

CITY OF DULUTH

ORDINANCE NO. 2007-_____

**AN ORDINANCE AMENDING ARTICLE 3 AND ARTICLE 6 OF THE
CITY OF DULUTH ZONING ORDINANCE**

**ADOPTED BY THE CITY COUNCIL
OF THE CITY OF DULUTH**

THIS 17TH DAY OF DECEMBER, 2007

**Published in pamphlet form by authority of the City Council
of the City of Duluth, Gwinnett County, Georgia,**

this 17th day of December, 2007.

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**AN ORDINANCE AMENDING ARTICLE 3 AND ARTICLE 6 OF THE
CITY OF DULUTH ZONING ORDINANCE**

WHEREAS, the Duluth City Council is vested by the City Charter with the express authority to provide comprehensive city planning for development by zoning and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community; and

WHEREAS, the City of Duluth City Council recognized, based in part upon its experience with existing larger buildings within the City, that large scale developments may have unintended and uncalculated economic and social impacts which outweigh their benefit to the citizens of Duluth; and

WHEREAS, the City of Duluth Zoning Ordinance, does not set standards, procedures and design regulations for Large-Scale Development within the municipal boundaries; and

WHEREAS, on July 30, 2007, the City of Duluth City Council imposed by ordinance and resolution a temporary moratorium on the acceptance of development applications and issuance of construction permits, building permits or other development permits for any building over 75,000 square feet to be located in any zoning classification within the City of Duluth; and

WHEREAS, within the July 30, 2007, ordinance and resolution imposing the temporary moratorium, the City Council directed the Director of Planning and Zoning to study and report back to the City Council through the Planning Commission as to whether the City's land use, zoning and/or development regulations should be amended to address the impacts and mitigation requirements, if any for buildings larger than 75,000 square feet; and

WHEREAS, an extensive study was undertaken to identify and mitigate against the negative impacts posed by large scale developments; and

WHEREAS, the study was completed and presented to the City Council on November 26, 2007;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF DULUTH HEREBY ORDAINS, as follows:

SECTION 1: That Article 3, Section 3.01 of the City of Duluth Zoning Ordinance/be and is hereby amended by adding the following:

Abutting. Having a common border even if separated by a right-of-way, alley, stream or easement.

Common Theme. Overall connected design achieved through the use of repeating and related architectural and site design elements.

Contiguous. Physically touching; not separated by a public street, railroad, stream, right-of-way, or easement.

Facade. The exterior face of a building, extending the entire width of the building elevation opposite a public right-of-way. Any exterior face of a building that is visible from a public right-of-way, public parking lot or residential development shall be considered a façade.

Fenestration. The arrangement, proportioning, and design of windows and doors in a building.

Impervious surface. Areas that significantly prevent or impede the natural infiltration of stormwater into the soil. For the purpose of this ordinance, impervious surfaces will also incorporate the floor area footprint of primary and accessory structures into the total percentage allowed. Lakes, ponds and similar features are considered greenspace and pervious surfaces for the purposes of this Ordinance.

Land Development Application- A submitted request for a land use or environmental permit or license, required from the City of Duluth, for a project action including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses or site plan review.

Large-scale development. non-residential development of 75,000 gross sq. ft. or more or multi-family residential development consisting of 75,000 gross square feet or more, either in a single building, on a single parcel, or if part of a single development application that is submitted for approval in any of the following zoning districts: RM, C-1, C-2, HC, O-I, O-N, and PUD.

Outdoor dining/seating. Seating for patrons of a restaurant that is located in an unenclosed or semi-enclosed area on the same parcel as the contiguous restaurant establishment.

Outdoor storage. An accessory use that is typically associated with non-residential principal uses. Outdoor storage includes the keeping of goods, materials, merchandise, equipment, or delivery/service vehicles in an area outside a building where it would be visible to the public from streets or adjacent properties for a period of more than twenty-four hours, whether such accessory use is for storage, display, processing or sale.

Pervious paving. Paving materials approved by the Planning Director as pervious load bearing materials suitable for parking or light commercial vehicle traffic.

Public art. Any permanent visual work of art, intended for the enjoyment of the general public and adornment of public space, that is placed outdoors in a public space where it is accessible to public view, and is not part of an occupied structure. Examples may include, but are not limited to, sculptures, monuments, statuary, murals, mosaics, and mobiles.

“Quik-Brik”. A pigmented concrete unit that is designed to have the traditional look of clay brick.

Unified Appearance. Elements of the outward and visible aspect of a structure or grounds that are linked and associated to form a coherent whole.

SECTION 2: That Article 6, Section 615 of the City of Duluth Zoning Ordinance/be and is hereby further amended by adding the following:

I. Outdoor dining/seating.

Outdoor seating for restaurant services is permitted as an accessory use in zoning districts that otherwise permit restaurants subject to the following conditions:

1. the applicant shall demonstrate that parking facilities are adequate to accommodate both indoor and outdoor seating at full occupancy in accordance with Article 9; and

2. the number of allowable outdoor seats shall be no greater than thirty percent (30%) of the total number of conforming seats located within the restaurant or the total outdoor seating area may constitute no more than twenty-five (25%) of the enclosed floor area of the restaurant, whichever is less; and
3. the layout and location of outdoor seating must be approved by the Fire Marshal and shall provide for safe fire exit of all occupants, including patrons seated indoors and outdoors; and
4. compliance with the requirements of Section 3-646 of the City of Duluth Code of Ordinances regarding Patio Sales should alcohol be consumed in the outdoor dining/seating area.

J. Outdoor Storage.

1. Outdoor storage shall be subject to the requirements of the underlying zoning district.
2. If permitted in the underlying zoning district, outdoor storage for large-scale developments shall be considered an accessory use and shall be screened as provided in Article 16, Section 1603.

SECTION 3: That Article 6 of the City of Duluth Zoning Ordinance/be and is hereby further amended by adding the following:

Article 6, Section 616 Architectural and Design Standards For Large Scale Developments.

A. Intent and Purpose.

The purpose of this section is to apply design standards and additional conditions to large-scale developments proposed in the City of Duluth in order to ensure that such developments are compatible with the surrounding area and community character, and that such developments do not negatively affect the City and property owners in the future. These large-scale developments should present high quality materials and design, promote pedestrian-friendly environments, encourage responsible stormwater management practices, and ensure that the development is beneficial to the community.

B. Community Impact Statements.

A. At the time of a rezoning application or development permit the applicant shall submit to the City a Community Impact Statement, prepared to appropriate professional standards, which shall evaluate the potential impact of the development upon the factors below. The scope and detail of the Community Impact Statement shall be subject to the discretion of the Director of Planning. The purpose of the Impact Study is to provide the City detailed information that outlines the impact that a proposed Large-Scale Development can have on the surrounding community to better assist them in future planning and development efforts.

1. Traffic and parking conditions on site and within the surrounding area (Traffic Study will substitute);
2. Municipal utilities and services including water supply, sewage, disposal, storm drains, Police fire protection, emergency services, schools, and other town services;

3. The physical and ecological characteristics of the site and the surrounding land, including wetlands, floodplain vegetation, wildlife habitat, and other environmental conditions:
4. The character of the community, including scenic, historic and archaeological conditions
5. The economic impact of the project on local businesses and residents, including number and types of jobs created, amount of local labor to be used, the amount, type and location of potential spin-off development, impact of changing land use patterns and potential for development pressure on surrounding neighborhoods.

B. The costs of all studies and investigations reasonably necessary to prepare a Community Impact Statements required under this section shall be borne by the applicant. If it becomes necessary for the City to hire outside professionals to review the impact statement, the cost of hiring the consultant(s) shall be borne by the applicant.

C. A plan for mitigation of adverse impacts, which in the opinion of the Director of Planning and Development are significant, shall be developed and submitted as part of the Community Impact Statement

C. Architectural Standards.

All new large-scale developments in the RM, C-1, C-2, HC, O-I, O-N, PRD, PCD and PUD districts shall be subject to the following standards:

1. Exterior Building Materials.

- a. Primary materials. The primary materials for exterior wall surfaces shall be brick, stone and glass.
- b. Secondary materials. Secondary materials may be used for up to 15% of the facade or side elevations and can be used to account for 100% of the exterior wall that is not considered to be a facade per the requirements of this ordinance. Acceptable secondary materials include stucco, precast concrete, textured block, wood siding, hardiplank siding, "Quik Brik" and shingles.
- c. Prohibited materials. Exposed concrete block (untextured), corrugated metal (except as provided in paragraph A.8, below), plywood, precast concrete "T"s", and vinyl or aluminum siding are prohibited.

2. Unified Theme. At the time of a rezoning application or development permit review, the applicant shall submit for review and approval, to the Director of Planning, a narrative statement and site plan to illustrate how the design, architecture, materials, and signage for all buildings in the large-scale development are to be coordinated to provide a common theme and unified appearance. An approved site plan, showing unified architectural standards are being implemented, shall be recorded by the applicant on the public record prior to project approval. Variation to an approved Unified Theme concept must be approved by the ZBA in accordance to the variance provisions set forth in section 1806(C).

3. Corporate Architecture. Standard building prototypes of corporate architecture are not desired. If used, corporate image architectural design elements, colors, and signs should be subordinated to, and reasonably blended into the larger theme of the overall development and shall be subject to prior design review and approval by the City of Duluth Director of Planning and Development.

4. Building Massing. The massing of facades of buildings shall be varied in form and give the outward appearance of a series of compatible elements clustered or joined together. This appearance should be achieved by using a variety of roof forms, parapet heights and shapes, facade modulations, pronounced entries and architectural details. *See Figure 616(1).*
5. Building Modulation. Any facade longer than 100 feet must have off-sets in the horizontal plane (plan view) that are at least four feet in depth and at least 20 feet in length. At least one additional change in horizontal plane shall be provided for every additional 50 feet of facade length. *See Figure 616(1).*
6. Fenestration. A minimum of 10% of exterior facade must be non-reflective glass, and at least of 30% first floor facade shall be non-reflective glass. *See Figure 616(2).* The U-Factor for non-reflective glass shall be 0.65 or less and all glazing must not exceed a Solar Heat Gain Coefficient of 0.40. Variation to the fenestration requirements must be approved by the ZBA in accordance to the variance provisions set forth in section 1806(C).
7. Blank Walls. First floor facades shall have no blank walls without fenestration that are longer than 50 feet. *See Figure 616(2).* An exterior wall that is not visible from a Public Right-of-Way, Public Parking Lot or residential development shall not be considered a first floor facade and is not required to meet the blank wall fenestration requirements. Variation to the blank wall requirements would need to appear before and be approved by the ZBA in accordance to the variance provisions set forth in section 1806(C).
8. Roofs: The roof design shall provide variations in rooflines and add interest to, and reduce the massive scale of, large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall include two or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous look. *(See Example 1- Roof Design)*

A. Standards:

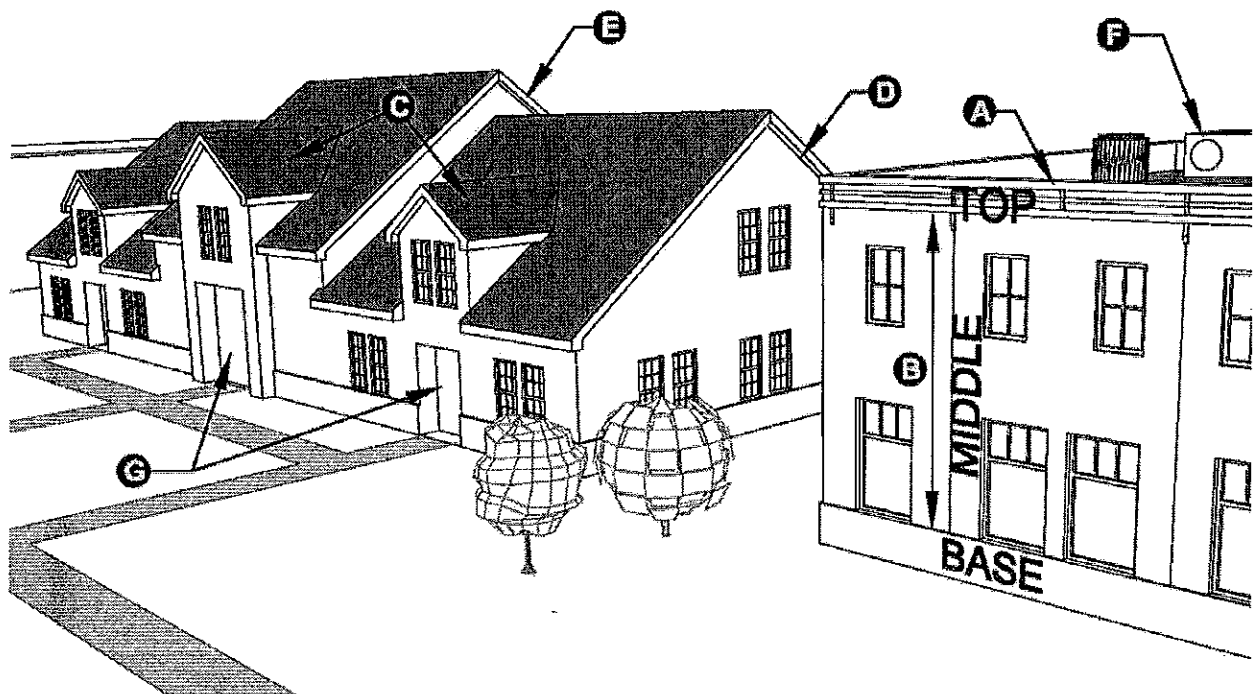
Roofs shall have no less than two of the following features:

- Parapets concealing rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed 15 percent (15%) of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall.
 - Overhanging eaves, extending between 12” to 18” past the supporting walls.
 - Sloping roofs maintaining a pitch between 4:12 minimum and 12:12 maximum slope on all primary roof areas. (Not including dormers, entry canopies or similar elements.)
- a). Roofing types shall be limited to: *(See Examples 2, 3& 4- Roof Types)*
Bonnet, Cross Gabled, Front Gabled, Side Gabled, Gambrel, Hipped, Pavilion Hipped, Cross Hipped, Mansard, Salt-box. Flat roofs are permitted but cannot account for more than 60% of the overall roof square footage.
 - b). Roofing materials for the visible sloped portions of roofs shall be limited to:
Metal standing seams, Tile, slate or stone, Wood shake.
Flat roofs may consist of membrane, TPO(?), concrete or similar materials.

B. Provisions and Exceptions:

- a) Roof standards listed above apply only to Large-Scale Developments not withstanding any other provision in the Zoning Ordinance.
- b) Architectural roof design standards, within sections 615 and 616 of this ordinance, do not apply to structures that exceed 75 foot in height. Height is calculated from the highest grade within 1000 feet of the proposed development, however mechanical equipment shall be screened as required in paragraph nine (9) below.

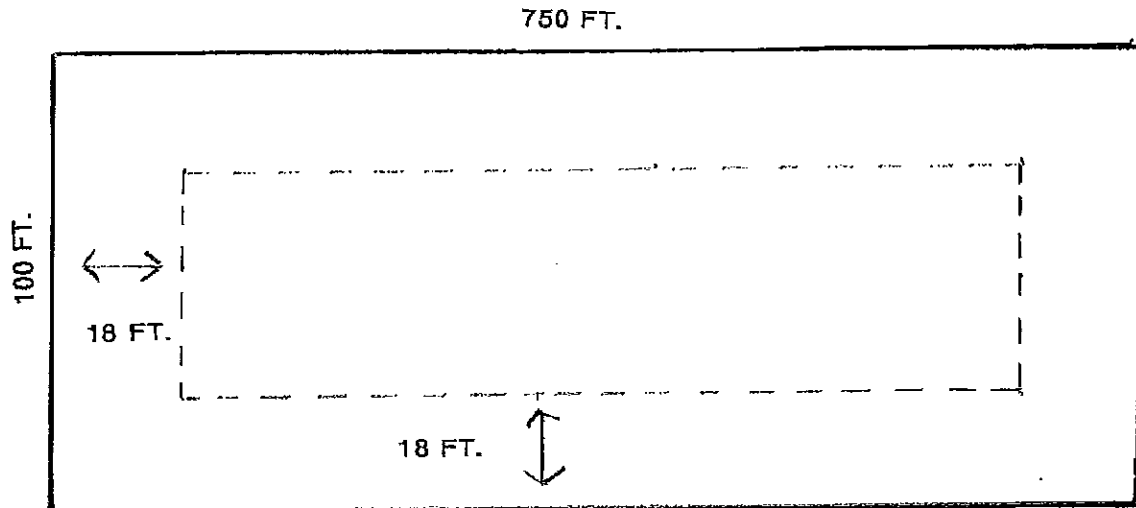
Example 1: Roof Design



- a. Flat roof structures should be capped by an articulated parapet design which acts as a structural expression of the building façade and its materials. (A) Fake roof fronts, built-out roof frames and similar applied designs are prohibited.
- b. Sloped roof structures are required to maintain a pitch between 4:12 minimum and 12:12 maximum slope on all primary roof areas. (Not including dormers, entry canopies or similar elements.)
- c. Buildings with sloped roofs are encouraged to employ the use of dormers and gables along the front to help maintain a prominent façade when feasible. (C) These also help to divert rainwater and snow away from doorways.
- d. Buildings with sloped roofs are required to provide roof overhangs between 12" and 18" deep. (D)
- e. Subtle breaks and fluctuations in the roofline, a minimum of 2 feet vertically, are required to highlight important areas of the building (such as the entry) and break up longer runs of façade/roof area. (E)
- f. The roof of a structure should be designed so as to divert the fall of rain and snow away from pedestrian areas such as walkways and doors. The use of canopies, awnings or similar protective designs are also encouraged at entry locations. (G)
- g. Air handling units, condensers, satellite dishes and other equipment placed on the roof should not be visible, per the regulations set forth in Section 616, Subsection A(9), and instead should be screened by building elements so they are shielded from sight. (F) In addition, roof mounted equipment shall be visually minimized with painted colors and finish complementary to the overall building design.

Example 2: Roof Design (60% Flat / 40 % Slope Concept)

TOP VIEW



- 1) Minimum Slope 4:12 – (4 inches of rise for every 12 inches of horizontal run).
- 2) 6 foot minimum height for screening.
- 3) 40 % of roof must contain slopes.
- 4) 60 % of the roof area can be flat.

Note: With a 4:12 slope the roof would have to extend a minimum of 18 feet(per side) to meet the minimum 6 foot screening requirement.

1) 100	2) 750	3) 714
-18	-18	<u> 64</u>
<u>-18</u>	<u>-18</u>	45,696 Left to be flat on top between slopes
64 ft.	714 ft.	

45,696 is roughly 61% of the roof total square footage.

Roof Types: Example 1

Gabled:

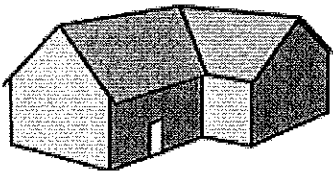
Gabled refers to the family of roofs classified by the straight slope falling from ridge to eave, creating a peak or triangle on the side or front facade.



Side Gabled Roof- This style of roof locates the front door on the non-gabled facade.



Front Gabled Roof- This style of roof has the peak or gable facing the front.



Cross Gabled Roof- Structures have additional sections or wings crossing perpendicular to the main section, meeting in a valley, each with its own peaked or gabled facade.

Roof Types: Example 2

Hipped:

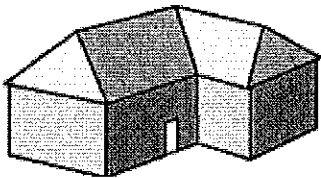
Hipped refers to the family of roofs which avoids having a peak or triangle at the roof junction by breaking the roof plane along the slope line, allowing the roof to bend or wrap around the structure.



Simple Hipped- A roof where all four roof faces rise to a ridge across the top, often with broader faces across the front slope and narrower side sections.

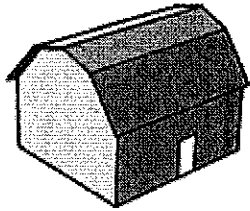


Pavilion Hipped- A roof where all four sides come to a point at the roof peak.



Cross Hipped- A roof with multiple sections or wings that cross the main section, meeting in a valley, each with its own hipped profile.

Roof Types: Example 3



Gambrel- A roof that peaks at the ridgeline then falls away in a broad, low slope, breaks horizontally and changes to a steeper pitch. A gambrel roof has a broad upper story and side facade, and is often associated with barns.



Saltbox- A gabled roof with asymmetrical roof faces. This asymmetry produces one facade that is two stories high dropping to a single story or story and one half on the opposite side of the building.

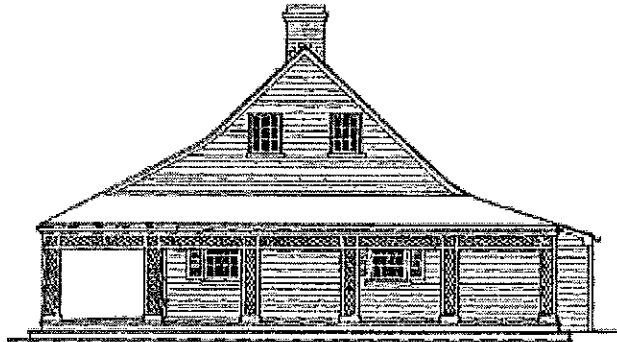


Mansard- A hipped roof with two distinct roof pitches, low sloped from the flat top or ridgeline then breaking to a steep pitch above the wall junction.



Flat- Actually its own roof type, flat roofs have a slope less than 2:12 and may terminate with or without eaves

Roof Types: Example 4



Bonnet Roof - roof having a double slope on all four sides, the lower slope being less steep than the upper slope;

9. Screening of Mechanical Equipment.

- a. Rooftop mechanical equipment must be screened so that it is not visible from public rights-of-way, public parking lots or any residential property within 1000 feet of the exterior property lines of the development. In addition, roof mounted equipment shall be visually minimized with painted colors and finish complementary to the overall building design. Exceptions due to peculiar hardships, such as topographic conditions, that are unique to the site, shall be considered by the Zoning Board of Appeals subject to the procedures of Section 1806(C).
- b. Ground-level mechanical equipment, including utility meters, transformers, telephone cabinets, HVAC equipment, generators, shredders, pumps, dumpsters and other similar equipment shall be screened so that they are not visible from public streets or adjacent property. Screening shall consist of dense landscaping or walls constructed of the primary material of the principal building.

10. Pronounced Entries. Principal entrances must be distinguished from the primary plane of the facade and provide cover from sun and rain. This may be accomplished by recessing the entranceway, placing it within an arcade, under a projecting canopy, or within a mass or tower projecting from the primary facade.

11. Architectural Details. All exterior building facades shall provide visual interest through the repetitive use of one or more architectural features such as columns, awnings, canopies, arches, balconies, towers, dormers, cupolas, etc. See Section 615.

D. **Signage.**

Signs must be at an appropriate location, height, and size for pedestrians. The requirements of the Duluth Sign Ordinance shall apply.

E. **Outdoor Dining/Seating.**

The requirements of Article 6, Section 615(I) shall apply to large-scale developments.

F. Outdoor Storage.

The requirements of Article 6, Section 615(J) shall apply to large-scale developments.

G. Outdoor Lighting.

The requirements of Article 6, Section 615(H) shall apply to large-scale developments.

H. Noise.

Projected noise levels emanating from large-scale developments shall not exceed the maximum requirements set forth in Chapter 9, Article III, Section 9-66 of the City of Duluth Code of Ordinances.

I. Parking.

For any building in a large-scale development for which the minimum number of required off-street parking spaces is greater than 375, the following additional standards apply:

1. The parking lot shall be subdivided into distinct zones of interconnected parking areas that contain no more than 250 parking spaces each. Each zone shall be separated by occupied buildings or by perimeter landscape strips that are at least 10 feet in width and are landscaped as provided in Section 4.2.1 of the City of Duluth Buffer, Landscape & Tree Ordinance. Each parking area shall include sidewalks with prominently marked crosswalks providing a safe and continuous route to the entrances of adjoining buildings and streets. *See Figure 616(3).*
2. Approved bicycle racks shall also be provided equal to one bicycle parking space for each 75 required off-street parking spaces, up to a maximum of 10 bicycle parking spaces. Bicycle parking areas shall be located in a lighted public area within 200 feet of a principal building entrance.

J. Traffic.

Traffic Study. At the time of a rezoning application or development permit the applicant shall submit, for review, a traffic study in accordance with ITE standards and the standards of Chapter 13 of the Georgia Department of Transportation (GDOT) "Design Policy Manual".

K. Interparcel Access.

1. Contiguous non-residential developments located on major collector or arterial streets shall provide circulation of both vehicles and pedestrians between contiguous sites. This shall be accomplished either with a shared driveway or by providing cross-access easements and interparcel driveway connections with sidewalks between abutting properties.
2. Where three or more contiguous non-residential parcels are proposed to be located along a major collector or arterial street, continuous cross-access easements with interconnecting drives and sidewalks shall be required.
3. Subject to the recommendations of the reviewing agency, contiguous interparcel access connections may be waived by the Director of Planning if the Director determines that no alternative form of interconnection would be feasible due to unusual or dangerous site conditions, such as topographic features, hydrologic features, shallow rock, or traffic safety considerations.

L. Driveway Spacing Standards.

1. Driveways located along the same side of a major collector or arterial street shall be spaced a minimum of 250 feet apart, or farther apart if required by GDOT.
2. No driveway shall be located closer than 150 feet from the right of way of the closest intersecting street.
3. Except where driveways are on opposite sides of a thoroughfare with a raised median, opposing driveways shall either be directly aligned or their centerlines shall be off-set by a minimum of 125 feet.
4. Out parcels located on a major collector or arterial with less than 200 feet of frontage are limited to internal access or interparcel access only.
5. Driveways shall intersect public streets at an angle between 75 degrees and 105 degrees.
6. Subject to approval of GDOT, if necessary, the Director of Planning may reduce the required separation distance of driveways where the minimum required distance proves to be impractical, provided that the driveway is limited to right in/right out only and a second, joint access driveway is provided.

M. Pedestrian Access.

1. Continuous sidewalks at least 5 feet in width are required along all street frontages contiguous to the subject property.
2. Sidewalks at least 5 feet in width are required to provide safe, direct and convenient connections from each occupied building to contiguous sidewalks located within the street right-of-way.
3. Sidewalks that cross parking areas shall be constructed with a clearly distinct color and/or texture and shall be raised at least 6 inches where they cross travel paths of automobiles. *See Figure 616(4).*
4. Sidewalks, crosswalks and other pedestrian use areas shall be lighted with approved fixtures that are appropriate for lighting pedestrian ways. Lighting shall be sufficient to eliminate “dark spots” in pedestrian areas.

N. Multi-modal Access Plan.

The application for approval of a development plan for a large-scale development shall include a multi-modal access plan. The Planning Department shall review the multi-modal access plan for consistency with the requirements and intent of this ordinance.

1. Vehicular Connections. The multi-modal access plan shall show the vehicular connections from the property surrounding the subject property to the subject property.
2. Pedestrian Connections. It shall also show the location of clearly demarcated, safe pedestrian connections (sidewalks and crosswalks) between each of the occupied buildings on the subject property and between the occupied buildings and the sidewalks on the surrounding streets.

3. Public Transportation Connections. Where an existing or planned public transportation stop or station is within 500 feet from any boundary of the subject property, the multi-modal access plan shall show how safe, continuous pedestrian access may be provided from each such stop to the entrances of each building on the subject property.
4. Bicycle Connections. When a bicycle lane, path or multi-use trail exists or is planned within 500 feet of the subject property, the multi-modal access plan shall show how bicyclists will travel safely from the existing or planned bicycle facility to each occupied building on the subject property.

O. Land Use Transition.

1. Where large-scale developments abut or are contiguous property zoned for single-family dwellings, and no internal land use transition is provided, there shall be a minimum vegetated buffer width of 75 feet abutting the property zoned for single-family dwelling. Such vegetated buffer shall be approved by the Director of Planning & Development. Reduction to the vegetated buffer requirements would need to appear before and be approved by the ZBA in accordance to the variance provisions set forth in section 1806(C).

P. Storm Water Management.

1. Maximum Impervious Surface. The maximum impervious surface allowed on any parcel that is part of a large-scale development located outside the Core Preservation District and Historic Structure Preservation District shall be 75 percent. Distribution or transfer of the maximum impervious surface requirements would have to be approved as part of a PRD, PCD or PUD development.
2. Detention Ponds. Individual detention ponds are discouraged except where they are constructed as swales that are integrated with landscaping and not noticeable from public areas.
3. Wet Detention. Wet detention areas are encouraged when they also appear as attractive water features.
4. Bioretention. Bioretention areas and swales are preferred means of stormwater management when such measures are consistent with approved Best Management Practices in accordance with the most recent edition of the Georgia Stormwater Manual.

Q. Community Amenities

The Zoning Board of Appeals may grant the following modifications from the requirements of Section 615(G) for large-scale developments as conditional uses as provided in Section 1806(B) upon a written request of the property owner or his/her duly authorized representative and a finding that the requested modification is consistent with the purposes stated in Section 1215(A). of this ordinance:

1. The land area used for stormwater retention areas that have the appearance of year-round lakes may be used to meet a portion of the requirements of Section 615(G) consistent with the area of the retention pond or lake.

2. The following community public amenities, when maintained for public access and use, may be substituted for up to a 3:1 basis (1 acre of amenities counts for 3 acres of open space) for the open space required in Section 615(G) subject to approval of a conditional use permit pursuant to Section 1806(B) and as determined by the ZBA. However, in no case shall the open space requirements of Section 615(G) be reduced by more than 50 percent in this way. In addition, any community public amenities such as sidewalks, walkways, etc., otherwise required by this ordinance shall not be included as community public amenities when calculating a substitution:
 - a. Public Green with lawn, landscaping and sidewalks lined with trees.
 - b. Plaza or Courtyard with patterned paving and covered seating areas.
 - c. Water features such as fountains or reflecting ponds, (counts as 10,000 square feet of open space).
 - d. Multi- use trails.
 - e. Public art subject to provisions of subsection P. of this Section and sited on a public plaza or green of not less than 10,000 square feet in area. approved by the Planning Commission (counts as maximum of 10,000 square feet of open space).
 - f. Others approved by the ZBA.
3. The owner of property containing community amenities described above shall maintain such community amenity, or cause it to be maintained, in good condition continuously after its construction or installation. Maintenance shall include all related landscaping, lighting and upkeep of the access ways serving the community amenity. Violations of the maintenance requirements may result in imposition of fines and penalties otherwise provided by the City of Duluth.

R. Public Art

1. The nature, size, location and positioning of public art shall be as approved by the Zoning Board of Appeals at the time that it approves a Conditional Use Permit.
2. The size, shape, and nature of the public art shall be sufficient to provide a visual focal point and be commensurate with the size, shape and character of the public space in which it is sited. Public art that, in the opinion of the Zoning Board of Appeals, is of a size, shape, or nature that is inappropriate for the public space in which it is sited may be rejected.
3. No piece of public art, once approved, shall be removed or relocated, except temporarily for upkeep or repair, except with the approval of the Zoning Board of Appeals.
4. The owner of property containing the public art shall maintain the artwork, or cause it to be maintained, in good condition continuously after its installation. Maintenance shall include all related landscaping, lighting and upkeep of the public access ways serving the public art. However the Zoning Board of Appeals may allow public art that becomes damaged or worn beyond repair to be replaced by another piece of public art that is acceptable to the Zoning Board of Appeals.
5. Violations of the maintenance requirements may result in imposition of fines and penalties otherwise provided by the City of Duluth.

S. Architectural and Design Standards For Large-Scale Developments in the M-1 and M-2 Districts

Development applications located in the M-1 and M-2 district will be subject to the following standards:

1. Architectural Standards.

a. Exterior Building Materials

i. Prohibited materials for sides of buildings facing public streets: exposed concrete block (untextured), corrugated metal (except as provided in paragraph D.8 of this Section), plywood, precast concrete "T's", vinyl or aluminum siding.

ii. Unified Theme. At the time of a rezoning application or development permit review, the applicant shall submit for review and approval, to the Director of Planning, a narrative statement and site plan to illustrate how the design, architecture, materials, and signage for all buildings in the large-scale development are to be coordinated to provide a common theme and unified appearance. An approved site plan, showing unified architectural standards are being implemented, shall be recorded by the applicant on the public record prior to project approval. Variation to an approved Unified Theme concept must be approved by the ZBA in accordance to the variance provisions set forth in section 1806(C).

b. Screening of Rooftop Mechanical Equipment. Rooftop mechanical equipment shall be screened so that it is not visible from public streets, abutting property or any residential property within 1000 feet of the exterior property lines of the development. Exceptions due to peculiar hardships, such as topographic conditions unique to the site, shall be considered by the Zoning Board of Appeals subject to the procedures of Section 1806 C. "Variances".

c. Screening of Ground-level Mechanical Equipment. Ground-level mechanical equipment, including utility meters, transformers, telephone cabinets, HVAC equipment, generators, shredders, pumps, and other similar equipment shall be screened so that they are not visible from public streets or abutting property. Screening shall consist of dense landscaping or walls constructed of the primary material of the principal building.

d. Pronounced Entries. Public entrances must be distinguished from the principal plane of the façade and provide shelter from wind, sun and wind. This may be accomplished by recessing the entranceway, placing in an arcade, under a projecting canopy, or within a mass or tower projecting from the primary façade.

2. Outdoor storage (see Section 1603)

Storage or display of merchandise or equipment in areas marked for required off-street parking is prohibited.

3. Outdoor Lighting.

The requirements of Article 6, Section 615(H) shall apply.

4. Noise.
Projected noise levels emanating from large-scale developments shall not exceed the maximum requirements set forth in Chapter 9, Article III, Section 9-66 of the City of Duluth Code of Ordinances.
5. Traffic.
 - a. Inter-parcel access
 - i. Contiguous non-residential developments located on major collector or arterial streets shall either share a driveway or provide cross-access easements and interparcel driveway connections with sidewalks to provide circulation of both vehicles and pedestrians between contiguous sites.
 - ii. Where three or more contiguous non-residential parcels are proposed to be located along a major collector or arterial street, continuous cross-access drives shall be required.
 - iii. Subject to the recommendations of the reviewing agency, contiguous interparcel access connections may be waived by the Director of Planning if the Director determines that no alternative form of interconnection would be feasible due to unusual or dangerous site conditions, such as topographic features, hydrologic features, shallow rock, or traffic safety considerations.
 - b. Driveway Spacing Standards.
 - i. Driveways located along the same side of a major collector or arterial street shall be spaced a minimum of 250 feet apart, or farther apart if required by GDOT.
 - ii. No driveway shall be located closer than 150 feet from the right of way of the closest intersecting street.
 - iii. Except where driveways are on opposite sides of a thoroughfare with a raised median, opposing driveways shall either be directly aligned or their centerlines shall be off-set by a minimum of 125 feet.
 - iv. Driveways shall intersect public streets at an angle between 75 degrees and 105 degrees.
 - c. Sidewalks.
Continuous sidewalks at least 5 feet in width are required along all street frontages that are adjacent to residential or commercial retail uses.
 - d. Multi-modal Access Plan.
The application for approval of a development plan for a large-scale development in the M-1 or M-2 district shall include a multi-modal access plan. The Planning Department shall review the multi-modal access plan for consistency with the requirements and intent of this ordinance. The multi-modal access plan shall show the vehicular connections from the property

surrounding the subject property to the subject property. Where an existing or planned public transportation stop or station is within 500 feet from any boundary of the subject property, the multi-modal access plan shall show how safe, continuous pedestrian access may be provided from each such stop to the entrances of the primary building on the subject property.

6. Land Use Transition.

- a. Where large-scale developments abut property zoned for single-family dwellings, and no internal land use transition is provided, there shall be a minimum vegetated buffer width of 75 feet abutting the property zoned for single-family dwelling. Such vegetated buffer shall be approved by the Director of Planning & Development. Reduction to the vegetated buffer requirements would need to appear before and be approved by the ZBA in accordance to the variance provisions set forth in section 1806(C).

7. Storm Water Management.

- a. Maximum impervious surface allowed on any parcel that is part of a large-scale development that is located outside the Core Preservation District and Historic Structure Preservation District shall be 75 percent. Distribution or transfer of the maximum impervious surface requirements would have to be approved as part of a PRD, PCD or PUD development.
- b. Individual detention ponds are discouraged except where they are constructed as swales that are integrated with landscaping and not noticeable from public areas.
- c. Wet detention areas are encouraged when they also appear as attractive water features.
- d. Bioretention areas and swales are preferred means of stormwater management when such measures are consistent with approved Best Management Practices in accordance with the most recent edition of the Georgia Stormwater Manual.

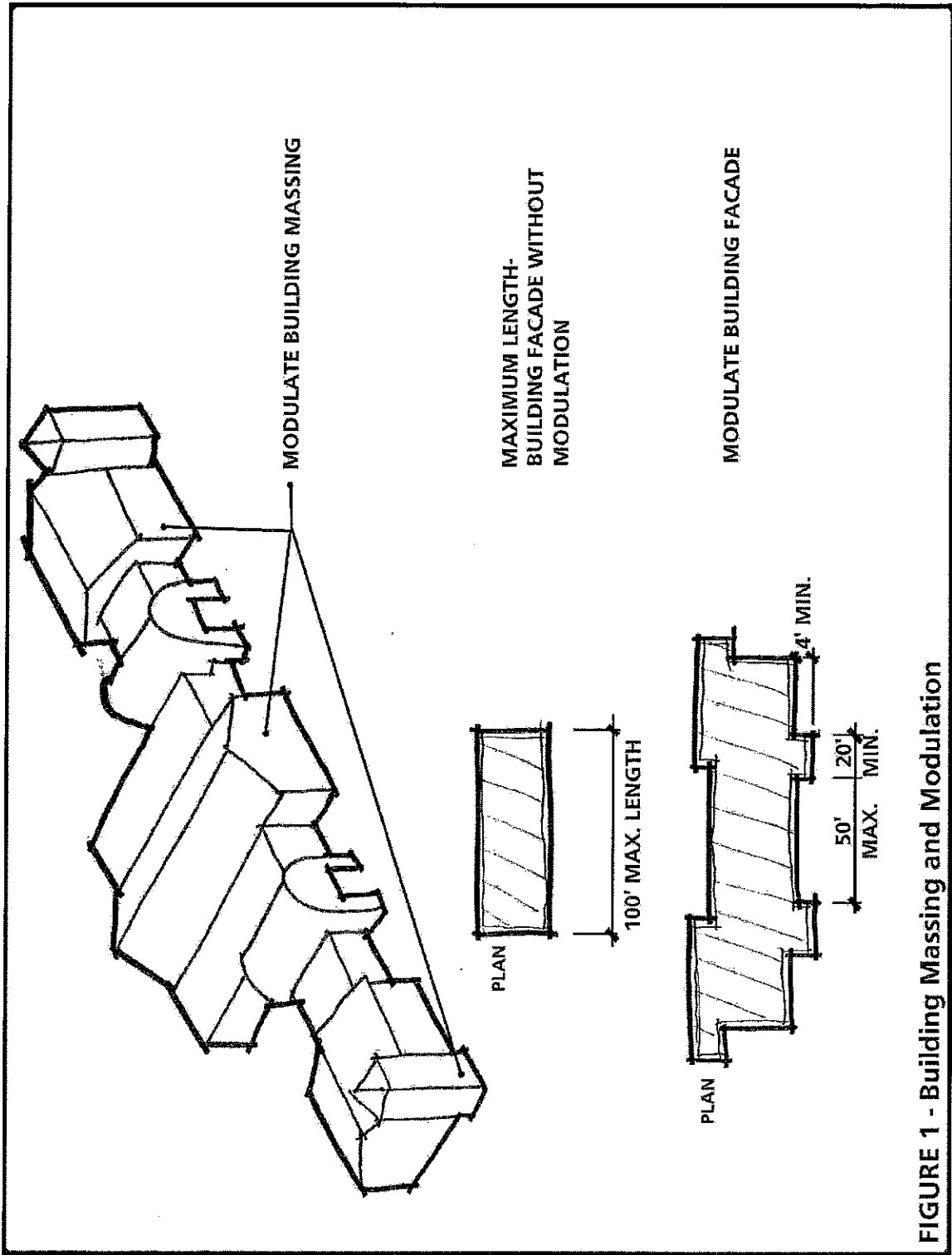


FIGURE 1 - Building Massing and Modulation

Figure 616(1)

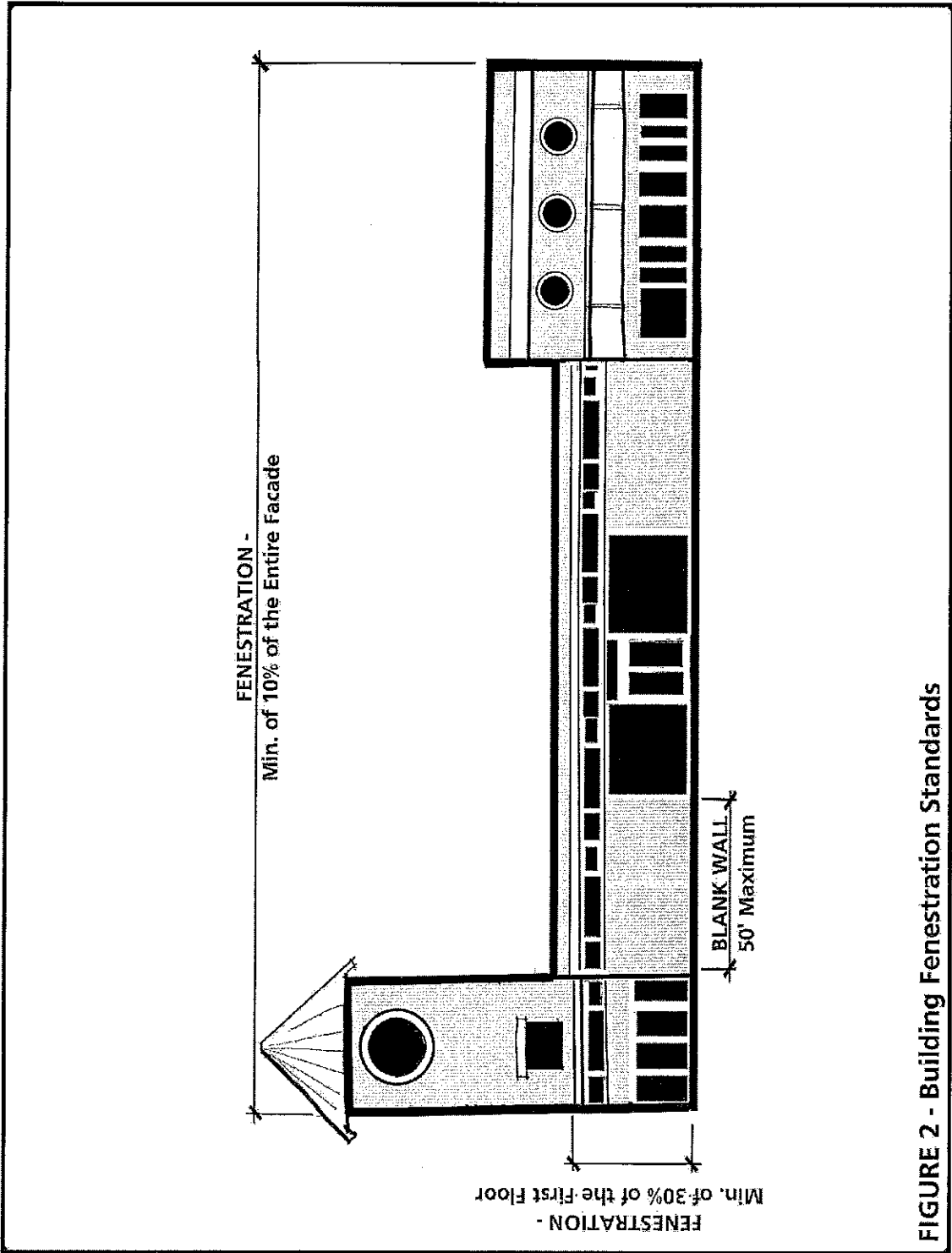


FIGURE 2 - Building Fenestration Standards

Figure 616(2)

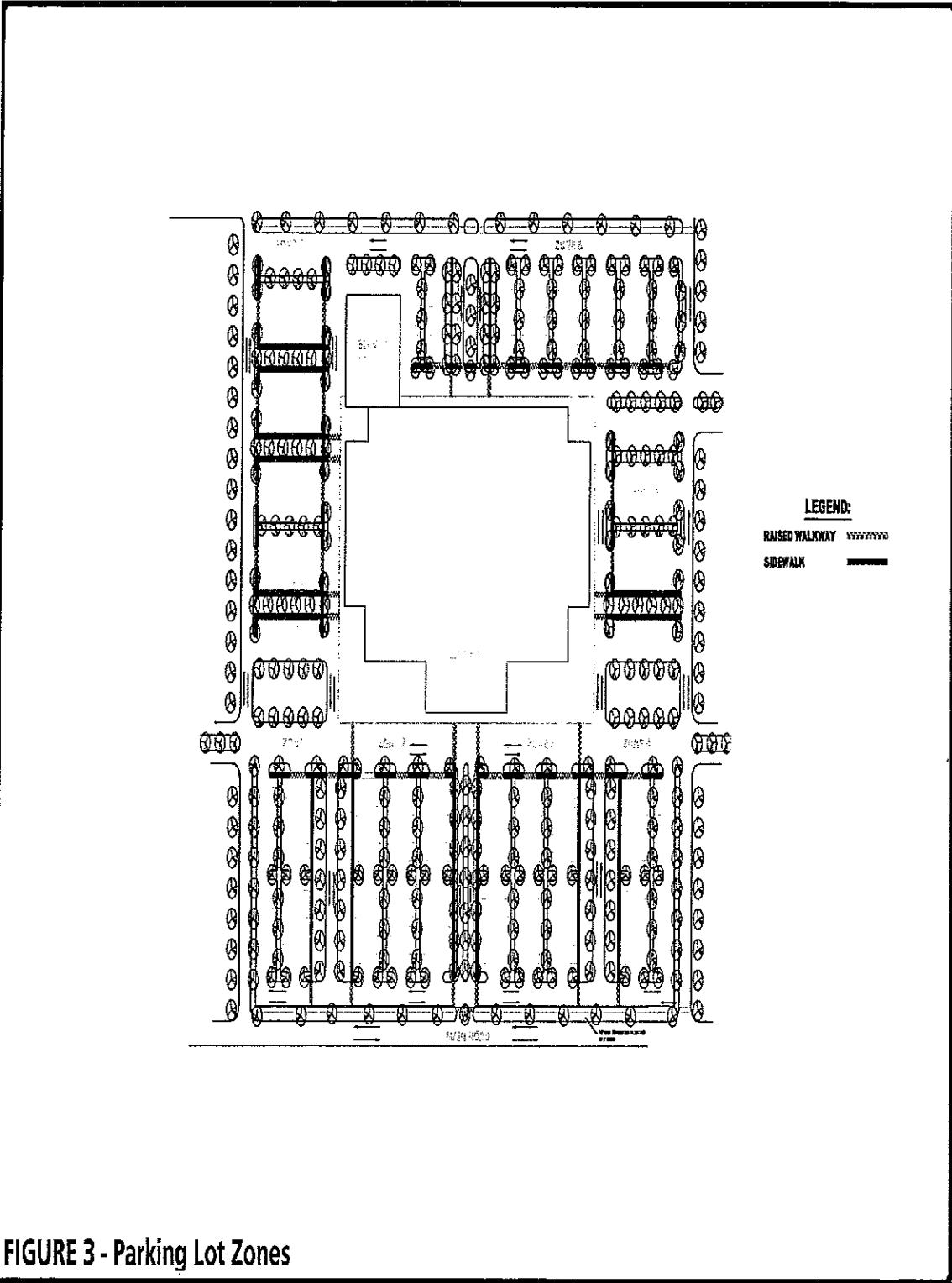
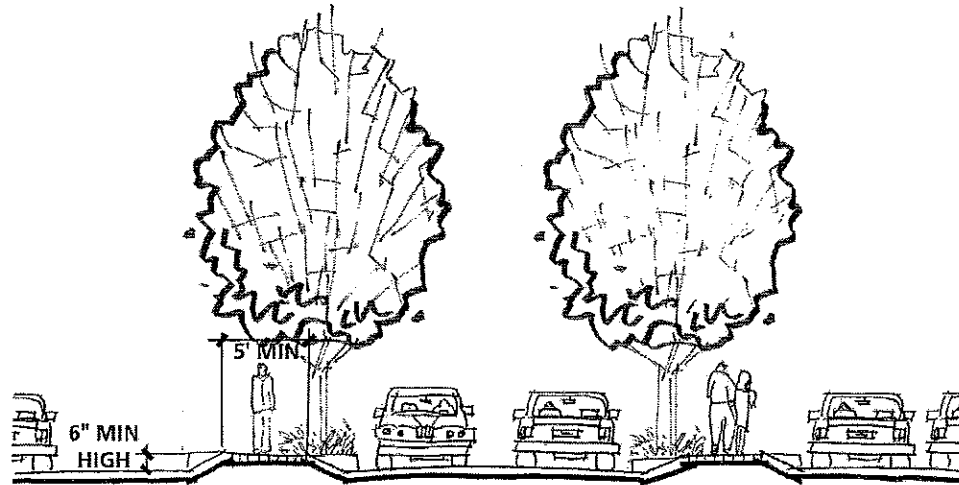
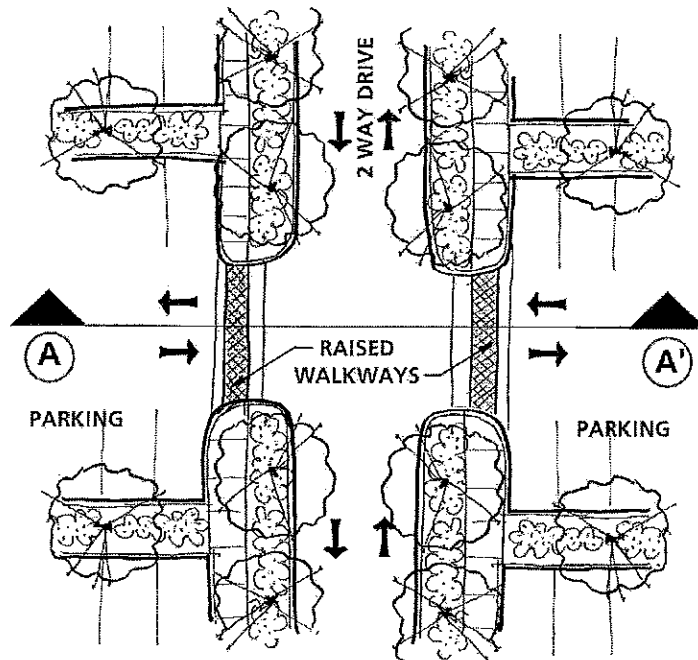


FIGURE 3 - Parking Lot Zones

Figure 616(3)



TYPICAL SECTION A-A'



PLAN VIEW OF RAISED WALKWAYS

FIGURE 4 - Raised Pedestrian Walkways

Figure 616(4)

T. Procedures.

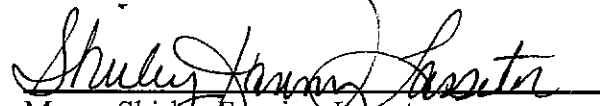
1. Applications. Prior to approval, developments subject to the provisions of this ordinance will submit preliminary architectural floor plans, roof plans and elevations along with a site plan for the property that clearly demonstrate compliance with this ordinance.
2. Review. The Planning Department will review site plans and architectural plans for compliance with the ordinances of the City of Duluth.
3. Public Notification. Land Development applications for Large-Scale Developments, that are submitted to the Department of Planning and do not require a conditional use permit, special use permit or rezoning request, will be made available on the City Website during development permit review for a period of 10 days for public comment.

SECTION 4: That this Ordinance is passed pursuant to the Findings and Recommendations of the City of Duluth City Council, made at its December 17, 2007 public hearing.


SECTION 5: That all other provisions of the Zoning Ordinance will also apply, however, if any sections are inconsistent or contrary to the provisions of this Section then this Section will control.

SECTION 6: That this Ordinance shall be effective upon its passage and approval by the Duluth City Council.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DULUTH,
GWINNETT COUNTY, GEORGIA, THIS 17TH DAY OF DECEMBER, 2007.**




Mayor Shirley Fanning Lasseter



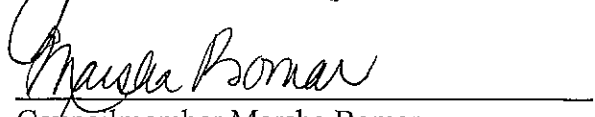
Councilmember Doug Mundrick



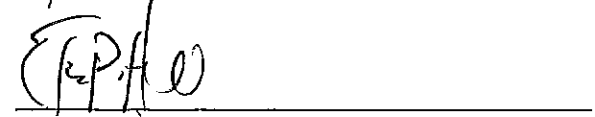
Councilmember Doris Kirouac



Councilmember Jim Dugan

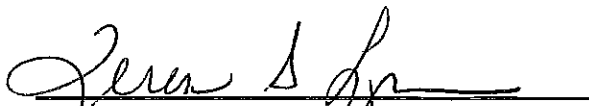


Councilmember Marsha Bomar



Councilmember Jim Hall

ATTEST:



Teresa S. Lynn, City Clerk