

**CITY OF DULUTH  
AMENDMENT ORDINANCE  
UNIFIED DEVELOPMENT CODE  
AMENDING ARTICLE 2, "USE OF LAND AND STRUCTURES"; ARTICLE 3, "RESTRICTIONS ON PARTICULAR  
USES"; AND ARTICLE 13 "ADMINISTRATION AND ENFORCEMENT"**

**WHEREAS**, the Mayor and City Council of the City of Duluth, Georgia recognizes the importance of promoting the community's health, safety and welfare by providing clear, correct and consistent zoning regulations and compliance with the goals, objectives and policies identified within the adopted Community Agenda; and

**WHEREAS**, the Unified Development Code of the City of Duluth, Georgia, specifically authorizes the City Council to amend the text of the City of Duluth Unified Development Code by the City Council; and

**WHEREAS**, the Unified Development Code of the City of Duluth, Georgia, grants authority to the Community Development Director to initiate amendments to the text of the City of Duluth Unified Development Code; and

**WHEREAS**, the Mayor and City Council recognize the importance of ensuring that the regulations promote the quality of life in the City; and

**WHEREAS**, on February 20, 2017, the City of Duluth Planning Commission held a public hearing duly noticed and voted to recommend approval of the text amendment (TA2017-01); and

**WHEREAS**, the Duluth City Council held a public meeting on March 13, 2017, duly noticed as prescribed by law and published in the Gwinnett Daily Post regarding the text amendments as set forth in the minutes of said meeting.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DULUTH DOES HEREBY ORDAIN AS FOLLOWS:**

Strike Section 205.14(f)(2) of the Code in its entirety and replace the same with a new Section 205.14(f)(2) as follows:

**Section 205.14(f)(2) Requirements for Townhouses in the CBD Zoning District.**

- a) Minimum lot size. For fee-simple townhouses, each lot shall have a minimum area of 1,800 square feet. This requirement may be waived by the Department of Community Development for zero lot line townhomes, provided that the developer includes a provision in the Covenants, Conditions and Restrictions for the project that clearly describe the maintenance and access of all common areas, streets, alleys and driveways.
- b) Minimum lot width and street frontage. Each lot shall have a minimum width of twenty-two (22) feet. Notwithstanding the requirements of Section 204.02 of this Development Code, fee-simple townhouse lots shall have a minimum street frontage of twenty-two (22) feet.

- c) **Maximum building coverage.** Building coverage shall not exceed 80% of any lot. This requirement may be waived by the Department of Community Development for zero lot line townhomes.
- d) **Principal building setbacks.** Townhome units shall have a minimum five (5) foot principal building setback from a front lot line; ten (10) feet from a side lot line from an end or corner unit and twelve (12) feet from a rear lot line.
- e) **Heated floor area per dwelling unit.** The minimum heated floor area for a townhouse unit shall be 2,200 square feet.
- f) **Minimum building separation.** Townhouse buildings shall be separated by a minimum of twenty (20) feet. Architectural features may be allowed to extend into the building separation requirement.
- g) **Rear entry.** All townhouses shall be designed to be rear entry: that is, garages shall not be located on the front elevation of accessed from the front of the lot, but rather, shall be designed with the required garage located to the rear of the lot and accessed via a street or alley. Garages shall have raised panel garage doors or decorative door equivalent.
- h) **Façade differentiation.** No adjacent units shall be alike.
- i) **Required construction materials.** Construction materials shall consist of the following: brick, stone, stucco and/or cementitious siding (which may be board, shingle or lap siding). Variations in material may be approved by the Community Development Director. Split-faced concrete block, stucco or granite block may be used in an accent capacity for any elevation.

Additional requirements. Townhouses in the CBD Zoning district are also subject to the requirements of Sec. 305.02 of this Development Code.

**Amend Table 2-C of the Code by amending the use of "Exam Preparation and Tutoring" (NAICS 611691) as follow:**

**Table 2-C: Principal Uses Allowed by Zoning District**

- A Use is allowed by right in the zoning district indicated.
- S Use is allowed in the district if approved as a Special Use.
- A/S Use is allowed by right unless approval as a Special Use is required in Article 3.

[Redacted Header]																			
6116	<i>Private Schools: Personal Enrichment:</i>																		
61161	Performing Arts Studios (Art, Drama, Music and Dance Studios)							A/S	A	A	A	A	A	A	S	S	A	Sec. 317	b.13.
61162	Sports and Recreation Instruction								A				A		S	S	A		b.13.
61163	Language Schools								S				A		S	S	A		d.4.
611691	Exam Preparation and Tutoring								A	<u>S</u>			A		S	S	A		d.4.
611692	Automobile Driving Schools												A		S	S	A		d.4.
6117	Educational Counseling, Testing and Other Support Services								S				A		S	S	A		b.23.

Strike Section 306.03(a) of the Code in its entirety and replacing the same with a new Section 306.03(a) as follows:

**306.03(a) Allowed Building Materials.**

- a) The following building materials may be used and combined in accordance with this Code Section, including Table 3-B:
- 1) Brick – Brick (standard sized, ~~unpainted~~) is allowed, however thin brick veneers or artificial brick panels (e.g. cementitious or fiberboard) which are intended to simulate brick exteriors are not allowed;
  - 2) Stone – Natural stone such as, but not limited to, granite, limestone, and marble are allowed building materials;
  - 3) Split-Face Block/Concrete Masonry Unit (CMU);
  - 4) Tilt/Architectural Pre-Cast Concrete;
  - 5) High Grade Stucco;
  - 6) Exterior Insulating Finish System (EIFS) that is installed in accordance with the EIFS manufacturer’s specifications and by a contractor that is authorized by the EIFS manufacturer to install their product;
  - 7) Siding – Natural Wood and/or Cement-based Artificial Wood Siding (Hardiplank/Board);
  - 8) Glass Panels; and
  - 9) Painted Concrete Block.

Strike Table 3-B of the Code in its entirety and replacing the same with a new Table 3-B as follows:

**Table 3-B: Allowed Building Materials**

Brick	Yes	Yes	Yes	Yes
Stone	Yes	Yes	Yes	Yes
<del>Stucco</del>	<del>Yes</del>	<del>Yes</del>	<del>Yes</del>	<del>Yes</del>
Glass Panels	No	Yes	Yes	No
Tilt/Precast Concrete	No	No	Yes	No
CMU/Split-Face Block				
Front/Side	No	No	Yes	Yes
Rear	Yes	Yes	Yes	Yes
Concrete Block				
Front/Side	No	No	No	No
Rear	Yes	Yes	Yes	Yes
<u>Stucco or EIFS</u>				
<u>Front/Side</u>	<u>Max. 25%</u>	<u>Max. 25%</u>	<u>No</u>	<u>Max 25%</u>
<u>Rear</u>	<u>Max. 50%</u>	<u>Max. 50%</u>	<u>No</u>	<u>Max 50%</u>
Siding				
Front/Side	Max. 25%	Max. 25%	No	<del>Yes</del> <u>Max 25%</u>
Rear	Max. 50%	Max. 50%	No	<del>Yes</del> <u>Max 50%</u>

\*A property occupied by a nonprofit religious, recreational or philanthropic organization, club or private school

Strike Section 306.08 of the Code in its entirety and replacing the same with a new Section 306.08 as follows:

**Section 306.08 Fencing.**

- (a) Fencing shall be allowed in the side or rear yard ~~only~~ in all zoning districts.
- (b) No fence shall exceed 8 feet in height.
- (c) Fencing may be constructed of natural wood, simulated wood, brick, stone, iron, aluminum or vinyl coated chain link.
- (d) Solid metal sheathing, electric fencing, and barbed wire or similar material shall be prohibited.
- (e) Fencing shall be allowed in the front yard in M-1 and M-2 industrial zoning districts subject to the following additional standards:
  - 1) All front yard fences shall be setback a minimum of five feet (5') from the property lines.
  - 2) Fences shall be decorative in nature and constructed of iron or aluminum panels with brick or stone columns every thirty feet (30') minimum.
  - 3) All points of vehicular ingress and egress must maintain adequate sight distance for each driveway that approaches a street. The minimum corner sight distance from the approaching street shall be equal to or exceed 10 times the regulated speed of the intersecting street, as measured from the center of the approaching street in both directions along the right-of-way line of the intersected street.
  - 4) A five foot (5') landscape strip, planted in accordance with Article 7 of this code, shall be required directly outside of the fence.

Strike Section 1303.01 of the Code in its entirety and replacing the same with a new Section 1303.01 as follows:

**1303.01 Zoning Board of Appeals Creation, Membership, Appointment, Terms of Office.**

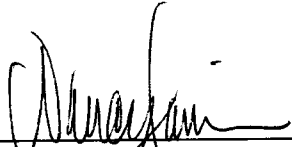
- a) A Zoning Board of Appeals is hereby established, which shall consist of five members and one alternate member, all of whom shall be residents of the City of Duluth or the owner or operator of a business located within the City of Duluth, provided the business is current in payment of its City Occupational Tax and all other payments due the City.
  - 1) The five members and the alternate member are to be appointed by the City Council, each for a term of ~~three~~ four years, said terms to be staggered, to begin on April 1 and end on March 31.

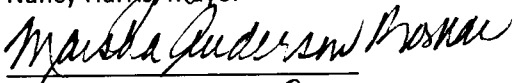
- 2) Each of the five members shall vote on each matter before it (or may recuse themselves from voting in the case of a conflict of interest or other stated reason). In the absence of one of the five members, or in the case of the recusal of a member, the alternate member shall serve as a voting member and shall be counted for the purposes of establishing a quorum.
- b) Regardless of any other provision to the contrary contained in this Section, at all times at least four members of the Zoning Board of Appeals shall be residents of the City of Duluth.
  - c) Members of the Zoning Board of Appeals may be removed from office by the City Council for cause or for nonattendance at three consecutive meetings upon written charges and after a public hearing. Vacancies shall be filled by resolution of the City Council for the unexpired term of the member affected.
  - d) One member of the Zoning Board of Appeals shall be a member of the Planning Commission. No other member of the Zoning Board of Appeals shall hold an elected or appointed public office in Duluth Government.

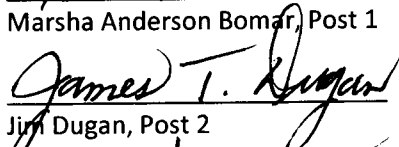
{Signatures on the following page}

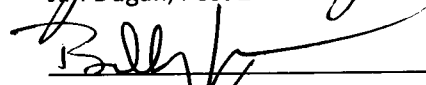
IT IS SO ORDAINED this 13th day of March 2017.

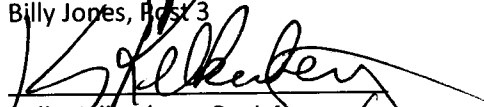
Those councilmembers voting in favor:

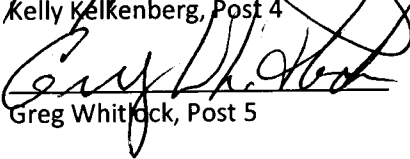
  
\_\_\_\_\_  
Nancy Harris, Mayor

  
\_\_\_\_\_  
Marsha Anderson Bomar, Post 1

  
\_\_\_\_\_  
Jim Dugan, Post 2

  
\_\_\_\_\_  
Billy Jones, Post 3

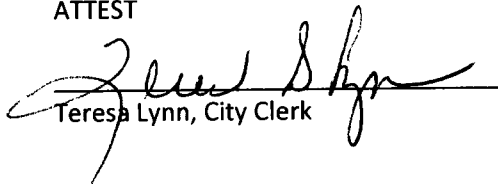
  
\_\_\_\_\_  
Kelly Kelkenberg, Post 4

  
\_\_\_\_\_  
Greg Whitlock, Post 5

Those councilmembers voting in opposition:

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ATTEST

  
\_\_\_\_\_  
Teresa Lynn, City Clerk