provided that:
 - 1. The energy generating or efficiency device is not located in the front yard and does not impair views or access to the front door.
 - 2. Additional height is required for the proper functioning of the device.
 - 3. No other location is reasonably available that would be less visually intrusive, and which would permit the proper functioning of the device without an increase in height.
 - 4. The increased height, as viewed from a public space or the street, is harmonious with the desired character and height of dwellings on the street within the same block.

Section 7-8 Parking, driveways and access

Standards of the R-1 District feature a diminished role of the automobile by controlling placement of garages and location of on-site parking. These standards also recognize the compact nature of the community and individual lots that render existing access to such lots limited. The following standards apply to parking, driveways and other lot access:

- A. No requirements for parking, drives, walks or other access shall be construed as to prevent enforcement of accessibility measures.
- B. Driveway and parking space length: Minimum driveway length shall be twenty (20) feet measured from the right-of-way. The minimum length for off-street parking spaces shall be twenty (20) feet.
- C. Driveway and parking space width: Minimum width on lots having one (1) single-family dwelling shall be eight (8) feet. Maximum single driveway width shall be ten (10) feet and maximum width of a double driveway shall be sixteen (16) feet. The minimum width of a shared driveway serving two single family lots shall be sixteen (16) feet; maximum width of such driveways shall be eighteen (18) feet.
- D. A minimum of two (2) off-street parking spaces shall be provided for each principal dwelling unit. One additional parking space shall be provided for any accessory dwelling unit.
- E. With the exception of driveways serving two single family lots, a landscaped area having a minimum horizontal dimension of five (5) feet shall be maintained between the driveway or any parking area and the property boundary common to an adjacent residential lot. In the case of a curved drive, this dimension may be reduced to two (2) feet from common property boundary at any point along the curve. Side-by-side driveways or off-street parking on adjacent lots shall be separated by a continuous landscaped area having a minimum horizontal dimension of three (3) feet.
- F. A continuous landscaped area having a minimum horizontal dimension of three (3) feet shall be provided between driveways and parking areas and any principal dwelling or accessory structure, with the exception of entrances to an attached garage.
- G. No residential lot shall have more than one (1) curb cut per street frontage and circular driveways are prohibited.
- H. Notwithstanding the standards of this section, any off-street parking or driveway in existence as of the date of adoption of this ordinance that fails to meet the standards of this article shall be deemed legally, nonconforming and may be allowed to continue, though not be expanded in violation of this ordinance, unless such off-street parking or driveway is deemed to be a threat to motorist or pedestrian safety.
- I. Grass and/or exposed soil shall not be a permitted parking surface. Off-street parking facilities shall be asphalt, concrete or permeable pavement. The use of pavers, pervious concrete,

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decorative gravel or systems such as “Grasscrete” that effectively prevent soil erosion are permitted. The use of #57 stone or similar industrial applications is prohibited.

J. Carport Standards.

1. A single carport shall be permitted having a maximum capacity of two (2) passenger vehicles.
2. The maximum height of a carport shall be twelve (12) feet.
3. Carports may be located within front yards, provided they shall be located no closer than five (5) feet from the right-of-way and provide sufficient depth that no vehicle parked within the carport extends into the right-of-way.
4. Supports for carports shall be placed in footings meeting building code standards for support of the roof's weight. Supports and footing shall be arranged in such manner that all vertical supports are perpendicular and square to the ground and result in the roof of the carport being level on all four sides.

- ### K. The use of pea gravel and pervious pavers is encouraged for walkway and drainage way applications where topographic conditions permit as an alternative to asphalt or concrete. However, an asphalt or concrete course must be installed at the public right-of-way to preclude transfer of such walkway materials onto the public right-of-way where such walkway connects directly to the public street.

Section 7-9 Walls and fences

- ### A. The height of walls and fences, including wall/fence combinations, screen walls, retaining walls and freestanding walls, shall not exceed:
1. front yards, 48 inches;
 2. side yards and/or within 10 feet of the primary dwelling's front façade, 48 inches;
 3. on corner lots inside a rear yard and within 10 feet of the street right-of-way, 48 inches;
 4. all other areas, six (6) feet.
- ### B. Walls and fences originated above ground level for the purpose of screening decks, porches, balconies or similar outdoor structures, shall not exceed 48 inches in height above such structure's floor; unless such structure is located entirely in the rear yard and is not visible from the street.
- ### C. No fence or wall shall extend beyond the property lines of the property that it serves.
- ### D. No fence, wall or hedge shall be located closer than six (6) feet from any street curb or edge of street pavement. Fences in front yards may not present a solid barrier to visibility from the street; a minimum of thirty-five percent (35%) of the area covered by the fence shall be maintained free of obstructions to vision. Such clear vision area shall be uniformly distributed throughout the entire fence enclosing a front yard. Such clear vision area shall be achieved through separation of portions of the fence from other portions of the fence, leaving such clear areas uncovered by any material.

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- E. The finished side of any two-sided fence shall face the street, lake, park, trail, or other adjacent property.
- F. Chain link, barbed wire, razor wire, hog wire, chicken wire and similar fencing elements are prohibited materials for fences in the city; provided that chicken wire may be used to contain composting areas, vegetable gardens, and poultry and small livestock areas where such areas are allowed.

Section 7-10 Exterior building materials

- A. Exterior finish materials. Permitted building exterior finish materials include natural wood, brick, hard-coat stucco of portland cement, natural stone and cementitious composite stone and cementitious composite board. Building exterior finish materials such as decorative metal siding covering more than 30% of any building façade, and any vinyl siding, standard metal siding, concrete block, Synthetic stucco, plywood, T1-11 wood siding, masonite, particle board, non-cementitious composite board and any other siding found to lack durable characteristics is prohibited.
- B. Chimneys. Any portion of a chimney that projects out from an exterior wall shall originate at grade and shall be faced with brick, natural stone, cementitious stone, hard-coat stucco of portland cement or architectural concrete masonry units. Wood, cementitious composite board, shingles and similar siding is prohibited.
- C. Façade material design. The use of contrasting materials to add visual interest is encouraged. The mix of types of siding or veneer materials shall be consistent and proportionate on all building elevations.
- D. Visible foundation materials. With the exception of existing brick buildings with brick foundations, foundations must be a distinct building design element and contrast with the building façade. Permitted foundation materials are brick, stone, cementitious composite stone, hard-coat stucco of portland cement, tile, architectural concrete masonry units and poured concrete. Poured concrete foundations must be painted, stained or faced with a city approved material. Standard, unfinished concrete block must be covered or coated with cement or faced with the alternative city approved material.

Section 7-11 Limitations on construction on a concrete slab

- A. No new dwelling shall be constructed on a concrete slab.
- B. With the exception of expansion of an accessory dwelling that meets all other accessory dwelling unit requirements of this Ordinance, construction of dwelling unit additions on a concrete slab shall be allowed only when all of the following criteria are met:
 - 1. The proposed concrete slab construction expands the interior footprint of an existing concrete slab dwelling.

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2. Topographic conditions prevent expansion of the existing building footprint on a raised foundation without providing steps up or down from the existing interior rooms to proposed interior rooms.
3. The proposed construction complies with all other district requirements, including but not limited to, height, size, location, materials and access.
4. The proposed construction cannot be reasonably accomplished at another location on the property that would allow for increased foundation at the same finish floor elevation of existing structure.

Section 7-12 Fenestration

Fenestration is the design and placement of windows and doors in a building. Fenestration area is always calculated separately for each building façade. The following fenestration requirements apply to all residential buildings.

- A. Minimum required fenestration area. Front façades shall have windows that encompass a minimum of 15% of the front façade surface area; all other façades visible from the street shall have windows that encompass a minimum of eight percent (8%) of each façade surface area. Windows may be individual or grouped.
- B. The required windows must be operable such that they can be opened or be within doors that can be opened.
- C. The required windows must provide natural light into and exterior views from occupants of all rooms.
- D. With the exception of bathroom windows or sidelights adjacent to doors, required windows shall not be painted, mirrored or visibly tinted glass or glass like products.
- E. All window panes shall be recessed one and one-half (1 ½) inches or greater depth from the exterior façade or have a trim that is three-quarter (3/4) inch or greater relief from the exterior façade.
- F. Each occupiable room must have natural daylight and ventilation directly into the room from an adjacent exterior wall or roof, with the exception of utility rooms, storage spaces, interior bathrooms and similar areas.

Section 7-13 General design requirements

- A. Design repetition. No repetition of the front elevation of a dwelling shall be permitted on another dwelling within the same block of that dwelling, including both sides of the street. A flipped elevation may not be located closer than three dwellings to a dwelling upon which the original elevation exists.

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- B. Front façade entry point. A primary front entrance to the principal dwelling is required, which must be either from a front façade entry, or from a side entry area that is within five (5) feet of the front façade and is a minimum width of four (4) feet. An inviting entrance to the dwelling must be a prominent design feature that is clearly defined by means of a porch, portico, covered stoop, trellis, archway, flanking light posts, landscaping or other means that emphasize the entry. A walkway must connect the front façade entry to the public sidewalk or, in the absence of a public sidewalk, the public street.
- C. Mechanical equipment. Mechanical, electrical, communications, HVAC and similar types of mechanical equipment shall be located either in a side yard not adjacent to a street, or in a rear yard and located a minimum of 10 feet from any right-of-way. Such equipment shall be screened so as not to be visible from the street.
- D. Building façade requirements. When applying any building façade requirement, each side of the building will be considered a separate façade face and will be calculated independently of the other façades. In the case of a round, curvilinear, or polygon building, the building will be divided equally into either three or four façades, the front façade face being a building elevation seen from the street. On a corner lot, the front façade shall be the façade having the primary building entrance.
- E. Varying building façade planes. To minimize the perceived visual bulk of a long or flat building façade, the plane of each façade must be varied every 30 feet or less by a projecting bay, an inserted or projecting porch, a façade that is stepped forward or back by a depth of 12 inches or more, or by utilizing similar architectural treatments that visually break up the plane of the façade.
- F. Skylights. Bubble skylights are confined to rear roof elevations. Front roof elevations as well as side roof elevation visible from public streets may utilize flat skylights.
- G. Gated communities; restricted access. New developments and construction of new dwelling units within the R-1 District shall have open public access to all streets, common parking areas and sidewalks or trails. No gated communities are permitted within the R-1 District.

Section 7-14 Additional requirements for new construction

In addition to meeting the other standards of this Ordinance, new construction of dwellings within the R-1 District shall meet the following requirements:

- A. New dwellings shall reinforce a wooded or natural character of the City by utilizing canopy trees and a mixture of understory trees, shrubs and groundcovers, informal plantings, and foot paths of natural mulch, pea gravel or other city approved applications.
- B. The front yard for new dwellings on a corner lot or a through lot shall be that street frontage on which the property is addressed. A change in orientation of the front entry door on any corner lot or through lot to another street shall require approval by the Mayor and Council.

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- C. Raised granite curbs shall be installed at the street edge adjacent to the property on which a new dwelling is to be erected at the sole expense of the property owner.

Section 7-15 Landscaping and site grading

The following standards are established to enhance the informal, natural character of the Pine Lake community:

- A. Permitted plant materials include, but are not limited to, those found on the City-approved plant materials list. Plants identified as invasive species or invasive species of concern by the Georgia Department of Natural Resources are prohibited as landscape materials.
- B. Existing, natural surface drainage ways, flood areas and water retention areas shall be preserved whenever feasible and shall be stabilized using ground covers and plants commonly found in such natural areas for the purposes of minimizing storm water run-off, facilitating infiltration into the soil to filter stormwater and preventing siltation of streams.
- C. No ground area shall be allowed to remain exposed with the exception of seasonal gardens. All ground area shall be covered with grass or dense ground covers. Open areas outside the floodplain may be stabilized using natural plant mulch, pea gravel or other City-approved mulch materials.
- D. A rainwater detention system shall be required to collect rainwater from building roofs for each new dwelling unit and accessory buildings. Such rainwater detention systems shall be tied to either the stormwater detention system or a detention area or installed with hoses that distribute rainwater to gardens or site landscaping.
- E. Pea gravel and decorative landscaping stone may be used for up to 50 percent of ground cover in front yards and yards adjacent to a street, exclusive of required parking and driveways.

Section 7-16 Administrative provisions

- A. Compliance with the standards set forth in this Ordinance shall be demonstrated by submittal of architectural drawings and elevations of all building sides, and a site plan drawn to scale, as well as building materials samples and such other information as may be necessary for thorough review of the application.
- B. All applications for building permits shall be prepared in accordance with the current application requirements established in the Code of Ordinances. Such information shall be submitted in advance of the building permit application, and plan approval of these zoning standards is a prerequisite for building permit consideration.
- C. Appeals of decision of the Zoning Official may be taken to the Mayor and Council
- D. pursuant to [Article 14, Appeals](#), of this Ordinance.

Section 7-17 PD Planned developments

- A. Where allowed. The Planned Development may be applied to any tract located within an R-1 District that has a minimum contiguous area of two (2) acres. Planned developments may contain single family detached dwellings (including, but not limited to, tiny houses), and duplexes. Additionally, planned developments and/or portions thereof designed for senior citizens may utilize buildings containing up to four dwelling units per building. Any combination of the above uses may be established, provided that the maximum density permitted is twelve (12) units per acre, and a mixture of types of residential units are provided. The Mayor and Council may attach conditions to approval of a Planned Development to ensure compatibility of the development with the adjacent neighborhood.
- B. Development standards. The following development standards shall apply to all Planned Developments within the R-1 District:
 - 1. Minimum lot size shall be as specified in Table 6-1.

Table 6-1. Minimum Lot Size by Dwelling Unit Type

| Dwelling Unit Type | Minimum Lot Size |
|--|--------------------|
| Single Family Detached | 4,000 square feet |
| Duplex | 6,000 square feet |
| Triplex (seniors only) | 8,000 square feet |
| Quadraplex and Single Family Attached (seniors only) | 10,000 square feet |
| | |

- 2. The setback along the perimeter of the development shall be equal to or greater than the R-1 District setbacks. Interior setbacks shall be controlled by building and fire codes.
- 3. New streets and street segments shall be established in a grid pattern consistent with the traditional street network of Pine Lake. Cul-de-sac and dead-end streets are prohibited. All streets shall be through streets that either connect with other through streets or are aligned in such a manner that through streets will be created when future adjacent streets are built.
- 4. Off-street parking areas containing more than eight (8) parking spaces, and any area used for loading, service or maintenance, shall be screened from view of any adjacent street or public open space and from any adjacent R-1 property not included within the Planned Development.
- 5. The height limit of the R-1 District applies to all PD Planned Developments.

- C. Open Space.

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1. Parcels designated PD shall provide both public and private open space. Public open space shall be equal in area to a minimum of thirty (30) percent of the area of the PD district. Such open space may include passive park space and trails that are continuous and provide access to adjacent neighborhoods. Such open space shall be protected in perpetuity by recording of a final plat preserving such open space. A homeowner's association or other instrument acceptable to the City Attorney shall be formed and funded to ensure the maintenance of the open space. Open space shall be improved as indicated on the site plan prior to issuance of any occupancy permit.
2. For the purposes of this Section, public open space shall be defined as green, undeveloped areas available to individuals who may not be occupants of the proposed development. Public open space shall conform to the following standards:
 - a. No area within the right-of-way shall be credited as public open space.
 - b. With the exception of trails connecting non-contiguous areas of open space that shall have a minimum width of 10 feet, no public open space shall have dimension less than 50 feet.
 - c. No overhead utilities shall be located in public open space with the exception of pedestrian scale lighting.
 - d. Detention ponds may be credited as public open space provided, they are designed in a manner that does not require fencing, are fully landscaped, and all landscaped areas are continuously maintained.
 - e. Floodplains, wetlands, steep slopes and bodies of water may be credited as public open space.
 - f. The required 30 percent public open space may be reduced by a up to two (2) percentage points in exchange for providing any two or more of the following amenities:
 - i. Gathering areas featuring seating, lighting and walkways.
 - ii. Water features such as fountains or ponds.
 - iii. Interpretive or fitness trails.
 - iv. Play fields such bocce ball, children playground and the like.
 - v. Picnic areas having a pavilion, picnic tables and grills.
 - g. The required 30 percent public open space may be reduced by up to three (3) percentage points in exchange for donation of public art acceptable to the Mayor and Council.
 - h. No buildings, structures, walls, fences, or hedges that screen the view of open space shall be located within twenty (20) feet of any property designated as public open space.
3. For the purposes of this Section, private open space shall be defined as green, undeveloped areas available to and that may be restricted to owners and tenants of the development. Private open space shall conform to the following standards:

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- a. Private open space shall not be used in calculating the minimum open space required in a PD District.
 - b. Private open space shall be provided in compliance with the approved site plan.
 - c. Forty (40) square feet of private open space shall be provided for each dwelling unit; provided that such private open space may be grouped so as to be useable by all the residents of the development.
 - d. Private open space may incorporate any of the following elements: required yards, planted areas, fountains, community gardens, rooftop gardens, parks, plazas, hardscape elements related to sidewalks and plazas, and balconies for residential units.
- D. Landscaping and Site Grading. The landscaping standards provided by [Section 7-15](#) shall apply to all land designed as a Planned Development.
- E. PD Approval Process.
1. The Zoning Official shall evaluate all site plans for compliance with the standards for planned developments and shall report its findings to the Mayor and Council prior to the City's final review and decision.
 2. All planned developments shall require approval of a site plan by the Mayor and Council and shall be subject to the procedures applicable to a zoning map amendment. The site plan shall indicate all rights-of-way, streets, lots, building footprints, public and private open space, sidewalks and trails, parking areas on any multifamily parcel, streetlights and street trees.

Article 8 Commercial (C) zoning district.

Section 8-1 Purpose

Section 8-2 Commercial district subareas

Section 8-3 Permitted uses

Section 8-4 Building height

Section 8-5 Dimensional standards for occupancies

Section 8-6 Design standards for roofs

Section 8-7 Exterior building materials and finishes

Section 8-9 Parking

Section 8-10 Walls and fences

Section 8-11 Open space

Section 8-12 Site design requirements

Section 8-13 Approval process for development

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Section 8-1 Purpose

The purposes of this Article in establishing the Commercial Zoning District are to:

- A. Preserve the traditions of Pine Lake as an environmentally friendly retreat, with natural landscapes and diverse and architecturally creative structures, while incorporating commercial structures into a dynamic, progressive 21st century community.
- B. Encourage a variety of innovative design solutions, which reflect the diverse and creative character of Pine Lake residents.
- C. Protect and enhance the natural environment.
- D. Foster social interaction among neighbors and visitors to the commercial area through thoughtful planning and design of public streets, “walkability,” parking, open space and public spaces.
- E. Foster a new commercial area designed and constructed in such a way that buildings have longevity and permanence, are constructed using recyclable and renewable materials and methods and can accommodate a variety of uses over time.
- F. Implement public streets, sidewalks and public areas that are safe, attractive and convenient, provide comfortable walking access from adjacent residential districts, foster community-oriented events and activities, and engage businesses in the life and welfare of the community.

Section 8-2 Commercial district subareas

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The Commercial (C) Zoning District includes the following subareas, VC (Village Commercial) and TR (Transitional Commercial).

- A. Village Commercial is Pine Lake’s primary retail and shopping area, and provides a mix of retail, office, lodging and service uses. Residential use is permitted only in conjunction with an approved Mixed-Use project meeting the standards of [Article 9, Mixed Use Overlay](#).
- B. Transitional Commercial permits a mix of retail, service, office, lodging, and residential uses. The Transitional Commercial category also serves as a transition between the more intense Village Commercial and existing R-1 Residential Districts.

Section 8-3 Permitted uses

Uses permitted within the Commercial District are shown on the Permitted Uses Table. Any use not listed in the Permitted Uses Table is prohibited in the Commercial District. Uses shown to require a Special Use Permit are allowable, provided the standards of [Article 11, Special Use Permits](#) are met and approval of the Mayor and Council is obtained.

| Permitted Uses Table | | |
|--|--------------|------------|
| | | |
| P = permitted use | | |
| SUP = special use permit | | |
| X = prohibited use | | |
| | Transitional | Village |
| | Commercial | Commercial |
| | | |
| <u>Residential uses</u> | | |
| Assisted living facilities (maximum 6 residents) | P | X |
| Dwelling, single family | P | P* |
| Dwelling, duplex | P | P* |
| Dwelling, townhome | P | P* |
| Dwelling, multi-family | P* | P* |
| Dwelling, group living | SUP | SUP |
| Live/work units | P | P |
| *Only as part of an approved mixed-use district | | |
| | | |
| <u>Recreation/entertainment uses</u> | | |
| Commercial recreation (indoor) | X | P |
| Commercial pay to park lots | X | SUP |
| Outdoor event entertainment | X | SUP |
| Indoor entertainment venues | X | SUP |

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| Permitted Uses Table | | |
|--|--------------|------------|
| P = permitted use | | |
| SUP = special use permit | | |
| X = prohibited use | | |
| | Transitional | Village |
| | Commercial | Commercial |
| Parks and open space | P | P |
| Theaters | X | P |
| Museums | X | X |
| <u>Food service uses</u> | | |
| Bakeries | P | P |
| Catering | P | P |
| Coffee shops | P | P |
| Ice cream/yogurt shops | P | P |
| Restaurants, fast food | X | P*** |
| Restaurants, full service | SUP** | P |
| Restaurants, limited service (take out) | SUP** | P*** |
| ** Drive-through service windows are prohibited. | | |
| *** Drive-through service windows only permitted in accordance with standards of Section 8-12 I. | | |
| <u>General commercial uses</u> | | |
| Adult entertainment (as permitted by ordinance) | SUP | SUP |
| Alcoholic beverage sales (as permitted by ordinance) | X | P |
| Antique stores | P | P |
| Apparel stores | P | P |
| Art studio/photography studio | P | P |
| Art supply/craft stores/framing | P | P |
| Auto parts and accessories store | X | SUP |
| Automotive sales lots | X | X |
| Banks/credit unions | X | P |
| Booksellers/newsstands | P | P |
| Business service centers | X | P |
| Car washes | X | SUP |
| Collectible/consignment stores | P | P |
| Convenience stores (no fuel sales) | X | SUP |
| Copy services | X | P |

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| Permitted Uses Table | | |
|---|--------------|------------|
| | | |
| P = permitted use | | |
| SUP = special use permit | | |
| X = prohibited use | | |
| | Transitional | Village |
| | Commercial | Commercial |
| | | |
| Cosmetics stores | P | P |
| Electronics stores | X | P |
| Fine Art stores | P | P |
| Florists/flower shops | P | P |
| Game stores/toy stores | P | P |
| Gasoline and fuel stations | X | P |
| Gift stores/greeting card stores | p | P |
| Greenhouses/plant nurseries | X | P |
| Grocery stores | X | P |
| Hardware stores | X | P |
| Home accessory stores | P | P |
| Home appliance stores | X | P |
| Home furnishings stores | X | P |
| Jewelry stores | P | P |
| Leather goods/luggage stores | P | P |
| Meat market/fish market | X | P |
| Medical centers and clinics | X | P |
| Office furnishings stores | X | P |
| Office supply stores | X | P |
| Offices | P | P |
| Optical goods stores | P | P |
| Pawn shops (including title pawn) | X | X |
| Pet stores (with no outdoor runs) | X | P |
| Pharmacies | X | P |
| Food markets, fresh | P | P |
| Professional offices | P | P |
| Repair shops, nonautomotive | P | P |
| Research and development | X | P |
| Retail sales, non-automotive | X | P |
| Roadside stands (agricultural, food, art, crafts) | X | SUP |
| Small animal veterinarians (with no outdoor runs) | X | P |
| Testing laboratories | X | P |

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| Permitted Uses Table | | |
|--|--------------|------------|
| | | |
| P = permitted use | | |
| SUP = special use permit | | |
| X = prohibited use | | |
| | Transitional | Village |
| | Commercial | Commercial |
| | | |
| Tire stores | X | SUP |
| Tobacco stores | X | SUP |
| Vehicles and equipment sales, outdoor | X | X |
| Vehicle repair | X | SUP |
| Vehicle servicing | X | SUP |
| Wholesalers | X | SUP |
| | | |
| <u>Lodging uses</u> | | |
| Bed and breakfasts | P | X |
| Hotels and inns | X | P |
| | | |
| <u>Service uses</u> | | |
| Adult day care | X | P |
| Animal grooming | SUP | P |
| Barbers | P | P |
| Community services | P | P |
| Dance studios | X | P |
| Day care facilities | P | P |
| Day spas | P | P |
| Drycleaner/laundry pickup | X | P |
| Fitness centers | X | P |
| Hair salons | P | P |
| Locksmiths | P | P |
| Manicurists | P | P |
| Martial arts studios | X | P |
| Massage therapists (state licensed personnel only) | P | P |
| Personal service establishments | P | P |
| Private clubs | X | X |
| Rehabilitation centers | X | X |
| Religious institutions | P | P |
| Schools/colleges/universities | X | p |
| Seamstress/tailor | P | P |

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| Permitted Uses Table | | |
|---|--------------|------------|
| | | |
| P = permitted use | | |
| SUP = special use permit | | |
| X = prohibited use | | |
| | Transitional | Village |
| | Commercial | Commercial |
| | | |
| Shoe repair | P | P |
| Yoga studios/qi gong studios | P | P |
| | | |
| <u>Industrial uses</u> | | |
| Industrial and industrial services | X | X |
| Landfills | X | X |
| Light manufacturing | X | SUP |
| Radio and frequency transmission facilities | X | SUP |
| Self-storage | X | X |
| Utility facilities | X | P |
| Vehicle storage lots | X | X |
| Warehouse and freight movement | X | X |
| Waste; salvage yards | X | X |
| Wrecker services | X | X |
| | | |
| <u>Miscellaneous uses</u> | | |
| Agricultural related uses | X | P |
| Detention facilities | X | X |
| | | |

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Section 8-4 Building height

- A. No building in the Village Commercial Subarea on the south side of Rockbridge Road shall exceed three (3) stories or 42 feet in height; provided that a partial fourth story not exceeding 60 percent of the square footage of the third story and offset a minimum of seven (7) feet from all exterior walls of the third story may be permitted (i) for those properties constructed to LEED standards and certified as compliant with those standards, or (ii) for those projects increasing open space beyond the Ordinance requirement by a minimum of five percent (5%).
- B. No building in the Village Commercial Subarea on the north side of Rockbridge Road shall exceed two (2) stories in height; provided that a partial third story not exceeding 60 percent of the square footage of the second story and offset a minimum of seven (7) feet from all exterior walls of the second story may be permitted for those properties constructed to LEED standards and certified as compliant with those standards.
- C. No building in the Transitional Commercial Subarea shall exceed two (2) stories or 30 feet in height.
- D. Nonresidential buildings in the Village Commercial Subarea shall be erected to a height of no less than 24 feet. Nonresidential buildings in the Transitional Commercial Subarea shall be erected to a height of no less than 20 feet.

Section 8-5 Dimensional Standards for Occupancies.

| <i>Occupancy Type</i> | <i>Village Commercial</i> | <i>Transitional Commercial</i> |
|--|---------------------------|--------------------------------|
| Nonresidential uses (single occupancy) | 15,000 sq. ft. max. | 5,000 sq. ft. max. |
| Residential occupancies | 2,600 sq. ft. max. | 2,600 sq. ft. max. |
| Live/work occupancies | 3,000 sq. ft. max. | 2,400 sq. ft. max. |

Section 8-6 Design standards for roofs

- A. Buildings erected within the Commercial District may utilize flat roofs or pitched roofs, only. No gambrel, mansard or hip roofs are permitted.
- B. Flat roofs, irrespective of roof slope, shall be completely enclosed on each building elevation with a cornice line, or parapet wall, that is no less than 24 inches in height. The cornice line, or parapet wall, shall be visually compatible with the architectural character

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of the building design and shall utilize identical materials. Where mechanical service elements such as, but not limited to, air conditioning units, communications equipment, condensers, exhaust fans, generators, HVAC mechanical equipment systems or other related elements are placed on top of the flat roof, the height of the cornice line, or parapet wall, shall be raised to a point that is not less than 12 inches in height above the height of the tallest of such mechanical service elements, so as to conceal all such elements from view on each building elevation. Where more than three occupancies exist within a single structure, the cornice line or parapet wall of the individual spaces occupied by each occupancy shall be architecturally varied to provide visual interest from the street.

- C. Where pitched roofs are utilized, the pitch or slope shall be no less than 8:12 and no more than 12:12, rise to run, provided that pitched roofs used to provide shade for balconies, decks, patios, porches and pedestrian paths shall be sloped at a ratio that is not less than 2:12. The eaves of all pitched roofs shall overhang building walls for no less than 18 inches. Roof rafters, when provided, may be exposed to view. Pitched roofs shall be composed of standing seam metal, natural slate, or composition shingles.
- D. Buildings erected in the Village Commercial Subarea may utilize rooftop areas for patio dining above the third story (south side of Rockbridge Road) or above the second story (north side of Rockbridge Road) subject to the following limitations:
 - 1. No building permitted to add an additional partial story as a development incentive for achieving LEED certification or providing additional open space shall use the roof of the additional partial story as outdoor roof space, provided the outdoor space located at the floor level of the partial story may be accessed from the partial story. Outdoor roof space shall not count toward open space requirements on the lot.
 - 2. No sound amplification systems shall be utilized for outdoor patio dining areas located on roofs.
 - 3. Rooftop patio dining areas shall cease operation by 10:00 p.m. on the north side of Rockbridge Road and by 12:00 midnight on the south side of Rockbridge Road.

Section 8-7 Exterior building materials and finishes

- A. *Exterior finish materials.* Permitted building exterior finish materials include natural wood, brick, natural stone, cementitious composite stone and cementitious composite board (Hardie plank). Decorative metal siding or hard-coat stucco of Portland cement may cover no more than 30 percent of any building façade. The following exterior finish

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materials are prohibited: vinyl siding, standard metal siding, concrete block, synthetic stucco, plywood, T1–11 wood siding, Masonite, particle board, non-cementitious composite board and any other siding found to lack durable characteristics.

- B. *Chimneys.* Any portion of a chimney that projects out from an exterior wall shall originate at grade and shall be faced with brick, natural stone, or cementitious stone.
- C. *Façade material design.* The use of contrasting materials to add visual interest is encouraged. At least two exterior finish materials shall be used on all building facades facing a public street or public open space. The required combination of materials may be met through the use of design enhancements, such as shutters, balconies, and awnings. The mix of types of siding or veneer materials shall be consistent and proportionate on all building elevations facing a public street or public open space. Where more than three occupancies exist within a single structure, the individual facades occupied by each use shall be architecturally varied, but compatible, through the use of varied building materials, color or external façade elements such as shutters, balconies, and awnings in order to provide visual interest from the street.
- D. *Visible foundation materials.* With the exception of brick or stone buildings for which the brick or stone continues down the foundation wall, foundations must be a distinct building design element and contrast with the building façade. Permitted foundation materials are brick, stone, cementitious composite stone, architectural concrete masonry units and poured concrete. Poured concrete foundations and foundations composed of unfinished concrete block must be faced with a city approved material of brick veneer, stone veneer, hard-coat stucco of portland cement, or tile.
- E. *Colors.* Primary, day-glo and/or fluorescent colors shall not be employed except on sign faces, awnings, canopies or as accent colors (not to exceed 10 percent of building faces exclusive of window areas).

Section 8-8 Fenestration

- A. With the exception of glass sidelights and glass transoms, all other window openings visible from pedestrian view from all fronting streets, parking areas and public open space, shall be rectangular in orientation, proportion and shape, with the height of the window opening greater than the width by a minimum factor of 125/150 percent.
- B. Window openings visible from pedestrian view from fronting streets, parking areas and public open space shall not be coated, concealed or covered with paint or any other opaque material that visually obstructs pedestrian views into the interior of the building. In no circumstance shall any window glass be tinted to such an extent that pedestrian views into the interior of the building are visually obstructed. To prevent visual obstruction, tinted window glass shall have a visible transmittance factor of 60% or

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greater, which creates the impression of clear and transparent glass. This provision shall not be construed to prevent the use of exterior and or interior window shutters, shades, blinds or other similar building components to secure increased privacy for interior occupants.

- C. Occupancies intended for retail use shall have window openings on the first floor that are no less than 18 inches, but no greater than 36 inches, in height above sidewalk grade and shall extend vertically to a point that is not less than 10 feet in height above sidewalk grade. Such window openings shall comprise no less than 70% of the total building wall area of the first-floor elevation on the fronting street.
- D. With the exception of first floor retail occupancies, all other buildings and all upper stories shall have windows and doors with glass that equals a minimum of 30% and a maximum of 40% of the total street façade area, with each story being calculated independently.
- E. Awnings and canopies shall be of fabric, canvas, fixed metal, wood or similar material. Internally lit awnings and canopies that emit light through the awning or canopy material are prohibited.
- F. Entry façade window trim shall not be flush with the exterior wall and shall have a minimum relief of one (1) inch from the exterior wall.
- G. Burglar bars, metal barrier systems, security grille systems, steel gates, steel roll down curtain doors and all other similar security treatments shall be prohibited along all building elevations that are visible from pedestrian view from all fronting streets, parking areas and public open space. However, interior security treatments shall be permitted along the first floor, provided that:
 - 1. All such interior security treatments used to provide protection for door and window openings shall be fully retractable and shall be of the mesh type that will allow for unobstructed pedestrian view into the interior of the building. All such interior security treatments shall be fully retracted while the use is open. No portion of such systems shall be visible from pedestrian view from any fronting street, parking area or public open space when retracted.
 - 2. When authorized to be in use outside the normal hours of business operation, no less than 75% of the total surface area of the interior security treatment shall contain openings.

Section 8-9 Parking

- A. All parking, except residential, shall be shared.
- B. On-street parking is required for all new streets serving retail, office and service uses.

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- C. Parking decks may be utilized in accordance with plans approved by the Mayor and Council as part of the overall site planning process. All parking decks shall require exterior architectural treatment that contributes to the overall character of the district.
- D. Surface parking lots shall be disbursed throughout new development with each lot having capacity for no more than 50 parked cars. Each surface parking lot shall be surrounded by a landscaped area separating the parking from all public streets and public open space and having a minimum depth of seven (7) feet. Such landscaped area shall have groundcover, a minimum of one (1) shade tree per 50 linear feet, and an evergreen hedge at a maximum height of 36 inches along the entire perimeter adjacent to streets, except for driveway and sidewalk openings. In lieu of an evergreen hedge, the parking lot may utilize a wall or fence meeting standards of this section, with complementary landscaping between the wall or fence and adjoining street or public open space.
- E. Commercial, park-for-hire surface lots are not permitted, provided that individual businesses may lease spaces under a shared parking arrangement and the City may charge for parking on any publicly owned or publicly leased property or easement.
- F. Required parking shall be provided within 500 feet of the uses that it serves, measured along the public sidewalk accessing such parking. All required parking for single family residential, townhouses, live-work and multifamily dwelling units shall be met on-site or in a garage or parking structure immediately adjacent to the residential use.
- G. Angled or parallel on-street parking is required for streets fronting commercial properties and shall be installed in accordance with standards established by [Article 6, Streets and blocks](#).
- H. The following table provides required parking standards, by use, within the Commercial District:

| Parking - Required Number of Spaces | | |
|--|------------------------------|---------------------------|
| <i>Land Use</i> | <i>Minimum # Spaces</i> | <i>Maximum # Spaces</i> |
| Retail commercial | 1-5 spaces/1,000 sq. ft. | 5 spaces/1,000 sq. ft. |
| Office | 1.0 spaces/1,000 sq. ft. | 4 spaces/1,000 sq. ft. |
| Restaurant | 1-5 spaces/1,000 sq. ft. | 10 spaces/1,000 sq. ft. |
| Multi-family residential | 1.0 space per dwelling unit | 2-25 spaces/dwelling unit |
| Attached residential | 2.0 spaces per dwelling unit | 2.0 spaces/dwelling unit |
| Detached residential | 2.0 spaces per dwelling unit | 2.0 spaces/dwelling unit |
| | | |

- I. In addition, parking spaces for guests shall be provided at all multifamily and attached residential development, at the rate of one guest space per 10 dwelling units.

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- J. All non-specified uses shall be computed on an individual basis utilizing standards established by the Institute of Traffic Engineers.
- K. Bicycle or moped parking spaces are required as follows:
 - 1. One (1) bicycle or moped parking space shall be provided for every 20 automobile spaces for new non-residential construction. One such space for every five (5) units of multi-family residential use shall be provided; provided that areas reserved for bicycle or moped parking shall have no fewer than two (2) nor more than 30 such spaces.
 - 2. Spaces for bicycle or moped parking shall be located within the sidewalk landscape zone a maximum distance of 100 feet from the primary pedestrian entrance, or a distance as close as the closest off-street automobile space, except for handicap spaces.
 - 3. Bicycle parking spaces shall include a bike rack with a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user supplied lock.

Section 8-10 Walls and fences

- A. Fences allowed within the Commercial District include brick or stone fences not exceeding two (2) feet in height or wrought iron or wooden fences not exceeding four (4) feet in height that permit an unobstructed view through the fence for a minimum of 35 percent of the fence's surface. Fences may combine brick or stone posts with intervening wooden or wrought iron elements of not less than six (6) nor more than 10 feet in width. Such combination fences shall not exceed four (4) feet in height and shall maintain a minimum of 35 percent unobstructed view through the wooden or wrought iron portions of the fence.
- B. Fences utilized by residential development within the Commercial District shall meet the standards for fences in the R-1 District.
- C. Screening walls are required for all areas of commercial waste storage, recycling storage, ground level mechanical equipment, and loading docks visible from any public street, public open space, parking areas or residential uses. Such screening walls shall be completely opaque, a minimum of six feet in height, a maximum of eight (8) feet in height, and composed of either brick, stone or wood. Opaque gates of the same height that permit access by servicing vehicles shall remain closed and secured at all times when no servicing activity is ongoing.
- D. No fence, wall or hedge exceeding two (2) feet in height shall be located closer than six (6) feet from any street curb or edge of street pavement or closer to an intersection than the triangle formed by the intersection of two streets and measured along adjacent pavement edges for a distance of 20 feet.

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- E. The finished side of any two-sided fence shall face the public street, public open space, or other adjacent property.
- F. Chain link, barbed wire, razor wire, hog wire, chicken wire and similar fencing elements are prohibited materials for fences in the Commercial District.

Section 8-11 Open space

- A. Every development shall set aside a minimum of 20 percent of the property to be developed as public open space. Sidewalk requirements located on private property shall count toward open space requirements; additional open space areas shall be located either within the confines of the subject development or, if agreed upon by both the property owner and the City, at a proximate location.
- B. No open detention ponds are permitted within the commercial district; provided that detention may be accomplished as a part of a landscaped water feature not requiring protective fencing and regularly maintained as a gathering point for the public. Such landscaped water features may be counted toward public open space requirements.
- C. Required stream buffers shall not count toward public open space and shall remain undisturbed as required by the storm water ordinance.
- D. The owner shall submit a maintenance agreement establishing a mechanism for maintaining open space dedication located within the subject development.
- E. Open space requirements shall be constructed or dedicated as part of the first phase of construction at a minimum in an amount equivalent to the first phase percentage of open space for the total development.
- F. Open space dedication shall be reflected on the recorded final plat and shall be guaranteed through one of the following mechanisms, through appropriate legal documentation attached to the City approval: bond, conservation easement, land donation, or permanent deed restriction.
- G. Non-residential development shall provide public open space, which shall be open to the public during normal business hours and other normal park hours as determined by the City. Residential development may provide public and/or private open space in accordance with the requirements of the Mixed-Use Overlay District.
- H. New development with wetlands or adjacent to wetlands shall provide continuous public access adjacent to and through such wetlands, as approved by the City. Such public access shall have appropriate boardwalks or other walking surface approved by the City, with a minimum width of 10 feet; and shall connect with, or provide for future connection with, adjacent parcels' public access.
- I. Public trails and public access to wetlands that are constructed on private property shall be counted toward open space requirements.

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- J. New streets and alleys that are constructed on private property shall not count toward open space requirements.

Section 8-12 Site design requirements

- A. Except as otherwise set out in this Ordinance, all new development and redevelopment of existing properties comprising more than 40 percent of the value of such properties shall meet the standards of [Article 6 Streets and Blocks](#). In the event of a conflict between the provisions of this Article and Article 6, the provisions of this Article shall prevail and be controlling.
- B. Developments are permitted a maximum of one driveway curb cut per block face or one curb cut per 400 linear feet of block face, whichever is greater. For the purposes of this section, two curb cuts serving two one-way driveways shall be counted only as one curb cut.
- C. Circular driveways are prohibited, with the exception of hotels.
- D. No driveway curb cuts, driveways, or circular drives shall be permitted on any arterial street when access can be provided from a side or rear street.
- E. Rear alley access shall be provided to single family residences, townhouse, multifamily and live work buildings. Rear alley access shall be provided to commercial garages and to loading and service areas, where such access is feasible.
- F. All required off-street parking for townhouses, multifamily and live-work units shall be met on site or in a garage directly adjacent to the rear of the unit and within 100 feet of the unit. No intervening use shall exist between a dwelling unit and the garage designated for that unit's parking.
- G. Garages and carports shall not face adjacent streets except where alley access is not feasible, in which case such garages or carports shall be set back a minimum of five (5) feet from the street façade, not including porches and stoops, and a minimum of 18 feet from the required sidewalk area.
- H. Opportunities for inter-parcel pedestrian and vehicular access between all adjacent mixed use, commercial and office park parcels shall be provided. Where pedestrian crosswalks and walkways cross streets, such pedestrian crossing shall be marked through the use of pavers of a contrasting color to the street surface.
- I. Drive-through service windows, regardless of underlying use of the premises, are subject to the following restrictions in keeping with the village nature of the community, the community's concerns for environmental protection, the close proximity of single family residential to the commercial areas, the desire for the village commercial area to remain walkable, and the City's desire to further encourage walkability:

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1. Only one drive-through service window, with a single access lane is permitted per business.
 2. Operation of the drive-through service window is confined to the following hours: 7:00 a.m. to 9:00 p.m.
 3. Lighting of the drive-through lane shall be confined to the same lighting as lights the parking area; all lighting shall be fully shielded to prevent spillover light from reaching adjacent properties.
 4. The service window shall be located within the primary building; no separate drive-through structure is permitted.
 5. No loudspeaker system is used. Patrons shall be served exclusively through the drive-through service window, not by remote means.
 6. The restrictions on drive-through service windows do not preclude a business from offering service at a walk-up window, provided such window is located within the primary building and utilizes no loudspeakers or special lighting effects.
- J. Dumpster pads and approaches shall be paved using concrete, with the approach extending a minimum of 40 feet from the dumpster pad.
- K. Streetscapes shall be governed by the standards of [Article 6 Streets and Blocks](#).

Section 8-13 Approval process for development.

- A. New development or redevelopment of land, the cost of which is anticipated to exceed 40 percent of the assessed value of the parcel, shall only be established in conjunction with a site plan approved by the Mayor and Council.
- B. A pre-application conference shall be held by the Zoning Official for the purpose of reviewing the site plan application process and requirements of the Commercial District prior to submittal of an application for site plan approval. Discussion of the projected project design and its relationship to the standards of this ordinance shall form a portion of those discussions.
- C. Following the pre-application conference, ten (10) copies of the site plan, elevation drawings of each building facade and landscape plan shall be submitted, as applicable, and shall be reviewed for compliance with the Commercial District requirements by the zoning official.
- D. All exterior demolition, new construction (including building additions), expansions of outdoor dining areas or any construction that results in increased lot coverage or modification of the building footprint shall be subject to the pre-application conference and submittal requirements. Routine repair and maintenance and interior improvements are not subject to the pre-application conference provided they involve no change of

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use. For example, a proposal involving conversion of a retail store to a restaurant would require a pre-application conference to determine impact on such facilities as restrooms and parking.

- E. The site plan shall describe the proposed development and convey a sense of the mass, scale and extent of the development. The site plan shall depict the location of blocks and streets, building relationships and arrangement and public open space to be provided in complying with the requirements of the Commercial District. The site plan is critical to ensuring that the purposes and standards of the Commercial District are advanced relative to the street, pedestrian and open space network.
- F. All site plans shall clearly delineate proposed streets and public open space and corresponding dimensions. A written description of each plan element shall be provided. A site sketch shall be acceptable for the purposes of the pre-application conference prior to the official submittal of a site plan.
- G. Documentation shall be provided as follows:
 - 1. *Blocks and Streets*. Street documentation shall include the corresponding street classification of each street; the dimensions of the street right-of-way, lane widths, curb-to-curb widths, on-street parking, sidewalk clear zone widths, street furnishings and supplemental zone widths and block dimensions.
 - 2. *Public open space*. Open space documentation shall include the (1) area of open space in square feet for each open space component, (2) total area of all open spaces, (3) a written description for each open space component describing the type and function of the open space, and (4) a general description of the predominant materials to be used and features to be installed in each open space component.
- H. Once the Zoning Official determines the required elements have been covered by the site plan, it shall be placed on the next available Council agenda for a meeting to be held no earlier than five (5) days from date of submission. The Mayor and Council shall review the site plan, may question the applicant, and shall make a determination as to whether the site plan furthers the City's policies and goals for development of the Commercial District. The Mayor and Council may accept the site plan as submitted, request revisions to bring the site plan more in line with City policy, or reject the plan as not meeting the policies and interests of the City.

Article 9 Mixed Use Overlay

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Section 9-1 Purpose of the mixed-use overlay

The Mixed-Use Overlay is established to advance the following purposes:

- A. Promote a vibrant, sustainable sense of place driven by new construction, and/or by conversion of single purpose commercial buildings, and comprised of attached dwellings, nearby consumer goods and services, offices, employment and public open space in a compact, walkable setting.
- B. Accommodate mixed use development featuring medium density residential development above or to the rear of ground floor retail, service and office uses.
- C. Encourage creation and preservation of functional open space as a gathering venue for cultural events of interest to residents, area employees and visitors.
- D. Expand the range of consumer goods offered in creative, attractive commercial environments and promote a range of housing options.
- E. Introduce flexibility in development approvals through a building and site plan process that invites creative approaches by design professionals in the architecture and arrangement of buildings and open space.
- F. Foster pedestrian travel and a diminished presence of automobiles.

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Section 9-2 Administration of a mixed-use overlay

- A. A Mixed-Use Overlay shall only be established in conjunction with a site plan approved by the Mayor and Council. Establishment of a Mixed-Use overlay shall be a property rezoning, subject to the procedures and standards found in [Article 13, Amendments](#) as well as on the following additional considerations:
1. Impact on the use or development of surrounding properties as concerns the public health, safety or welfare.
 2. Compatibility with surrounding uses and development as concerns the character and scale of the proposed development;
 3. Suitability of the property for the proposed use.
 4. Capacity of the lot to accommodate the use and meet the dimensional requirements of the ordinance;
 5. Impact on traffic movement and access to the property;
 6. Availability of off-street parking and opportunities for shared parking;
 7. Potential of the development to foster a pedestrian setting;
 8. Adequacy of proposed buffering, when adjoining single family uses;
 9. Effect on the watershed;
 10. Impact on the natural environment; and
 11. Hours and manner of operation.
- B. The boundaries of each Mixed-Use Overlay shall be as shown on the Pine Lake Official Zoning Map and shall correspond to the approved site plan for the Overlay.
- C. Minor modifications to a Mixed-Use Overlay site plan may be approved administratively by the Zoning Official provided the modifications do not change the character or intensity of approved uses; the location or height of buildings, or other significant site features, including, but not limited to, blocks, streets and public open space. Minor modifications to the site plan may be approved by the Zoning Official only upon a finding that the following conditions are met:
1. Such proposed modifications to blocks, streets or public open space are consistent with the purposes of the underlying zoning district(s) and the approved site plan,
 2. The proposed blocks, streets and public open space provide equal or improved vehicle and pedestrian access and open space options, and
 3. Total public open space is maintained.
- Any other modification to a Mixed-Use Overlay site plan may only be approved by the Mayor and Council following a hearing noticed and held in accordance with the Zoning Procedures Law and at which public input is considered.

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- D. The Mixed-Use Overlay shall be the controlling ordinance for all mixed-use properties, unless otherwise provided. Any subdivision, recombination or other replatting of lots in a Mixed-Use Overlay shall conform to the approved site plan.
- E. No minimum lot size shall apply to a mixed-use project or development provided the proposal is consistent with the current Pine Lake Comprehensive Plan and the purposes and spirit of the Mixed-Use Overlay are furthered.

Section 9-3 Application of mixed-use overlay regulations

- A. No permit for building construction or site improvements shall be issued unless the proposed building or site improvement complies with these regulations.
- B. For the purposes of this section, where two or more properties, lots or parcels are located within the same block or where two or more properties, lots or parcels have frontage on the same side of the street and are adjoining, and such properties, lots or parcels are under common ownership or control or are being developed in a single development phase or a series of coordinated development phases, such properties, lots or parcels shall be considered a single property.
- C. Prior to issuance of any building permit in a Mixed-Use Overlay, the Zoning Official shall certify in writing that the proposed development for which such building permit is sought is consistent with all applicable requirements of the Overlay, including the approved site plan.

Section 9-4 Application process

- A. A pre-application conference shall be held by the Zoning Official for the purpose of reviewing the application process and requirements of the Mixed-Use Overlay prior to submittal of an application for assignment of a Mixed-Use Overlay. Discussion of the projected mixed-use project design and its relationship to the standards of this article shall form a portion of those discussions.
- B. Following the pre-application conference, ten (10) copies of the site plan, elevation drawings of each building facade and landscape plan shall be submitted, as applicable, and shall be reviewed for compliance with the Mixed-Use Overlay requirements by the zoning official.
- C. All exterior demolition, new construction (including building additions), expansions of outdoor dining areas or any construction that results in increased lot coverage or modification of the building footprint shall be subject to the pre-application conference and submittal requirements. Routine repair and maintenance and interior

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improvements are not subject to the pre-application conference provided they involve no change of use. For example, a proposal involving conversion of a retail store to a restaurant would require a pre-application conference to determine impact on such facilities as restrooms and parking.

Section 9-5 Mixed use overlay site plan

- A. **Development Description.** A Mixed-Use Overlay site plan shall describe the proposed development and convey a sense of the mass, scale and extent of the development. The site plan shall depict the location of blocks and streets, building relationships and arrangement and public open space to be provided in complying with the requirements of the Mixed-Use Overlay. The Mixed-Use Overlay site plan is critical to ensuring that the purposes of the Mixed-Use Overlay are advanced relative to the street, pedestrian and open space network.
- B. **Documentation.** All site plans shall clearly delineate proposed streets and public open space and corresponding dimensions. A written description of each plan element shall be provided. A site sketch shall be acceptable for the purposes of the pre-application conference prior to the official submittal of a Mixed-Use Overlay site plan. Documentation shall be provided as follows:
1. **Blocks and Streets.** Street documentation shall include the corresponding street classification of each street; the dimensions of the street right-of-way, lane widths, curb-to-curb widths, sidewalk clear zone widths, street furnishings and supplemental zone widths and block dimensions.
 2. **Public open space.** Open space documentation shall include the (1) area of open space in square feet for each open space component, (2) total area of all open spaces, (3) a written description for each open space component describing the type and function of the open space, and (4) a general description of the predominant materials to be used and features to be installed in each open space component.
- C. **Compliance.** Blocks, streets and public open space delineated in the approved site plan may be used to comply with the requirements of the underlying zoning districts assigned to the development. In no case shall the approved site plan permit noncompliance with the regulations of those districts or the Mixed-Use Overlay, unless a variance has been approved by the Mayor and Council.

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Section 9-6 Applicability

The Mixed-Use Overlay may be applied to any property in the Village Commercial and Transitional Commercial zoning sub districts, provided that wider, more densely structured buffers as specified herein shall be established where a Mixed-Use project abuts single family detached residential development.

Section 9-7 Ratio of residential/commercial; computation

The 70/30 ratio of residential/commercial use shall be computed as follows. For the residential computation, all dwelling units, as well as all portions of buildings enclosed within four walls and dedicated toward residential occupancy, including without limitation, entries, stairwell, common hallways, laundry facilities, clubhouses and club rooms, work out space, recreational space, lounges, mechanical equipment rooms, etc., shall be counted toward the residential square footage. Each floor shall be separately computed and the combined totals for all floors, including basement space where devoted to residential purposes, shall be included within the residential square footage for purposes of computing the ratio. Commercial square footage shall be computed on the same basis, provided that all non-residential uses shall be included within the calculation.

Section 9-8 Permitted principal uses

- A. Permitted uses. Permitted uses shall be those enumerated in the underlying zoning district which shall be unaffected by the provisions of the Mixed-Use Overlay with the following additions:
1. Live-work spaces. The residential portion of a live-work unit shall contain a single sleeping area, cooking facilities and complete sanitary facilities. Live-work spaces shall have a minimum floor area of 650 square feet.
 2. Efficiency apartments. Such apartments shall have a minimum floor area of 480 square feet and may only be established on property being developed in office or commercial uses on the same property, or within the same building concurrently or prior to such construction of efficiency apartments. No efficiency apartments shall be located on the ground floor adjacent to a public right-of-way.

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- B. Multifamily dwellings. The following minimum floor areas shall apply to multifamily dwelling units: 650 square feet for one-bedroom units; 800 square feet for two-bedroom dwelling units; and 1,000 square feet for three-bedroom units. Multifamily dwelling units shall only be permitted as part of a mixed-use development and shall be included within the maximum residential limitation of 70 percent of the aggregate floor area of the entire development. Multifamily dwelling units shall also be limited to a maximum of six (6) dwelling units per building unless the building contains a minimum of 30 percent mixed use components other than residential.
- C. Single family residential use. Single family residences are permitted as an element of a mixed-use development subject to the following limitations. The combined square footage of all residential components of the mixed-use district (including single family, multifamily and townhome) shall not exceed 70 percent of the aggregate floor area of the development by square footage. The minimum lot size for single family development within a mixed-use development is 3600 square feet, with lots having a minimum depth of 60 feet and a minimum width of 40 feet. Single family homes shall be staggered at the front building line to present a varied appearance from the street. Minimum yard requirements for single family components of a mixed-use development shall be: front yard, no less than six (6) and no more than 15 feet; side yard, six (6) feet.
- D. Additional Use Limitations
1. Mixed use buildings containing first floor retail, office, cultural, institutional or service uses having residential units above the ground floor shall have no maximum floor area but are subject to applicable height limits. Single use buildings for commercial, office, cultural, institutional or service uses shall be limited to a maximum floor area as provided by [Section 8-5](#)
- E. Prohibited Uses
- All uses prohibited in the underlying zoning district.

Section 9-9 Development standards

- A. Front yards. Front yards shall have the minimum dimensions as specified in [Section 9-12](#) unless otherwise specified. The following additional regulations shall apply:
1. Vehicle parking in the front yard shall be prohibited. Parking for residential uses shall be accessed from the rear of structures. To the extent practicable, access to parking lots and parking decks shall be from side streets and alleys. Parking spaces for residential uses shall be located on the same lot as the building to be served except as otherwise provided in this article. Circular driveways are prohibited, except for hotels. Except as specifically provided in

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this article, paved parking areas will not be permitted between the front building line and the front property line.

2. Front yards on a residential lot shall only be used for landscaping, terraces, porches, stoops and walkways.
- B. The area within the front yard meeting open space criteria of [Section 9-13](#) may be credited as open space.

Section 9-10 Mixed uses

- A. Residential requirement. Developments proposing nonresidential floor area in a single building greater than 40,000 square feet shall devote a minimum of thirty (30) percent of the total floor area in that building to a form of attached dwelling. Developments proposing a combination of residential buildings and commercial buildings, regardless of whether such commercial buildings contain residential components, shall limit residential development in the overall project to seventy (70) percent of the aggregate floor area of the development.
- B. Location of residential use. Multi-story “row houses” built to the lot line, or a configuration of a typical “brownstone” of two or more stories may feature ground floor residential. No other form of ground floor residential shall be permitted within a mixed-use building.
- C. Incentives for mixed use buildings. Dwelling unit floor area for developments that propose mixed use in the same building may be reduced by twenty (20) percent, provided that no reduction beyond the minimums floor area for efficiency units and live/work units shall be allowed. The parking requirement for such developments may also be reduced by twenty (20) percent.

Section 9-11 Building design standards

- A. Building design shall be controlled by the standards of the underlying zoning district and any architectural design standards adopted by the City. Where single family residential use is permitted as part of a mixed-use development, the districts of the R-1 district shall apply to each home.
- B. Store front treatment shall be controlled by the standards of the underlying zoning district and any architectural design standards adopted by the City.

Section 9-12 Building height, yards and buffers

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- A. *Building height.* Building height shall be controlled by the standards of the underlying zoning district and any architectural design standards adopted by the City.
- B. *Yards.*
1. Abutting the Mixed-Use Overlay or a Commercial District.
 - a. Minimum yards: none.
 2. Abutting an R-1 Residential District, R-1-PD Residential District Planned Development or a Transitional District. When a parcel within the Mixed-Use Overlay abuts a parcel that lies outside the boundaries of the Mixed-Use Overlay that is zoned R-1, R-1-PD or a Transitional District, the following standard shall apply:
 - a. Minimum yards: No minimum front yard shall be required except where a Mixed-Use Overlay abuts the same street right-of-way as, and abuts property in an R-1, R-1-PD or a Transitional District, the yard for the building or use in the Mixed-Use Overlay shall not be less than 30 feet.
 - b. When a street or alley separates a building or use in a Mixed-Use Overlay from an abutting R-1, R-1-PD or a Transitional District, the site plan approved by Mayor and Council shall provide the minimum yard to be maintained, provided that in no instance shall such front yard be reduced to less than 15 feet.
- C. *Buffers.*
1. No buffer shall be required except where a Mixed-Use Overlay abuts the same street right-of-way as and abuts property in an R-1, R-1-PD or a Transitional District, a landscaped buffer shall be established on the property designated as a Mixed-Use Overlay. Such buffer shall have a minimum horizontal dimension of 30 feet, provided that a buffer having a minimum horizontal dimension of 20 feet width may be allowed when a bermed buffer having a minimum height of three feet at the crest is proposed.

Section 9-13 Open space

- A. Forms of open space. Two forms of open space may be credited toward the open space requirement: (1) public open space and (2) private open space. Public open space shall be open and available to the public and shall be provided on land dedicated to the City of Pine Lake or reserved by a restrictive easement for public use in perpetuity. Use of private open space may be restricted to the owners and tenants of the development. No utility easement, detention pond or and storm drainage structure shall be credited as open space.

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- B. The following standards shall apply to public open space:
1. Public open space shall constitute a minimum of 10 percent of the acreage of a mixed-use development and shall be provided in compliance with the approved site plan.
 2. All such space shall be directly accessible from a public right-of-way.
 3. No component of public open space area shall comprise less than 1,000 square feet.
 4. All public open space shall be linked to other public open space by a corridor having a minimum width of ten (10) feet or a public sidewalk.
 5. Passive recreation facilities such as benches, fountains, gazebos or shelters shall be provided to accommodate a minimum of ten (10) users for every 6,000-square feet of commercial development.
 6. Active recreation such as playground equipment, walking trails or sports fields such as handball, Bocce ball courts or volleyball courts shall be provided in a minimum of twenty (20) percent of the aggregate required public open space.
 7. Required buffers may count toward public open space, provided that where such buffer is required to be undisturbed and for the protection of adjacent property, it shall be counted at a ratio of 50 percent.
- C. The following standards shall apply to private open space:
1. Private open space shall be provided in compliance with the approved site plan.
 2. Twenty-four (24) square feet of private open space shall be provided for each dwelling unit; provided that such private open space may be grouped so as to be useable by all of the residents of the development.
 3. Such private open space may incorporate any of the following elements:
 - a. Required yards, planted areas, fountains, community gardens, rooftop gardens, parks, plazas, hardscape elements related to sidewalks and plazas, and similar features.
 - b. Balconies for residential units.

Section 9-14 Site design standards

- A. *Inter-parcel access.* Opportunities for inter-parcel pedestrian and vehicular access between all adjacent residential, mixed use, commercial and office parcels shall be provided.
- B. *Drive-through uses.* Drive-through service windows, drive-in facilities and any other facility that may be accessed directly by means of a motor vehicle for transacting business shall be prohibited.

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- C. *Dumpsters*. Dumpster pads and approaches shall be paved using concrete, with the approach extending a minimum of forty (40) feet from the dumpster pad. Dumpsters shall be enclosed with opaque walls on three (3) sides not less than eight feet in height, along with a solid gate or door.
- D. *Loading dock entrances for nonresidential uses*. Loading dock entrances for nonresidential uses shall be screened using berms, landscaping, fencing or walls.
- E. *Building mechanical and accessory features*. The following standards apply to such features:
 - 1. Shall be located to the side or rear or installed on the roof of the principal building and shall be in the least visible location when viewed from the public right-of-way. Landscaping or fencing shall be required to screen equipment otherwise visible from the public right-of way.
 - 2. When located on rooftops such features or equipment shall be incorporated in the design of the building and screened with building materials similar to the exterior finish of the building.
 - 3. Building mechanical and accessory features or equipment shall not be permitted between the building and any public street.
- F. *Fencing and screening materials*. Chain link fence, barbed wire, razor wire or similar elements shall be prohibited in the Mixed-Use Overlay. All fencing shall meet the standards of the underlying zoning district.
- G. *Gates and security arms*. Gates and security arms shall be prohibited from crossing any public street or sidewalk.

Section 9-15 Parking design standards

- A. *Location of parking*. No off-street surface parking shall be located between a building and the street.
- B. *Pedestrian connections*. All developments shall have pedestrian walkways with a minimum width of five (5) feet connecting ground level parking to public sidewalks and to all building entrances.
- C. *Lighting*. Parking facilities to be used at night shall have adequate lighting, provided such lighting shall be arranged and installed to prevent spillover onto adjacent properties.
- D. *Off-site parking*. Parking for nonresidential uses may be provided on property in the Mixed-Use Overlay or the Village Commercial or Transitional Commercial sub districts, provided such parking is located within 500 feet of the main entrance to the principal use such parking is intended to serve. A minimum lease period of five (5) years shall be required between the owner of the property on which the off-site parking spaces are located and the owner of the business the off-site parking will serve. The

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lease agreement shall be subject to approval by the Zoning Official and the city attorney. Such parking shall be in excess of the spaces required for uses on the off-site property supplying the parking and in no case shall the same spaces be allocated for uses on the off-site property or other businesses via such lease agreements. In no event shall parking demand for residential uses, including visitor parking, be met by such off-site parking.

- E. *Shared parking*. Standards for shared parking may be applied to any combination of uses shown in Table 1. *Shared Parking Provisions by Combination of Uses*. Shared parking arrangements may be approved for any qualifying property. Qualifying properties are those that have sufficient parking supply to accommodate parking demand generated off-site and are within 500 feet of the property generating that parking demand. Easement agreements must be established that are consistent with the provisions of subsection d., above.
- F. The method of determining parking requirements in a mixed-use development or between individual property owners shall be as follows:
 1. Determine the minimum amount of parking required for each use.
 2. Multiply each parking requirement by the corresponding percentage for each of the time periods identified in Table 1. *Shared Parking Provisions by Combination of Uses*.
 3. Calculate the column total parking requirements for each time period.
 4. The largest column total is the shared parking requirement.

Table 1. *Shared Parking Provisions by Combination of Uses*

| | WEEKDAYS | | WEEKENDS | | NIGHTS |
|------------------------------|-------------|-------------|-------------|-------------|-------------|
| | 6 AM - 5 PM | 5 PM - 1 AM | 6 AM - 5 PM | 5 PM - 1 AM | 1 AM - 6 AM |
| OFFICE | 100% | 10% | 10% | 5% | 5% |
| RETAIL | 60% | 90% | 100% | 70% | 5% |
| HOTEL | 75% | 100% | 75% | 100% | 75% |
| RESTAURANT | 50% | 100% | 100% | 100% | 10% |
| ENTERTAINMENT/ RECREATION | 40% | 100% | 80% | 100% | 10% |
| PLACE OF WORSHIP | 50% | 50% | 100% | 100% | 10% |

Section 9-16 - Driveways

- A. Minimum driveway width serving a development on which building heights do not exceed 30 feet shall be 24 feet. Minimum driveway width serving a development on which building heights are greater than 30 feet shall be 26 feet.

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- B. With the exception of a driveway to access an on-site parking facility, no driveway shall be permitted between the sidewalk and a building. Access to residential components not part of a mixed-use building shall be from the rear of the residences. All driveways shall intersect the street at a 90-degree angle.
- C. A maximum of one driveway shall be permitted for each development, provided that properties with more than one street frontage may have one driveway on each street frontage. Developments on properties with a single street frontage greater than 200 feet shall be permitted two driveways along that street frontage and one additional driveway for each additional 200 feet of street frontage. No single family detached residential lot shall have more than one driveway. Circular driveways shall be prohibited with the exception of hotel developments.
- D. Common or shared driveways are encouraged and may be approved by the Zoning official. Shared access easements executed by all parties involved in such access arrangements shall be subject to approval by the DeKalb County Fire Department and the City Attorney. Such approval shall consider the volume and characteristics of the traffic to be accommodated, the interior street network within the development, emergency vehicle access, and the impact on traffic safety on Rockbridge Road and other arterials.

Article 10 OS Open Space District

[Section 10-1 Scope](#)

[Section 10-2 Purpose and intent](#)

[Section 10-3 Mayor and Council's approval of any construction](#)

[Section 10-4 Permitted uses](#)

[Section 10-5 Permitted buildings and structures](#)

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Section 10-1 Scope

The regulations set forth in this article or set forth elsewhere in the city code when referred to in this section, are the regulations of the OS Open Space District.

In addition to these regulations, all city development standards shall apply to any development within the open space district.

Section 10-2 Purpose and intent

The purpose and intent of this article in establishing the OS District is to protect public lands intended for passive and active recreation use, or for public gathering, or for protection of the natural environment, and which have been given to the public through deed, easement, lease, or other legal means.

Section 10-3 Mayor and Council's approval of any construction

- A. Any new construction or reconstruction, and any new landscaping that takes place within the OS district shall be approved by the Mayor and Council.
- B. No person shall participate in any construction, reconstruction, landscaping, or placement of any building or structure within the OS district, unless such activity has been approved by the Mayor and Council.
- C. The city administrator shall refer plans for new construction in the OS district to the Zoning Official, or other neighborhood review committee appointed by the Mayor, to review such plans and provide written recommendations and comments to the Mayor and Council, as are appropriate, within thirty (30) days.

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- D. The city administrator shall refer plans for new trees and landscaping to the Zoning Official, to review such plans and provide written comments to the Mayor and Council.

Section 10-4 Permitted uses

- A. Uses permitted within the open space district only include those related to public active and passive recreation, and to public gatherings and special events.
- B. No residential or commercial use is permitted. Vendors may be contracted by the city, to provide food and drink, or recreational activities, on behalf of the city. Special use permits may be approved by the Mayor and Council for vending related to active or passive recreation or for special events, for any length of time or frequency within a time period of twelve (12) months, and which may be renewed.

Section 10-5 Permitted buildings and structures

- A. Buildings and structures shall be erected only for public recreation and public gathering and event purposes and shall be subject to city development standards.
- B. All buildings located within the OS district are City property. No permanent construction by private persons is permitted. The City may enter into one or more leases or licenses with non-profit entities providing opportunities or activities related to recreation, public gatherings or special events that benefit the community.

Article 11 Special Use Permits

[Section 11-1 Nature of special use permits; Mayor and Council's authority](#)

[Section 11-2 Initiation of applications](#)

[Section 11-3 Application forms, filing of applications and plans required](#)

[Section 11-4 Application fees](#)

[Section 11-5 Staff analysis, findings and recommendations](#)

[Section 11-6 Notice of public hearing](#)

[Section 11-7 Withdrawal of application](#)

[Section 11-8 Action by the Mayor and Council](#)

[Section 11-9 Criteria to be applied for special use permits, general](#)

[Section 11-10 Criteria to be applied for special use permits, specific](#)

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Section 11-1 Nature of special use permits; Mayor and Council's authority

- A. A special use permit is a means by which the Mayor and Council may give special consideration, pursuant to a set of standards and criteria, to those types of uses which may or may not be compatible with uses and structures authorized as of right within a particular zoning district. Special use permits are required for uses that have operational characteristics and/or impacts that are significantly different from the zoning district's principal authorized uses and therefore require individual review pursuant to the standards and criteria set forth in this ordinance.
- B. Special use permit applications shall be authorized only for those uses specifically listed in the applicable zoning district regulations as permitted by special use permit. Uses of land or structures that are not otherwise permitted under the zoning district cannot be lawfully permitted through any special permit approval process, even though such uses, and structures may be permitted in districts other than the district in which the subject use or structure is located. Further, any characteristic of a use or characteristic of a structure, such as size, location, function, or other characteristic, which is not otherwise permitted, cannot be lawfully permitted through any special use permit approval, even though such characteristic of use or structure may be permitted in districts other than the district in which the subject use or structure is located.
- C. An applicant desiring to apply for a special use permit shall file an application with the City on forms provided for that purpose. The Mayor and Council, following

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recommendation by the Zoning official, shall determine whether the proposed use, in the particular location contemplated, meets the standards and criteria set forth in this article.

Section 11-2 Initiation of applications

Special use permit applications may be initiated upon application by the owner of the subject property or by the authorized agent of the owner. Before deciding on any special use permit pursuant to the requirements set forth in this ordinance, the Mayor and Council shall provide for public notice and a public hearing thereon.

Section 11-3 Application forms, filing of applications and plans required

- A. Applications for special use permits shall be made on forms provided by the City and shall be filed with the City Clerk. Each applicant shall complete all questions as required by the application form and provide all requested materials required by the application and this Article. Required information includes the following:
1. Survey plat of the subject property prepared within the last 10 years by a professional engineer or land surveyor registered in this state. Said survey plat shall:
 - a. Indicate the complete boundaries of the subject property and all buildings and structures existing thereon;
 - b. Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and
 - c. Include a notation as to the total acreage or square footage of the subject property.
 2. Name, mailing address and phone number of all owners of the property that is the subject of the application.
 3. Signed and notarized affidavit of all owners of the subject property authorizing the filing of the application for special use permit, and where applicable, the signed and notarized affidavit of the owner of the subject property authorizing an applicant or agent to act on the owner(s)' behalf in the filing of the application. The application shall also contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner of the subject property.
 4. Written legal description of the subject property.
 5. Statement of the current zoning classification of the subject property, the proposed use of the property, and the specific reference within the applicable

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zoning district classification that authorizes the application for said use by special use permit.

6. A written, documented analysis of the impact of the proposed special use permit with respect to each of the criteria contained in [Section 11-9](#) below, and, where applicable to the use proposed, also the criteria contained in [Section 11-10](#).
 7. A complete and detailed site plan, drawn to scale, of the proposed use prepared, signed and sealed by an architect, landscape architect or engineer licensed in the state, showing the following:
 - a. Location of all buildings and structures currently on and those proposed to be constructed on the property.
 - b. Height of all proposed buildings.
 - c. Proposed use of each portion of each building.
 - d. All sidewalks, driveways, parking areas, and loading areas.
 - e. Location of all trash and garbage disposal facilities.
 - f. Setback and buffer zones required in the district in which such use is proposed to be located.
 - g. Location and dimensions of all open space.
 - h. Lot coverage and impervious surface area.
 - i. Topographic survey at a contour interval no greater than five (5) feet.
 8. The specific types of exterior structure materials and finishes, along with complete building elevations for each façade.
 9. All plantings and landscape materials, including the location, size and species of any trees to be removed and trees to be planted.
- B. When applications are within the Commercial District, or are for any commercial, office, retail or multi-family use, the plans shall also be submitted in a digital format required by the City, provided that the requirement for digital submission may be waived by the Zoning Official where it concerns an existing business holding a valid occupation tax receipt from the City since January 1, 2003.

Section 11-4 Application fees

Application fees shall be as established from time to time by ordinance of the Mayor and Council.

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Section 11-5 Staff analysis, findings and recommendations

- A. No application shall be considered complete, and processing of an application shall not commence, until the Zoning Official determines that all requirements of the application are met, including payment of application fees and any other outstanding City fees and assessments due the City. The Zoning Official shall conduct a site inspection and shall prepare a written analysis and recommendation of each application for special use permit. The Zoning Official may request additional information as may be needed to complete such review and recommendation. The recommendation of the Zoning Official shall be based on the criteria contained in [Section 11-9](#) below and, in addition, where applicable to the use proposed, to the criteria contained in [Section 11-10](#).
- B. No application shall be amended later than the required deadline for advertising by the legal organ of the City prior to the scheduled public hearing.
- C. The Zoning Official shall refer special use permit applications to any board or City official appointed by the Mayor to make recommendations on a particular type of application. Where such referral is made, such board of official shall analyze the application against the criteria of [Section 11-9](#) below and, if applicable, [Section 11-10](#), and shall also prepare a written recommendation to the Mayor and Council.

Section 11-6 Notice of public hearing

Notice of public hearing on any proposed application for special use permit shall be published as required in [Article 13 Amendments](#), and a public hearing conducted as provided by Article 13.

Section 11-7 Withdrawal of application

Applications withdrawn following the filing of a public notice for advertising the public hearing shall be with prejudice.

Section 11-8 Action by the Mayor and Council

- A. The Mayor and Council, after conduct of the public hearing, shall vote to approve the application, approve the application with conditions, deny the application, defer the

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application, or, upon request, to permit withdrawal of the application with prejudice. The decision of the Mayor and Council on each application for special use permit shall be based upon a determination as to whether the applicant has met the all criteria contained in [Section 11-9](#) below and, if applicable, [Section 11-10](#), as well as any other standards applicable to the proposed use or structure as contained in this Article or other City ordinances.

- B. The Mayor and Council may impose conditions based upon the facts in a particular case as it determines in its discretion to be necessary to protect the public interest and to protect the use and enjoyment of adjacent and nearby properties. Such conditions shall be clearly stated in the minutes of the meeting of the meeting at which the special use permit was approved or in the text of an ordinance granting the special use permit. Any conditions imposed by the Mayor and Council shall apply for the duration of that use or structure for which special use approval was granted. Removal of conditions may only be accomplished by filing a special use permit application seeking revision or rescission of the conditions.

Section 11-9 Criteria to be applied for special use permits, general

The following criteria shall govern the evaluation and decision on any application for special use permit. An affirmative finding for a minimum of nine (9) criteria listed below is required for grant of any special use permit:

- A. Adequacy of the size of the site for the use contemplated and whether adequate land area is available for the proposed use, including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.
- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district in which the approval is given.
- C. Adequacy of public services, public facilities, and utilities to serve the use contemplated.
- D. Whether the public street on which the use is proposed, as well as access to the property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and motorist safety and convenience, traffic flow and control, and access in the event of fire or other emergency, is adequate.
- E. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, vibration or other impacts generated by the proposed use.
- F. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours or manner of operation of the proposed use.

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- G. Whether the proposed plan is otherwise consistent with requirements of the zoning district classification in which the use is proposed.
- H. Whether the proposed use is consistent with the comprehensive plan.
- I. Whether the length of time for which the special use permit is granted should be limited in duration.
- J. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
- K. Whether the proposed plan will adversely affect the City's environmental resources.
- L. Whether the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.

Section 11-10 Criteria to be applied for special use permits, specific

In addition to the criteria contained in [Section 11-9](#) above, the following additional criteria shall apply to the uses specified below. No application for a special use permit for the uses below shall be granted by the Mayor and Council unless it is determined that, in addition to meeting the requirements contained within the zoning district in which such property is located, and the criteria contained in [Section 11-9](#) of this ordinance, the criteria of this section are met:

A. *Outdoor event entertainment*

- 1. Sufficient parking must exist to accommodate the maximum occupancy load anticipated at the event while maintaining sufficient parking for commercial and office uses within one (1) mile of the facility.
- 2. Residential use within one (1) mile of the facility shall not be impacted by noise between the hours of 9:00 p.m. and 9:00 a.m. of the following day.

B. *Indoor entertainment venues*

- 1. Sufficient parking must exist to accommodate the maximum occupancy load anticipated at the event while maintaining sufficient parking for commercial and office uses within one (1) mile of the facility.
- 2. Residential use within one (1) mile of the facility shall not be impacted by noise between the hours of 9:00 p.m. and 9:00 a.m. of the following day.

C. *Auto parts and accessories stores*

- 1. No more than one such store per 500 population or fractional part of 500 population according to the 2010 decennial census or any subsequent such census shall be permitted within the City.
- 2. No outdoor storage permitted.
- 3. No work on vehicles shall occur on the premises except within indoor bays.

D. *Convenience stores (without or without fuel pumps)*

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1. No more than one such store per 500 population or fractional part of 500 population according to the 2010 decennial census or any subsequent such census shall be permitted within the City.
 2. No outdoor storage permitted.
- E. ***Gasoline and fuel stations (with or without convenience stores)***
1. No more than one such store per 500 population or fractional part of 500 population according to the 2010 decennial census or any subsequent such census shall be permitted within the City.
 2. No outdoor storage permitted.
 3. No repair work on vehicles shall occur on the premises except within indoor bays.
- F. ***Tire stores*** see Auto parts and accessory stores
- G. ***Tobacco stores.***
1. No more than one such store per 500 population or fractional part of 500 population according to the 2010 decennial census or any subsequent such census shall be permitted within the City.
- H. ***Vehicle repair***
1. No more than one such store per 500 population or fractional part of 500 population according to the 2010 decennial census or any subsequent such census shall be permitted within the City.
 2. No outdoor storage permitted.
 3. All work on vehicles shall occur entirely inside enclosed buildings.
- I. ***Vehicle servicing***
1. No more than one such store per 500 population or fractional part of 500 population according to the 2010 decennial census or any subsequent such census shall be permitted within the City.
 2. No outdoor storage permitted.
- J. ***Package sales of distilled spirits***
1. No more than one such store per 500 population or fractional part of 500 population according to the 2010 decennial census or any subsequent such census shall be permitted within the City.
- K. ***Radio and frequency transmission facilities***
1. In determining whether to authorize a special use permit for a telecommunication tower or antenna, the Mayor and Council shall also consider each of the following factors:
 - a. Height of the proposed tower.
 - b. Proximity of the tower to residential structures.
 - c. Nature and uses of adjacent and nearby properties.
 - d. Surrounding topography.
 - e. Surrounding tree cover and foliage.

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- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- g. The presence of nearby towers with remaining available capacity.

Article 12 Variances

[Section 12-1 Intent](#)

[Section 12-2 Procedures](#)

[Section 12-3 Variances related to flooding](#)

[Section 12-4 Required findings for variances](#)

[Section 12-5 Conditions](#)

[Section 12-6 Variances apply to property](#)

[Section 12-7 Limitations on authority](#)

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Section 12-1 Intent

The Mayor and Council has the authority to hear, and grant or deny variances from the requirements of this ordinance as will not be contrary to the public interest when, due to unusual property conditions, a literal enforcement of zoning requirements in a particular case will result in unnecessary hardship, provided that the intent of the general and district regulations is observed, public safety and welfare is secured, and substantial justice is done.

Section 12-2 Procedures

- A. Applications for variances shall be filed with the city clerk, together with supporting material required by the variance applications form, the Zoning Official and the regulations of this ordinance. Applications will be accepted only from the property owner, or authorized agent with written notarized consent of the property owner.
- B. Zoning Official responsibilities: The city clerk shall refer the application and all supporting documentation to the Zoning Official to prepare an analysis of the variance and the make a recommendation thereon.
- C. The Zoning Official may request additional information as may be needed to make such review or recommendation.
- D. Variances shall be heard and determined by The Mayor and Council utilizing the same notice procedures provided for zoning amendments.

Section 12-3 Required findings for variances

Variances may be granted only upon making all of the following findings, which shall apply within the property for which the subject variance request is being made.

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- A. There are extraordinary or exceptional conditions pertaining to the particular property because of its size, shape or topography.
- B. Such conditions are unusual or peculiar to the particular piece of property involved.
- C. The strict application of the zoning ordinance would create an unnecessary hardship.
- D. The hardship identified is concerned with the physical use of the property, not the financial condition of any person.
- E. Specimen trees are located in such a manner on the subject property that the property cannot be practically developed without the removal or substantial destruction of such specimen trees but could be developed through variances that would protect the same trees.
- F. Relief if granted would not cause substantial detriment to the public good, safety or welfare, or impair the purpose and intent of this zoning ordinance.

Section 12-4 Conditions

- A. The Mayor and Council may impose any conditions or safeguards relating to any variance as it may determine necessary in the particular case to protect the public interest and to protect the use and enjoyment of adjacent property.
- B. Whenever the Mayor and Council places conditions on a variance approval, such conditions shall be clearly stated in the minutes at which the action was taken or shall be set out in an ordinance approving the variance and shall be available for viewing at city hall by the general public.

Section 12-5 Variances apply to property

When granted, a variance, together with any conditions or safeguards attached thereto applies to the land on which it is issued, and not to a particular person or other entity.

Section 12-6 Limitations on authority

The Mayor and Council have no power to grant a use or permit an operational or other characteristic of a use, that is not otherwise permitted by the city zoning ordinance. No variance may be granted for utilization of land or structure that is prohibited by the city zoning ordinance.

Article 13 Amendments

[Section 13-1 Purpose](#)

[Section 13-2 Amendments authorized](#)

[Section 13-3 Time limitations on reports to Mayor and Council regarding zoning amendments](#)

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[Section 13-5 Public hearings](#)

[Section 13-6 Policy for zoning amendments](#)

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[Section 13-8 Application requirements for zoning amendments](#)

[Section 13-9 Changes made to amendments after proceedings begin](#)

[Section 13-10 Denial of a zoning application](#)

[Section 13-11 Limitations on frequency of application affecting the same property](#)

[Section 13-12 Conditional zoning](#)

[Section 13-13 Rezoning of property proposed for annexation](#)

[Section 13-14 Administrative approval of minor site plan amendments](#)

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Section 13-1 Purpose

The following requirements, applications and procedures shall apply regarding amendments to the zoning ordinance of the City of Pine Lake, including amendments to the official zoning map.

Section 13-2 Amendments authorized

- A. The Mayor and Council may by ordinance amend this ordinance, and any maps adopted in relation thereto, whenever public necessity, public convenience, the general welfare, or good zoning practice justify such action.
- B. Initiation of amendments: Proposed changes in zoning regulations or in zoning map boundaries may be initiated by the Mayor, the Council, any elected official, the city administrator; or the Zoning Official who shall submit such amendment to the city clerk; or through an application filed with the city clerk by the owner of the affected property or a duly authorized agent of the owner.

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- C. Review of proposed amendments: all proposed zoning amendments shall be reviewed by the Zoning Official who will make a determination as to whether the application is complete and shall prepare a written report reflecting the manner in which the application relates to the criteria of the situation.

Section 13-3 Time limits on reports to Mayor and Council regarding zoning amendments

The time period between submittal of a complete application and transmittal of a written report to the Mayor and Council shall not exceed twelve (12) weeks, unless the applicant requests a deferral or agrees to a postponement by the City.

Section 13-4 Public notices

- A. A public hearing shall be held prior to the Mayor and Council making a zoning decision. The City of Pine Lake shall publish in a newspaper of general circulation within the boundaries of Pine Lake a notice of the hearing stating the date, time, place and purpose of the hearing. Such notice shall be published a minimum of 15 calendar days, but not more than 45 calendar days, prior to the date of the hearing.
- B. Zoning decisions by the Mayor and Council that involve the rezoning of property initiated by a party other than the City shall require the following additional public notice:
 - 1. In addition to the requirements of subsection (a) of this Code section, the published notice shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and
 - 2. A sign of not less than twelve (12) square feet in area announcing the time, place and purpose of the hearing shall be placed in a visible location on the property not less than 15 calendar days prior to the date of the hearing.

Section 13-5 Public hearings

- A. The City of Pine Lake hereby adopts policies and procedures that govern calling and conducting public hearings required by Code Section 36-66-4 of the Official Code of Georgia. Printed copies of these policies and procedures shall be available for distribution to the general public and specifically at the public hearing. An equal minimum time period for presentation shall be available to parties in favor of the application and parties opposed to the application. Such minimum time period shall be ten (10) minutes,

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provided the Mayor and Council may extend such time period on an equal basis for both sides by vote.

- B. The Mayor and Council hereby adopt standards set out in this section governing the exercise of zoning power. These standards shall be printed, and copies shall be available for distribution to the public at a public hearing concerning zoning decisions.
- C. Public Hearing Procedures. The Mayor shall call the public hearing to order and brief the audience as to the nature of the proposed zoning decision, specifically the location of the property, the present zoning classification of the property and the proposed zoning classification of the property. The Mayor shall announce the order of the proceedings, indicating that the proponents of the application shall be given a minimum of 10 minutes to present data, evidence and opinion and an equal time period for presentation shall be given to opponents for the presentation of data, evidence and opinion. The Mayor shall also announce that a report by the Zoning Official shall follow the presentations by the proponent and opponent(s), if any. Based on the evidence and public input and applying the standards of [Section 13-6](#) and [Section 13-7](#), the Mayor and Council shall render a final zoning decision. That decision shall be approval, denial or approval with conditions designed to mitigate the potentially adverse impacts of the proposed zoning. the Mayor and Council may defer the decision to a date announced at the public hearing for the purpose of considering the information presented as well as additional information that it may request without further legal notice as good planning practices dictate, and it deems necessary. The date posted on any official sign advertising the public hearing may be altered to reflect the continued hearing date. Unless agreed to otherwise by the applicant, the Mayor and Council shall render a final zoning decision within 30 calendar days of the public hearing at which such application was considered. These public hearing procedures shall apply equally to zoning decisions that affect only the text of the zoning ordinance as well as map amendments, special use permits and variances.

Section 13-6 Policy for zoning amendments

It is the policy of the City regarding proposed zoning amendments that favorable action shall be taken only upon compliance with the following:

- A. Comprehensive plan: The proposed amendment is in accordance with the comprehensive plan as adopted by the Mayor and Council and currently in effect.
- B. Conformity with purpose and intent of the code: The proposed amendment is in accordance with the general purposes set forth in this ordinance and with intent and purpose statements set forth in district regulations and other City ordinances currently in effect.

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- C. Public interest and good zoning practices: The proposed amendment is justified on grounds of public necessity, public convenience, public health, the general welfare of the community, and with respect to the criteria established by [Section 13-7](#).

Section 13-7 Zoning amendment criteria

As a basis for any action amending the zoning text or the zoning map, the Mayor and Council shall consider the following criteria, among others, as appropriate to the circumstances of the case.

- A. Compatibility with the comprehensive plan and timing of development.
- B. Effect on public property.
- C. Availability of other land suitable for the proposed use without rezoning property; effect of rezoning on the balance of land uses.
- D. Suitability of the proposed use.
- E. Effect on adjacent property.
- F. Effect on public infrastructure, such as streets, water and stormwater, schools, and other public services.
- G. Economic viability of the current zoning.
- H. Length of time the property has been vacant as zoned.
- I. Other conditions affecting or affected by the use and development of the property.

Section 13-8 Application Requirements for Zoning Amendments

- A. No application shall be scheduled for a public hearing until all application materials have been submitted, the application fee has been paid, the Zoning Official determines that the application is complete, and has submitted his review or recommendation.
- B. Applications are required to be on forms supplied: Applications are required to be on zoning amendment forms supplied to prospective applicants by the city. Any other communication regarding an application shall be regarded as mere notice of intent to file or notice of intent to provide information on such form.
- C. Zoning amendment application requirements. All of the following information is required to be submitted along with the application.
 - 1. Survey of property showing metes and bounds, dated, with a north arrow, drawn to a scale of either one-quarter (1/4) inch equals one (1) foot, or one (1) inch equals ten (10) feet, or one (1) inch equals twenty (20) feet and showing the

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- location and names of adjacent streets. Such survey shall be prepared by a registered land surveyor, or registered professional engineer.
2. Description of uses or uses for each structure to be located on the site.
 3. Location and size of proposed structures, including the number of stories, height, and total floor area.
 4. Location and size of parking, loading, service, and ingress and egress areas.
 5. The specific types, materials, and horizontal and vertical dimensions of any walls, fences, planted buffers or visual screens.
 6. Materials list of exterior materials for each structure to be located on site.
 7. Architectural plans and elevation drawings of each facade of each structure to be located on site.
 8. The location and dimensions of any public sidewalks including location, size and types of street trees and any street furniture, and any sidewalks along the street frontage, or internal to the site.
 9. Location, dimension and design of any open space areas.
 10. Location and dimension of any required yards.
 11. Lot coverage area and pervious surface area, including calculations.
 12. Submitted plans certified: Such plans and structural elevations shall be prepared by a registered architect, registered landscape architect (RLA), professional engineer (PE), or a planner holding the designation of the American Institute of Certified Planners (AICP) and shall contain the signature and seal and/or state registration number by whom or under whose registration the plans were prepared. Such plans shall contain the following certification “I hereby certify that I am familiar with the Zoning Ordinance of the City of Pine Lake, as amended.
 13. Zoning amendment criteria addressed: The zoning amendment criteria must be addressed and attached to the zoning application.
 14. Submittal in triplicate: The zoning amendment application and attachments to such application shall be submitted in triplicate as required on the application form, or by the zoning official.
 15. Digital format required: When such applications are within the Commercial District, or for any commercial, office, or multi-family use, the plans shall be submitted in both print and digital format. Where such applications involve a property where an existing business has held a valid city business license since January 1, 2003, and no external change is anticipated to the property such digital format requirement may be waived by the zoning official.
 16. Additional information may be requested: The Mayor, the council, the zoning official, or other board or official appointed by the Mayor to review or make recommendation on rezoning applications, may request additional information as may be needed to complete such review or recommendation.

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Section 13-9 Changes made to amendments after proceedings begin

- A. Substantial changes in original proposals may be made prior to property postings and prior to publication of notice of public hearing, by mutual agreement between the Zoning Official and other affected parties, provided that where such changes require major alterations in reports or written transmittals from boards or city officials as required by the Mayor, a second application fee shall be required and a 30 day time extension on final decision shall be consented to by the applicant
- B. During consideration by the Mayor and Council of a proposed zoning amendment, no amendment shall be approved which differs substantially from the proposal on which the public hearing was held unless the proposed change is submitted to the Zoning Official and a new public hearing is advertised. Such additional review may be waived if the Zoning Official has been involved in the discussion of the proposed changes. An additional application fee shall be required for whenever a new public hearing is advertised, unless such fee is waived by the Mayor and Council.

Section 13-10 Denial of a zoning application

Applications proposing the rezoning of property that are denied by the Mayor and Council may not again be considered for rezoning of the same property until the expiration of a minimum of six (6) months immediately following the decision by Mayor and Council.

Section 13-11 Limitations on frequency of application affecting the same property

- A. Any application may be withdrawn without prejudice prior to the scheduled public hearings and there shall be no limitations on the time period for future applications affecting the same property.
- B. At such time as action is taken by Mayor and Council to amend the zoning of any property, no further application for any rezoning of the same property or portion of property involved shall be filed within a twelve (12) month waiting period, regardless of subsequent withdrawal or application by the applicant or action by the Mayor and Council.

Section 13-12 conditional zoning

Conditional zoning shall comply with the procedures of this article, and with the following additional procedures.

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- A. An approved site plan, which may be part of any condition of zoning, shall not be construed as authorization to violate of any terms or requirements of this zoning ordinance.
- B. Conditions attached to any approval shall be included in the ordinance approving the rezoning or shall be set out in full in the minutes.
- C. An applicant may apply for conditional zoning, and shall state so in the zoning application, however, the Mayor and Council may attach conditions to any zoning application.
- D. The Mayor and Council. may determine that a zoning amendment request is suitable for action only when certain conditions are attached to the amendment.
- E. When conditions related to a proposed site plan are proposed to be attached to the zoning amendment, Mayor and Council may request that all site plan requirements be provided by the applicant.
- F. All processes and procedures that apply to a zoning amendment also apply to conditional zoning, including but not limited to the following.
 - 1. All zoning amendment criteria apply: All criteria for considering a zoning amendment and all policies of the Mayor and Council regarding amendments shall be utilized by the Mayor and Council.
 - 2. Zoning application requirements apply: All applications for conditional zoning shall contain all elements required in an application for a zoning amendment, in addition to any conditional zoning requirements stated on the application form.
 - 3. Other conditions may be recommended by city boards or officials: When such conditional zoning application is subject to review and recommendation by any city board, or city official appointed by the Mayor, such board or official may recommend approval of the conditional zoning application as submitted, or may recommend denial of the application, or may recommend a change in conditions, as determined to be appropriate. The Mayor and Council may similarly adopt proffered conditions, modify proffered conditions, attach new or additional conditions or reject the application in its entirety.

Section 13-13 Rezoning of property proposed for annexation

The zoning of property to be annexed into Pine Lake shall proceed in the following manner:

- A. Mayor and Council shall comply with the procedures required by this ordinance for such zoning, except for the final vote of the Mayor and Council prior to adoption of

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the annexation ordinance or resolution or the effective date of any local Act, but no earlier than the date the notice of the proposed annexation is provided to the governing authority of the county as required under Code Section 36-36-6 of the State Code;

- B. The public hearing required by [Section 13-5](#) shall be conducted prior to annexation of the property into the city limits of Pine Lake;
- C. In addition to the other public notice requirements, the Mayor and Council shall cause to be published in a newspaper of general circulation within the boundaries of the county in which the property to be annexed is situated a notice of the hearing as required under the provisions of [Section 13-4](#) as applicable, of this ordinance and shall place a sign on the property when required by subsection (b) of such Code section; and
- D. The zoning classification approved by the Mayor and Council following the public hearing required by this Code section shall become effective on the later of the following:
 - 1. The date the zoning is approved by the municipality;
 - 2. The date the annexation becomes effective pursuant to Code Section 36-36-2; or
 - 3. Where a county has interposed an objection pursuant to Code Section 36-36-11, the date provided for in paragraph (8) of subsection (c) of that Code section.

Section 13-14. Administrative approval of minor site plan amendments

- A. Minor changes to any site plan that was approved by the Mayor and Council as part of a conditional zoning may be authorized by the zoning official, provided that the change in layout does not violate any of the conditions of the zoning; or result in the intrusion of a built element, such as a building, structure, paved area, walkway or drive, into a sidewalk area, yard, buffer, undeveloped space, or any open space that is shown on the site plan as next to a street or property line, or violate any requirements of the district in which the site is located.
- B. A minor change to a site plan shall not permit any increase in height of any building or structure by more than five (5) percent, any increase in square footage of any heated or livable space of any building or structure by more than five (5) percent, or any change in the number of parking spaces by more or less than five (5) percent. Additionally, a minor change shall not permit any decrease in the square footage of any required open space, any reduction of function of any approved sidewalk or trail, the removal of any sidewalk

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along the street frontage, or any relocation of any building or structure that is on a lot that is adjacent to but not within an R district such that the building is closer to an R district than is shown on the approved site plan.

- C. If for any reason the development or use of a property cannot be accomplished in accordance with the procedure outlined above, the site plan shall not be varied, altered or changed except after approval by the Mayor and Council. Applications for amendments to any approved site plan shall include all requirements of a rezoning application.

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Article 14 Appeals

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Section 14-1 Appeals taken

An appeal of any administrative action, including actions by the zoning official, may be taken to the Mayor and Council by any person, firm, corporation, officer, or bureau affected by a decision of the Mayor, city clerk, zoning official, or any city employee or Mayor appointed board or city official. Appeals must be filed within thirty (30) days from the day an action is taken, by filing with the city clerk. The City Clerk will notify the official from whom the appeal is taken, and such official shall forthwith transmit to the Zoning Official and the Mayor and Council the papers constituting the record upon which the appealed action was taken.

Section 14-2 Stay of proceedings

An appeal will stay all proceedings in furtherance of the appealed action, unless the Zoning Official certifies to the Mayor and Council, after the Notice of Appeal has been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings will not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

Section 14-3 Hearing

The Mayor and Council shall set a time and place for the hearing of the appeal and give due notice thereof to the parties no less than seven days in advance of the hearing date. The appellant may appear and testify at the hearing either in person or by duly authorized agent or attorney. The city clerk will notify the Zoning Official and any city official or board whose

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administrative decision is being appealed, of any such hearing, and require that official's attendance. Either side may produce witnesses and enter documents into the record. The Council is free at any point to pose questions of any witness or party. The hearing will be recorded by audio recording by the City. Should the appellant desire a court reporter, it is free to provide such a reporter at its own expense. Council may render its decision by vote at the close of hearing or may postpone its decision to another date, provided that Council shall render a decision on the appeal within 15 days of hearing.

Section 14-4 Findings sustaining an appeal

An appeal shall be sustained upon an expressed finding by the Mayor and Council that the administrative action was based upon an erroneous finding of a material fact, or that the action was taken in an arbitrary manner. Such findings shall be clearly stated in the minutes of the meeting at which the action is taken and shall be placed in the appeal record maintained by the city clerk and shall be available at city hall for public review.

Section 14-5 Majority vote required

A simple majority vote of an established quorum of the Mayor and Council, and a minimum of three (3) affirmative votes, is necessary to reverse any administrative order, requirement, decision or determination of the Zoning Official or city officer or board in favor of the applicant in any matter upon which it is authorized by these regulations to render a decision. The Mayor and Council shall make a decision within a ninety (90) day period from the date that the request for appeal is submitted.

Section 14-6 Administrative powers related to appeals

In exercising the above powers, Mayor and Council has the authority to reverse, modify, or affirm wholly or partly, any appealed administrative action taken by the Mayor, city clerk, Zoning Official or any board or city official appointed by the Mayor to take such administrative action and, to that end and only for the purpose of exercising above powers, will have all the administrative powers of the Mayor or other city official in acting upon appeals.

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Article 15 Administration, Building Permits and Enforcement

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Section 15-1 Zoning official

The Mayor shall authorize a zoning official, who shall be responsible for administering the zoning code: provided that the position may be filled by contract, in which case the contract requires approval of the Council.

Section 15-2 City clerk responsible for maintaining records at city hall

The city clerk shall maintain all records pertaining to the requirements of this ordinance. Such records include but are not be limited to all applications-related plans, all records of approval or refusal of applications, all certificates and permits, all administrative actions, all complaints and related actions taken, all violations discovered by whatever means, and all remedial action and disposition of cases. Such records shall be public records and shall be available in the office of the city clerk at city hall for public viewing in accordance with the Open Records Act. Records shall be organized according to year and month of issuance and shall clearly indicate subject street address and name of property owner. Other duties of the city clerk include maintaining and providing updated applications forms; receiving applications; acquiring and maintaining current records; and providing records as required or requested by the courts, or by a county, state or federal government agency or department.

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Section 15-3 Duties of city officers and employees regarding enforcement

- A. It shall be the duty of all officers and employees of the city and especially all members of the police department, to assist in enforcement by reporting to the code enforcement officer, under the jurisdiction of the police department, any seeming violation of any zoning provision or use of property. Police officers and employees shall further assist by, when reasonably possible, providing the type of seeming violation and address of violation on a code violation form available to city employees.
- B. Complaints shall be promptly investigated by the code enforcement officer and findings shall be reported and attached to the code violation form. If any of the provisions of this ordinance have been violated, the code enforcement officer shall notify the property owner or person responsible for such violation in writing, indicating the nature of the violation and ordering the necessary correcting action, including the time frame for the completion of corrective action.

Section 15-4 Required fees

- A. All fees charged for applications, permits and certificates regulated by this ordinance shall be in accordance with the fee schedule then in effect.
- B. The Mayor proposes the fee schedule to the Mayor and Council, to cover city costs: In connection with the administration of this ordinance, the Mayor shall cause to be established a fee schedule, including charges and expenses, to be approved by the Mayor and Council, to cover costs generally involved in advertising, posting, mailing notices, reviewing, processing, inspecting, or other actions in the particular class of cases involved. Such fees, charges and expenses shall be payable to the city by applicants who request city actions, or by those who utilize certain city property or equipment, to be applied against such costs.
- C. Annual review of fee schedule: A review of the fee schedule shall be conducted annually by the Mayor in conjunction with the city clerk and the zoning official, and any area where fees do not generally reflect administrative and other city costs shall be reported to the Mayor.
- D. Mayor and Council approves fee schedule: The Mayor may propose changes in the fee schedule to Mayor and Council for action by ordinance, provided however that there shall be no less than a six (6) month period between changes to any previously established fee schedule.
- E. Applications not processed until outstanding fees and assessments are paid: Before the processing of any type of application shall commence, including any request or application for a rezoning, variance, building permit, occupancy permit, or any other type of city permit, fees must be paid in full related to such application as provided in the fee schedule. In

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addition, all outstanding and past due fees, property taxes, and other bills and lawful assessments pertaining to the subject property must be paid in full before any application is processed.

Section 15-5 Building permits must conform to zoning ordinance

- A. The Zoning Official is responsible for determining whether applications for buildings permits are in compliance with the requirements of the zoning ordinance.
- B. No building permits and no permit for grading, excavation or any other type of construction or land disturbance shall be issued by the City before the Zoning Official certifies thereon that the plans, specifications, and intended use conform to applicable zoning regulations and all provisions of this ordinance.

Section 15-6 Conditional zoning and variances apply to all permits

When any building permit, certificate of occupancy or special use permit is issued on property, and when such property has a conditional zoning or an approved variance or previously approved permits, the Zoning Official shall confirm compliance with the use, arrangement and construction set forth in such conditional zoning, approved variance, or previous special use permits, including any plans, written conditions or safeguards attached thereto. Failure of the property owner to observe any such conditions, plans, or safeguards shall be considered a violation of this ordinance.

Section 15-7 Penalties for violation

- A. Any person violating any provision of this ordinance shall be guilty of an offense and, upon conviction, shall be fined not more than one thousand (\$1,000) dollars, or imprisoned for not more than one hundred eighty (180) days or both for each offense, which is the maximum fine that the State of Georgia allows jurisdictions to impose. Each day that such violation continues shall constitute a separate offense.
- B. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, engineer, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- C. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

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Section 15-8 Additional remedies for violations

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of this ordinance; or if any building, structure or land is used in violation of this ordinance; the Mayor, council, zoning official, building inspector, or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate legal action in proceeding to stop the violation.

Section 15-9 Prosecution under prior zoning

Any prosecution arising from violation of a prior zoning that is superseded or repealed by these regulations or amendment hereof, shall be tried and determined as though such prior zoning had not been superseded, when such prosecution is pending at the effective date of enactment or amendment, or when such prosecution began within one (1) year after such effective date in consequence of violation of prior zoning regulations.

Article 16 General and Supplementary

Section 16-1 Measurements taken horizontally and vertically

Section 16-2 Accessory Building Standards

Section 16-3 Location of structures and landscaping for convenient access

Section 16-4 Building setbacks

Section 16-5 Height exclusions and special exception for increased height

Section 16-6 Parking space requirements

Section 16-7 Antennas

Section 16-8 Prohibited outdoor storage of junked motor vehicles and equipment

Section 16-1 Measurements taken horizontally and vertically

Measurements such as yard depth and open space depth shall be measured horizontally in relation to the ground measurement, and perpendicular in relation to where walls or structures intersect with the horizontal ground measurement.

Section 16-2 Accessory Building Standards.

The following standards shall pertain to all accessory buildings:

- A. The accessory use or building shall not be injurious to the use and enjoyment of surrounding properties.
- B. Accessory buildings and structures shall be subordinate in scale to the principal dwelling.
- C. Accessory buildings, including detached garages, shall be permitted on any lot used for residential purposes in an R-1, Commercial or Transitional District, subject to the following limitations:
 1. *Placement*
 - a. *Located on a lot with a principal dwelling.* An accessory building shall only be located on the same lot as the principal dwelling to which it is accessory.
 - b. *Setback dependent on distance from dwelling.* An accessory building located within twenty (20) feet of the principal dwelling shall comply with the setback of the principal dwelling to which it is accessory. Accessory buildings located twenty (20) feet or more to the rear of the principal dwelling may be placed within five (5) feet of an interior side or rear lot line.
 - c. *Setback on corner lot.* The street side yard setback of accessory buildings located on a corner lot shall be equal to the front yard setback for the principal

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dwelling. No accessory building on a corner lot that adjoins a residentially used or zoned lot to the rear shall be located within 25 feet of the rear property line. This 25-foot setback will not be required when the adjoining yard is a rear yard.

- d. *Setback for attached garages.* Attached garages shall be set back a minimum of four (4) feet to the rear of the front facade of the principal building.
 - e. *Ordinance setbacks otherwise remain in effect.* Except as herein provided, the minimum setback requirements this Ordinance shall also apply to accessory buildings.
 - f. *Minimum distance from principal dwelling.* No accessory building, including detached garages, shall be located less than 10 feet from the principal dwelling.
2. Height
 - a. *Scale of accessory buildings.* The height of an accessory building shall not exceed 24 feet or the height of the principal dwelling, whichever is less.
 3. Floor Area
 - a. *Maximum Floor Area.* The floor area of an accessory structure shall include all floor area, whether or not such area is heated, and shall not exceed 40 percent of the floor area of the principal dwelling. When more than one accessory building or structure is established on a lot, the maximum total floor area of all accessory buildings and structures on the lot shall not exceed 40 percent of the floor area of the principal dwelling.
 4. Number of Accessory Buildings.
 - a. No more than two (2) accessory buildings shall be established on any lot.
 5. Architectural Style and Exterior Finish
 - a. *Compatibility with principal dwelling.* Accessory buildings shall be architecturally compatible with the principal dwelling on the lot. The exterior finish of all accessory buildings shall be compatible with the exterior finish of the principal dwelling on the lot. In the case of brick dwellings, the exterior finish of the accessory building may be similar to the trim work or other siding materials of the dwelling.
 6. Use
 - a. *Limitations on commercial use.* No accessory building shall be used for operation of any business, except as permitted under regulations for home occupations. No commercial or industrial use, including storage, shall be permitted in any residential accessory building.
 - b. *Permitted uses.* Accessory buildings may be used as home offices or studio space, garden or greenhouses, pool houses and similar customary accessory uses to a residential use provided all other applicable codes are met.

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- c. *Accessory structures not deemed accessory buildings.* Outdoor cooking facilities, patios, gazebos, arbors, fireplaces, trash receptacle enclosures and other such accessory structures shall be exempt in calculating the maximum number of accessory buildings on a lot.

7. Accessory Dwelling Standards:

Accessory dwellings may be established in accessory buildings or within the principal dwelling. All accessory building standards and the following additional standards shall apply to accessory dwellings:

- a. *Limit as to number.* No more than one (1) accessory dwelling may be established on a residential lot.
- b. *Maximum allowable floor area.* No accessory dwelling shall have a floor area greater than that of the principal dwelling.
- c. *Loss of status as an accessory dwelling.* When the floor area of any accessory dwelling exceeds the allowable floor area, such dwelling unit is deemed a nonconforming building. When such a dwelling unit is located within the principal dwelling, the dwelling shall be defined as a duplex.
- d. *Off-Street Parking.* One (1) parking space conforming to all other parking standards of this Ordinance shall be provided on the same lot on which the accessory dwelling is established. Such parking may be on a parking pad, under a carport or in a garage and shall be in addition to the parking required for the principal dwelling.
- e. *Dedicated access for In-home home accessory dwelling.* A dedicated entrance to an in-home accessory dwelling shall be provided that does not require access through any portion of the principal dwelling. Such access shall not be by way of any portion of the front of the principal dwelling.
- f. *Accessory dwelling unit amenity.* An outdoor seating area such as a porch, deck, terrace, balcony, lawn or garden having a minimum area 288 square feet shall be provided for the exclusive use the occupant(s) of the accessory dwelling unit at any time.

8. Carport Standards

All accessory building standards and the following additional standards shall apply to carports:

- a. *Limit as to number and size.* A single carport shall be permitted having a maximum capacity of two (2) passenger vehicles.
- b. *Maximum height.* The maximum height of a carport shall be twelve (12) feet.

9. Permitting Schedule

- a. *Permit required.* A building permit shall be required for the construction, erection or set-up of any accessory building on a lot. No permit for an

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accessory building shall be issued prior to issuance of a permit for construction of the principal dwelling. Such permits may be issued concurrently.

- b. A separate Certificate of Occupancy shall be required for the construction, erection or set up of any accessory building in excess of 200 square feet. The C.O. for the principal dwelling must be issued prior to issuance of a C.O. for an accessory building.

10. Construction Standards.

- a. Any accessory building having a floor area greater than 144 square feet shall be secured to the ground with a full perimeter foundation. Accessory buildings must comply with adopted fire safety and building code regulations.
- b. *Prohibited accessory and temporary buildings or structures.* Manufactured homes, mobile homes, freight trailers, boxcars, trailers, shipping containers, temporary storage buildings or any other structure or vehicle not originally fabricated for use as an accessory building shall be prohibited as an accessory building.
- c. *Accessory structure standards.* All accessory structures shall be subject to the accessory building setback standards and shall not exceed 144 square feet in area.

Section 16-3 Location of structures and landscaping for convenient access

In addition to minimum yard and building requirements specified in this ordinance, all buildings and other structures, and all landscaping, shall be located and arranged on lots as to provide safe and convenient access for fire protection, servicing, pedestrian entrances and off-street parking located on the premises.

Section 16-4 Building setbacks

- A. Building setbacks may only be reduced from the district setback requirements in accordance with the procedures and criteria set forth in [Article 12, Variances](#) of this ordinance.
- B. Building setbacks must conform to setback conditions of zoning and other actions: On lots where increased setback distances from property lines or required sidewalks to

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buildable boundaries have been legally established through zoning conditions, variance, or special use permit conditions, which increased setbacks are greater than setbacks generally establish for that district, such legally established setbacks shall govern in determining boundaries of buildable areas.

- C. Within a block between intersecting streets where more than fifty (50) percent of the lots, and fifty (50) percent of the total block street frontage, have primary structures that are closer to the street than the required front yard setback for that district, the front yard setback requirement for proposed new structures within that block may be reduced to the average existing building setback for that block, but no less than fifty (50) percent of the required front yard setback for that district, and not impeding upon any required sidewalk area. Such reduction in setback shall be established by the city zoning official, recorded as such on the approved building permit, and filed in the office of the city clerk.
- D. Temporary structures, such as dog houses, play houses, or storage structures, are permitted to be located within side and rear yard setback areas, have no permanent footings or foundations, are not used for storage of vehicles, are no taller than eight (8) feet in height from the average ground elevation to the highest point of the structure, no larger than two hundred (200) feet square feet in floor area, and are not attached to a wall, fence, deck, or any permanent structure.
- E. Decks are considered to be permanent structures and require approval by the zoning official. Decks are permitted within building setback areas when such decks are no more than thirty (30) inches above ground level at any point, and when decks have no attached bench or other structure, other than required railings, that is taller than twenty-four (24) inches above the deck walking surface. Decks remain subject to lot coverage restrictions.
- F. Limitations on projections into required rear and side yard setbacks within districts other than R districts:
 - 1. Eaves, sills, belt courses, cornices, bays, chimneys, stoops, steps, decks, and ornamental features, are allowed to project no more than thirty (30) inches into any required yard setback area, except when projections are otherwise allowed.
 - 2. Flues, ducts, pipes, energy generation devices, air conditioners, and the like are allowed to project no more than thirty (30) inches into any required side or rear yard setback area, except when such yard is adjacent to any R district, and unless projections are otherwise prohibited.

Section 16-5 Height exclusions and special exceptions for increased height

- A. Excluded portion of structures: Except as specifically provided in district regulations, the height limitations of this ordinance shall not apply to the following when located in districts other than R districts.

Zoning Ordinance of the City of Pine Lake

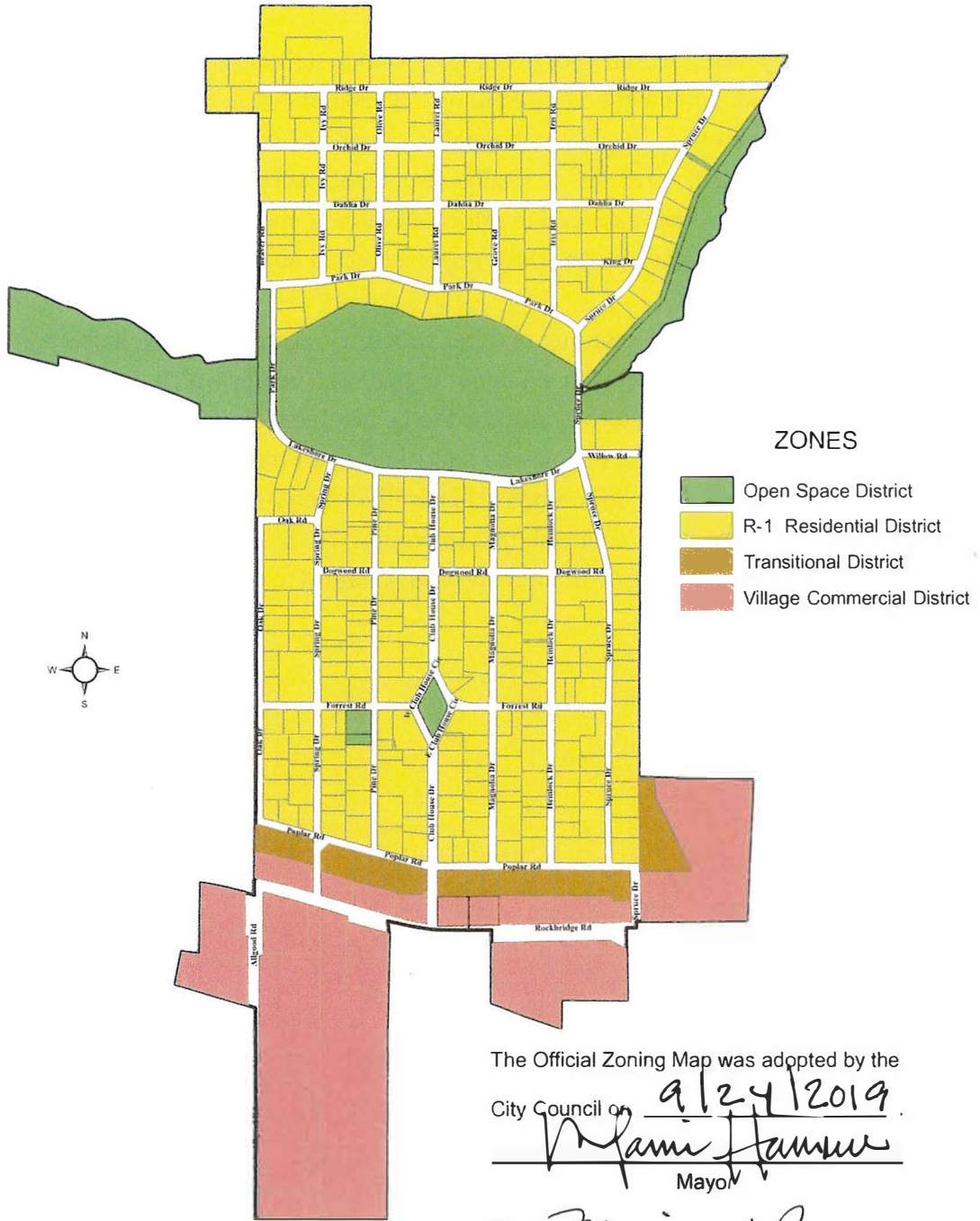
1. Any roof structures for housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building.
 2. Water towers, skylights, flagpoles, chimneys, smokestacks, silos, energy generation structures or similar structures; except that structures may not be taller than reasonably needed to effectively function and operate.
 3. Fire walls and parapet walls may be erected no more than eight (8) feet above the height limit.
- B. Aviation hazards: No building or other structure, regardless of excluded portions of structures, shall be located in a manner or built to a height which constitutes a hazard to aviation. Where a structure is proposed to be in a location or to be built to a height that the Zoning Official believes may be hazardous to air traffic, such structure shall not be erected without certification from the DeKalb County Board of Aviation, or its successor in function if its title is changed, that as proposed to be located, constructed and equipped, such structure will not constitute a hazard to air traffic

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Exhibit B

Zoning Ordinance of the City of Pine Lake

Official Zoning Map of the City of Pine Lake



NOTE: Parcel boundaries are based on data provided by the DeKalb County, Georgia, GIS Department and are not guaranteed by the City of Pine Lake to be accurate.

The Official Zoning Map was adopted by the

City Council on 9/24/2019

Mami Hamner
Mayor

Attest: Missye Varner

City Clerk - Acting City Clerk