

AN ORDINANCE  
ENTITLED 19-122

**AN ORDINANCE AMENDING TITLE II, DISTRICT REGULATIONS AND REQUIREMENTS, ARTICLE 10 OF THE ALBANY DOUGHERTY ZONING ORDINANCE SO AS TO ESTABLISH A NEW SECTION 10.03: OLD NORTHSIDE ZONING OVERLAY DISTRICT; REPEALING PRIOR ORDINANCES IN CONFLICT AND FOR OTHER PURPOSES.**

WHEREAS, Old Northside is a historic neighborhood which lies adjacent to Albany's Central Business District, and

WHEREAS, the Old Northside Zoning Overlay ("Overlay") recognizes the unique interests of Old Northside, and

WHEREAS, the Overlay will support and enhance Downtown Albany as a place to live, work and play, and

WHEREAS, this Commission adopted Ordinance 13-102 on January 22, 2013, amending the Zoning Ordinance so as to establish a new Section 10.03: Old Northside Zoning Overlay District; and

WHEREAS, it would be in the best interests of the citizens of the City of Albany to further amend the Overlay, all as set forth in Agenda Item discussed on October 22, 2019, prepared by the Planning and Development Services Department,

BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

SECTION 1. From and after adoption of this Ordinance, Title II, Article 10 of the Zoning Ordinance shall be amended so that hereafter **Section 10.03: Old Northside Zoning Overlay District** will read as follows:

**Section 10.03: Old Northside Zoning Overlay.**

**PURPOSE AND INTENT**

The purpose of the Old Northside Zoning Overlay (ONO) is to encourage revitalization of Old Northside Neighborhood and its environs which is part of Downtown Albany. Development within this district should be human-scale; pedestrian-oriented, interconnected projects with a mix of residential and neighborhood commercial uses such as office and civic amenities that complement each other. Residential uses can be located above neighborhood commercial uses, as well as the separate areas of residential use only with close proximity to commercial uses. The pedestrian is the key influencer in this district.

**DEFINITIONS**

In addition to the definitions found in Title 1 of the City of Albany and Dougherty County Zoning Ordinance, the following definitions shall apply:

**Neighborhood Commercial (NC):** Zoning Overlay within the ONO that allows for commercial development that is neighborhood in nature. Mixed Use Residential is also allowed in this district.

**Neighborhood Residential (NR):** Zoning Overlay within the ONO that allows for a mixture of residential uses, as well as, some professional uses and live work options.

**Live Work Units:** A live/work unit is defined as the use of a structure consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

## **OLD NORTHSIDE ZONING OVERLAY (ONO)**

### **Neighborhood Commercial (NC)**

The purpose and intent of this sub district is to encourage a mix of low intensity neighborhood commercial uses and residential uses. Developments will be human-scale, pedestrian-oriented, and not to exceed 8000 square feet. This sub district can be found within the zoning overlay map as (NC).

Permitted uses. The following uses are permissible in the Sub district:

1. Retail Sales
  - a. No Automotive related
2. Professional Services
3. Personal Services and Office Support
4. Eating and Drinking Establishment. Fifty (50) Percent of sales must be from food.
5. Bed and Breakfast and Inn
6. Recreation
  - a. Limited to indoor not to exceed 4000 square foot.

### **7. Indoor & Special Event Facility Special Approval**

#### *Signage Requirements*

All signage within the neighborhood commercial (NC) sub district shall be limited to the requirements set forth in Riverfront Ordinance and Historic Preservation Commission Design Guidelines.

#### *Outdoor Storage Requirements*

Unless otherwise specified by Article 10. Section 10.02, outdoor storage shall comply with the following requirements:

1. Outdoor storage shall not be located in the area between the front of the principal structure and the public street.
2. Outdoor storage shall be set back at least 15 feet from any side interior or rear property line. The side corner setback shall at least equal the front yard setback.

3. The setback distance shall be landscaped to provide a year-round vegetative screen.
4. Outdoor storage area shall be screened by a solid fence or wall at least six feet high to screen view from adjacent property and public streets.
5. Outdoor storage shall not be located within any required buffer or landscaped areas.
6. Outdoor storage existing at the effective amended date of this Ordinance shall comply with the requirements set forth herein within two (2) years of the effective amended date.

**Neighborhood Residential (NR):**

The purpose of this sub district is to encourage the development of a variety of housing types which are compatible with existing neighborhoods and allow for a variety of live work options. The intent in new development is to encourage a traditional neighborhood design pattern. This sub district can be found within the zoning overlay map as (NR).

Permitted uses. The following residential uses are permissible in the Sub district as defined by “family” in Title 1, Article 5, definitions.

- A. Single-family dwelling units.
  - B. Two-family dwelling units.
  - C. Townhouses.
  - D. Multi-family dwelling units with special approval.
  - E. Live Work Units as provided within this overlay.
  - F. Parks, public or private, play areas and playgrounds.
  - G. Bed and Breakfast Inn with special approval.
  - H. Fraternal Organizations & Social Clubs with special approval as required by the underlying zoning district.
1. *Live-Work Units*
    - A. All live-work units must fully comply with Title 1, Article 3, Section 1.32
    - B. The commercial component of live/work units are intended for use by the following occupations: accountants; architects; artists and artisans; attorneys, computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; hair stylists; home-based office workers, insurance, real estate and travel agents; one-on-one instructors; photographers, and similar occupations
    - C. In addition to the permitted uses above, the Downtown Manager and Planning Director may authorize other uses using reasonable discretion, as long as such other uses are not otherwise precluded by law
    - D. The residential and the commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately
    - E. Residential areas are permitted above or on the same floor as the commercial component, provided that there is internal access between the residential and commercial space
    - F. The commercial component as designated on the approved floor plan shall remain commercial and cannot be converted to residential use
    - G. The residential component as designated on the approved floor plan shall remain residential and cannot be converted to commercial use
    - H. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage or any accessory structure except for incidental use as determined by the Downtown Manager and Planning Director

- I. For existing residential structures, the commercial component shall not detract from, or otherwise be a nuisance to, the residential character or appearance of the dwelling unit
- J. The external access for the commercial component shall have at least one external entrance/exit separate from the living space. The entrance to the business component shall be located on the ground level. Access to the commercial component of each live/work unit shall be clearly separate from the common walkways or entrances to the other residential units within the development, or other residential units in adjacent developments
- K. The commercial use shall not generate vehicular traffic which will interfere with residential traffic circulation
- L. No more than 4 employees (excluding residents of the dwelling unit) shall work or report to work on the premises
- M. The commercial use shall not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors
- N. No explosive, toxic, combustible or flammable materials in excess of what would be allowed incidental to normal residential use shall be stored or used on the premises
- O. Signage: Live-work units located in a neighborhood residential (NR) sub district shall be limited to one (1) externally-illuminated sign with a maximum sign area of ten (10) square feet. No internally illuminated or multi-message signs are permitted in the NR.
  - a. Permitted Sign Designs - The following two sign designs are allowed within the neighborhood residential (NR) sub district.
    - i. A Center Pole style sign consisting of a decorative pole supporting a small decorative sign. The overall height of the sign shall not exceed six (6) feet, and the sign shall be a maximum of ten (10) square feet in area. All signs are subject to design review.
    - ii. A Lantern style sign consisting of a decorative pole or vertical support with a decorative sign hanging from a horizontal arm. The vertical support shall not exceed eight (8) feet in height, the horizontal arm shall not be at a level greater than six (6) feet in height, and the sign shall not exceed ten (10) square feet in area. All signs are subject to design review.

SECTION 2. This Ordinance shall become effectively immediately.

SECTION 3. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.

*Dorothy Hubbard*  
MAYOR

ATTEST:

*Sonja Dreher*  
CITY CLERK

Adopted: *October 22, 2019*



Introduced By Commissioner: *Matt Fuller*  
Date(s) read: *October 22, 2019*