

Section 9.14. - TC, Town center overlay district.

Purpose: The purposes of this district are: 1) to restore a viable commercial, residential and entertainment district at the city core; and 2) to encourage the redesign and redevelopment of existing shopping centers along U.S. 78/Main Street. This district allows a denser mix of land uses built for pedestrian access as well as being an origin point for public transit and a destination for persons arriving by automobile.

This district provides locations for a wide range of commerce of a character traditionally found in the core business districts of small cities and towns at a scale convenient for walking and biking. These uses include office, department stores, small retail, restaurants and taverns with residential uses located above and mixed within these uses. The town center district also includes the prominent public governmental buildings and important civic buildings such as museums, theatres for the performing arts, art galleries, and large religious buildings. Formal public open spaces are also a critical element of this overlay district. This district allows a wide range of land uses but carefully regulates building design.

- (1) *Relation to underlying zone:* The requirements of the TC, town center overlay district shall apply to all buildings, lots and uses located within the geographic area defined on the official zoning map as the town center district. Whenever the requirements of the TC, town center overlay district impose a more or less restrictive standard than the provisions of the underlying zoning district stated elsewhere in this Code, the requirements of the overlay district shall govern.
- (2) *Principal permitted uses:* Retail and service establishments of the following types provided all activities and display of goods are carried on within an enclosed building except as specified herein:
 - A. Any use permitted in the BG, general business district; except consumer fireworks retail sales facilities are prohibited.
 - B. Banks, savings and loan institutions.
 - C. Museums and libraries.
 - D. Shopping centers.
 - E. Town center residential dwellings.
- (3) *Design:*
 - A. All buildings, structures and streetscape improvements shall conform to the requirements illustrated and stated in the architectural design standards, hereby adopted by reference. (Exception: Restaurant design does not apply in TC, town center overlay district.)
 - B. All such uses shall front on a public street although vehicular and service access may be obtained through an alley on the rear lot line.
 - C. No building with a single use, tenant, or occupant shall exceed 45,000 square feet without obtaining a special approval from the mayor and city council after public hearing.
 - D. All commercial sales and service shall be conducted within enclosed permanent structures and there shall be no unenclosed displays of merchandise with the exception of off-street parking and outdoor dining. Unenclosed outdoor sales or displays are permissible only by special administrative permit as set forth in the supplemental zone.
 - E. Town center residential dwellings shall consist of the following:
 1. Dwelling units shall not be located on the first floor. All units shall be located on the second or higher floors of a building.
 2. Individual dwelling units shall be accessed through an interior hallway and shall not have direct access to the exterior of the building (except through the central lobby or as otherwise determined by fire code).
 3. Individual dwelling units shall have a minimum of 750 square feet of finished, heated floor space.
 4. Individual dwelling units shall provide a full bathroom and kitchen in accordance with residential building codes.
 - F. Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically include clubhouses, pools and other recreation amenities, and parking to serve authorized residential and nonresidential uses within the district.
 - G. Other light retail and service establishments, which may be determined by the zoning enforcement officer to be similar to the above-listed principal permitted uses and which are in harmony with the purpose of this district, may be permitted.
 - H. Sidewalks shall meet the following criteria:
 1. Public sidewalks shall be located along all public streets and shall have minimum widths as specified herein. No sidewalk shall be less than 15 feet in width. Sidewalks shall consist of two zones: A street furniture and tree planting zone, and a clear zone. The following regulations shall apply to all public sidewalks:
 - a. Street furniture and tree planting zone requirements: The street furniture and tree planting zone shall have a minimum width of five feet. Said zone shall be located immediately adjacent to the curb and shall be continuous. Said zone shall meet the tree planting requirements of subsection 9.14(3)H.1.c., below. In addition to the required planting of trees, this zone may also be used for the placement of street furniture, including utility poles, waste

receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements (containing no advertisements or signage) in a manner that does not obstruct pedestrian access or motorist visibility and as approved by the director of planning and development.

- b. Clear zone requirements: The clear zone shall be a minimum width of ten feet. Said zone shall be located immediately adjacent to the street furniture and tree planting zone and shall be continuous. Said zone shall be hardscape, and shall be unobstructed for a minimum width of ten feet. Sidewalk arcades shall meet the additional requirements of subsection 9.14(3)H.3.e., sidewalk arcades, of this section.
 - c. Street tree planting requirements: Street trees shall be planted in the ground 30 feet to 50 feet on center within the street furniture and tree planting zone and spaced equal distance between street lights. These trees shall count toward the landscape strip requirements of the landscape ordinance. Root barriers and expandable tree trunk protectors shall be installed in accordance with chapter 19, article III of this Code. At time of planting, all new trees shall be a minimum of three inches in caliper and shall be limbed up to a minimum height of seven feet. Trees shall be planted a minimum distance of two feet from the curb. Trees shall have a minimum planting area of 32 square feet. The soil surface of the planting area shall be level to sidewalk grade and planted with an evergreen groundcover. All street trees shall be irrigated in accordance with the landscape ordinance. Tree species shall be selected in accordance with chapter 19, appendix III-A of this Code. The area between required plantings shall either be planted with evergreen groundcover, or shall be paved in accordance with the architectural design standards. The city arborist shall approve all plantings, planting replacement and planting removal.
 - d. Tree grates: Tree grates are not required where all sidewalk width requirements are met, unless determined by the city arborist. Where tree grates are required or otherwise installed, they shall be a minimum of four feet by eight feet, shall be a type specified by the director of planning and development or his/her designee and shall be placed within the street furniture and tree planting zone. Where tree grates are not required or otherwise installed, tree planting areas shall be planted with an evergreen groundcover.
 - e. Paving: All paving within the street furniture and tree planting zone shall utilize pavers and shall be a type specified by the director of planning and development or his/her designee in accordance with uniform design standards utilized by director of planning and development or his/her designee for placement of such objects in the public right-of-way.
 - f. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of 2½ feet and eight feet above grade.
 - g. No awning or canopy shall encroach beyond the clear zone.
 - h. Where property within this district abuts a residential district without an intervening street, the sidewalk area within 20 feet of such district shall taper as necessary to provide a smooth transition to the existing residential district sidewalk. In the event that the abutting residential district has no existing sidewalk, the sidewalk shall taper to a width of six feet.
 - i. Decorative pedestrian lights shall be placed a maximum of 40 feet on center and spaced equal distance between required trees along all streets. Said lights shall be located within either the street furniture and tree planting zone or the supplemental zone. All said lights shall be type "C", as approved by the planning department.
 - j. All developments shall place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
 - k. Trash receptacles or similar elements, where installed, shall be a type specified by the director of planning in accordance with design standards utilized by the director for placement of such objects in the public right-of-way and shall be placed within the street furniture and tree planting zone.
2. Supplemental zone: For purposes of these regulations, the area between any building, parking deck or surface parking lot and the required sidewalk, when no intervening building exists, shall be defined as the supplemental zone. Supplemental zones shall meet the following requirements.
- a. Minimum supplemental zone widths:
 1. Scenic Hwy. (SR 124) Main Street East/West (Hwy. 78): Ten feet;
 2. All other streets: Five feet; and
 3. Supplemental zones may be administratively extended in excess of the maximum front yard by the planning and development director to accommodate courtyard entrances, circular drives between the building and public street in CI and OP districts or uses, outdoor display and sales areas, and outdoor dining. The extension may be granted only when neighboring buildings exist or are being constructed in conjunction with minimum and maximum setbacks of the town center district.

- b. Supplemental zone general requirements:
 1. Terraces, porches and stoops shall have a maximum finished floor height of 24 inches above finished grade, unless existing topographical considerations render this requirement unreasonable. The supplemental zone shall be no more than 24 inches above the adjacent public sidewalk for a minimum distance of 15 feet from the nearest edge of the adjacent public sidewalk, unless existing topographical considerations render this requirement unreasonable.
 2. Any authorized walls surrounding landscaped and grassed areas shall not exceed a maximum height of 24 inches, except retaining walls, which shall not exceed a maximum height of 36 inches unless existing topography requires a retaining wall of greater height.
 3. The following uses are prohibited from outdoor displays or merchandise and sales areas: Automotive sale, service and repair; tire sale; service and repair; equipment rental, sales, or service establishments; pawn shops; wholesaling establishments; plumbing, electrical, pool and homebuilding supply showrooms and sales centers.
 4. Fencing shall be permitted only when said fencing is used to separate authorized outdoor dining from the required sidewalk.
 5. Temporary use permits:
 - a. Outdoor displays of merchandise or sales areas associated with existing business within the supplemental zone during business hours.
 - b. Consumer fireworks retail sales stand, licensed in accordance with O.C.G.A. title 25 for the New Years' holiday and/or July 4th holiday.
 6. Supplemental zones containing a depth of ten feet or less shall meet the following additional requirements: No balcony shall encroach more than five feet into the supplemental zone area.
3. Relationship of building to street:
 - a. For purposes of this chapter, sidewalk level shall be defined as any floor of a building with a finished floor elevation less than or equal to five feet above the adjacent sidewalk or less than or equal to five feet below the adjacent sidewalk.
 - b. Building floors shall be delineated at third story above sidewalk level and lower and shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
 - c. The primary pedestrian entrance for pedestrians to access all sidewalk level uses and business establishments with street frontage:
 1. Shall face and be visible from the street.
 2. Shall be directly accessible and visible from the sidewalk.
 3. Shall remain unlocked during business hours for nonresidential uses.
 - d. A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six inches in height.
 - e. Sidewalk arcades: Buildings may have sidewalk arcades, which shall meet the following regulations:
 1. Shall provide an at grade sidewalk surface.
 2. Arcade supports shall be a maximum width of five feet.
 3. Shall provide a minimum of 25 feet of clear unobstructed space between arcade supports.
 4. A building with a sidewalk arcade shall meet the requirements of subsection 9.14(3)L., specific regulations for storefront streets of this article.
 5. Shall provide a minimum clear zone width of five feet.
 - f. Fences and walls shall meet the following regulations:
 1. Retaining walls located adjacent to a sidewalk along a public street shall not exceed a height of two feet and the combined height of a fence where otherwise authorized and retaining wall shall not exceed a height of five feet, unless existing topography prohibits retaining walls of a lesser height. Retaining walls shall be finished, poured concrete and shall be faced with stone, brick or smooth stucco.
 2. No walls, except retaining walls, shall be located between the street and any building, with the exception of screening for authorized off-street loading areas.
 3. Fences and walls located between the primary building and the lot line and not exceeding six feet in height may be erected, but shall not be permitted between the primary building and the street.
 4. 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.

- g. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between a building and the street.
4. Loading areas, loading dock entrances and building mechanical and accessory features:
- a. Loading dock entrances for nonresidential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.
 - b. Building mechanical and accessory features:
 - 1. Shall be located to the side or rear 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.
 - 2. When located on rooftops shall be incorporated in the design of the building and screened with building materials similar to the building.
 - 3. Shall not be permitted between the building and any public street.
5. Curb cuts and parking structures:
- a. All sidewalk paving materials shall be continued across any intervening driveway.
 - b. Driveways shall have a band of textured concrete adjacent to the street, which is in-line with and equal in width to the street furniture zone and shall have a textured band of concrete adjacent to the sidewalk, which is in-line with the supplemental zone, and a minimum width of five feet from the sidewalk.
 - c. Except as authorized in subsection 9.14(3)H.5.d., below, no more than one curb cut shall be permitted for each development, provided that properties with more than one street frontage may have one curb cut per street frontage.
 - d. Curb cuts and driveways shall not be permitted on any storefront street when access may be provided from a side or rear street located immediately adjacent to a contiguous property, with the exception of CI uses and hotel patron drop-off drives.
 - e. Unless authorized by subsection 9.14(3)H.5.d., above, driveways, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.
 - f. Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that are open to the general public, and shall have the appearance of a horizontal storied building.
 - g. Additional parking deck treatment along all streets:
 - 1. Shall meet the requirements of subsection 9.14(3)L., storefront streets except at ingress and egress points into the structure and when topographical conditions prevent such treatment; or
 - 2. When topographical conditions prevent the above parking deck treatment requirements of subsection 9.14(3)L., storefront streets, a continuous minimum five feet wide landscaped strip between the structure and the public sidewalk shall be provided. The landscaped strip shall be planted in accordance with Section 9.14(3)H.1.c. All plantings, planting replacement and planting removal shall be approved by the city arborist.
 - h. A common or joint driveway may be authorized by the director of planning and development when adjacent lots have direct vehicular access to a street, and a driveway from a private street which functions as a public street may be authorized, based on traffic considerations, when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such agreement is provided to the planning and development department.
 - i. All developments, including parking decks, shall have sidewalks a minimum width of five feet connecting ground level parking to the public sidewalks and to all building entrances.
 - j. No drop-off lanes shall be permitted along public streets.
- i. Lighting, security and maintenance requirements for parking structures and surface parking lots. All surface parking lots and structures, whether a nonconforming use or accessory in use, and whether serving commercial or noncommercial uses, shall have the following minimum requirements:
- 1. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it shall be the responsibility of the parking facility to independently provide these required levels of illumination.
 - 2. Internal parking deck lighting fixtures shall not be visible from any public right-of-way or private street.
 - 3. Parking facilities shall be maintained in a clean, safe and sanitary condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the drivability of

the parking lot.

4. Decorative low-level (less than 100 watts) lighting may be approved by the planning director.
 - J. Off-street parking requirements. In addition to the provisions of [article 11](#), which shall apply and are incorporated herein, the following parking requirements shall apply to all uses approved by special permits as well as permitted uses:
 1. Off-street surface parking:
 - a. Shall not be located between a building and the street without an intervening building;
 - b. Shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking.
 2. Notwithstanding any provision of the City of Snellville Code of Ordinances to the contrary, park-for-hire surface parking lots are prohibited. Accessory parking decks built to satisfy the parking requirements of this section shall be permitted to be used as park-for-hire parking decks. Park-for-hire parking decks built to provide parking spaces in excess of the parking requirements shall be permitted as a primary use.
 - K. Minimum bicycle parking requirements. All nonresidential developments, which provide automobile parking facilities, shall provide bicycle/moped parking facilities at a ratio of at least one bicycle/moped parking space for every 20 automobile parking spaces. Multifamily developments shall provide said facilities at a ratio of at least one bicycle/moped parking space for every five multifamily units. No development, except a one- or two-family development, shall have fewer than three bicycle/moped parking spaces, nor be required to exceed a maximum of 50 spaces. Bicycle/moped spaces shall be located within the street furniture zone a maximum distance of 100 feet of the building entrance, or shall be located at least as close as the closest automobile space, except for handicapped parking spaces. Each space shall include a metal anchor sufficient to secure the bicycle/moped frame when used in conjunction with a user-supplied lock.
 - L. Specific regulations for storefront streets. Street-fronting buildings including parking decks shall meet the following sidewalk level requirements:
 1. The length of facade without intervening fenestration or entryway shall not exceed 20 feet.
 2. Fenestration shall be provided for a minimum of 65 percent of the length of the frontage:
 - a. Beginning at a point not more than three feet above the sidewalk, to a height no less than ten feet above the sidewalk; or
 - b. Beginning at the finished floor elevation to a height no less than ten feet above the finished floor elevation when the finished floor elevation is three feet or more above the sidewalk; or
 - c. Beginning at a point not more than sidewalk level, to a height no less than ten feet above the finished floor elevation when the finished floor elevation is below the sidewalk.
 3. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.
 - M. Temporary uses. Any use permitted in the BN, neighborhood business district.
 - N. The planning director may allow expansion of nonconforming properties (change in use from residential to commercial) and structures (change in height and setback requirements) and/or variation from the overlay district when in his/her opinion the intent of the regulations has been met. All other design requirements of the town center overlay shall be required.
- (4) *Alcoholic beverage licensing:* The distance and measurement requirements for alcoholic beverages, which are either sold or offered for sale by licensed establishments as set forth in subsections 6-5(a) through (e) of the City of Snellville Alcoholic Beverage Ordinance (Ordinance No. 2004-04, adopted Jan. 10, 2005) shall not apply within the town center overlay district.
- (5) *Permitted accessory uses:* Those normally appurtenant and subordinate to the principal uses permitted in this district.
- (6) *Space limits:*
1. Minimum lot area: 1,600 square feet;
 2. Minimum lot width: 32 feet;
 3. Minimum height of building: Two floors;
 4. Maximum height of building: Five floors or 80 feet;
 5. Minimum front yard: Zero feet from right-of-way line;
 6. Maximum front yard: Ten feet from right-of-way line;
 7. Minimum rear yard: 15 feet, but 30 feet if abutting a residential district;
 8. Minimum side yard: Zero feet, but 40 feet if abutting a residential district;
 9. Minimum side yard on street side of corner: Zero feet; and
 10. Maximum ground coverage: 100 percent.

Setbacks from right-of-way may exceed maximum upon request of state or county DOT with approval of the planning and development director.

(Ord. of 2-24-2003(5); ZOA 05-07, 10-24-2005; ZOA 11-04, 1-23-2012; ZOA 2016-01, § 3, 5-23-2016)