

ARTICLE IX – RESIDENTIAL PLANNED UNIT DEVELOPMENTS (R-PUD)

SECTION A. General Intent.

This article is intended to accommodate flexible and creative site planning for housing as part of a unified development plan relative to more conventional regulations. Intended benefits include a more efficient use of land, preservation of environmentally sensitive resources and historic resources, the provision of useable open space, a broader variety of housing types, greater physical compatibility between different housing types, reduced housing costs, less expansive and costly roads and utilities, and increased fiscal efficiencies. The review and approval process for proposed Residential Planned Unit Developments (R-PUDs) provides the opportunity for public input and helps to assure that the development will be in harmony with the character of the surrounding area. Two types of R-PUD districts are appropriate for the community: a higher density R-PUD for the more northern portion of the community and a lower density R-PUD for the more southern portion of the community. Finally, as with all of the City's zoning and development regulations, it is the intent of this section to further the successful implementation of the objectives of the City's adopted Comprehensive Plan in a manner that is also consistent with relevant state planning laws.

SECTION B. Objectives.

Residential Planned Unit Development (R-PUD) districts are established to:

1. Accommodate the development of land as cohesive neighborhoods that are harmonious in their site design, housing types and architecture.
2. Accommodate more flexible and creative housing developments than are permitted through the City's more conventional zoning and development regulations.
3. Encourage a broader variety of housing types than would normally occur in conventional subdivisions, and allow unique dwelling arrangements not typically provided in conventional subdivisions.
4. Encourage preservation of the site's natural features, including steep slopes, karst geology, wetlands, aquifer recharge areas, water areas, floodplains, woodlands, and similar features through the maintenance of conservation areas and open spaces.
5. Encourage development of infrastructure and amenities, including civic and semi-public uses when appropriate, such as schools, parks, recreational facilities, and meeting spaces.
6. Provide for the efficient use of land by encouraging less expansive networks of utilities and streets, thereby decreasing development and housing costs and increasing fiscal efficiencies for the City.
7. Ensure a character of development compatible with surrounding areas.
8. Ensure that applicants for the development of an R-PUD provide sufficient information for the City, its citizens, property owners and other stakeholders to adequately evaluate the proposed development's merits and potential impacts on the community.

SECTION C. Application of R-PUD Zoning

1. **Applied as a Floating Zone.** This zoning district is a "floating" zone that is initially unmapped. An applicant for this zoning designation is not entitled to an R-PUD rezoning by right. Instead, such zoning is only designated through a successful application by the applicant and approval by the City Council in accordance with this Article.
2. **Not an Alternative to Variances.** R-PUD zoning shall not be used as an alternative to obtaining variances for developments unable to comply with the provisions of other zoning districts. Applications for rezoning to the R-PUD designation shall be rejected by the City if the development proposal does not clearly match the intent of this Article. Similarly, applications for an R-PUD rezoning will be rejected if another remedy is available and would be more appropriate, such as an application for a variance from minimum lot frontage or building setback requirements of the applicable zoning district.

SECTION D. Types of R-PUD Districts

There are two types of R-PUD districts, each having its own set of objectives, site requirements and development standards:

1. **R-PUD: Higher Density.** The R-PUD: HD district is intended to provide opportunities for higher-density housing relative to other areas of the community in a variety of forms, including both attached and detached housing. This option is limited to the more northern portion of the community where higher-density housing and non-residential uses are already existing and planned.
2. **R-PUD: Lower Density.** The R-PUD: LD district is intended to provide opportunities for lower-density housing relative to the R-PUD: HD district and in a lesser variety of forms than the R-PUD: HD district. This option is limited to the more southern portion of the community where lower-density housing already exists and few non-residential uses exist or are planned.

SECTION E. Site Requirements for R-PUD Districts

1. **R-PUD: Higher Density.** To achieve R-PUD: HD zoning, the site must meet the following two (2) requirements:
 - a) Minimum Site Size: The minimum site size for R-PUD: HD zoning shall be three (3) acres to ensure a cohesive development providing opportunities for creative site design and a mixture of housing types. A rezoning to this designation may entail a site smaller than three (3) acres only when it is physically adjacent to, and will be integrated with, land having the same R-PUD: HD zoning, thereby resulting in a contiguous site satisfying this minimum site size requirement. Existing streets

shall not traverse any portion of the site in a manner that would create two (2) or more sections out of the minimum three (3) acre site.

- b) Location: The site proposed for R-PUD: HD zoning must be located generally within the northern portion of the community with preference to property currently zoned as, or within five hundred (500) feet of property currently zoned as one (1) of following zoning districts:
 - i) Community Convenience Commercial District
 - ii) Multiple Family Dwelling District

In determining the distance requirement, any portion of the subject site can be within the distance referenced above to the applicable zoning district listed above, as opposed to the entire site needing to meet that distance requirement.

2. R-PUD: Lower Density. To achieve R-PUD: LD zoning, the site must meet the following two (2) requirements:

- a) Minimum Site Size: The minimum site size for R-PUD: LD zoning shall be ten (10) acres to ensure a cohesive development providing opportunities for creative site design. A rezoning to this designation may entail a site smaller than ten (10) acres only when it is physically adjacent to, and will be integrated with, land having the same R-PUD: LD zoning, thereby resulting in a contiguous site satisfying this minimum site size requirement. Existing streets or highways shall not traverse any portion of the site in a manner that would create two (2) or more sections out of the minimum ten (10) acre site.
- b) Location: The site proposed for R-PUD: LD zoning must meet the following two (2) requirements:
 - i) Currently zoned as Single Family
 - ii) Located generally in the southern portion of the community.

SECTION F. Procedures for R-PUD Zoning and Site Plan Approval

1. Application for Approval.

- a) Pre-Application Meeting: Prior to filing an application for an R-PUD rezoning and site plan with the City, the applicant shall meet with the City's Zoning Administrator (or the Chairman of the Municipal Planning Commission or a member of the Municipal Planning Commission designated by the Chairman if there is no appointed Zoning Administrator) to discuss the general concept for the proposed development and to better understand the City's requirements for R-PUD zoning and related development. If not otherwise in attendance under the provisions of the previous sentence, the Chairman of the Municipal Planning Commission or a

member of the Municipal Planning Commission designated by the Chairman may also attend this meeting. An on-site tour of the subject site with the same parties shall be required prior to consideration. Such a tour should focus, in particular, upon the site's natural and historic resources so that the subsequent site plan can avoid their disturbance. Applicant must submit a concept site plan sufficient to demonstrate the development to include lot sizes, amenity locations and space allowances, special areas of consideration, wetlands, streams or other area limitations.

b) Preliminary Rezoning and Plan Application: The applicant shall file a Preliminary Rezoning and Plan application for the proposed R-PUD, along with any required City fees. This application shall be supported by a written statement of intent and a Preliminary Site Plan.

i) *Preliminary Site Plan*. A Preliminary Site Plan for development shall be submitted in conjunction with the application for rezoning. The plan shall be prepared by a registered or certified planner, urban designer, landscape architect, architect or civil engineer. The City Council may approve the rezoning and plan request based upon a recommendation by the Municipal Planning Commission, including the requirement of Preliminary Site Plan conditions recommended by the Commission. For a property requiring a Subdivision approval, the City's Subdivision Regulations shall also apply, in addition to the Preliminary Site Plan requirements. The Preliminary Site Plan shall be drawn to scale on a boundary survey of the site and include the following:

- Name, address, and telephone number of the property owner.
- Name, address, and telephone number of the applicant.
- Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
- Proposed use of the property.
- Location and size of the property in acres.
- Location map of the property in relation to the surrounding area with regard to well-known landmarks such as key streets. Location maps must be drawn at a scale sufficient to show clearly the information required, but not less than one (1) inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide.
- Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
- Natural features within the property, including drainage channels, steep slopes (20% grade or greater), bodies of water, wooded areas, wetlands, rock outcroppings, and other significant natural features. For all watercourses entering or leaving the property, the direction of flow shall be indicated. The 100-year flood plain, if any, shall be outlined.
- Man-made features within and adjacent to the property, including existing streets and street names, city and county political boundary lines, bridges,

utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.

- Proposed grading plan, including the identification of natural and historic features to be preserved, including mature vegetation.
- The proposed development layout including lot lines and street right-of-way lines, along with the building envelopes as defined by front, rear and side setbacks for each lot, outdoor storage areas, buffers, parking areas and driveways.
- The proposed phasing of the development, if any.
- A statement as to the source of domestic water supply.
- A statement as to the provision for sanitary sewage disposal.
- The approximate location of proposed storm water detention facilities.
- Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

ii) *Supplemental Information.* A narrative shall be submitted with the Preliminary Site Plan to describe the following:

- A statement of the rationale and planning objectives for the R-PUD.
- An explanation of the ownership status of the subject parcel(s).
- The proposed market selling price or rent levels of each dwelling unit type.
- A description of any proposed recreation facilities.
- An indication of whether the streets are to be dedicated to the City or reserved as private streets.
- A general statement of the proposed development schedule.
- The Planning Commission may additionally require a traffic impact analysis by a qualified transportation planner or traffic engineer addressing the following:
 - Information on current traffic volumes on the streets that access the site and projections of the traffic impacts from the proposed development;
 - An estimate of the number of turning movements in all directions per day;
 - Projected needs for traffic control devices;
 - Projected need for lane separation devices or the development of acceleration/deceleration lanes into and out of the development.

iii) *Land Uses and Development Summary.* The application shall include a list of:

- All land uses proposed for the development.
- The total land area devoted to each of the land uses proposed.
- The percentage of the total land area within the development devoted to each proposed land use.
- The number of residential units by type, floor area for each type of dwelling unit (typical or a range), density, and the total square footage of buildings devoted to any permitted non-residential uses.

In addition, the application shall contain a development schedule indicating the approximate dates for beginning and completing the project, or each phase if the development is to be phased, and the extent of development and types of land uses in each phase. When considering an application for an R-PUD rezoning, the Municipal Planning Commission and the City Council may require that each phase of a project be considered separately, in which case each such phase will need to meet to the requirements set forth in this Section.

- iv) *Dimensional Information.* The application shall contain all dimensional information for the proposed development, including lot sizes, lot widths, building coverage percentages, front, side and rear building setbacks, and building heights.
- v) *Description of Improvements.* The application shall contain descriptions of improvements to be constructed within the development, such as (but not limited to) street types, right-of-way widths, pavement widths, sidewalk locations, construction materials and dimensions, and other improvements. To the extent they can be shown at the time of development plan approval, environmental quality standards required under other applicable laws, rules, regulations or ordinances should be incorporated in the development application, particularly as they relate to storm water runoff, stream protection, and tree protection.
- vi) *Architectural Design.* All applications shall include architectural renderings and/or representative photographs for any proposed new construction or exterior alterations of the existing structure(s). These drawings and/or photographs shall indicate general architectural characteristics and themes.
- vii) *Private Restrictions.* R-PUDs having commonly owned facilities and space shall have private restrictions and covenants established for the use, operation and maintenance of all common areas and open space within the development by members of the property owners' association. The developer (or declarant) shall file and/or record the covenants, articles of incorporation, and by-laws of the property owners' association prior to the first transfer of title of any property within the project and a copy shall be provided to the City Attorney.
- viii) *Jurisdictional Considerations.* In cases in which any portion of the R-PUD will cross county lines or other jurisdictional boundaries, the application should address multijurisdictional issues as they relate to the design of the project, utility services, and safety.
- ix) *Development of Regional Impact.* Any application for a rezoning to an R-PUD designation for a development that meets or exceeds the thresholds established by the Georgia Department of Community Affairs shall be

considered a Development of Regional Impact (DRI) and, as such, shall comply with the laws, rules and regulations pertaining to the same.

The City Council may waive, and the Municipal Planning Commission may recommend a waiver of, any of the requirements set forth in this Section. The City Council and the Municipal Planning Commission may also request information in addition to that specified in this Section when considered necessary for the proper review of the application by the City Council or the Municipal Planning Commission.

2. Procedures for Review and Action.

- a) Zoning Procedures, Public Notices and Public Hearing: A Preliminary Rezoning and Plan application for an R-PUD is a request for a zoning decision and is subject to the adopted Lookout Mountain Zoning Procedures and Standards Ordinance, including the provision of any required fees and procedures for public notice related to the approval process.
- b) Review and Recommendations by Professionals: Within a reasonable period of time after acceptance of a complete Preliminary Rezoning and Plan application for an R-PUD, the City may (but shall not be required to) send the application out for review by internal municipal departments, external agencies, and third-party professionals, as may be appropriate. Any written comments received in a timely manner as a result of such review shall be provided to the applicant and shall be submitted for consideration to the Municipal Planning Commission. Such comments shall become public records.
- c) Planning Commission Recommendation: The Municipal Planning Commission shall convene a public hearing on the R-PUD Preliminary Rezoning and Plan application as provided in the City's Zoning Procedures and Standards Ordinance. The public hearing shall follow procedures that govern conducting public hearings established by the Zoning Procedures and Standards Ordinance. The Planning Commission shall have forty-five (45) calendar days from the close of its public hearing on the Preliminary Rezoning and Plan application within which to submit its recommendation on the application. The Municipal Planning Commission may submit any additional report it deems appropriate. The recommendations of the Municipal Planning Commission shall have an advisory effect only and shall not be binding upon the City Council.
- d) Criteria to Consider for R-PUD Applications: The Municipal Planning Commission and the City Council shall consider the following standards in considering any R-PUD application, as well as the standards set forth in the Zoning Procedures and Standards Ordinance, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:
 - i) Consistency with the current Comprehensive Plan of the City.

- ii) The extent to which the proposed plan preserves natural and historic resources.
 - iii) The extent to which the proposed mix of housing is appropriate in terms of location and character.
 - iv) The extent to which the development is compatible with surrounding properties. Compatibility can be achieved by ensuring that the overall scale and design of development does not overwhelm or otherwise detract from the established character of the site's surroundings.
 - v) The extent to which the proposed architectural features of buildings within the development are harmonious.
 - vi) The adequacy of open spaces, play areas and recreation facilities that are provided for the needs of the development occupants.
 - vii) The effect the proposed development will have on public facilities or services, including (but not limited to) streets, schools, water or sewer utilities, and police or fire protection.
 - viii) Whether the proposed use and physical development reflects a reasonable balance between the promotion of the public health, safety and welfare with the applicant's right to the use of their property.
 - ix) Whether the number of units proposed increases the potential for the development of the property.
- e) Action by City Council: No action shall be taken on an R-PUD application by the City Council until it has received a recommendation by the Municipal Planning Commission, or upon the expiration of the forty-five (45) day review period of the Planning Commission. In rendering a decision on an R-PUD application, the City Council shall consider all information supplied by the applicant, the Planning Commission, any information presented at the public hearing of the Planning Commission, and information gained at its own public hearing, if any. The City Council may:
- i) Approve the application as submitted by ordinance, which requires two readings.
 - ii) Approve the application with conditions, which requires two readings.
 - iii) Deny the proposal, which shall not require a second reading.
 - iv) Table the proposal for consideration at its next scheduled meeting.
 - v) Refer the application back to the Municipal Planning Commission for further consideration, with notice of public hearings before the Planning Commission and the City Council, the same as required for the initial application.
 - vi) Refer the application back to the Municipal Planning Commission for further consideration, without the requirement to hold public hearings and provide notice.

A copy of the Final Site Plan, architectural elevations and other items relating to the development deemed material by the City Council shall be attached to the ordinance of the City Council approving the R-PUD Rezoning and Plan.

- f) Revision of Preliminary Plan: A Preliminary Plan for an R-PUD application may be revised and resubmitted by the applicant during the process. In no event shall a revised Preliminary Site Plan that is resubmitted by an applicant be accepted or considered less than ten (10) calendar days prior to the public hearing by the City Council or the Municipal Planning Commission. The City Council shall refer an application involving a plan revised after its consideration by the Planning Commission back to the Planning Commission for additional study and recommendation.

- g) Submission of Final Site Plan and Plat: Following the City's approval of a Preliminary Rezoning and Plan for the R-PUD, the Final Site Plan, consistent with any requested modifications, and Final Plat, consistent with the City's adopted Subdivision Regulations, shall be submitted by the applicant for action by the Municipal Planning Commission, the final platting authority.

- h) Withdrawal of Application: An R-PUD application may be withdrawn at any time at the discretion of the applicant upon notice to the Municipal Planning Commission, up until the time that the public hearing by the Planning Commission is closed. The procedures for withdrawal are determined by the timing of the withdrawal, as follows:
 - i) If the applicant withdraws the application prior to the publication of notice for public hearing before the Planning Commission, the application shall be withdrawn administratively without restriction on the refile of a proposed R-PUD application on the property in the future.

 - ii) If the applicant withdraws the application after notice has been published or is irretrievably set for publication, but the application has not been heard by the Planning Commission, the application shall be administratively withdrawn and an application for an R-PUD rezoning on the property may not be resubmitted for six (6) months from the date of withdrawal.

 - iii) If the request for withdrawal is made at the Planning Commission's public hearing on the case, the request for withdrawal may be approved by a majority vote of the Planning Commission, but an application for a rezoning or zoning amendment on the property may not be resubmitted for six (6) months from the date of withdrawal.

 - iv) If the request for withdrawal is made by the applicant following the hearing by the Planning Commission, the application shall remain on the City Council public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the City Council.

- i) Revisions to the Final Site Plan: Major changes to an approved R-PUD plan that affect the intent and character of the development, shall require the applicant to submit a written request for revision of the plan and shall require a new public

hearing to review such changes. Minor changes to the development plan may be approved by the Municipal Planning Commission or its designee. A minor change is any change that is not found in the following list of major changes:

- i) Increase in density;
 - ii) Increase in building heights;
 - iii) Change to the site's exterior boundaries;
 - iv) Change to the site's key access points;
 - v) Significant change to the land use classification;
 - vi) Significant change to the location or dimensions of streets;
 - vii) Significant change to the location or amount of land devoted to a specific land use; or
 - viii) Significant change in the exterior appearance of buildings or structures from what is reflected on any plans or other items submitted by the applicant pursuant to this Article.
- j) Failure to Report Revisions: Should any revisions in the approved plan not be reported in writing by the applicant to the Zoning Administrator (or to the Municipal Planning Commission or its designee if there is no appointed Zoning Administrator), the approval of the plan shall be revoked unless and until the required approval is obtained.

3. Permits and Certifications.

- a) Land Disturbance Permits: A Land Disturbance Permit shall be required for any proposed R-PUD before any removal of vegetation, grading, improvements or any other disturbance of the land commences. That permit shall not be granted until the City has approved the Final Site Plan for the R-PUD and reviewed all applicable permits from the State related to land disturbance and development.
- b) Building Permits: After approval of the R-PUD plan and recording of the final plat(s), the City's Building Official shall issue building permits for the buildings and structures in the development if they are in substantial conformity with the approved Site Plan and other applicable regulations.
- c) Certificate of Occupancy: The City's Building Official shall authorize the issuance of a Certificate of Occupancy for any completed building, structure, or use located in the area covered by the approved R-PUD if it conforms to the requirements of the City's approval and all other applicable regulations.
- d) On-Going Control of the Site: After completion and occupancy of a development in accordance with the R-PUD rezoning, the use of land and the construction, modification or alteration of any buildings or structures within the area addressed by the plan shall be regulated by the City-approved Site Plan and the provisions of this Article.

4. Other R-PUD Procedural Provisions.

- a) Lapse of Approval: Under the following two (2) situations, a R-PUD shall revert to its original zoning district:
- i) *Lack of Construction*. Approval of an area as a R-PUD shall lapse one (1) year from the date of the zoning decision by the Mayor and Council unless actual construction has been initiated or a request for an extension of one (1) year is granted by the Mayor and Council. Not more than one (1) extension shall be granted.
 - ii) *Default of the Developer*. If the developer should default regarding the implementation of an approved R-PUD, the approval of the R-PUD shall lapse one (1) year from the date of the default, unless after receiving notice Developer gives sufficient information as to their delay and cures the default or another developer or developers initiate efforts to continue the approved R-PUD Site Plan within the one (1) year period. New developers must submit their revised schedule for construction to the Mayor and Council for their approval.
- b) State Laws Compliance: This Article is intended to comply with the provisions of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq. (the "Zoning Procedures Act"), which act is incorporated by reference in its entirety into this Zoning Ordinance. Where any provision of this Article is in conflict with any provision of the Zoning Procedures Act, the Zoning Procedures Act shall control. Where this Article is incomplete in having failed to incorporate a provision necessarily required for the implementation of the Zoning Procedures Act, such provision of the Zoning Procedures Act, so as to meet the mandate of the Zoning Procedures Act, shall be fully complied with.
- c) Enforcement: A building permit allowing for the construction of an R-PUD may be revoked by the City Council upon written report to the City's Building Official or other applicable official that the development is not being constructed in accordance with the final and approved development application (i.e. Final Site Plan, architectural elevations, etc.). The enforcement rights under this Section shall be in addition to, and shall not limit any rights available to the City Council, the Municipal Planning Commission, the City's Building Official and other municipal officials pursuant to this Zoning Ordinance. Prior to revocation of the permit Developer shall be given notice of the grounds for revocation and a ten (10) day period to cure any deficiency. If the cure cannot be completed within ten (10) days, then Developer must start within such period and work with continued due diligence to complete the cure.

SECTION G. R-PUD Use and Design Standards

1. Permitted Uses. Permitted uses within the R-PUD district are based upon the two types of R-PUD districts:

a) R-PUD: Higher Density: The following uses are permitted within the R-PUD: HD district:

i) *Permitted Residential Uses:*

- Single-family detached houses
- Attached houses (duplexes, triplexes and quadplexes)
- Townhouses

ii) *Permitted Ancillary Uses:*

- Garages and unenclosed vehicle shelters (maximum of 8 parking stalls per structure)
- Common open space
- Recreational facilities (intended only for use by the residents of the R-PUD and their guests)

b) R-PUD: Lower Density: The following uses are permitted within the R-PUD: HD district:

i) *Permitted Residential Uses:*

- Single-family detached houses
- Attached houses (duplexes only)

ii) *Permitted Ancillary Uses:*

- Garages and unenclosed vehicle shelters (maximum of 4 parking stalls per structure)
- Common open space
- Recreational facilities (intended only for use by the residents of the R-PUD and their guests)

2. Specific Use Regulations. An application for an R-PUD approval that includes a use for which this Zoning Ordinance specifies certain regulations shall be required to demonstrate conformance with those specific use regulations applicable to such use or uses.

3. Permitted Densities and Lot Sizes. Permitted gross densities within the R-PUD district are based upon the two types of R-PUD districts:

a) R-PUD: Higher Density:

- Maximum gross density (all housing types except townhouses): 8 units per acre
- Minimum lot size:
 - single-family detached houses: 3,000 sq. ft.
 - duplex houses: 4,000 sq. ft.
 - triplex houses: 5,000 sq. ft.
 - quadplex houses: 6,000 sq. ft.

- townhouses: NA (density to be determined by the City)

b) R-PUD: Lower Density:

- Maximum gross density (all housing types): 1.25 units per developable acre
- Minimum lot size
 - single-family detached houses: 3,000 sq. ft.
 - duplex houses: 4,000 sq. ft.

4. Design Standards. To accommodate site design flexibility, there are no specified requirements for minimum lot size, minimum lot width, lot coverage and building setbacks. However, proposals for R-PUDs shall not deviate to any significant degree from the goals, policies, objectives, and techniques specified in the City's Zoning Ordinance or the Comprehensive Plan. The following design standards shall apply to all types of R-PUDs:

- a) Flag Lots: Flag lots are created when the main portion of one lot is located behind another lot with only a relatively narrow strip of land connecting the main portion of the flag lot to the associated street by extending it along the side of the front lot. A key drawback of flag lots is that their associated house can be difficult to find for public services delivery, including emergency management services. To provide for site design flexibility, flag lots are not prohibited in this Article. However, they should be permitted sparingly and only when strongly justified. The opinion of the City's emergency services director(s) should be considered.
- b) Buildings Per Lot: Only one residential building may exist per lot, not including ancillary structures such as sheds or garages.
- c) Building Separation: The minimum separation between buildings, whether residential buildings or ancillary, is fifteen (15) feet. This requirement does not apply to townhouses that share common walls.
- d) Minimum Total Floor Area per Residential Unit: 1,200 sq. ft. of habitable space.
- e) Maximum Building Height: 35 ft. (measured from the average grade on the front façade to the highest point of the roof, but not including chimneys and similar features).
- f) Façade Orientation: The front façade of all residential buildings, as defined by architectural design and placement of the main entrance, shall be oriented to the adjacent street. Double frontage (lots abutting streets in both the front and rear) shall be prohibited.
- g) Access:
 - i) *Streets and Sidewalks:* The design of streets and sidewalks should meet such standards as found in the City's Subdivision Regulations for streets and sidewalks. Pedestrian and vehicular access should be interconnected and

designed for safe travel via a range of modes between all development within the R-PUD. Streets should be designed to avoid excessive widths and to either accommodate on-street parking or not. Cul de sacs should be avoided except when natural or man-made barriers require them or Developer can give convincing evidence of their desired use.

- ii) *Driveways and Alleys*: Driveways should be avoided where lot widths are 50 ft. or less. In such higher-density cases, rear alleys should be provided. Driveway widths should not be excessively wide, and driveways should be designed so as to not encourage their use for parking in higher density areas.
 - iii) *Parking and Garages*: Parking provided in R-PUDs shall meet such standards as found elsewhere in this Zoning Ordinance for parking. Garages, carports and vehicle storage shall not be located between the front of the house and the front yard. They should also be recessed behind the plane of the front of the house (including front porches). When alleys are provided, they should access rear garages.
- h) Natural and Historic Resources: A key purpose for PUDs is to allow for site design flexibility to promote preservation of natural and historic resources. Development should generally avoid the following types of features:
- Steep slopes (exceeding 20% grade)
 - Karst geology
 - Water bodies and streams
 - 100-year floodplains and wetlands
 - Natural drainageways
 - Desirable canopy trees
 - Habitat for endangered plant and animal species
 - Historic buildings (50+ years and not irreversibly altered)
 - Other historic and prehistoric features (bridges, cemeteries, archeological remains, etc.)
- i) Common Open Space: R-PUDs should be designed to create and connect with any open space networks that exist or are planned. To provide site design flexibility, no quantified standards are mandated. However, the following targets are suggested for the minimum amount common open space:
- i) *R-PUD: Higher Density*: 15-20% open space
 - ii) *R-PUD: Lower Density*: 25-30% open space

Common open space shall not include public or private streets, parking areas, driveways, or utility right-of-ways. A mix of peripheral and internal green space should be provided. To be useful as active or passive recreational areas, open space should not contain an excessive amount of natural or historic resources, as listed above. Open spaces, such as town greens and public squares, should be located and designed to serve as a focal point for the development.

- j) Landscaping and Buffers: Landscaping should be provided in the form of street trees, building foundation plantings, and buffers/screening, where appropriate. Year-round buffers shall be provided along the periphery of all R-PUDs where directly abutting dissimilar uses or dissimilarly zoned lands. Buffers can be created through the use of berms, evergreen landscaping, and/or fencing and walls. Berms should not be utilized for R-PUD: HD sites, as it is a very suburban treatment that is incompatible with the character of the northern portions of the community.
- k) Utilities: All R-PUDs shall be served by a public water system and a public sewage disposal system or a community sewage treatment system approved by the appropriate state and/or local authorities. Utilities shall be placed underground and in a manner as to not interfere with other site features and to be readily accessible for maintenance and repair.
- l) Amenity Uses and Facilities: The only non-residential uses permitted in R-PUDs include: garages and unenclosed vehicle shelters; common open space; and recreational facilities intended only for the use of residents of the R-PUD and their guests. Design standards related to vehicular storage and common space are addressed earlier in this Section. Potential recreational facilities include, but are not limited to, the following:
 - Swimming pool
 - Club house
 - Tennis court
 - Trails

Any design issues related to recreational facilities shall be addressed by the balance of this Zoning Ordinance for the City. However, a key requirement here is that any active recreational facilities should be buffered sufficiently from adjacent residences in a manner that minimizes any noise, glare or similar impacts. This requirement is not applicable to passive recreational facilities, such as trails. The most effective means of such year-round buffering include separation distance, opaque fencing/walls, and evergreen landscaping.

SECTION H. Legal Provisions

1. **Private Streets.** The application for an R-PUD shall stipulate whether the streets within the development are to be public or private. If the streets are proposed to be private, the developer shall submit a legal instrument setting forth a plan for the perpetual maintenance and repair of the proposed private streets. Regardless of whether the streets are publicly or privately owned and maintained, they shall be constructed to the minimum standards specified in the City's Subdivision Regulations.

2. **Deed Covenants.** The entire R-PUD shall be included within private deed covenants running with the land to assure the continuance of the development in accordance with approved plans and developments.
3. **Homeowners Association.** If a homeowners' association is proposed, a declaration of covenants and restrictions that will govern the association shall be submitted to the City as evidence that the association is established. This shall occur before any homes are sold and shall include provisions requiring that:
 - a) Membership: Membership must be mandatory for each buyer and any successive buyer.
 - b) Open Space Restrictions: The open space restrictions must be permanent, not just for a period of years.
 - c) Association Responsibilities: The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 - d) Assessment Adjustments: The association must be able to adjust the assessment to meet changing need.
 - e) Lien Rights: The association must have the right to implement a lien on non-paying members property and such lien shall be transferable to the City if the association does not maintain the common areas, private roads, private sewage systems or other amenities.
4. **Performance Bond.** In accordance with the City's ordinances, all applications for an R-PUD require a payment and performance bond to be in place for a period of no less than one (1) year after project completion for the City to ensure that funds are available to complete all public improvements should the developer not be able to.
5. **Severability.** If any of the sections, subsections, paragraphs, sentences, clauses or phrases of this Article are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Article shall not be affected, since it is the express intent of the City Council to pass each section, phrase, paragraph and word separately.
6. **Part of Code of Ordinances.** It is the intention of the City Council, and it is hereby ordained, that the provisions of this Article shall become and be made a part of the Code of Ordinances of the City of Lookout Mountain, Georgia, and the sections of this Article may be renumbered to accomplish such intention.
7. **Repealer.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

8. **Effective Date.** This Article shall be effective ten (10) days after its adoption by at least three (3) members of the City Council after two (2) readings at least one (1) week apart.