



Tyrone Planning Commission Agenda

November 14, 2019

7:00 PM

Planning Commission

David Nebergall
Chairman

Dia Hunter
Vice-Chairman

Jeff Duncan
Commissioner

Carl Schouw
Commissioner

Scott Bousquet
Commissioner

Staff

Phillip Trocquet
Planning &
Development
Coordinator

Patrick Stough
Town Attorney

Meeting Information

2nd & 4th Thursday
of each month

881 Senoia Road
Tyrone, Ga 30290
770-487-4038
www.tyrone.org

I. Call to Order

II. Approval of Agenda

III. Approval of Minutes from September 12th, 2019

IV. Public Hearing

- 1.** To consider text amendments to the following sections of the Town of Tyrone Zoning ordinance. **Phillip Trocquet, Planning & Development Coordinator.**
 - a.** To consider a text amendment to Section 113-128, pertaining to the "Downtown Commercial (C-1) District" of Article V of the Zoning Ordinance, to add "Churches and other places of worship" to the permitted uses section.
 - b.** To consider a text amendment to Section 113-129, pertaining to the "Highway Commercial (C-2) District" of Article V of the Zoning Ordinance, to add "Churches and other places of worship" to the permitted uses section.
 - c.** To consider a text amendment to Section 113-137, pertaining to the "Town Center Mixed Use (TCMU) District" of Article V of the Zoning Ordinance, to amend language under subsection (b) "Requirements for a Town Center Mixed-Use district" regarding the boundary location in which the TCMU district can be applied.
 - d.** To consider a text amendment to Section 113, pertaining to all residential zoning districts (AR, CR-2, CR-3, R-20, R-18, R-12, DR, TR, RMF, & MHP) of article V of the Zoning Ordinance, to remove "Customary Home Occupations" from the permitted uses section of each residential district and to add "Customary Home Occupations" to the conditional use section of each residential district listed.

- e. To consider a text amendment to Section 113, pertaining to all residential zoning districts (AR, CR-2, CR-3, R-20, R-18, R-12, DR, TR, RMF, & MHP) of article V of the Zoning Ordinance, to remove “Accessory Uses and Structures” from the permitted uses section of each residential district and to add “Accessory Structures” to the conditional use section of each residential district listed.

V. New Business

VI. Staff Comments

VII. Commission Comments

VIII. Adjournment



Town of Tyrone
Cover Sheet- 11/14/2019
Contact: pprocquet@tyrone.org

Subject: Text Amendment updates to add churches, rectify residential conditional uses, and rectify boundary issues for the TCMU zoning district

A. Background: The Town of Tyrone's zoning ordinance has undergone a few amendments and revisions since its original adoption in the 70's. There are, however, a few inconsistencies that staff has identified that require Planning Commission and Council attention. This is not an exhaustive list of rectifications and inconsistencies that staff would like to amend.

B. Summary: The explanation for each proposed amendment is listed below

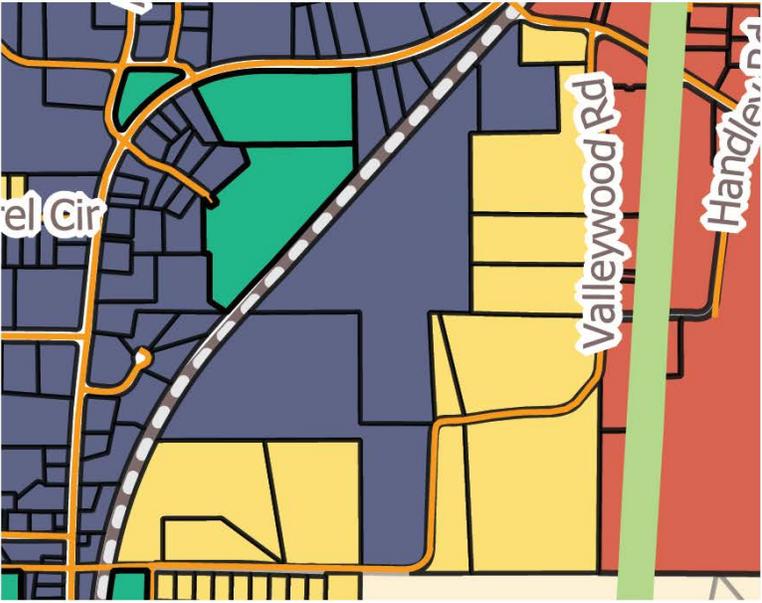
- i. The first two text amendments recommend the addition of churches to the C-1 (Downtown Commercial) and C-2 (Highway Commercial) zoning districts. The reason for this is that both districts currently permit other assembly uses. Since these districts allow other assembly uses such as banquet halls and events venues, it presents a legal inconsistency to exclude churches as an appropriate and permitted use. The other option would be to exclude assembly uses altogether from these districts. Staff does not recommend this action as assembly uses are important to the business makeup of the Town and they currently exist in both of these districts.
- ii. The next proposed amendment is for the rectification of the boundary in which a TCMU district can be applied. The proposed language change is below:

From: *The boundaries of each TCMU Development shall be as shown on the zoning map and shall correspond with the adopted development plan and be located within the Town's Town Center District Character area.*

To: *The boundaries of each TCMU Development shall be as shown on the zoning map and shall correspond with the adopted development plan and be located within the Town's Town Center District Character area or within one of the following areas: (1) that area consisting of parcels of property lying north and west of Valleywood Road, east of the CSX rail line, and south of Tyrone Road; and (2) that area consisting of parcels of property bounded by Valleywood Road on the west, Highway 74 on the east, and Tyrone Road on the north.*

The reason for this proposed language change is to better define the boundary in which the TCMU district can be applied. Currently, the Town Center Character area extends beyond the CSX Rail crossing, but is parcel based and only in a limited area. The proposed language shifts the border from being parcel-based to being based on the boundary of roads and Town R/W. This is a more permanent and consistent boundary that staff believes captures the intent of the Comp Plan to extend the Town Center Character Area beyond the RR crossing.

Current Language Boundary (in Blue)



Proposed Language Area Added (outlined in red)



- iii. The last two text amendments resolve an issue with items being listed as permitted uses within a residential district, when they have conditions in the conditional use section of the ordinance. Both accessory structures and customary home occupations have a variety of conditions in the conditional use section. As such, they should be listed under conditional uses, not permitted uses, in each residential zoning district.

C. Recommendation

Staff Recommends Approval

D. Redlined Ordinance Exhibits

Exhibit A
Residential Conditional
Uses
&
Commercial Church
Addition

ARTICLE V. - DISTRICT REGULATIONS

Sec. 113-115. - Permitted uses and district standards.

Within the various zoning districts as described in this chapter and shown on the official zoning map, no land, building or structure shall be used except in accordance with the uses and standards permitted within each district.

Sec. 113-116. - Agricultural residential district (AR).

(a) Permitted uses:

- (1) Agricultural;
- (2) Farm operations (February 6, 2014);
- (3) Parks (February 6, 2014);
- (4) Riding stables (February 6, 2014); and
- (5) Single-family dwellings.

(b) Conditional uses (see article VII):

- (1) Bed and breakfasts;
- (2) Child caring institutions (June 6, 2013);
- (3) Community living arrangements (June 6, 2013);
- (4) Day care services;
- (5) Group homes (June 6, 2013);
- (6) Kennels;
- (7) Livestock;
- (8) Outdoor rifle, pistol, skeet or archery ranges;
- (9) Personal care homes (June 6, 2013);
- (10) Pet cemeteries;
- (11) Plant nurseries;
- (12) Public utility facilities;
- (13) Religious institutions; and
- (14) Telecommunication antennas and towers.
- (15) Accessory uses and structures;
- (16) Customary home occupations;

(c) Development standards:

- (1) Minimum lot area—Three acres;
- (2) Minimum lot width—250 feet;
- (3) Yard setbacks:
 - a. From all streets—100 feet
 - b. Side yard setbacks—50 feet;
 - c. Rear yard setbacks—50 feet;

- (4) Maximum height of structures—35 feet; and
- (5) Minimum square footage of the principal structure—1,200 square feet.

(Revised February 6, 2014)

Sec. 113-117. - Conservation residential district (CR-2).

(a) *Permitted uses* :

~~(1) Accessory uses and structures;~~

~~(2) Customary home occupations;~~

(3) Community facilities (homeowners' association recreation centers or swimming pools; parks; public uses; and public utility facilities); and

(4) Single-family dwellings.

(b) *Conditional uses (see article VII)* :

(1) Beds and breakfasts;

(2) Community living arrangements (June 6, 2013);

(3) Group homes (June 6, 2013);

(4) Personal care homes (June 6, 2013); and

(5) Religious institutions (October 18, 2007).

~~(6) Accessory uses and structures;~~

~~(7) Customary home occupations;~~

(c) *Development standards* :

(1) Minimum lot area—Two acres;

(2) Minimum lot width at building line—250 feet;

(3) Yard setbacks:

a. From all streets—100 feet;

b. Side yard setbacks—20 feet;

c. Rear yard setbacks—50 feet;

(4) Maximum height of structures—35 feet;

(5) Minimum square footage of principal structure—1,800 square feet; and

(6) Maximum lot coverage—25 percent.

(Revised June 6, 2013)

Sec. 113-118. - Conservation residential district (CR-3).

(a) *Permitted uses* :

~~(1) Accessory uses and structures;~~

~~(2) Customary home occupations;~~

(3) Community facilities (homeowners' association recreation centers or swimming pools; parks; public uses; and public utility facilities); and

- (4) Single-family dwellings.
- (b) *Conditional uses (see article VII)* :
 - (1) Beds and breakfasts;
 - (2) Community living arrangements (June 6, 2013);
 - (3) Group homes (June 6, 2013);
 - (4) Personal care homes (June 6, 2013); and
 - (5) Religious institutions (October 18, 2007).
 - (6) ~~Accessory uses and structures;~~
 - (7) ~~Customary home occupations;~~
- (c) *Development standards* :
 - (1) Minimum lot area—Three acres;
 - (2) Minimum lot width at building line—150 feet;
 - (3) Yard setbacks:
 - a. From all streets—100 feet;
 - b. Side yard setbacks—20 feet;
 - c. Rear yard setbacks—50 feet;
 - (4) Maximum height of structures—35 feet;
 - (5) Minimum square footage of principal structure—2,000 square feet; and
 - (6) Maximum lot coverage—25 percent.

(Revised June 6, 2013)

Sec. 113-119. - R-20.

- (a) *Permitted uses* :
 - ~~(1) Accessory uses and structures;~~
 - ~~(2) Customary home occupations;~~
 - (3) Community facilities (parks; public uses; and public utility facilities); and
 - (4) Single-family dwellings.
- (b) *Conditional uses (see article VII)* :
 - (1) Beds and breakfasts;
 - (2) Community living arrangements (June 6, 2013);
 - (3) Group homes (June 6, 2013);
 - (4) Homeowners' association recreation centers or swimming pools; and
 - (5) Personal care homes (June 6, 2013).
 - (6) ~~Accessory uses and structures;~~
 - (7) ~~Customary home occupations;~~
- (c) *Development standards* :

- (1) Minimum lot area—One acre;
- (2) Minimum lot width at building line—125 feet;
- (3) Yard setbacks:
 - a. From a major or minor thoroughfare—80 feet;
 - b. From a residential street—55 feet;
 - c. Side yard setbacks—15 feet;
 - d. Rear yard setbacks—30 feet;
- (4) Maximum height of structures—35 feet;
- (5) Minimum square footage of principal structure—2,000 square feet; and
- (6) Maximum lot coverage—25 percent (November 20, 1997).

(Revised June 6, 2013)

Sec. 113-120. - R-18.

(a) *Permitted uses* :

- (1) Accessory uses and structures;
- (2) Customary home occupations;
- (3) Community facilities (homeowners' association recreation centers or swimming pools; parks; public uses; and public utility facilities); and
- (4) Single-family dwellings.

(b) *Conditional uses (see article VII)* :

- (1) Community living arrangements (June 6, 2013);
- (2) Group homes (June 6, 2013);
- (3) Personal care homes (June 6, 2013); and
- (4) Religious institutions (October 18, 2007).

(c) *Development standards* .

- (1) Minimum lot area—One acre;
- (2) Minimum lot width at building line—125 feet;
- (3) Yard setbacks:
 - a. From a major or minor thoroughfare—80 feet;
 - b. From a residential street—55 feet;
 - c. Side yard setbacks—15 feet;
 - d. Rear yard setbacks—30 feet;
- (4) Maximum height of structures—35 feet;
- (5) Minimum square footage of principal structure—1,800 square feet; and
- (6) Maximum lot coverage—25 percent.

(Revised June 6, 2013)

Sec. 113-121. - R-12.

(a) *Permitted uses* :

~~(1) Accessory uses and structures;~~

~~(2) Customary home occupations;~~

(3) Community facilities (parks; public uses; and public utility facilities); and

(4) Single-family dwellings.

(b) *Conditional uses (see article VII)* :

(1) Community living arrangements (June 6, 2013);

(2) Group homes (June 6, 2013);

(3) Homeowners' association recreation centers or swimming pools;

(4) Personal care homes (June 6, 2013); and

(5) Religious institutions (October 18, 2007).

~~(6) Accessory uses and structures;~~

~~(7) Customary home occupations;~~

(c) *Development standards* :

(1) Minimum lot area—One acre;

(2) Minimum lot width at building line—125 feet;

(3) Yard setbacks:

a. From a major or minor thoroughfare—80 feet;

b. From a residential street—55 feet;

c. Side yard setbacks—15 feet;

d. Rear yard setbacks—30 feet;

(4) Maximum height of structures—35 feet;

(5) Minimum square footage of principal structure—1,200 square feet; and

(6) Maximum lot coverage—25 percent.

(Revised June 6, 2013)

Sec. 113-122. - Duplex residential (DR).

(a) *Permitted uses* :

~~(1) Accessory uses and structures;~~

~~(2) Customary home occupations;~~

(3) Community facilities (parks; public uses; and public utility facilities); and

(4) Two-family dwellings (duplexes).

(b) *Conditional uses (see article VII)* :

(1) Community living arrangements (June 6, 2013);

(2) Group homes (June 6, 2013);

- (3) Homeowners' association recreation centers or swimming pools;
 - (4) Personal care homes (June 6, 2013); and
 - (5) Religious institutions (October 18, 2007).
 - (6) ~~Accessory uses and structures;~~
 - (7) ~~Customary home occupations;~~
- (c) *Development standards* :
- (1) Minimum lot area—One acre;
 - (2) Minimum lot width at building line—125 feet;
 - (3) Yard setbacks:
 - a. From a major or minor thoroughfare—80 feet;
 - b. From a residential street—65 feet;
 - c. Side yard setbacks—15 feet;
 - d. Rear yard setbacks—30 feet;
 - (4) Maximum height of structures—35 feet;
 - (5) Minimum square footage of principal structure—2,000 square feet, with a minimum of 1,000 square feet per side;
 - (6) Maximum lot coverage—25 percent; and
 - (7) Where lot adjoins a single-family residential or the AR zoning district—25-foot buffer (June 21, 2001).

(Revised June 6, 2013)

Sec. 113-123. - Traditional residential district (TR).

- (a) *Permitted uses* :
- ~~(1) Accessory uses and structures;~~
 - (2) Community facilities (homeowners' association recreation centers or swimming pools; parks; public uses; and public utility facilities);
 - ~~(3) Home occupations; and~~
 - (4) Single-family dwellings.
- (b) *Conditional uses (see article VII)* :
- (1) Community living arrangements (June 6, 2013);
 - (2) Group homes (June 6, 2013); and
 - (3) Personal care homes (June 6, 2013).
 - (4) ~~Accessory uses and structures;~~
 - (5) ~~Customary home occupations;~~
- (c) *Development standards* :
- (1) Minimum development acreage—Ten acres;
 - (2) Open space—Ten percent, dedicated to the homeowners' association;

- (3) Minimum lot area—One acre;
 - (4) Minimum lot width at building line—100 feet;
 - (5) Yard setbacks:
 - a. From all streets—50 feet;
 - b. Side yard setbacks—10 feet;
 - c. Rear yard setbacks—20 feet;
 - (6) Maximum height of structures—35 feet;
 - (7) Minimum square footage of principal structure—1,200 square feet; and
 - (8) Maximum lot coverage—35 percent.
- (d) *Architectural reference* :
- (1) *Entrances* . All dwellings shall have a front porch equal to three-fourths the length of the street-facing wall. A minimum front porch depth of five feet is required.
 - (2) *Building materials* .
 - a. For principal structures, allowable building materials (not including trim/accent) along the front and side facades are limited to the following:
 - (i) Brick;
 - (ii) Brick veneer;
 - (iii) Stone;
 - (iv) Architectural precast concrete; and
 - (v) Natural wood and/or cement-based wood siding.
 - b. There shall be no more than two building materials used (not including trim/accent materials).
 - c. Colors for the building materials shall be limited to earth tones, pastels and/or neutral tones (April 16, 2009).

(Revised June 6, 2013)

Sec. 113-124. - Residential multi-family district (RMF).

- (a) *Permitted uses* :
 - ~~(1) Accessory uses and structures;~~
 - (2) Community facilities (parks; public uses; and public utility facilities);
 - ~~(3) Home occupations; and~~
 - (4) Multi-family dwelling units.
- (b) *Conditional uses (see article VII)* :
 - (1) Child caring institutions (June 6, 2013);
 - (2) Community living arrangements (June 6, 2013);
 - (3) Group homes (June 6, 2013);
 - (4) Homeowners' association recreation centers or swimming pools;
 - (5) Personal care homes (June 6, 2013); and

- (6) Religious institutions (October 18, 2007).
 - (7) Accessory uses and structures;
 - (8) Customary home occupations;
- (c) *Development standards* :
- (1) Minimum lot area—Five acres;
 - (2) Minimum lot width at building line—300 feet;
 - (3) Yard setbacks:
 - a. From a major or minor thoroughfare—70 feet;
 - b. From a residential street—65 feet;
 - c. Side yard setbacks—40 feet;
 - d. Rear yard setbacks—40 feet;
 - (4) Maximum height of structures—35 feet;
 - (5) Minimum square footage—1,000 square feet per dwelling unit;
 - (6) Open space—50 percent;
 - (7) Maximum density—Four dwelling units per acre; and
 - (8) Where development adjoins a single-family residential or the AR zoning district—50-foot buffer (June 21, 2001).

(Revised June 6, 2013)

Sec. 113-125. - Manufactured home park district (MHP).

- (a) *Permitted uses* :
- ~~(1) Accessory uses and structures;~~
 - (2) Community facilities (public uses; and public utility facilities);
 - ~~(3) Home occupations;~~
 - (4) Mobile homes and mobile home parks; and
 - (5) Mobile home as an accessory structure to be used for security purposes.
- (b) *Conditional uses (see article VII)* :
- (1) Community living arrangements (June 6, 2013);
 - (2) Group homes (June 6, 2013);
 - (3) Homeowners' association recreation centers or swimming pools; and
 - (4) Personal care homes (June 6, 2013).
 - (5) Accessory uses and structures;
 - (6) Customary home occupations;
- (c) *Development standards for manufactured home park* :
- (1) Minimum lot area—Ten acres;
 - (2) Minimum lot width at the building line—400 feet;
 - (3) Yard setbacks:

- a. From major thoroughfare—250 feet;
 - b. From minor thoroughfare—150 feet;
 - c. From collector—100 feet;
 - d. Side yard setbacks—40 feet;
 - e. Rear yard setbacks—40 feet;
- (4) Maximum height of structures—35 feet; and
 - (5) Where manufactured home park adjoins a single-family residential or the AR zoning district—50-foot buffer (June 21, 2001).
- (d) *Developmental standards for individual manufactured homes :*
- (1) Minimum lot area—10,000 square feet;
 - (2) Minimum lot width—50 feet;
 - (3) Yard setbacks:
 - a. Side yard setbacks—Seven and one-half feet;
 - b. Rear yard setbacks—Seven and one-half feet; and
 - (4) Maximum height of structures—35 feet.

(Revised June 6, 2013)

Sec. 113-128. - Downtown commercial district (C-1).

(a) *Permitted uses* :

- (1) Accounting, auditing and bookkeeping services;
- (2) Advertising agencies;
- (3) Adult day care;
- (4) Amphitheaters;
- (5) Antique stores;
- (6) Apparel and accessory stores (including dressmaker and tailor);
- (7) Appraisers;
- (8) Art galleries;
- (9) Art studios;
- (10) Assembly halls;
- (11) Attorneys;
- (12) Automobile claims adjuster;
- (13) Auditoriums;
- (14) Bail bonding services;
- (15) Bakeries, retail;
- (16) Banquet halls;
- (17) Barbershops and beauty shops;
- (18) Bicycle repair shops;
- (19) Blood donor stations;
- (20) Blueprinting and photocopying services;
- (21) Book and stationery stores;
- (22) Bowling alley;
- (23) Business agents and brokers;
- (24) Business service support establishments;
- (25) Camera and photographic supply stores;
- (26) Carryout/delivery establishments;
- (27) Catalog mail order stores;
- (28) Caterers;
- (29) Cigar stores and stands;
Churches and other places of worship
- (30) Clerical;
- (31) Collection services;
- (32) Commercial photography, art and graphics offices;
- (33) Computer or data processing offices;

- (34) Convention or exhibition halls;
- (35) Counseling and guidance services;
- (36) Credit reporting services;
- (37) Dance schools;
- (38) Delicatessen and gourmet food stores (with incidental catering);
- (39) Dental care services;
- (40) Detective agency and protective services (excluding armored cars and animal rental);
- (41) Dinner theatres;
- (42) Doctors/physicians' offices;
- (43) Drafting services;
- (44) Drugstores;
- (45) Eating establishments, when accessory to a permitted use;
- (46) Electric transformer stations, gas regulator stations and telephone exchanges;
- (47) Employment agencies;
- (48) Engineering, planning and architectural offices;
- (49) Fabric shops;
- (50) Farm and garden supply stores;
- (51) Finance, insurance and real estate institutions;
- (52) Florists;
- (53) Food specialty shops (ice cream, coffee, soda fountain);
- (54) Furniture, home furnishing and appliance stores;
- (55) General building contractors;
- (56) Gift, novelty and souvenir stores (excluding adult novelty);
- (57) Glass sales;
- (58) Grocery stores limited to a floor area not exceeding 5,000 square feet;
- (59) Gyms;
- (60) Hardware sales;
- (61) Historical society/welcome, information centers;
- (62) Hobby, toy and game shops;
- (63) Hotels;
- (64) Household and apparel stores;
- (65) Indoor sports facilities; and
- (66) Interior decorator services;
- (67) Jewelry sales and repair;
- (68) Key duplicating shops;
- (69) Kitchen-ware stores;
- (70) Laundry and dry cleaning pick-up stations;

- (71) Lawn and garden supply;
- (72) Libraries;
- (73) Locksmiths;
- (74) Lodging houses;
- (75) Management, consulting and public relations services;
- (76) Manicure services (nail care);
- (77) Meat, seafood and poultry markets (excluding live poultry);
- (78) Medical photography;
- (79) Message answering services;
- (80) Museums;
- (81) Musical instrument sales and repair;
- (82) News dealers and newsstands;
- (83) Notary public;
- (84) Occupational physical therapy;
- (85) Office uses as part of a planned office center;
- (86) Optician and optometry stores;
- (87) Parks;
- (88) Pawn shops;
- (89) Pet shops;
- (90) Pharmacies;
- (91) Photographic studios;
- (92) Picture framing stores;
- (93) Playhouses;
- (94) Political organizations;
- (95) Produce markets;
- (96) Publishing only: newspaper, periodicals and books;
- (97) Radio, television and stereo sales and service;
- (98) Repair, as an accessory use;
- (99) Retail automotive parts and tire stores;
- (100) Restaurants, general and convenience;
- (101) Seasonal outdoor retail (activity for the sale of flowers, garden supplies, produce);
- (102) Shoe repair and sales;
- (103) Skating rinks;
- (104) Special trade contractors;
- (105) Specialized non-degree schools;
- (106) Specialized merchandise stores;
- (107) Sporting goods;

- (108) Swimming pools (prefabricated), hot tubs and spa sales;
- (109) Talent and theatrical booking agents;
- (110) Telephone business offices;
- (111) Telecommuting centers;
- (112) Travel agencies;
- (113) Used goods stores;
- (114) Video sales and rentals (excluding adult entertainment); and
- (115) Visiting nurse associations.

(b) *Conditional uses (see article VII) :*

- (1) Animal hospitals and veterinary clinics;
- (2) Arcades;
- (3) ATMs;
- (4) Automobile brokers;
- (5) Automobile repair;
- (6) Bed and breakfasts;
- (7) Cemeteries;
- (8) Day nurseries and kindergartens;
- (9) Dog grooming shops.
- (10) Electrical supply stores;
- (11) Electric transformer stations, gas regulator stations and telephone exchanges;
- (12) Indoor pet boarding;
- (13) Laundry and dry cleaning establishments including pick-up stations, package plants and coin-operated facilities;
- (14) Neighborhood recreation center or swimming pools;
- (15) Paint, glass and wallpaper stores;
- (16) Private or parochial schools;
- (17) Public utility facilities; and
- (18) Small engine sales and repair.

(c) Development standards:

- (1) Minimum lot area—One acre;
- (2) Minimum lot width—100 feet;
- (3) Yard setbacks:
 - a. From a major thoroughfare—80 feet;
 - b. From a collector—70 feet;
 - c. From a residential street—55 feet;
 - d. Rear yard setbacks—30 feet;
 - e. Side yard setbacks—20 feet;

- (4) Maximum height of structures—40 feet, with structures not to exceed three overall stories;
- (5) Where a lot adjoins a single-family residential, MHP, or the AR zoning district—75-foot buffer (June 21, 2001); and
- (6) Maximum building size—30,000 square feet (February 15, 2001).

(Revised March 1, 2012; August 1, 2013; October 2, 2014; Ord. No. 2017-02, §§ 1—4, 5-4-2017; Ord. No. 2017-08, § 1, 11-2-2017; Ord. No. 2018-07, § 2, 5-17-2018)

Sec. 113-129. - Highway commercial district (C-2).

(a) *Permitted uses* :

- (1) All those permitted uses in the C-1 zoning district;
- (2) Aquariums, planetariums, botanical gardens
- (3) Assembly halls;
- (4) Automobile air conditioning equipment, sales and installation;
- (5) Automobile broker;
- (6) Automobile claims adjuster;
- (7) Automobile convenience and gas services;
- (8) Automobile upholstery shops;
- (9) Reserved;
- (10) Bail bonding services;
- (11) Billiard and pool halls;
- (12) Blood banks;
- (13) Body art studios (June 6, 2013);
- (14) Building materials dealers (garage doors, fencing, roofing, storm windows, kitchen, cabinets, wallboard, insulation);
- (15) Building materials establishments;
- (16) Carpet and vinyl flooring stores;
- (17) Catalog, mail order stores;
Churches and other places of worship
- (18) Comedy clubs;
- (19) Consumer electronic repair services;
- (20) Drive-in restaurants;
- (21) Dwelling as an accessory structure to be used for security purposes;
- (22) Fast food restaurants;
- (23) Flea markets;
- (24) Flooring stores;
- (25) Funeral homes and funeral chapels, mortuaries, crematoriums;
- (26) Furniture upholstery shops;

- (27) Landscaping services;
- (28) Heating, air conditioning, ventilation supply stores;
- (29) Home appliance repair and related services;
- (30) Home health care services;
- (31) Hookah lounges (June 6, 2013);
- (32) Household and apparel sales and rental;
- (33) HVAC/plumbing/electrical contractors;
- (34) Indoor sports and recreation facilities;
- (35) Medical supply businesses;
- (36) Motels;
- (37) Musical instrument sales and repair, musical supply sales including records, tapes and compact discs;
- (38) Natural materials dealers (lime, plaster, sand, gravel, lumber);
- (39) Nursing homes;
- (40) Packaging services;
- (41) Parcel and express services;
- (42) Playhouses;
- (43) Plumbing supply stores;
- (44) Radio and television broadcasting stations (excluding transmission towers);
- (45) Recording and developing studios;
- (46) Service agencies;
- (47) Sign stores—Painting and lettering;
- (48) Swimming pool supplies, cleaning and maintenance services;
- (49) Taverns, bars, lounges;
- (50) Training/rehabilitation services;
- (51) Upholstery, furniture services; and
- (52) Water-softening services.

(b) *Conditional uses (see article VII) :*

- (1) Animal hospitals and veterinary clinics;
- (2) Armored car services;
- (3) ATMs;
- (4) Automobile repair;
- (5) Automobile sales;
- (6) Automobile service stations;
- (7) Automotive parking establishments;
- (8) Bed and breakfasts;
- (9) Car wash services;

- (10) Commercial motor vehicle repair;
- (11) Commercial motor vehicle sales;
- (12) Farmers' markets;
- (13) General building contractors;
- (14) Golf cart sales and service;
- (15) Golf or baseball driving ranges;
- (16) Gun shops;
- (17) Health clubs and day spas;
- (18) Laundry and dry cleaning establishments including pick-up stations, package plants and coin-operated facilities;
- (19) Marine sales and parts;
- (20) Miniature golf courses;
- (21) Nursing homes (June 6, 2013);
- (22) Outdoor sports facilities and swimming pools;
- (23) Paint, glass and wallpaper stores;
- (24) Par 3 golf courses;
- (25) Plant nurseries;
- (26) Private or parochial schools;
- (27) Public utility facilities;
- (28) Retail automobile parts and tire stores;
- (29) Small engine sales and repair; and
- (30) Tennis courts, clubs and facilities.

(c) *Development standards :*

- (1) Minimum lot area—One acre (May 20,1999);
- (2) Minimum lot width—100 feet (May 20,1999);
- (3) Yard setbacks:
 - a. From a public street—50 feet (May 20,1999);
 - b. Rear yard setbacks—30 feet;
 - c. Side yard setbacks—20 feet;
- (4) Maximum height of structures—35 feet (May 20, 1999);
- (5) Where a lot adjoins a single-family residential district, a MHP district, or an AR district—75-foot buffer (June 21, 2001);
- (6) Maximum building size—30,000 square feet (February 15, 2001).

(Revised March 1, 2012; June 6, 2013; Ord. No. 2017-03, §§ 1—4, 5-4-2017; Ord. No. 2018-07, § 3, 5-17-2018)

Exhibit B

TCMU District

Sec. 113-000. – Town Center Mixed Use (TCMU).

- (a) *Purpose.* The intent of the TCMU District is to provide a walkable, pedestrian friendly mixed-use environment only within the Town Center Character area as outlined in the Town's Comprehensive Plan. Upon Council approval, supplemental residential uses may be permitted when complementary to and compatible with the orderly development of the nearby projects. The TCMU District will allow innovative and creative design and promote high standards in the development layout to alleviate incompatibility between internal and external uses.
- (b) *Requirements for a Town Center Mixed-Use district.*
 - (1) No property over 3 acres may be rezoned to the TCMU district without the concurrent approval of a development plan by the Town Council following public review and recommendation by town staff and the planning commission. All property rezoned and developed pursuant to a single development plan shall be referred to herein as a "TCMU Development".
 - (2) The boundaries of each TCMU Development shall be as shown on the zoning map and shall correspond with the adopted development plan and be located within the Town's Town Center District Character area *or within one of the following areas: (1) that area consisting of parcels of property lying north and west of Valleywood Road, east of the CSX rail line, and south of Tyrone Road; and (2) that area consisting of parcels of property bounded by Valleywood Road on the west, Highway 74 on the east, and Tyrone Road on the north.*
- (c) *Application.* Each application to rezone a property or grouping of properties 3 acres or over to the TCMU District shall establish a development plan for the same shall follow the procedures set out below:
 - (1) *Pre-application conference.* Prior to filing a petition to rezone property to the TCMU district, the applicant shall meet with the zoning administrator to review the general character of the proposed development, including but not limited to, its scope, nature and location. At this time, the applicant shall be fully advised of the approval procedures contained herein as well as the various information and studies which the applicant may need in order to continue with said procedures.
 - (2) *Rezoning petition.* A petition to rezone property to the TCMU District shall only be submitted subsequent to the pre-application conference with the zoning administrator. The petition shall contain a development plan, if applicable, and a written summary of intent, and shall show the relation between the proposed development and the surrounding area, both proposed and existing. A petition to rezone property to the TCMU district shall follow the procedures set out in article III of this chapter.
 - (4) *Development plan.* The following information shall be submitted as the development plan for properties exceeding 3 acres:
 - a. General location map;
 - b. Current topographical map clearly showing existing conditions, including contour intervals of no more than five feet based on field survey or photogrammetric methods;
 - c. Map showing the existing floodplains as indicated by FEMA;
 - d. Existing and proposed land uses in the development site and all adjacent properties, including the approximate location of all streets;
 - e. Legal description of the subject property;
 - f. Location and use of existing and proposed public, semi-public, or community facilities such as schools, parks and other open space, including areas proposed to be deducted or reserved for community or public use;
 - g. Conceptual drawings of representative building types for all non-residential structures which indicate the proposed general architectural style and appearance; and
 - h. If a proposed development creates special problems or involves specific circumstances, additional information as required by the zoning administrator in order to properly evaluate the proposal as follows:

- i. Off-street parking and loading plan;
 - ii. Economic feasibility report or market analysis;
 - iii. Area traffic study and circulation plan within the development and to and from existing thoroughfares;
 - iv. Hydraulic, hydrologic, and drainage engineering studies;
 - v. Environmentally sensitive areas, including, but not limited to: watershed protection, wetlands, or groundwater recharge impact study; and
 - vi. Based on the pre-application meeting with the zoning administrator, other information as is deemed necessary may be requested; in addition, any of the aforementioned required information (items (a) thru (h)) may be excluded if deemed not applicable.
- (5) *Summary of intent.* The written statement submitted with the development plan shall include the following information:
 - a. Statement of the present ownership of all land within the proposed development;
 - b. Explanation of the character of the proposed development, including, but not limited to: a summary of uses, number and type of dwelling units, a net residential density calculation, and minimum standards for floor area, lot size, yard and spacing requirements;
 - c. General statement of the proposed development schedule and progression of unit development or staging; and
 - d. Agreements, provisions, and covenants which govern the use, maintenance, and protection of the development and any common or open space, including the provisions which will organize, regulate and sustain the property owners' association, where applicable.
- (6) *Approval.* After review and public hearing, the Planning Commission shall provide a recommendation to the Mayor and Council. After a public hearing the Mayor and Council may approve, disapprove or approve the rezoning and the applicable development plan with modifications. If the proposed rezoning and applicable development plan are approved as submitted, the zoning administrator shall cause the official zoning map to be changed to indicate the change in zoning and the boundaries of the property affected by the approved development plan. If the rezoning and applicable development plan are approved with modifications, the applicant shall file written notice of consent to the modification and a properly revised development plan with the zoning administrator prior to changing the official zoning map. The development plan and all other accompanying information shall be properly identified and permanently filed with the zoning administrator.
- (7) *Subdivision approval.*
 - a. At the option of the applicant, a preliminary subdivision plat may be filed along with the development plan in order that tentative approval of the subdivision by the planning commission may be granted, pending the approval by the Mayor and Council of the development plan. In no case shall final subdivision approval precede the approval of the development plan.
 - b. Site development regulations, specifications, and procedures governing the platting of a TCMU development and plat approval shall be in accordance with the Town of Tyrone subdivision regulations and development regulations.
 - c. No combination of lots in excess of 3 acres shall be approved without a development plan.
- (8) *Ownership control.* At the time a final plat is approved and recorded for a TCMU development, as applicable, the land comprising the area for the development shall be under one ownership, i.e., an individual, a corporation, or some other single legal entity. Individual lots may be sold

only after the final plat has been approved and recorded and the deed contains sufficient covenants assuring the continuance of the TCMU development as originally approved and developed.

- (9) *Building and occupancy permits.* The zoning administrator shall approve the issuance of building permits for buildings and structures in the TCMU development if they are in substantial conformity with the approved development plan, the development schedule, and with all other applicable regulations. A certificate of occupancy shall be issued for any completed building or structure if it conforms to the requirements of the approved development plan and all other applicable regulations.
- (10) *Revision of development plan.* Any change in the approved development plan, which affects the intent and character of the development, the density or land use pattern, the approved uses, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the Mayor and Council upon the recommendation of the zoning administrator and planning commission. A request for a revision of the development plan shall be supported by a written statement as to why the revisions are necessary or desirable.

(d) *Development standards.*

(1) *Permitted uses.*

a. *Residential uses.*

- 1. Single-family detached dwellings;
- 2. Townhouse dwellings;
- 3. Multi-family loft dwellings as part of a mixed-use commercial structure; and
- 4. Accessory uses and structures.

b. *Commercial and institutional uses.*

- 1. Accounting, auditing and bookkeeping services;
- 2. Adult day care centers;
- 3. Advertising agencies excluding sign contractors;
- 4. Amphitheaters;
- 5. Antique stores;
- 6. Apparel and accessory stores (including dressmaker and tailor);
- 7. Appraisers;
- 8. Aquaponics/urban farming facilities;
- 9. Arcades
- 10. Art galleries;
- 11. Art studios;
- 12. Assembly halls;
- 13. Attorneys;
- 14. Auditoriums;
- 15. Automobile claims adjuster;
- 16. Bakeries, retail;
- 17. Banquet halls;
- 18. Barbershops and beauty shops;

19. Bicycle repair shops;
20. Blood donor stations;
21. Blueprinting and photocopying services;
22. Book and stationery stores;
23. Bowling alley;
24. Brew Pubs & microbreweries;
25. Business agents and brokers;
26. Business incubators;
27. Business service support establishments;
28. Camera and photographic supply stores;
29. Carryout/delivery establishments;
30. Catalog mail order stores;
31. Caterers;
32. Churches and other places of worship and accessory facilities;
33. Cigar stores and stands;
34. Clerical;
35. Collection services;
36. College and university industry associated research and training facilities;
37. Commercial photography, art and graphics offices;
38. Commercial vocational schools;
39. Computer or data processing offices;
40. Counseling and guidance services;
41. Credit reporting services;
42. Cultural facilities;
43. Dance schools;
44. Day nurseries and day care centers;
45. Delicatessen and gourmet food stores (with incidental catering);
46. Dental care services;
47. Detective agency and protective services (excluding armored cars and animal rental);
48. Dinner theatres;
49. Doctors/physicians' offices;
50. Drafting services;
51. Drugstores;
52. Eating establishments, when accessory to a permitted use;
53. Electric transformer stations, gas regulator stations and telephone exchanges;
54. Employment agencies;

55. Engineering, planning and architectural offices;
56. Escape rooms;
57. Fabric shops;
58. Farm and garden supply stores (Interior storage only);
59. Farmers Markets
60. Finance, insurance and real estate institutions;
61. Florists;
62. Food specialty shops (ice cream, coffee, soda fountain);
63. Furniture, home furnishing and appliance stores;
64. Gift, novelty and souvenir stores (excluding adult novelty);
65. Glass sales;
66. Grocery stores limited to a floor area not exceeding 5,000 square feet;
67. Gyms;
68. Hardware sales;
69. Health services clinics;
70. Historical society/welcome, information centers;
71. Hobby, toy and game shops;
72. Home health care;
73. Hotels;
74. Household and apparel stores;
75. Indoor sports facilities;
76. Interior decorator services;
77. Jewelry sales and repair;
78. Key duplicating shops;
79. Kitchen-ware stores;
80. Laundry and dry cleaning pick-up stations;
81. Lawn and garden supply;
82. Libraries;
83. Locksmiths;
84. Management, consulting and public relations services;
85. Manicure services (nail care);
86. Meat, seafood and poultry markets (excluding live poultry);
87. Medical and dental laboratories;
88. Medical photography;
89. Message answering services;
90. Museums;
91. Musical instrument sales and repair;

92. News dealers and newsstands;
93. Notary public;
94. Occupational physical therapy;
95. Office uses as part of a planned office center;
96. Optician and optometry stores;
97. Parcel and express services;
98. Parks;
99. Pet shops;
100. Pharmacies;
101. Photographic studios;
102. Picture framing stores;
103. Playhouses;
104. Political organizations;
105. Produce markets;
106. Radio and television broadcasting stations;
107. Radio, television and stereo sales and service;
108. Recording and developing studios;
109. Restaurants, general and convenience;
110. Seasonal outdoor retail (activity for the sale of flowers, garden supplies, produce);
111. Shoe repair and sales;
112. Skating rinks;
113. Solar generation facilities;
114. Specialized merchandise stores;
115. Specialized non-degree schools;
116. Sporting goods;
117. Swimming pools (prefabricated), hot tubs and spa sales;
118. Talent and theatrical booking agents;
119. Telecommuting centers;
120. Telephone business offices;
121. Ticket brokers;
122. Travel agencies;
123. Utility business offices; and
124. Veterinarians
125. Visiting nurse associations.

(e) Dimensional and other requirements

Site				Building		
Residential Density, units per acre		4 u/a max				
Lot Type	Min Lot Area	Min Width	Coverage	Height	Ground Floor façade height (min)/(max)	Floor Area min/max
Detached SFD	7,200 SF	60'	60% max/lot	2 stories/ 35' max	10'-12' min/ 16'max	1,500 SF min
Townhouse	1,500 SF	20'	** 70% max/lot	3 stories/ 35' max	10'-12' min/ 16'max	1,500 SF min
Commercial	5,000 SF	50'	80% max/lot	3 stories/ 45' max	12' min/ 16'max	30,000 SF max footprint
Mixed-Use	7,000 SF	50'	70% max/lot	3 stories/ 45' max	12' min/ 16'max	Loft Unit: 800 SF min Commercial: 30,000 SF max footprint

*** Master-planned developments with an accompanying development plan are exempt from this requirement so long as shared community space provides an equivalent amount of usable recreational/park space within the development.*

New Commercial, Mixed-Use, & Townhome Building Setbacks	
Primary street build-to zone	0' min/15' max
Side street setback	0' min/20' max
Side interior	0' or 5' min
Rear	0' or 3' min
Rear: abutting residential district	30' min
New Commercial/ Mixed-use Build-To	
Building facade in primary street build-to zone (% of lot width)	70% min
Building facade in side street build-to zone (% of lot width)	40% min
New Detached SFD Building Setbacks	
Front (Street)	15' – 20'
Side (Street)	15' – 20'
Side (Yard)	5'
Rear	20' – 25'

- a. No single structure may exceed a footprint of 30,000 square feet.
 - b. A 75-foot buffer shall be in effect along all bordering residential zoning districts coterminous with setbacks.
- (3) *Open space.*
- a. Open spaces shall be provided in conformance with the approved development plan.
 - b. Open space may utilize any of the following elements towards the open space calculation:
 - i. Required yards, planted areas, fountains, community gardens, rooftop gardens, parks, plazas, hardscape elements related to sidewalks and plazas, amenity space, and similar features.
 - ii. Required buffer areas may be counted toward open space requirements even if such buffer area is dedicated to the Town or other governmental entity for recreation use, conveyed to a conservation group, or is subject to permanent easements for public use.

- (4) *Fencing materials.* No barbed wire, razor wire, chain-link fence, or similar elements shall be visible from any public plaza, ground level, or sidewalk level outdoor dining area or public right-of-way.
 - (5) *Drive through uses.* Drive-through service windows and drive-in facilities shall be allowed by special exception only.
 - (6) *Storefront requirements.*
 - a. The length of facade without intervening transparency shall not exceed 20 feet.
 - b. The ground story shall have a minimum 50 percent transparency.
 - c. Entrances may be counted where they are transparent.
 - (7) *Dumpsters and loading areas.* Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, sidewalk-level outdoor dining area, public sidewalk or public right-of-way. In addition, dumpsters and loading areas serving residential uses shall be enclosed with opaque walls on three sides not less than eight feet in height, along with a gate or door.
 - (8) *Loading dock entrances for nonresidential uses.* Loading dock entrances for nonresidential uses shall be screened so that loading docks and related activity are not visible from any public right-of-way.
 - (9) *Building mechanical and accessory features.*
 - a. Shall be located to the side, rear, or roof of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way.
 - b. When located on rooftops, shall be incorporated in the design of the building and screened with building materials similar to the building.
 - c. Shall not be permitted between the building and any public street.
- (e) *Parking and site design standards.*
- (1) *Street requirements.* New streets shall be provided in conformance with an applicable development plan and should avoid cul-de-sacs to the highest degree possible so as to contribute to a connected Town Center grid-network.
 - (2) *Inter-parcel & pedestrian connectivity.* Opportunities for inter-parcel pedestrian and vehicle access points between all contiguous commercial, office, or multifamily residential parcels shall be provided. Multi-use paths shall be provided with connectivity to the existing Town multi-use path network in keeping with the Town's path system design guidelines.
 - (3) *On-site parking.* Shall primarily be provided on the side and rear of commercial developments.
 - (4) *Off-site parking.* Required parking spaces shall be permitted to be provided on adjacent or nearby property within a TCMU district, provided said relocated spaces lie within 300 feet of the main entrance to the principal use for which such parking is provided.
 - (5) *Driveways and curb cuts.*
 - a. All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone. A corresponding interior sign or painted bar on the driveway shall be provided adjacent to the sidewalk paving as needed.
 - b. Except as required by Georgia Department of Transportation along state routes, no more than one curb cut shall be permitted for each development site, provided that properties with more than one street frontage may have one curb cut located on each street frontage. However, developments on properties with a single street frontage greater than 400 feet