



# STAFF REPORT

## Town Council Meeting

08/15/2024 | 7:00 pm | Regularly-Scheduled Meeting

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### Subject: Town Center Mixed Use Iterations

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- 1. Background/History:** *The Town Center Mixed-Use ordinance was created as a result of the Town of Tyrone's Comprehensive Plan and Downtown Plan to serve the Town Center Character Areas with a zoning classification that permitted a mix of both commercial and residential development types.*
- 2. Findings/Current Activity:** *After subsequent rezoning applications, Town Council has directed staff to make modifications to the Town Center Mixed Use district in two phases. The first, phase presented in this text amendment is a request to remove Townhouses as a permitted use due to a concerns with the use type. The second phase will be a comprehensive review of both the Town Center Mixed Use district and the Town Center overlay to increase clarity of the language and to reduce ambiguity to ensure developments meet certain quality and performance metrics consistent with the development patterns desired in the downtown area. Staff has prepared Phase I of these text amendments in accord with this request.*
- 3. Actions/Options/Recommendations:** *It is staff's determination that these **red lined** revisions meet Council's request.*
- 4. Planning Commission Recommendation:**

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**Sec. 113-137. Town center mixed-use district (TCMU).**

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

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- g. Conceptual drawings of representative building types for all ~~non-residential~~ structures which indicate the proposed general architectural style and appearance; and
  - h. If a proposed development creates special problems or involves specific circumstances, additional information as required by the zoning administrator in order to properly evaluate the proposal as follows:
    - i. Off-street parking and loading plan;
    - ii. Economic feasibility report or market analysis;
    - iii. Area traffic study and circulation plan within the development and to and from existing thoroughfares;
    - iv. Hydraulic, hydrologic, and drainage engineering studies;
    - v. Environmentally sensitive areas, including, but not limited to: watershed protection, wetlands, or groundwater recharge impact study; and
    - vi. Based on the pre-application meeting with the zoning administrator, other information as is deemed necessary may be requested; in addition, any of the aforementioned required information (items (a) thru (h)) may be excluded if deemed not applicable.
- (4) *Summary of intent.* The written statement submitted with the development plan shall include the following information:
- a. Statement of the present ownership of all land within the proposed development;
  - b. Explanation of the character of the proposed development, including, but not limited to: a summary of uses, number and type of dwelling units, a net residential density calculation, and minimum standards for floor area, lot size, yard and spacing requirements;
  - c. General statement of the proposed development schedule and progression of unit development or staging; and
  - d. Agreements, provisions, and covenants which govern the use, maintenance, and protection of the development and any common or open space, including the provisions which will organize, regulate and sustain the property owners' association, where applicable.
- (5) *Approval.* After review and public hearing, the planning commission shall provide a recommendation to the mayor and council. After a public hearing the mayor and council may approve, disapprove or approve the rezoning and the applicable development plan with modifications. If the proposed rezoning and applicable development plan are approved as submitted, the zoning administrator shall cause the official zoning map to be changed to indicate the change in zoning and the boundaries of the property affected by the approved development plan. If the rezoning and applicable development plan are approved with modifications, the applicant shall file written notice of consent to the modification and a properly revised development plan with the zoning administrator prior to changing the official zoning map. The development plan and all other accompanying information shall be properly identified and permanently filed with the zoning administrator.
- (6) *Subdivision approval.*
- a. At the option of the applicant, a preliminary subdivision plat may be filed along with the development plan in order that tentative approval of the subdivision by the planning commission may be granted, pending the approval by the mayor and council of the development plan. In no case shall final subdivision approval precede the approval of the development plan.

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- b. Site development regulations, specifications, and procedures governing the platting of a TCMU development and plat approval shall be in accordance with the Town of Tyrone subdivision regulations and development regulations.
  - c. No combination of lots in excess of three acres shall be approved without a development plan.
- (7) *Ownership control.* At the time a final plat is approved and recorded for a TCMU development, as applicable, the land comprising the area for the development shall be under one ownership, i.e., an individual, a corporation, or some other single legal entity. Individual lots may be sold only after the final plat has been approved and recorded and the deed contains sufficient covenants assuring the continuance of the TCMU development as originally approved and developed.
- (8) *Building and occupancy permits.* The zoning administrator shall approve the issuance of building permits for buildings and structures in the TCMU development if they are in substantial conformity with the approved development plan, the development schedule, and with all other applicable regulations. A certificate of occupancy shall be issued for any completed building or structure if it conforms to the requirements of the approved development plan and all other applicable regulations.
- (9) *Revision of development plan.* Any change in the approved development plan, which affects the intent and character of the development, the density or land use pattern, the approved uses, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the mayor and council upon the recommendation of the zoning administrator and planning commission. A request for a revision of the development plan shall be supported by a written statement as to why the revisions are necessary or desirable.
- (d) *Development standards.*
- (1) *Permitted uses.*
- a. *Residential uses.*
    - 1. Single-family detached dwellings;
    - 2. ~~Townhouse dwellings;~~
    - 3. Multi-family loft dwellings as part of a mixed-use commercial structure; and
    - 4. Accessory uses and structures.
  - b. *Commercial and institutional uses.*
    - 1. Accounting, auditing and bookkeeping services;
    - 2. Adult day care centers;
    - 3. Advertising agencies excluding sign contractors;
    - 4. Amphitheaters;
    - 5. Antique stores;
    - 6. Apparel and accessory stores (including dressmaker and tailor);
    - 7. Appraisers;
    - 8. Aquaponics/Urban farming facilities;
    - 9. Arcades
    - 10. Art galleries;
    - 11. Art studios;

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12. Assembly halls;
  13. Attorneys;
  14. Auditoriums;
  15. Automobile claims adjuster;
  16. Bakeries, retail;
  17. Banquet halls;
  18. Barbershops and beauty shops;
  19. Bicycle repair shops;
  20. Blood donor stations;
  21. Blueprinting and photocopying services;
  22. Book and stationery stores;
  23. Bowling alley;
  24. Brew pubs & microbreweries;
  25. Business agents and brokers;
  26. Business incubators;
  27. Business service support establishments;
  28. Camera and photographic supply stores;
  29. Carryout/delivery establishments;
  30. Catalog mail order stores;
  31. Caterers;
  32. Churches and other places of worship and accessory facilities;
  33. Cigar stores and stands;
  34. Clerical;
  35. Collection services;
  36. College and university industry associated research and training facilities;
  37. Commercial photography, art and graphics offices;
  38. Commercial vocational schools;
  39. Computer or data processing offices;
  40. Counseling and guidance services;
  41. Credit reporting services;
  42. Cultural facilities;
  43. Dance schools;
  44. Day nurseries & day care centers;
  45. Delicatessen and gourmet food stores (with incidental catering);

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46. Dental care services;
  47. Detective agency and protective services (excluding armored cars and animal rental);
  48. Dinner theatres;
  49. Doctors/physicians' offices;
  50. Drafting services;
  51. Drugstores;
  52. Eating establishments, when accessory to a permitted use;
  53. Electric transformer stations, gas regulator stations and telephone exchanges;
  54. Employment agencies;
  55. Engineering, planning and architectural offices;
  56. Escape rooms;
  57. Fabric shops;
  58. Farm and garden supply stores (interior storage only);
  59. Farmers' markets;
  60. Finance, insurance and real estate institutions;
  61. Florists;
  62. Food specialty shops (ice cream, coffee, soda fountain);
  63. Furniture, home furnishing and appliance stores;
  64. Gift, novelty and souvenir stores (excluding adult novelty);
  65. Glass sales;
  66. Grocery stores limited to a floor area not exceeding 5,000 square feet;
  67. Gyms;
  68. Hardware sales;
  69. Health services clinics;
  70. Historical society/welcome, information centers;
  71. Hobby, toy and game shops;
  72. Home health care;
  73. Hotels;
  74. Household and apparel stores;
  75. Indoor sports facilities;
  76. Interior decorator services;
  77. Jewelry sales and repair;
  78. Key duplicating shops;
  79. Kitchen-ware stores;

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80. Laundry and dry cleaning pick-up stations;
  81. Lawn and garden supply;
  82. Libraries;
  83. Locksmiths;
  84. Management, consulting and public relations services;
  85. Manicure services (nail care);
  86. Meat, seafood and poultry markets (excluding live poultry);
  87. Medical and dental laboratories;
  88. Medical photography;
  89. Message answering services;
  90. Museums;
  91. Musical instrument sales and repair;
  92. News dealers and newsstands;
  93. Notary public;
  94. Occupational physical therapy;
  95. Office uses as part of a planned office center;
  96. Optician and optometry stores;
  97. Parcel and express services;
  98. Parks;
  99. Pet shops;
  100. Pharmacies;
  101. Photographic studios;
  102. Picture framing stores;
  103. Playhouses;
  104. Political organizations;
  105. Produce markets;
  106. Radio and television broadcasting stations;
  107. Radio, television and stereo sales and service;
  108. Recording and developing studios;
  109. Restaurants, general and convenience;
  110. Seasonal outdoor retail (activity for the sale of flowers, garden supplies, produce);
  111. Shoe repair and sales;
  112. Skating rinks;
  113. Solar generation facilities;

- 114. Specialized merchandise stores;
- 115. Specialized non-degree schools;
- 116. Sporting goods;
- 117. Swimming pools (prefabricated), hot tubs and spa sales;
- 118. Talent and theatrical booking agents;
- 119. Telecommuting centers;
- 120. Telephone business offices;
- 121. Ticket brokers;
- 122. Travel agencies;
- 123. Utility business offices;
- 124. Veterinarians; and
- 125. Visiting nurse associations.

(2) Dimensional and other requirements.

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

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

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

- a. No single structure may exceed a footprint of 30,000 square feet.
  - b. A 75-foot buffer shall be in effect along all bordering residential zoning districts coterminous with setbacks.
- (3) *Open space.*
- a. Open spaces shall be provided in conformance with the approved development plan.
  - b. Open space may utilize any of the following elements towards the open space calculation:
    - i. Required yards, planted areas, fountains, community gardens, rooftop gardens, parks, plazas, hardscape elements related to sidewalks and plazas, amenity space, and similar features.
    - ii. Required buffer areas may be counted toward open space requirements even if such buffer area is dedicated to the town or other governmental entity for recreation use, conveyed to a conservation group, or is subject to permanent easements for public use.
- (4) *Fencing materials.* No barbed wire, razor wire, chain-link fence, or similar elements shall be visible from any public plaza, ground level, or sidewalk level outdoor dining area or public right-of-way.
- (5) *Drive through uses.* Drive-through service windows and drive-in facilities are not allowed.
- (6) *Storefront requirements.*
- a. The length of facade without intervening transparency shall not exceed 20 feet.

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- b. The ground story shall have a minimum 50 percent transparency.
  - c. Entrances may be counted where they are transparent.
- (7) *Dumpsters and loading areas.* Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, sidewalk-level outdoor dining area, public sidewalk or public right-of-way. In addition, dumpsters and loading areas serving residential uses shall be enclosed with opaque walls on three sides not less than eight feet in height, along with a gate or door.
- (8) *Loading dock entrances for nonresidential uses.* Loading dock entrances for nonresidential uses shall be screened so that loading docks and related activity are not visible from any public right-of-way.
- (9) *Building mechanical and accessory features.*
- a. Shall be located to the side, rear, or roof of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way.
  - b. When located on rooftops, shall be incorporated in the design of the building and screened with building materials similar to the building.
  - c. Shall not be permitted between the building and any public street.
- (e) *Parking and site design standards.*
- (1) *Street requirements.* New streets shall be provided in conformance with an applicable development plan and should avoid culs-de-sac to the highest degree possible so as to contribute to a connected town center grid-network.
- (2) *Inter-parcel connectivity.* Opportunities for inter-parcel pedestrian and vehicle access points between all contiguous commercial, office, or multifamily residential parcels shall be provided. Multi-use paths shall be provided with connectivity to the existing town multi-use path network in keeping with the town's path system design guidelines. Developments east of the CSX rail line must provide a separated-grade multi-use crossing to the Town's existing path network.
- (3) *On-site parking.* Shall primarily be provided ~~on~~ in the ~~side and~~ rear of commercial developments. Secondary or supplemental parking may be provided on the side of the property upon Planning Commission approval.
- (4) *Off-site parking.* Required parking spaces shall be permitted to be provided on adjacent or nearby property within a TCMU district, provided said relocated spaces lie within 300 feet of the main entrance to the principal use for which such parking is provided.
- (5) *Driveways and curb cuts.*
- a. All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone. A corresponding interior sign or painted bar on the driveway shall be provided adjacent to the sidewalk paving as needed.
  - b. Except as required by Georgia Department of Transportation along state routes, no more than one curb cut shall be permitted for each development site, provided that properties with more than one street frontage may have one curb cut located on each street frontage. However, developments on properties with a single street frontage greater than 400 feet shall be permitted two curb cuts along one street frontage.
  - c. Driveway access for residential properties shall be in the rear or side of the home. Street-facing garages are not permitted.

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(Ord. No. 2019-06, § 1, 9-19-2019; Ord. No 2019-10, § 1, 11-21-2019)

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(Supp. No. 18, Update 1)

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