

CITY OF PINE LAKE

STATE OF GEORGIA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PINE LAKE TO AMEND THE ZONING ORDINANCE FOR THE CITY; TO PROVIDE DEFINITIONS; TO REGULATE THE USE AND DEVELOPMENT IN THE SINGLE FAMILY RESIDENTIAL DISTRICT; TO REGULATE ACCESSORY USES; TO PROVIDE STANDARDS FOR RESIDENTIAL PLANNED DEVELOPMENTS; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF PINE LAKE HEREBY ORDAINS:

SECTION 1. That the Zoning Ordinance of the City of Pine Lake is amended by deleting from Chapter 6-3-5, Section 3, Definitions, the existing definitions for Accessory Dwelling and Mixed Use Development.

SECTION 2. That the Zoning Ordinance is further amended by adding the following new definitions to Chapter 6-3-5, Section 3, Definitions:

Accessory dwelling means 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 means 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.

Basement means 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.

Façade means 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.

Height means 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.

Height of a building means 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.

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.

SECTION 3. That the Zoning Ordinance is further amended by deleting the existing Section 6-3-7, R1 Residential District Regulations, in its entirety and inserting the following in lieu thereof:

Chapter 6-3-7. R-1 Single Family Residential District.

- Sec. 1. Purpose.
- Sec. 2. Permitted Uses.
- Sec. 3. Accessory Uses.
- Sec. 4. Yards and Lots.
- Sec. 5. Dwelling Unit Floor Area.
- Sec. 6. Lot Coverage.
- Sec. 7. Building Height.
- Sec. 8. Parking, Driveways and Access.
- Sec. 9. Walls and Fences.
- Sec. 10. Exterior Building Materials.
- Sec. 11. Limitations on Construction on a Concrete Slab.
- Sec. 11. Landscaping.
- Sec. 12. Fenestration.
- Sec. 13. General Design Requirements.
- Sec. 14. Additional Requirements for New Construction.
- Sec. 15. Landscaping and Site Grading.
- Sec. 16. Administrative provisions.
- Sec. 17. PD Planned Developments.

Sec. 1. Purpose.

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

- (1) 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.
- (2) Sustain and enhance the affordability of dwellings for people of all occupations, incomes, ages and lifestyles.
 - (3) Encourage unique and varied residential designs, so that each new dwelling has a distinct architectural character and opportunity for individual creative expression.
 - (4) Facilitate preservation of dwellings consistent with the unique style of cottage-type dwellings.
 - (5) Protect and enhance the lake, streams, wetlands and parks; the bird sanctuary and wildlife diversity; and the entire natural environment.
 - (6) Promote effective solutions for reducing energy and water consumption and improving the quality of storm water runoff.
 - (7) 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.
 - (8) 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.
 - (9) Advance creative and responsive project planning and design.
 - (10) 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.

Sec. 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:

- (i) Front yard: 20 feet
- (ii) Side yard: 15 feet
- (iii) 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 Georgia construction codes. External remodeling that does not increase the footprint of an existing multifamily structure is also permitted in accordance with such codes.

Sec. 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 houseparents or guardians
Home child day care	Maximum of six (6) children
Home occupation	
Accessory Uses and Structures	
Accessory dwellings	
Detached garages	
Accessory structures	

Sec. 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 May 11, 2009 may be rebuilt to its former condition as to height, floor area and setback, among other standards, provided all life safety codes are met.
- (5) Any legal, nonconforming structure that existed prior to May 11, 2009 requiring repairs involving more than fifty percent (50%) of the floor area, or that otherwise would be considered new construction, may, subject to approval by the Planning Commission, 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.

(b) 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 (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.

(c) 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.

Sec. 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:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) No variance shall be approved that would allow construction of a dwelling that would not comply with paragraphs (1) through (3) above.

Sec. 6. Lot Coverage.

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

- (1) Lot coverage shall be calculated as all impervious surfaces on the lot.
- (2) Maximum lot coverage on any lot shall be 35 percent.
- (3) 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:
 - a. 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
 - b. Spacing between decking boards is a minimum of one-quarter (1/4) inch.
- (4) 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.

Sec. 7. Building Height.

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

- (1) Maximum building height:
 - a. Principal dwellings slab-on-grade: 30 feet.
 - b. Principal dwellings on a raised foundation: 32 feet.

- c. 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.
 - d. 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.
- (2) 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:
- a. The energy generating and energy efficiency device is not located in the front yard, and does not impair views or access to the front door.
 - b. Additional height is required for the proper functioning of the device.
 - a. 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.
 - d. 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.

Sec. 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:

- (1) No requirements for parking, drives, walks or other access shall be construed as to prevent enforcement of accessibility measures.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) 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.
- (6) 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.
- (7) No residential lot shall have more than one (1) curb cut per street frontage and circular driveways are prohibited.
- (8) 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.
- (9) 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, 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.
- (10) Carport Standards.
 - a. A single carport shall be permitted having a maximum capacity of two (2) passenger vehicles.
 - b. The maximum height of a carport shall be twelve (12) feet.
 - c. 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.
 - d. 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.

- (11) 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.

Sec. 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) Retaining walls greater than 42 inches in height and or within 10 feet of any front or side property line shall not have a combined length greater than 20 linear feet.
- (d) No fence or wall shall extend beyond the property lines of the property that it serves.
- (e) No fence, wall or hedge shall be located closer than six (6) feet from any street curb or edge of street pavement.
- (f) The finished side of any two-sided fence shall face the street, lake, park, trail, or other adjacent property.
- (g) 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.

Sec. 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.

Sec. 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 Chapter, 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.
 - (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.

Sec. 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.

- (1) *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.
- (2) The required windows must be operable such that they can be opened or be within doors that can be opened.
- (3) The required windows must provide natural light into and exterior views from occupants of all rooms.
- (4) 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.
- (5) 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 (¾) inch or greater relief from the exterior façade.
- (6) 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.

Sec. 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.
- (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 elevations 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.

Sec. 14. Additional Requirements for New Construction.

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

- (1) 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.
- (2) 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.
- (3) 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.

Sec. 15. Landscaping and Site Grading.

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

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.

Sec. 16. Administrative provisions.

- (a) Compliance with the standards set forth in this Chapter 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 shall be prepared in accordance with the current application requirements established in Chapter 6-3-13, Special Permits, of the Zoning Ordinance.
- (c) Appeals of decision of the Zoning Administrator may be taken to the Mayor and Council pursuant to Chapter 6-3-16, Appeals, of the Zoning Ordinance.

Sec. 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.*

(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 a 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 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:

- 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 15 of this Section 6-3-7 shall apply to all land designed as a Planned Development.

(e) *PD Approval Process.*

- (1) The Planning Commission 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 Council's final review and decision.
- (2) All planned developments shall require approval of a site plan by Mayor and Council and shall be subject to the procedures applicable to a zoning map amendment. The site plan shall indicate all right-of-ways, streets, lots, building footprints, public and private open space, sidewalks and trails, parking areas on any multifamily parcel, streetlights and street trees.

SECTION 4. That the Zoning Ordinance is further amended by deleting Section 2, Accessory uses and structures, of Chapter 6-3-18, General and Supplementary Standards, and inserting the following in lieu thereof:

Sec. 2. Accessory Use and Building Standards.

- (a) Neither an accessory use nor an accessory building shall be injurious to the use and enjoyment of surrounding properties.
- (b) Accessory buildings and structures shall be subordinate in scale to the principal dwelling or principal structure on the lot.
- (c) Accessory buildings, including detached garages, shall be permitted on any lot used for residential purposes in an R-1 district and on any lot used for any purpose in a Commercial or Transitional District, subject to the following limitations:
 - (1) Placement.
 - a. *Located on a lot with a principal building.* An accessory building shall only be located on the same lot as the principal dwelling or building to which it is accessory.
 - b. *Setback dependent on distance from primary building.* An accessory building located within twenty (20) feet of the principal building 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 building 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 building. No accessory building on a corner lot that adjoins a residentially used or zoned lot

to the rear shall be located within 20 feet of the rear property line. This 20-foot setback will not be required when the adjoining yard is a rear yard.

- d. Setback for attached garages.* Attached garages that are not side or rear entry 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 of this zoning ordinance shall also apply to accessory buildings.
- f. Minimum distance from principal building.* No accessory building, including detached garages, shall be located less than 10 feet from the principal building on the lot.

(2) Height.

- a. Scale of accessory buildings.* The height of an accessory building shall not exceed 24 feet or the height of the principal building, 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 or 20 percent of the floor area of the principal building other than a 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 the floor area of the principal dwelling or 20 percent of the floor area of a principal building other than a dwelling.

1. *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 building on the lot. The exterior finish of all accessory buildings shall be compatible with the exterior finish of the principal building on the lot. In the case of brick principal buildings, the exterior finish of the accessory building may be similar to the trim work or other siding materials of the principal building.

(6) *Use.*

- a. *Limitations on commercial use.* No accessory building shall be used for operation of any business in an R-1 District, 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 in R-1 Districts 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.
- 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.
- d. *Residential use.* Except as specifically provided for as an accessory dwelling unit in R-1 Districts, the use of accessory building for dwelling or lodging is strictly prohibited.

(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 shall be 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 zoning 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. No additional doorway shall be added to the front façade of a dwelling to access an accessory dwelling.

- f. *Accessory dwelling unit amenity.* An outdoor seating area such as a porch, deck, terrace, balcony, lawn or garden shall be provided for the use the occupant(s) of the accessory dwelling unit at any time.

(8) Permitting Schedule.

- a. *Permit required.* A building permit shall be required for the construction, erection, expansion or set-up of any accessory building or structure on a lot, provided that no permit shall be required for basketball goals or other recreational or decorative features that do not involve a roof or a surface upon which people walk or sit. No permit for an 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. The C.O. for the principal dwelling must be issued prior to issuance of a C.O. for an accessory building.

(9) 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 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 a permanent accessory building.
- c. *Accessory structure standards.* Accessory structures shall not exceed 144 square feet in area.

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

SECTION 6. 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 7. This Ordinance shall become effective when signed by the Mayor and City Council after consideration and passage on two separate occasions as required by the Charter of the City of Pine Lake.

SO ORDAINED this _____ day of _____, 2016.

Melanie Hammett, Mayor

Attest:

Valerie Caldwell, City Clerk

DRAFT 3.7.16