

**OFFICIAL MINUTES
COMMISSION OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR MEETING
WEDNESDAY, DECEMBER 15, 2004 AT 6:30 P. M.
OLD CITY HALL
1229 NEWCASTLE STREET, 2ND FLOOR**

PRESENT: His Honor Mayor Bradford S. Brown, Commissioners Jonathan Williams, Doris A. Davis, Cornell Harvey and Mark Spaulding.

INVOCATION & PLEDGE OF ALLEGIANCE

Everyone in attendance recited the Pledge of Allegiance in unison.

MINUTES

Meeting of November 17, 2004.

Commissioner Harvey made a motion and Commissioner Davis seconded the motion approving the minutes of the meeting of November 17, 2004. The motion passed by vote of 5 to 0.

PUBLIC HEARING

Amendments to the following Zoning Ordinances:

- #963-US 17 Overlay
- #966-Planned Development

Mayor Brown announced that a Public Hearing would be held to discuss the amendments to ordinance #963 and ordinance #966. He asked residents to sign in to speak.

Betsy Bean was the first speaker, she echoed how important the addition of ordinances 963 and 966 are to laying the groundwork for a bright future for the City of Brunswick along with the passage of the Historic Preservation Ordinance in 2000. She mentioned that the Old Town Preservation Board voted at its December 9, 2004 meeting to support the final draft of the two ordinances. She gave her full support of both ordinances and congratulated the Commission for their willingness to begin the process of redevelopment now and to uphold the values of the community.

Jerry Spencer stated that he was resident of the City and a property owner and encouraged the Commission to adopt the two ordinances.

John Callen representing the advertising businesses stated that he felt the ordinances was workable and recommended changing the 35 height feet for billboards to 50 feet because of the interference with trees.

Sammy Thompson questioned what procedure do residents follow to file an appeal on a decision concerning the ordinances.

Douglas Adams, Attorney pointed out that the ordinance has changed significantly. He stated that the ordinances purpose is not clear and not realistic.

David Whitworth, Attorney representing Ken Endicott expressed his concerns of absence of consideration of what the ordinances could do to his client business. He mentioned parking, trees and signage as some the concerns. He stated that his client might be forced to move out.

Joe Fendig representing his advertising business discussed concerns about hurricane damage to signs, planting trees and the overlay. He asked the Commission to consider revisions to the ordinances so that it would not be detrimental to his family.

Bob Torras stated that he was concerned with neighborhood zoning and hoped that it is something that would not be forced on other neighborhoods in Brunswick by placing PD in a General Residential District.

Ron Adams stated that the ordinance that he was concerned with US 17 Overlay the parking and requirement for trees. He pointed out the ordinances was drafted with good intentions and bad consequences. He urged the Commission to defeat the overlay ordinance stating that it would not help it would hurt the businesses.

Arnie Glasner discussed both ordinances and recommended changes to the ordinances. The Commission discussed concerns with both ordinances.

Following a lengthy discussion Commissioner Williams made a motion and Commissioner Spaulding seconded the motion unanimously adopting the following Ordinances 963 US 17 Overlay and 966 Planned Development with the changes discussed by the Commission:

ORDINANCE 963

"AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BRUNSWICK (CHAPTER 23 OF THE CITY CODE OF ORDINANCES), PROVISIONS AS TO ZONING DISTRICTS, BY ESTABLISHING AN OVERLAY TO BE KNOWN AS THE "US 17 PARKWAY OVERLAY;" TO ESTABLISH THE BOUNDARIES OF SAID OVERLAY; TO MAKE PROVISION FOR PERMITTED USES AND CONDITIONAL USES THEREIN; TO PROVIDE FOR CURB CUTS,

SIGNAGE REQUIREMENTS, PARKING REQUIREMENTS, AND STANDARDS REGARDING MINIMUM LOT AREA, LOT WIDTH, SETBACK REQUIREMENTS, AND MAXIMUM BUILDING HEIGHTS; TO RENUMBER THE ARTICLES OF THE ZONING ORDINANCE BY DESIGNATING THE NEW ARTICLE - US 17 PARKWAY OVERLAY - AS ARTICLE XXII AND RENUMBERING CURRENT ARTICLES XXII THROUGH XXVI ACCORDINGLY; TO PROVIDE FOR REPEAL OR ANY CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES".

The Commission of the City of Brunswick hereby ordains that the City Code of Ordinances be and it is hereby amended as set forth below.

SECTION ONE

A new Article 22 is added to the Zoning Code of the City of Brunswick (Chapter 23 of the City Code) and current Article 22 "Signs" is re-designated Article 23 of Chapter 23, with the following Articles re-numbered in corresponding fashion (i.e., Article 23 "Administration, Enforcement and Penalties" becomes Article 24 and so forth). New Article 22 shall provide as follows:

ARTICLE XXII. U.S. 17 OVERLAY

Sec. 23-22-1. Intent of Overlay.

It is the intent of this overlay to create a parkway along U.S. 17 from Spur 25 to the Sidney Lanier Bridge in order to improve the visual and economic condition along this section of U.S. 17. A parkway is a wide, scenic road planted with trees. This corridor is deemed by the City Commission to be important because so many visitors get their first impression of Brunswick while driving along U.S. 17. The scenic vistas of the marsh are inherently and economically valuable to the public, and visual clutter impedes

aesthetically and economically favorable development of the parkway area. The visual quality of the corridor and the general nature of development along the corridor must be improved to encourage visitors to explore more of the City.

Sec. 23-22-2. Parkway Development Concepts.

The Comprehensive Plan generally describes the U.S. 17 Parkway concept as a roadway with long vistas over the marsh and including heavily landscaped intersections at 4th Avenue, Gloucester Street, and the Torras Causeway. To supplement these elements the Comprehensive Plan recommends limiting curb cuts and establishing landscape and signage requirements for private development along the Parkway. The concept does not alter permitted and conditional uses but follows the underlying zoning districts as to uses. Zoning districts are not altered by this overlay.

Sec. 23-22-3. Overlay Boundary.

Generally, all lots fronting U.S. 17 from Spur 25 to the Sidney Lanier Bridge are included in the U.S. 17 Overlay (U.S.17-0). The overlay boundary extends from the U.S. 17 right-of-way onto the adjacent parcel for a distance not to exceed either, a) a maximum of 250 feet from U.S. 17 or b) a maximum depth of one parcel if the parcel adjacent to U.S. 17 is less than 250 feet in depth. In all cases, the overlay boundary shall be a minimum of 100 feet in depth except for lots of record.

Sec. 23-22-4. Permitted Uses.

All uses permitted in the underlying zoning district shall be permitted in the U.S. 17 overlay.

Sec. 23-22-5. Conditional Uses.

All uses permitted on a conditional basis and subject to the conditions set forth in the underlying zone district shall be permitted on a conditional basis in the U.S. 17 overlay subject to the conditions set forth in Section 23-24-4.

Sec. 23-22-6. Curb Cuts.

The recent improvements to U.S. 17 provided the existing parcels with sufficient access. The greatest concern is the addition of curb cuts along the southern portion of the Parkway, between Gloucester Street and the Sidney Lanier Bridge. This portion of the Parkway maintains expansive views of the marshes and has few intersections or curb cuts. To maintain the visual quality of the entire Parkway, curb cuts shall be limited where possible; instead of creating curb cuts, it is recommended that adjacent parcels interconnect and share existing access points to U.S. 17. Along that portion of the Parkway specifically existing between Gloucester Street and the Sidney Lanier Bridge, additional curb cuts are prohibited.

Sec. 23-22-7. Landscape Requirements.

(a) Purpose

The purpose of requiring canopy trees to be planted along the U.S. 17 Parkway is to promote the community's image, beautify the roadway, and establish the parkway concept. The addition of canopy trees in conjunction with coordinated signage requirements can yield an immediate and deeply needed improvement to the U.S. 17 Parkway corridor.

(b) Canopy tree location and spacing

Canopy trees shall be planted a minimum of 40 feet and a maximum of 50 feet on center and shall be located in the front setback parallel to the U.S. 17 Parkway. Lots with a width of 100 feet or less shall provide at least one canopy tree, lots with a width of 150 feet or less shall provide at least two canopy trees, and so on. Relief can be granted by staff for driveways, utilities and other unmovable obstructions.

(c) Canopy tree requirements

Canopy trees shall be a minimum of 10 feet in height, with a four to five foot spread, and a 2 inch caliper trunk at time of planting.

Table A

| RECOMMENDED CANOPY TREES | |
|--------------------------|-------------------------------------|
| <i>Botanical Name</i> | <i>Common Name</i> |
| Quercus Phellus | Willow Oak |
| Celtis Laevigatta | Hackberry |
| Quercus virginiana | Live Oak* |
| | *(particularly "high rise" version) |

Existing trees 18 inches in caliper or greater and located in the front setback may count towards the tree requirement. All plantings shall be installed free from disease in a manner that ensures the availability of sufficient soil and water for healthy growth and which is not intrusive to underground utilities. Dead or diseased trees shall be removed. Replacement trees shall be provided for any required trees which die or are removed for any reason and shall meet all minimum standards and conform to these regulations.

(d) Canopy tree substitution

Due to the existence of utility lines along the U.S. 17 Parkway, understory trees may be substituted for canopy trees. A grouping of three or more palm trees shall be considered equivalent to one canopy tree. Palms shall have a minimum of ten feet of clear trunk at time of planting. Two understory trees shall be considered equivalent to one canopy tree. Understory trees shall be a minimum of 8 feet in height, with a three to four foot spread, and a 1 ½ inch caliper trunk at time of planting.

Table B

| RECOMMENDED UNDERSTORY TREES | | |
|------------------------------|-----------------------|------------------------|
| <i>Botanical Name</i> | <i>Common Name</i> | <i>Multiplie r</i> |
| Sabal palmetto | Cabbage Palmetto | 3 |
| Magnolia stellata | Star Magnolia | 2 |
| Magnolia soulangiana | Saucer Magnolia | 2 |
| Ligustrum lucidum | Ligustrum (tree-form) | 2 |
| Ilex vomitoria | Yaupon Holly | 2 |
| Ilex opaca | American Holly | 2 |

| | | |
|---|-----------------------------------|---|
| Juniperus virginiana | Red Cedar | 2 |
| Lagerstroemia fuariiei, or L. indica | Crepe Myrtle (large varieties) | 2 |
| Goadonia alatamaha | Gordonia | 2 |
| Cornus florida | Flowering Dogwood | 2 |
| Cercis Canadensis | Eastern Redbud | 2 |

Sec. 23-22-8. Signage Requirements.

(a) Purpose

Increased numbers and size of signs distract the attention of motorists and interfere with traffic safety. More importantly, the indiscriminate erection and maintenance of signs seriously detracts from the enjoyment and pleasure in the natural scenic beauty of the City and, in turn, injuriously affects the economic well-being of the citizenry. The purpose of limiting signage is to increase traffic safety, enhance the scenic beauty of the U.S. 17 Parkway and improve the economic viability of this commercial corridor.

(b) Applicability

The requirements of this Section shall apply to all signs constructed, placed, or replaced after December 15, 2004, in the U.S. 17 overlay and these requirements are in addition to Article 24 of the this Chapter. Provided, this ordinance shall not preclude the replacement of any existing non-conforming sign which is damaged or destroyed by casualty (such as fire, wind, flood or vandalism) where the loss was not caused by the owner; in such event, if the sign is replaced the non-conformity may not be increased or varied (for example, a five hundred square foot sign that is twenty-five feet in height could not be replaced by a six hundred square foot sign, nor by one fifty feet in height).

(c) Signage Limitations

(1) Freestanding signs

- a. The maximum size and heights of freestanding signs in the U.S. 17 overlay shall be as follows:

Table C

| | | FRONTAGE | | |
|--------------------|-----------------------------|-------------------------|-------------------------|-------------------------|
| | | 0 - 150 | 151 - 499 | Over 500 |
| U.S. 17 Overlay | Max. Area | 48 square feet per side | 60 square feet per side | 80 square feet per side |
| | Max. Height | 10 feet | 10 feet | 10 feet |
| | Max. Number of Signs | 1 | 1 | 2 |
| | Min. Distance | 10 feet | 10 feet | 10 feet |

- b. Lots serving five or more tenant spaces are permitted up to a 25% increase in the area of freestanding sign as permitted in paragraph a., above.
- c. Signs greater than 24 square feet are required to be monument signs.
- d. The size of the support structure for any monument sign shall not exceed the size of the sign face by more than 25 percent of one side.

(2) Service Station Signs

Gasoline service stations and other establishments selling gasoline shall be permitted additional signs as follows:

- a. One gasoline and/or self-service/full service sign per pump island. The sign shall have a maximum of 8 square feet in surface area per side, a total aggregate of 16 square feet and shall be secured to each pump island. The gasoline sign shall not count toward the total maximum signage permitted in this section.
- b. Each gasoline pump shall be permitted to display only the brand name or logo of the gasoline and shall not exceed the face of the pump.

- (3) Tenant Directory Signs
- a. Tenant directory signs shall be permitted in multi-building, multi-tenant professional, office, and/or business centers.
 - b. One tenant directory sign up to 32 square feet in surface area per side shall be permitted per street frontage.
 - c. Tenant directory signs shall not count toward the total maximum signage permitted in this section.
 - d. Tenant directory signs shall not be located within any yard setback.
 - e. The base of the tenant directory sign shall be landscaped.
 - f. Only the name of the business and the address shall be permitted on tenant directory signs. Logos are not permitted.
 - g. The tenant directory sign must be located at least 25 feet from any adjacent right-of-way.
- (4) Outdoor Drive-Through Menu Boards
- a. Outdoor drive-through menu boards are signs associated with drive-through restaurants which list the type and price of food items offered for sale at the establishment.
 - b. Outdoor drive-through menu boards shall not count toward the total maximum signage permitted in this section, if they are not visible from any street right-of-way. If a menu board is visible from a street right-of-way, it shall count toward the maximum attached signage.
 - c. New outdoor drive-through menu boards shall be no more than 32 square feet per side in size and shall be designed, located, and landscaped so that to the degree feasible, they are not to be visible from any street

right-of-way. The base of the menu board shall be landscaped and/or incorporated into the landscaping plan.

(5) Directional Signs

- a. One sign per direction per entrance pertaining to private, unofficial traffic signs, or private parking sign shall be permitted.
- b. The sign shall have a maximum of two square feet in surface area per side, with a total aggregate of four square feet. The directional sign shall be a maximum of two and on-half feet high and limited to directional and warning messages only.
- c. Directional signs shall not count toward the total signage permitted in this section. In addition to the directional message (symbols or words), only the name of the business or address shall appear on the directional sign.

(6) Off-Premises Signs

- a. The minimum distance between any off-premises signs shall be 1,250 feet as measured parallel to the roadway centerline and along the same side of U.S. 17. In addition, off-premises signs must be a minimum distance of 300 feet from any other off-premises signs measured as a radius from closest point to closest point and to include signs that are not in the overlay boundary.
- b. The maximum size of any off-premises signs installed after December 15, 2004 shall be 400 square feet.
- c. The maximum height of any off-premises signs installed after December 15, 2004 shall be 35 feet.
- d. Multi-message off-premises signs with rotating faces (such as tri-vision)

are prohibited and off-premises signs existing before December 15, 2004 cannot be converted to a multi-message sign.

- e. No off-premises signs shall be located on the east side of U.S. 17 from the Torras Causeway to the Sidney Lanier Bridge and no off-premises signs shall be located on the west side of U.S. 17 from Talmadge Avenue to the Sidney Lanier Bridge.

(7) Roof Signs

Roof signs are not permitted.

(8) Stationary or Abandoned Vehicle Signs

Commercial vehicles, other than standard passenger vehicles, shall be parked as far from the street as reasonably possible during non-business hours if such vehicles bear a commercial message. This is to avoid the vehicle serving as a freestanding sign.

(9) Sign Material and Design

The design, color, location, and illumination of signage shall be compatible with the overall design of the development. Flashing signs and signs with visually moving parts or messages are prohibited.

(10) Lighting

- a. The background of internally-illuminated cabinet signs shall be completely opaque.

- b. Any light from any illuminated sign, or flood light or spot light used to illuminate a sign, shall be shaded, shielded, or directed so that the light intensity or brightness shall not interfere with the safe vision of motorists or bicyclists as determined by the building official. For spot-lit

signs, the sign base and/or proposed landscaping shall be designed to conceal the base of the light fixture to the extent feasible.

Sec. 23-22-9. Parking Requirements.

The parking requirement shall be one parking space per each 300 square feet of retail or office area in structures less than 15,000 square feet in size.

The parking requirement shall be one parking space per each 200 square feet of retail or office area in structures equal to or greater than 15,000 square feet in size and the maximum number of parking spaces shall be limited to 150% of the minimum number of spaces required. Limiting the maximum number of parking spaces precludes large users from creating an overabundance of parking that is seldom used and is inconsistent with the Parkway concept.

Sec. 23-22-10. Other Requirements.

Construction permitted in the U.S. 17 overlay shall be required to conform to the following standards:

Minimum Lot Area: 5,000 square feet.

Minimum Lot Width: 50 feet.

Minimum Front Yard: 10 feet.

Minimum Side Yard: 5 feet.

Minimum Rear Yard: 10 feet.

Maximum Building Height: 45 feet.

SECTION TWO

It is hereby declared to be the intention of this ordinance that its sections, paragraphs, clauses, sentences, and phrases are severable, and if any section, paragraph, clause, sentence, or phrase is declared unconstitutional or invalid, it shall not affect any of the remaining parts.

SECTION THREE

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed so far as necessary to avoid the conflict.

SECTION FOUR

This ordinance shall be effective immediately upon approval by the City Commission.

ADOPTED this ____ day of _____, 2004.

Bradford S. Brown, Mayor

Attest: _____
Georgia Marion, Clerk

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- Article III. General Regulations
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| Article VIII. | LC | Local Commercial District |
| Article IX. | GC | General Commercial District |
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| Article XII. | BI | Basic Industrial District |
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| Article XVII. | MH | Mobile Home District |
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ORDINANCE 966

"AN ORDINANCE TO AMEND CHAPTER 23 OF THE CITY CODE OF ORDINANCES PERTAINING TO ZONING, PARTICULARLY THE PROVISIONS OF ARTICLE XV THEREOF RELATING TO PLANNED DEVELOPMENT DISTRICTS, SO AS TO PROVIDE FOR REQUIREMENTS, ADMINISTRATIVE PROCEDURES, PERMITTED USES, AND DESIGN STANDARDS FOR PD DISTRICTS, AND FOR INFILL DEVELOPMENT ON A CONDITIONAL USE BASIS; TO PROVIDE FOR SEVERABILITY; TO REPEAL ANY CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES".

The Commission of the City of Brunswick hereby ordains that the City Code of Ordinances be and it is hereby amended as set forth below.

SECTION ONE

The City of Brunswick Zoning Code (Chapter 23 of the City Code) is amended by deleting Article Fifteen thereof, which is replaced by a new Article Fifteen which shall read as follows:

ARTICLE XV. PD PLANNED DEVELOPMENT-GENERAL DISTRICT

Sec.23-15-1. Intent of district.

It is the intent of this district that the PD-G zoning district be reserved for the establishment and continuance of shopping centers, group housing projects, planned industrial developments, medical centers, urban renewal projects and similar types of large-scale compatible-use developments. Also encouraged are uses or groups of uses considered by the Commission to be logical and worthy, in the public interest, of inclusion in a PD-G district, and further, to encourage the development of such uses or groups of uses according to the requirements and standards of this article. The regulations which apply within this district are designed to encourage the formation of such planned developments when and as appropriate and to permit

the greatest latitude possible with respect to internal site planning considerations and the location of these developments within the City of Brunswick in the best interests of the long-range development plans of the city. (Ord. No. 877, 15-1, 4-19-1989)

Sec.23-15-2. Specific requirements.

In order to qualify for a Planned Development-General zoning classification, a proposed Planned Development-General must first meet the following specific requirements:

(a) The site utilized for Planned Development-General must contain an area of not less than three acres.

(b) The site must have direct access to at least one street.

(c) The area proposed shall be in one ownership, or if in several ownerships, the application for amendment to this chapter shall be filed jointly by all of the owners of the area included in the master plan.

(d) A suitable master plan shall be submitted by the developers for review and approval by the City Commission. The master plan shall be drawn to scale (1;inch; = 50;ft; or 1;inch; = 30;ft;) by a registered civil engineer, registered land surveyor, registered landscape architect or licensed architect showing the exact dimensions of the parcel or parcels of land under consideration and shall include the following where applicable:

- (1) All property dimensions, platting and street systems, proposed building sites and sizes, types of use proposed for buildings, plans for the screening and protection of abutting properties, means of ingress and egress, access and circulation arrangements, off-street parking and loading facilities, proposed reservation or dedication for streets, open spaces and other public facilities. If requested, one-foot vertical contour intervals shall be indicated on the site plan.
- (2) The name of the development and the developers, a north arrow, the date of field survey, tract boundary lines, dimensions, bearings, angles, reference points to at least two permanent monuments, average ground elevation, and FEMA flood zone information.
- (3) If the proposal includes the subdivision of land for any purpose or the provision of new public streets, any additional information required with the submittal of preliminary plats under the subdivision regulation of the

City of Brunswick shall be included and the master plan shall be processed simultaneously under the subdivision regulation and as a part of the application for a Planned Development-General District classification, as provided for in this Chapter.

- (4) A conceptual landscape plan is required to be submitted with the master plan.
- (e) A written report shall be submitted by the developers for review and approval by the City Commission. Such report shall explain the type, nature, intent and characteristics of the proposed development and shall specifically include the following where applicable:
- (1) A general description of the proposal.
 - (2) A detailed legal description of the location of the site.
 - (3) Proposed standards for development, including restrictions on the use of the property, density standards, building heights, yard requirements and restrictive covenants.
 - (4) Proposed dedication or reservation of land for public use, including streets, easements, parks and school sites.
 - (5) Exceptions or variations from the requirements of this chapter, if any are being requested.
 - (6) Plans for the provision of utilities, including water, sewer and drainage facilities.
 - (7) Tables showing the total number of acres in the proposed development and the percentage designated for each proposed type of land use, including public facilities.
 - (8) Plans for open space, courts, walks and common areas.
 - (9) Plans for parking, loading, access ways, signs, and means of protecting and screening adjacent areas from lighting and other potentially adverse effects.
 - (10) A statement defining the manner in which the Commission is to be assured that all improvements are to be installed and maintained.
 - (11) Tabulations showing the number and density of dwelling units by type, if any, and other data that the Commission may require.

(f) In all PD-G projects, the general regulations set forth in article III shall govern unless relief is granted by the City Commission.

(Ord. No. 877, 15-2, 4-19-1989)

Sec.23-15-3. Administrative procedures with regard to PD-G zoning districts.

(a) Any request pertaining to the establishment of a PD-G zoning district shall be considered a proposed amendment to this chapter and shall be administered and processed in accordance with the regulations set forth in article XXVII entitled amendments, of this chapter.

(b) All data set forth in section 23-15-2 shall be submitted to the planning staff and subsequently forwarded to the City Commission with the recommendations of the planning staff. If approved by the City Commission, all information pertaining to the proposal shall be adopted as an amendment to this chapter, which shall establish the standards of development for that particular Planned Development-General District.

(c) All further development shall conform to the standards adopted for the district, regardless of any changes in ownership. Any proposed change in the standards or plan after adoption as part of this chapter, shall be treated as an amendment to this chapter and must be considered in accordance with normal amendment procedures set forth in article XXVII of this chapter. Appeals based on hardship or an alleged misinterpretation of this chapter by the building official shall be processed in accordance with procedures set forth in article XXVI entitled appeals, how taken.

(d) In any event where it is determined by the Commission that development in the Planned Development-General District is not in accordance with the standards adopted for that district, the Commission shall be empowered to amend this chapter to place part of or all the property in the Planned Development-General District in its prior zoning classification, or any other more appropriate zoning classification.

(e) Before approval of a Planned Development-General project the Commission may require a contract with safeguards satisfactory to the city attorney guaranteeing completion of the development plan within a period of time to be specified by the Commission, which shall not exceed five years unless extended by the Commission for due cause shown. Such guarantee may include the submission of a performance bond in an amount as set by the City Commission.

(f) The violation of any provision of the plan once adopted as a part of this chapter as a PD-G district under the provisions provided herein, shall constitute a violation of this chapter.

(Ord. No. 877, 15-3, 4-19-1989)

(g) All PD-G projects shall follow the preliminary and final plat procedures listed in the Brunswick Subdivision Ordinance.

Sec.23-15-4. Permitted uses.

(a) Any use proposed by the developer and considered by the City Commission as being compatible to other nearby uses within and without the district and in keeping with the intent of the PD-G district may be permitted in such district upon approval [of] the City Commission.

(b) The developer shall prepare a list of proposed uses for submission with his application. After approval by the Commission, the list or portions thereof approved shall be adopted as a part of the regulations applying to that particular PD-G district.

(c) Thereafter, the uses permitted in the district shall be restricted to those listed, approved and adopted according to the procedures set forth herein.

(Ord. No. 877, 15-6, 4-19-1989)

Sec.23-15-5. General design criteria and development standards.

(a) Overall site design should be harmonious, in terms of landscaping, enclosure of principal and accessory uses, size, street patterns and use relationships. Variety in building types, heights, facades, setbacks and size of open spaces shall be encouraged.

(b) Densities per acre for residential dwelling units shall not exceed those set forth for GR districts.

(c) Yard and other dimensional requirements for each PD-G district may be set by the Commission, upon recommendation of the planning staff. The following criteria shall serve as a general guide for requirements set for uses proposed for location in a PD-G district:

- (1) GR district standards shall serve as minimum requirements for residential uses.
- (2) The most restrictive standards specified elsewhere in this chapter as they apply to commercial, industrial and institutional uses shall serve as minimum requirements for such uses located in PD-G districts.

(d) Parking, loading and other requirements for each PD-G district may be set by the City Commission. The standards of article IV, sections 23-3-19 and 23-3-20, shall serve as a general guide to parking and loading requirements for uses proposed for location in a PD-G district.

(e) Where development abuts a separate single-family district, buildings and activities, other than one- or two-family dwellings, must be set back a sufficient distance from the separating property line or district boundary line, not less than 30 feet for multi-family residential, public or institutional uses or 50 feet for all commercial or industrial uses to insure the absence of any objectionable effects on or from abutting districts.

(f) In the case of commercial and industrial uses, the distances separating all buildings and activities from surrounding residential districts should in fact be great enough to constitute a reasonable buffer. Loading docks and trucks maneuvering areas and terminals, where possible, should be further removed from residential lot lines than buildings.

(g) Property lines abutting residential districts must be screened by a [buffer] except in the following instances:

- (1) Where one- and two-family dwellings within the PD-G district are on property immediately adjoining a residential district, then no buffer shall be required.
- (2) Where multi-family dwellings and townhouses within the PD-G district are on property immediately adjoining multi-family dwellings or townhouses in a residential district, then no buffer shall be required.
- (3) In addition, all storage yards or outdoor display spaces must be enclosed by a buffer strip except for access points.

(h) Within a PD-G district, the design should include buffers suitable for screening residential areas from institutional, commercial or industrial uses when a danger of incompatibility appears to exist.

(i) Lighting facilities shall be arranged in a manner which will protect the highways and neighboring properties from direct glare or hazardous interference of any kind.

(j) Sign requirements may be set by the City Commission, following recommendation by the planning staff.

(k) In PD-G districts, areas used for parking or loading or as traffic ways, shall be physically separated from public streets by suitable barriers against unchanneled motor vehicle ingress or egress. Access points shall generally conform to standards set forth in section 23-3-22, with the following exceptions:

(l) Shopping centers, other individual commercial, industrial, institutional and multi-family uses shall have not more than two access points to any one public street, unless unusual circumstances demonstrate the need for additional access points.

(m) Where possible, all access points to a public street from shopping centers, other individual commercial, industrial, institutional and multi-family uses shall be located at least 100 feet from the intersection of any street lines and shall be designed in a manner conducive to safe ingress and egress.

(Ord. No. 877, 15-7, 4-19-1989)

Sec.23-15-6. Special requirements for individual districts.

In addition to the general criteria set forth elsewhere in this article, projects submitted as proposed PD-G districts shall meet whatever standards are deemed suitable to the particular request by the Commission, upon recommendation by the planning staff. The maximum height of all buildings in PD-G shall be 60 feet.

(Ord. No. 877, 15-8, 4-19-1989)

ARTICLE XVI. PD PLANNED DEVELOPMENT-TRADITIONAL NEIGHBORHOOD DISTRICT

Sec.23-16-1. Intent of district.

It is the intent of the PD-TN district to:

- (a) Encourage mixed-use, compact development that is pedestrian in scale, sensitive to the environmental characteristics of the land, and facilitates the efficient use of services within the City of Brunswick;
- (b) Have residences, shopping, employment, and recreational uses located within close proximity with each other and efficiently organized to provide for the daily needs of the residents;
- (c) Provide for a range of housing types within pedestrian-oriented, human-scale neighborhoods; and
- (d) Provide efficient, interconnected circulation systems for pedestrians, non-motorized vehicles, and motorists that serve to functionally and physically integrate the various land use activities.

The Planned Development-Traditional Neighborhood provisions can be utilized in two ways.

- (a) These provisions can be applied as a zone district to create new neighborhoods. This zone district will be labeled "PD-TN" for Planned Development-Traditional Neighborhood district.
- (b) The Planned Development provisions can also be used as a conditional use to promote appropriate infill as specified in Sec. 23-16-11. The conditional use will be labeled "PD-TN Infill" for Planned Development-Traditional Neighborhood Infill.

Sec.23-16-2. Specific requirements.

In order to qualify for a Planned Development-Traditional Neighborhood zoning classification, a proposed Planned Development-Traditional Neighborhood must first meet the following specific requirements:

- (a) The site utilized for Planned Development-Traditional Neighborhood must contain an area of not less than three acres.
- (b) The site must have direct access to at least one street.
- (c) The area proposed shall be in one ownership, or if in several ownerships, the application for amendment to this chapter shall be filed jointly by all of the owners of the area included in the master plan.
- (d) A suitable master plan shall be submitted by the developers for review and approval by the City Commission. The master plan shall be drawn to scale (1;inch; = 50;ft; or 1;inch; = 30;ft;) by a registered civil engineer, registered land surveyor, registered landscape architect or licensed architect showing the exact dimensions of the parcel or parcels of land under consideration and shall include the following where applicable:
 - (1) All property dimensions, platting and street systems, proposed building sites and sizes, types of use proposed for buildings, plans for the screening and protection of abutting properties, means of ingress and egress, access and circulation arrangements, off-street parking and loading facilities, proposed reservation or dedication for streets, open spaces and other public facilities. If requested, one-foot vertical contour intervals shall be indicated on the site plan.
 - (2) The name of the development and the developers, a north arrow, the date of field survey, tract boundary lines, dimensions, bearings, angles, reference points to at least two permanent monuments, average ground elevation, and FEMA flood zone information.

- (3) If the proposal includes the subdivision of land for any purpose or the provision of new public streets, any additional information required with the submittal of preliminary plats under the subdivision regulation of the City of Brunswick shall be included and the master plan shall be processed simultaneously under the subdivision regulation and as a part of the application for a Planned Development-Traditional Neighborhood District classification, as provided for in this Chapter.
- (4) A conceptual landscape plan is required to be submitted with the master plan.

(e) A written report shall be submitted by the developers for review and approval by the City Commission. Such report shall explain the type, nature, intent and characteristics of the proposed development and shall specifically include the following where applicable:

- (1) A general description of the proposal.
- (2) A detailed legal description of the location of the site.
- (3) Proposed standards for development, including restrictions on the use of the property, density standards, building heights, yard requirements and restrictive covenants.
- (4) Proposed dedication or reservation of land for public use, including streets, easements, parks and school sites.
- (5) Exceptions or variations from the requirements of this chapter, if any are being requested.
- (6) Plans for the provision of utilities, including water, sewer and drainage facilities.
- (7) Tables showing the total number of acres in the proposed development and the percentage designated for each proposed type of land use, including public facilities.
- (8) Plans for open space, courts, walks and common areas.
- (9) Plans for parking, loading, access ways, signs, and means of protecting and screening adjacent areas from lighting and other potentially adverse effects.
- (10) A statement defining the manner in which the Commission is to be assured that all improvements are to be installed and maintained.

(11) Tabulations showing the number and density of dwelling units by type, if any, and other data that the Commission may require.

(f) In all PD-TN projects, the general regulations set forth in article III shall govern unless relief is granted by the City Commission.

(Ord. No. 877, 15-2, 4-19-1989)

Sec.23-16-3. Administrative procedures with regard to PD-TN zoning districts.

(a) Any request pertaining to the establishment of a PD-TN zoning district shall be considered a proposed amendment to this chapter and shall be administered and processed in accordance with the regulations set forth in article XXVII entitled amendments, of this chapter.

(b) All data set forth in section 23-16-2 shall be submitted to the planning staff and subsequently forwarded to the City Commission with the recommendations of the planning staff. If approved by the City Commission, all information pertaining to the proposal shall be adopted as an amendment to this chapter, which shall establish the standards of development for that particular Planned Development-Traditional Neighborhood District.

(c) All further development shall conform to the standards adopted for the district, regardless of any changes in ownership. Any proposed change in the standards or plan after adoption as part of this chapter, shall be treated as an amendment to this chapter and must be considered in accordance with normal amendment procedures set forth in article XXVII of this chapter. Appeals based on hardship or an alleged misinterpretation of this chapter by the building official shall be processed in accordance with procedures set forth in article XXVI entitled appeals, how taken.

(d) In any event where it is determined by the Commission that development in the Planned Development-Traditional Neighborhood District is not in accordance with the standards adopted for that district, the Commission shall be empowered to amend this chapter to place part of or all the property in the Planned Development-Traditional Neighborhood District in its prior zoning classification, or any other more appropriate zoning classification.

(e) Before approval of a Planned Development-Traditional Neighborhood project the Commission may require a contract with safeguards satisfactory to the city attorney guaranteeing completion of the development plan within a period of time to be specified by the Commission, which shall not exceed five years unless extended by the Commission for due cause shown. Such guarantee may include the

submission of a performance bond in an amount as set by the City Commission.

(f) The violation of any provision of the plan once adopted as a part of this chapter as a PD-G district under the provisions provided herein, shall constitute a violation of this chapter.

(Ord. No. 877, 15-3, 4-19-1989)

(g) All PD-TN projects shall follow the preliminary and final plat procedures listed in the Brunswick Subdivision Ordinance.

Sec.23-16-4. Permitted uses.

(a) Any use proposed by the developer and considered by the City Commission as being compatible to other nearby uses within and without the district and in keeping with the intent of the PD-G district may be permitted in such district upon approval [of] the City Commission.

(b) The developer shall prepare a list of proposed uses for submission with his application. After approval by the Commission, the list or portions thereof approved shall be adopted as a part of the regulations applying to that particular PD-TN district.

(c) Thereafter, the uses permitted in the district shall be restricted to those listed, approved and adopted according to the procedures set forth herein.

(Ord. No. 877, 15-6, 4-19-1989)

Sec.23-16-5. General Design Standards.

(a) Use

- 1) The entire land area of the PD-TN District shall be divided into walkable blocks, streets, and lots and optional natural or greenbelt areas.
- 2) Blocks shall generally be 450 feet by 180 feet to extend the existing grid street pattern.
- 3) The minimum lot size for all PD-TN uses shall be 22½ feet in width by 90 feet in length.
- 4) Similar land categories shall generally enfront across streets. Dissimilar categories shall abut at rear lot lines. Corner lots which front on streets of dissimilar use shall be set back the same as the adjacent use with the lesser setback.
- 5) Large-scale, single uses (conference spaces, theaters, athletic facilities, etc.) shall occur behind or above habitable street-front space.

- 6) Prohibited uses: Chemical manufacturing, storage or distribution as a primary use; enameling, painting or plating, except artist's studios; carting, moving, or hauling terminal or yard; prisons, detention centers, or half-way houses; manufacturing, storage, or disposal of hazardous waste materials; scrap yards; mobile homes; kennels; sand, gravel, or other mineral extraction; and any use which produces the following adverse impacts: noise at a level greater than typical street or traffic noise, offensive vibration, emission of dust, smoke, odors, or noxious solids, liquids, or gases.
- 7) Discouraged uses: Any commercial use which encourages patrons to remain in their automobiles while receiving goods or services (except service stations). A drive through may be appropriate if its intrusion along a block face is limited. To limit intrusion, any drive through lane should be no wider than 10 feet in width and only one lane per commercial establishment is allowed to interrupt a block face. An alley or secondary street shall provide the second point of ingress/egress for the drive through.
- 8) Accessory structures may be used for rental housing on attached and detached residential lots.
- 9) All uses shall be conducted within completely enclosed buildings unless otherwise specified.
- 10) The mixing of attached and detached housing and commercial is encouraged.

(b) Lots & Buildings

- 1) All lots shall share a frontage line with a street or square.
- 2) All buildings, except accessory structures, shall have their main entrance opening onto a street, square, or park.
- 3) Stoops, open colonnades, open porches, balconies, and bay windows may encroach up to 12 feet into front setbacks.

(c) Streets & Alleys

- 1) Streets shall provide access to all tracts and lots.

- 2) All streets and alleys shall terminate at other streets within the neighborhood and connect to existing and projected through streets outside the development.
- 3) There shall generally be a continuous network of alleys to the rear of lots within the PD-TN district.
- 4) Utilities shall run along alleys wherever possible.
- 5) If provided, street lamps shall be installed on both sides of the street a maximum of 100 feet apart.
- 6) The extension of existing streets and rights-of-way shall generally maintain the same dimensions as the existing historic street while new streets and rights-of-way are encouraged to differ in dimension and each street shall be individually detailed.
- 7) Steady and even build-to lines shall be established along all streets and public space frontages, determining the width desired for each street or public space. A minimum percentage build-out at the build-to line shall be established along all streets and public square frontages.
- 8) The long axis of the street shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.

(d) Parking

- 1) Parking lots shall generally be located at the rear or at the side of buildings and shall be screened from the sidewalk by low walls, fences or hedges. Parking spaces can be located under buildings or under portions of buildings.
- 2) Parking lots and parking garages shall not abut street intersections, be adjacent to squares or parks, or occupy lots which terminate a vista.
- 3) Primary street frontages shall have no vehicular entries, for properties with another street frontage. Properties with a single-frontage on a primary street shall be limited to a maximum of two single lane-width vehicular entries separated by a minimum of twenty feet.
- 4) Adjacent parking lots shall have vehicular connections via an alley or internally.

- 5) On-street parking directly enfronting a lot shall count toward fulfilling the parking requirement of that lot. One parking space credit shall be given for every space in front of the lot that is over 50% of the length of the parking space.

Sec. 23-15-6. Civic Design Standards

(a) Use

- 1) Civic lots shall consist of the following uses: parks, squares, greenbelts, streets and alleys, community buildings including meeting halls, libraries, post offices, schools, religious buildings, recreational facilities, museums, performing art buildings, pavilions, bridges, market structures, and municipal buildings.
- 2) Civic use lots shall generally be within or adjacent to a square or park or on a lot terminating a street vista.
- 3) Large scale recreational uses such as multiple game fields shall be located on the perimeter of neighborhoods.
- 4) Each new neighborhood 20 acres in size or greater shall contain as its central focus, at least one square or park no smaller than $\frac{1}{2}$ acre, and no greater than 3 acres. This square shall be within 900 ft of the geographic center of the neighborhood.
- 5) Neighborhoods along waterfronts shall provide park and square requirements along the waterfront.
- 6) Squares, parks, and other natural amenities shall have at least 50% of their perimeter abutting street rights-of-way unless otherwise described on the site plan.

(b) Lots and Buildings

- 1) Balconies shall be permitted to encroach up to 8 feet into a civic use tract.
- 2) All lots share a frontage line with a street or square. All buildings shall have their main entrance opening to a street or square (except accessory structures).
- 3) Civic use buildings shall not be subject to setback limitations.

4) The minimum height of the main level shall be 12 feet from floor to ceiling.

(c) Parking

1) Off-street parking for civic uses shall occur at the rear or side of the building.

2) On-street parking directly en-fronting a lot shall count toward fulfilling the parking requirement for each on-street space that is 50% of the required parking space size.

3) The developer shall demonstrate the provision of adequate parking for public use tracts containing squares and parks. Shared parking shall be encouraged.

4) Parking lots on civic use tracts shall be graded, compacted, and landscaped, but may be left unpaved or paved with grass-ring paving.

Sec. 23-15-7. Business Design Standards

(a) Use

1) Business lots shall contain retail, office, residential, hotel, bed & breakfast inns (see "tourist home"), private clubs, child daycare and entertainment uses.

2) Uses may be mixed within the same structure and/or on the same lot.

3) Residential uses are not permitted on the main level of business buildings.

(b) Lots and buildings

1) Business buildings shall not require setbacks from front or side lot lines.

2) Business buildings shall have their façade built directly on the lot line along 100% of its length.

3) Business buildings shall not cover more than 70% of the lot area.

4) The maximum height shall be 5 levels not to exceed 60 feet in height to be measured to the eave.

5) The minimum height shall be 2 levels.

6) The minimum height of the main level shall be 12 feet from floor to ceiling.

(c) Parking

- 1) No less than 75% of the parking places shall be to the rear of the building.
- 2) For businesses, on-street parking directly enfronting a lot shall count toward fulfilling the parking requirement for each on-street space that is 50% of the required parking space size.
- 3) All business uses shall have parallel or diagonal parking on street.
- 4) The required number of parking spaces may be reduced by demonstrating the possibility of shared parking.
- 5) The parking requirements may be suspended for retail uses of 2,000 square feet or less.
- 6) There shall be a minimum of one parking space per 500 square feet of building space for non-residential uses, one space per room of lodging, and one space per each 2 bedrooms of residential use.

Sec. 23-15-8. Shopfront Design Standards

(a) Use

- 1) Shopfront lots shall contain retail, office and residential uses.
- 2) At least 50% of the building area shall be designated for residential use.
- 3) Residential uses are not permitted on the main level of shopfront buildings.

(b) Lots and Buildings

- 1) Buildings on shopfront lots shall have the facade built directly on the property line along at least 70% of its length. The unbuilt portion of the property line shall have a street wall directly upon it.
- 2) Buildings on shopfront lots shall have no setback from at least one side lot line.
- 3) Buildings on shopfront lots shall cover no more than 70% of the lot area.
- 4) The maximum height shall be 4 levels not to exceed 45 feet in height measured to the eave.
- 5) The minimum height shall be 2 levels.
- 6) The minimum height of the main level shall be 12 feet from floor to ceiling.

(c) Parking

- 1) No less than 75% of the parking places shall be to the rear of the building.
- 2) For shopfronts, on-street parking directly enfronting a lot shall count toward fulfilling the parking requirement for each on-street space that is 50% of the required parking space size.
- 3) All shopfront streets shall have parallel or diagonal parking on street.
- 4) The required number of parking spaces may be reduced by demonstrating the possibility of shared parking.
- 5) The parking requirements may be suspended for retail uses of 2,000 square feet or less.
- 6) There shall be a minimum of one parking space per 500 square feet of building space for non-residential uses, one space per room of lodging, and one space per each 2 bedrooms of residential use.

Sec. 23-15-9. Attached Home Design Standards

(a) Use

- 1) Attached home lots shall contain single family and multi-family residential uses, and limited business uses such as a coffee house.
- 2) Limited business uses shall be restricted to a maximum of 400 square feet in area.
- 3) An accessory building is permitted on each lot which may be used as a rental unit.
- 4) 100% of the building area above the main level shall be residential.

(b) Lots and buildings

- 1) Buildings on attached residential lots shall be set back between 0 and 15 feet from the frontage line, and frontage lines shall be constant for a street.
- 2) Buildings on attached residential lots shall have no required setbacks from side lot lines.
- 3) Buildings on attached residential lots shall be set back no less than 30 feet from the rear lot line, except accessory structures may have 5 feet setback.
- 4) Buildings on attached residential lots shall cover no more than 70% of the lot area.

- 5) Roof slope, if pitched, shall have a minimum 6 in 12 pitch.
- 6) The maximum height shall be 4 levels not to exceed 45 feet in height measured to the eave.
- 7) The minimum height shall be 2 levels.
- 8) The minimum height of the main level shall be 9 feet from floor to ceiling.

(c) Streets and Alleys

- 1) Attached residential lots shall have their rear lot lines coinciding with an alley or another street.
- 2) Attached residential lots shall enfront on streets having a minimum right-of-way of 46 feet consisting of two 10 foot travel lanes, 7 foot parallel parking on both sides, and 6 foot sidewalks. Curb radius shall not exceed 10 feet.

(d) Parking

- 1) All off-street parking places shall be to the rear of the building or under the building. Access shall be by an alley only.
- 2) There shall be a minimum of one parking space per 500 square feet of building space for non-residential uses, and one per room of lodging, and per each 2 bedrooms of residential use.
- 3) On-street parking of at least 50% of a standard size parking space shall count toward fulfilling the parking requirement.

Sec. 23-15-10. Detached Home Design Standards

(a) Use

- 1) Detached home lots shall contain single family and multi-family residential uses.
- 2) An accessory building is permitted on each lot which may be used as a rental unit.
- 3) 100% of the building area above the main level shall be residential.

(b) Lots and buildings

- 1) Buildings on detached residential lots shall be set back between 0 and 25 feet from the frontage line.
- 2) Buildings on detached residential lots shall be set back from the side lot lines equivalent to no less

than 5 feet on each side. The entire setback may be allocated to one side.

- 3) Buildings on detached residential lots shall be set back no less than 30 feet from the rear lot line, except accessory structures may have 5 feet setback.
 - 4) Buildings on detached residential lots shall cover no more than 60% of the lot area.
 - 5) Roof slope shall have a minimum 6 in 12 pitch.
 - 6) The maximum height shall be 3 levels not to exceed 35 feet in height measured to the eave.
 - 7) The minimum height shall be 2 levels.
 - 8) The minimum height of the main level shall be 9 feet from floor to ceiling.
- (c) Streets and Alleys
- 1) Detached residential lots shall have their rear lot lines coinciding with an alley or another street.
 - 2) Detached residential lots shall enfront on streets having a minimum right-of-way of 46 feet consisting of two 10 foot travel lanes, 7 foot parallel parking on both sides, and 6 foot sidewalks. Curb radius shall not exceed 10 feet.
- (d) Parking
- 1) All off-street parking places shall be to the rear or side of the building or under the building. Where access is through the frontage, garages or carports should be located a minimum of 20 feet behind the front façade.
 - 2) There shall be a minimum of one parking space per 500 square feet of building space for non-residential uses, and one per room of lodging, and one per each 2 bedrooms of residential use.
 - 3) On-street parking of at least 50% of a standard size parking space shall count toward fulfilling the parking requirement.

Sec. 23-15-11. PD-TN Infill.

The intent of the PD-TN Infill conditional use is to allow the appropriate infill of buildings based on the five building types, i.e. Civic, Business, Shopfront, Attached Home, & Detached Home. These building types can be placed in the existing zone districts according to Table C. The

height limitations listed in Table C keep the proposed infill building types compatible with the height limitations in the existing zone districts.

TABLE C

| | | B U I L D I N G T Y P E | | | | |
|---|---------|-------------------------|-----------------|-----------------|-----------------|-----------------|
| | | Civic | Business | Shopfront | Attached Home | Detached Home |
| Z O N E D I S T R I C T | GC-CORE | ◆ (60' max.) | ◆ (60' max.) | ◆ (60' max.) | ◆ (60' max.) | |
| | GC | ◆ (45' max.) | | ◆ (45' max.) | ◆ (45' max.) | |
| | OC | ◆ (45' max.) | | ◆ (45' max.) | ◆ (45' max.) | ◆ (45' max.) |
| | LC | ◆ (35' max.) | | ◆ (35' max.) | ◆ (35' max.) | ◆ (35' max.) |
| | GR* | ◆ (35' max.) | | ◆ (35' max.) | ◆ (35' max.) | ◆ (35' max.) |
| *PD-TN Infill shall only occur in the GR zone district on lots of record. | | | | | | |

The infill parcels under PD-TN Infill shall meet the General Design Standards in Sec. 23-16-5 and the design standards listed for the selected building type. For example, a Shopfront building type proposed for a parcel in the GC zone district must follow the Shopfront Design Standards listed in Sec. 23-16-8 and the applicable General Design Standards listed in Sec. 23-16-5. The conditional use requested in this example is a PD-TN Infill conditional use for a Shopfront type building (PD-TN Infill/Shopfront). The applicant must adhere to Sec. 23-25-4 and Sec. 23-27-2 for all application and processing requirements for conditional uses.

PD-Infill shall be exempted from the required Design Standards in the following instances;

- A) Detached Home types may be one story in height.
- B) Attached and Detached Home types shall not have a minimum main level height.
- C) Infill shall only occur in the General Residential (GR) zone district on lots of record.

The Planned Development provisions shall be in addition to the provisions of the zoning districts in which the

property is located. Where inconsistencies or conflicts exist between provisions of the PD-TN Ordinance (either PD-TN or PD-TN Infill) and provisions of the underlying zoning, the provisions of the PD-TN Ordinance shall apply.

SECTION TWO

It is hereby declared to be the intention of this ordinance that its sections, paragraphs, clauses, sentences, and phrases are severable, and if any section, paragraph, clause, sentence, or phrase is declared unconstitutional or invalid, it shall not affect any of the remaining parts.

SECTION THREE

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed so far as necessary to avoid the conflict.

SECTION FOUR

This ordinance shall be effective immediately upon approval by the City Commission.

ADOPTED this ____ day of _____, 2004.

Bradford S. Brown, Mayor

Attest: _____
Georgia Marion, Clerk

DELEGATION(S)

Neil Foster to discuss reimbursement of interest paid on taxes for 610 Newcastle Street.

The City Attorney recommended that staff look into why Mr. Foster did not receive a tax bill and find out what happened to determine if a refund would be given for interest paid on taxes for 610 Newcastle Street.

CONSIDER FOR APPROVAL

1. Charles Stewart, County Administrator, with bid recommendations for paint abatement, asbestos removal and demolition of the Gateway/Winchester Building located at 1609 Newcastle Street.

Commissioner Spaulding made a motion and Commissioner Davis seconded the motion to approve awarding a bid for the asbestos and lead paint abatement for the Gateway/Winchester Building to the lowest responsible bidder, McGowan Construction Company, Townsend, Georgia in the amount of \$79,000.00. Funding to be provided by SPLOST IV, Oglethrope Convention Center project. And also approving awarding a contract for the demolition of the Winchester building to the lowest qualified bidder, Collins Construction Services Savannah, Georgia for \$179,000.00. Funding to be provided by SPLOST IV funding 2,000,000.00 Oglethrope Convention Center project. The motion passed by vote 5 to 0.

County Administrator, Charles Stewart stated that the County is in the process of demolishing the (old Head Start Building) on L Street.

2. Cliff Henry from the Gilbert, Harrell, Sumerford and Martin Law Firm, to request abandonment of a section of Jekyll Avenue north of the hospital.

Commissioner Davis made a motion and Commissioner Spaulding seconded the motion approving the abandonment of Jekyll Avenue between Starling Street and Oriole Street subject to staff approval. The motion passed by vote of 5 to 0.

3. Bill Piper, City Engineer, to submit two (2) Right-of-way Certifications for Riverside Drive paving and upgrading.

Commissioner Davis made a motion and Commissioner Spaulding seconded the motion approving the two certifications for paving and upgrading Riverside Drive. The motion passed by vote of 5 to 0.

4. Bill Francis, Assistant Water and Wastewater Director, to address the USGS Joint Funding Agreement.

Bill Francis stated that the USGS Joint Funding Agreement for the year 2004-2005 total cost is \$222,660.00, a portion 47% is funded by the Federal Government and the local share is funded by the City of Brunswick one-third and Glynn County one-third and the last third is divided between major industrial water users along with other cooperators.

Commissioner Williams made a motion and Commissioner Harvey seconded the motion approving the USGS Joint Funding Agreement for the year 2004-2005 with the City's share of the funding \$41,830.00. The motion passed by vote 5 to 0.

5. Christmas Gift Certificates for City employees.

The City Manager stated that last year the City approved a \$25.00 Christmas gift certificate for City employees at Winn Dixie and requested that the City consider issuing Christmas gift certificates at Wal-mart.

Commissioner Spaulding made a motion and Commissioner Davis seconded the motion to issue Christmas Gift Certificates from Wal-Mart. Commissioner Harvey offered an amendment to the motion to increase the Gift Certificates to \$30.00. Commissioner Spaulding amended the motion to issue gift certificates from Wal-Mart and to increase the gift certificate amount to \$30.00. Commissioner Davis seconded the amended motion. The motion passed by vote of 5 to 0.

6. Group Health Reinsurance contract renewal.

The Human Resources Director submitted quotes for the reinsurance for the City's group health care coverage. McGinty, Gordon and Associates the City's insurance broker gathered price quotes from some insurance companies.

| | |
|--|---|
| Safeco Insurance Co – current provider | \$374,316.00 (no exclusions) |
| Marlton Risk Standard Security | \$440,016.00 (250,016.00 premium with exclusion of 2 high cost claims @ \$190,000.00) |

The Human Resources Director recommended accepting the offer of Safeco Insurance Company.

7. Re-stated Pension Plan and Trust Agreement .

The Director of Finance presented changes to Pension Plan Trust Agreement and changes to the pension plan.

Commissioner Williams made a motion and Commissioner Harvey seconded the motion accepting the offer of Safeco Insurance Co. in the amount of \$374,316.00 and changes presented by the Director of Finance for the Defined Benefit Pension Plan and Trust Agreement.

8. Sale of City surplus property located at 1602 Norwich Street.

The City Attorney stated that the property located at 1602 Norwich Street was advertised for three months and the following bid was received:

Harley and Brenda Brown in the amount of \$12,565.00.

Following a discussion Commissioner Williams made a motion and Commissioner Davis seconded the motion to accept the bid of Harley and Brenda Brown to purchase Lot 2094 in New Town Subdivision located at 1602 Norwich Street. The motion passed by vote of 4 to 0. Mayor Brown abstained from voting.

9. Alcohol Beverage Licenses' Renewals.

The Chief of Police stated that all the above businesses comply with the City Code and recommended approval of the alcoholic beverage licenses.

Commissioner Spaulding made a motion and Commissioner Williams seconded the motion unanimously granting all alcoholic beverage licenses for 2005. The motion passed by vote of 5 to 0.

To retail consumption dealers including Distilled Spirits:

Kimberly McCord at Two Can Café' and Catering, 1618 Newcastle Street;
Bruce Carreker at Jay's Lounge, 1409 L Street;
Abraham Williams at The Elks Lodge #745, 1528 Amherst Street;

To retail consumption dealers including Distilled Spirits "Sunday Sales":

Kevin McGarvey at McGarvey's Wee Pub at 1708 Newcastle Street;

To retail package dealers including Distilled Spirits for consumption off premises:

Peter J. Nermoe at Bottle Time Liquors, Inc., 1900 First Street;

To retail consumption dealers beer and wine;

Wendi Willis at Port City Billiards, 4420 Altama Avenue;

To retail dealers beer and wine for consumption off premises:

Robbie L. Dotson at Dotson's Variety, 1501 "G" Street;
J. H. Harvey Co. LLC at Harvey's Supermarket, 4980 Altama Avenue;
Beth Harden at Causeway Group Food Store, Inc., and the Sommers Company d/b/a;
Mukesh Patel at Radhakrishna, Inc., Amerimart #1, 1001 First Avenue;
Mukesh Patel at Radhakrishna, Inc., Amerimart #2, 1008 Bay Street;
Mukesh Patel at Shreeram & Hanumandada, Inc., Discount Stop #5, 1409 Gloucester Street;
Mukesh Patel at Shiv Shakli Krupa, Inc., Discount #6, 2722 Norwich Street;
Sean Hudson at Winn Dixie Store #97, 4420 Altama Avenue;

Archie Ramsey at Winn Dixie Store #60, 1941 Glynn Avenue;

To retail consumption dealers beer only:

Nancy H. Cahoon at Nan's Confectionary, 1828 Wolfe Street;

To retail consumption dealers beer only "Sunday Sales":

YuKueng Yau(Peter) at New Kong Restaurant, 4500 Altama Avenue;

10. Monthly Reports:

- General Fund
- Water and Wastewater Fund
- Community Development
- Sanitation Fund
- SPLOST III & IV

Commissioner Williams made a motion and Commissioner Spaulding seconded the motion approving the above monthly reports. The motion passed by 5 to 0.

DISCUSSION

1. Kathy Crews, owner of Regency Interiors, Inc., with final presentation of acoustical remediation for Old City Hall.

Kathy Crew presented materials that would be used for old City Hall acoustical remediation. Commissioner Harvey made a motion and Commissioner Spaulding seconded the motion to table the item. The motion passed by vote of 5 to 0.

2. Chief Edna Johnson, Brunswick Police Department, in reference to a \$100,000 Buffer Zone Protection Grant.

Police Chief Johnson discussed the buffer zone protection grant in the amount of \$100,000.00, she pointed out that the City would not have to contribute anything toward the grant funding. Following a discussion the Chief of Police was instructed to bring back to the Commission a completed list of projects that would be funded by the buffer zone protection grant. The motion passed by vote of 5 to 0.

3. Chief Edna Johnson, Brunswick Police Department, in reference to an Internet Property Bureau Auction Service.

Police Chief Johnson requested that the City Police Department use the Property Bureau online website to auction property room items at no cost to the City of Brunswick. She explained how the program works and the terms of the agreement.

Following a discussion Commissioner Davis made a motion and Commissioner Spaulding seconded the motion approving the use of Property Bureau.com subject to the City Attorney's approval of a contract between PropertyBureau.com, Inc. and the City of Brunswick. The motion passed by vote of 5 to 0.

4. Hal Smith, Coastal Disposal & Recycling Services, LLC, located at 1400 Fourth Avenue, requesting approval of permit to operate his Disposal and Recycling Services.

Charlie Latham and Hal Smith representing Coastal Disposal & Recycling Services, LLC appeared before the Commissioner to give an update on the operation of their business located at 1400 Fourth Avenue and to inform the Commission of the requirement to meet the state permitting requirement through the DNR and to address any questions and concerns the City may have about their facility and information received would be passed on to the DNR for consideration during the permitting process.

Following a lengthy discussion about the facility, the Commission asked a series of questions which was answered by Mr. Latham and next citizens asked questions which was answered by Mr. Latham. Mayor Brown thanked Mr. Latham for his presentation.

CITY ATTORNEY'S ITEM(S)

1. Billboard Moratorium.

The City Attorney requested to extend the Billboard Moratorium until January 31, 2005.

Following a discussion, Commissioner Williams made a motion and Commissioner Harvey seconded the motion extending the Billboard Moratorium until January 31, 2005. The motion passed by vote of 5 to 0.

2. Utility Theft Ordinance.

The City Attorney discussed the Utility Theft Ordinance. He stated that a copy of the ordinance would be provided in January.

EXECUTIVE SESSION

Commissioner Spaulding made a motion and Commissioner Harvey seconded the motion to hold an Executive Session to discuss a Personnel Issue. All voted by standing.

Following the Executive Session Commissioner Spaulding made a motion and Commissioner Davis seconded the motion to adjourn the meeting. All voted by a show of hands.

MEETING ADJOURNED.

Bradford S. Brown, Mayor

Attest: _____
Georgia E. Marion, City Clerk