

6-15 **TCMU Town Center Mixed Use**

- A. **Description of District.** This district is composed of certain lands and structures ~~in the City providing for~~ intended to allow flexible site planning and building arrangements for uses under a unified plan which fosters natural resource conservation and reduces traffic congestion. Emphasis is on connectivity and uses that generate a high level of activity. The district is intended to provide a pedestrian friendly mixture of residential and non-residential uses ~~complete with~~ and provide quality developments which enhance the surrounding area using quality urban design regulations. Residential development should emphasize connectivity by accommodating a mix of housing types and sizes, including small-lot single family, townhomes, and live/work units. Higher intensity residential uses should be located at key intersections and along higher traffic streets to create a transition to less intense residential uses. Access to nearby corridors and centers should be supported with pedestrian and bicycle infrastructure.

Where a development includes more than one distinct use, additional consideration will be given to allow increases in density for each of the uses, where practicable. Uses should support a variety of housing options, retail and commercial services and employment opportunities.

~~The illustrations in this Chapter are not regulations. They are intended to help the reader visualize the text. The text, not the illustrations, controls in the event of any conflict or discrepancy. [Per discussion at 9/28/20 Public Hearing, the illustrations will be removed from the document.]~~

- B. **Permitted Uses.** ~~Within the TCMU Zoning District, the~~ The following Permitted Uses shall be allowed:

1. Residential Uses

- a. Accessory uses and structures;
- b. Single-family attached and detached dwellings;
- c. Multi-family dwellings; and
- d. Townhouse dwellings.

2. Institutional Uses

- a. Business schools, and computer and management training;

- b. Civic & social organizations; business, professional, political & similar organizations;
 - c. Museums, galleries, ~~museums~~, historical sites, and similar institutions, auditoriums, libraries and similar cultural facilities;
 - d. ~~Nature parks~~Parks and other similar institutions;
 - e. Parking lots and garages;
 - f. Places of worship;
 - g. Recreational facilities; and
 - h. Schools and their customary related uses.
3. Commercial, Retail and Service Retail Uses
- a. Amusement facilities, indoor or outdoor;
 - b. Art galleries, and arts and crafts studios;
 - c. Building material and garden equipment and supplies dealers;
 - d. Caterers;
 - e. Commercial banking;
 - f. Clothing and clothing accessories stores;
 - g. ~~Food and beverage stores~~ Gasoline stations;
 - h. Grocery stores;
 - i. General merchandise stores;
 - j. Electronics and appliance stores;
 - k. Finance and insurance offices;
 - l. Furniture and home furnishing stores;

- m. Health and personal care ~~stores~~services;
- n. Hospitals, medical centers, and urgent care facilities;
- o. Hotels;
- p. ~~Management of companies and enterprises~~Miscellaneous store retailers and non-store retailers;
- q. Motion picture theaters and studios;
- r. Offices;
- s. Personal care services;
- t. Physicians' offices;
- u. Professional, scientific and technical services;
- v. ~~Offices, arts and crafts galleries, and studios~~Restaurants;
- w. Retail and other similar uses typically located in shopping centers;
- x. Sporting goods, hobby, book, and music stores, and
- y. Sports arenas, stadiums and amphitheaters.
- 4. Industrial Uses [All moved to new (D) – Special Administrative Permit – Industrial]
 - a. ~~Apparel Manufacturing~~manufacturing;
 - b. ~~Assembly plants~~;
 - c. ~~Bakeries and food manufacturing~~;
 - d. ~~Computer and electronic part manufacturing~~;
 - e. ~~Data centers and electronic~~computer facilities management services;
 - f. ~~Electrical equipment, appliance and component manufacturing~~;
 - i. Electric Lighting Equipment Manufacturing

- ii. Household Appliance Manufacturing
- iii. Electrical Equipment Manufacturing
- iv. Other Electrical Equipment and Component Manufacturing
- g. ~~Furniture and related product assembly and manufacturing;~~
 - i. Household and Institutional Furniture and Kitchen Cabinet Manufacturing
 - ii. Office Furniture (including Fixtures) Manufacturing
 - iii. Other Furniture Related Product Manufacturing
- h. ~~Greenhouse, nursery, and floriculture production;~~
 - i. ~~Machinery Manufacturing~~
 - i. Agriculture, Construction, and Mining Machinery Manufacturing
 - ii. Industrial Machinery Manufacturing
 - iii. Other Industrial Machinery Manufacturing
 - a) Paper Industry Machinery Manufacturing
 - b) Textile Machinery Manufacturing
 - c) Printing Machinery and Equipment Manufacturing
 - d) Food Product Machinery Manufacturing
 - e) Semiconductor Machinery Manufacturing
 - iv. Commercial and Service Industry Machinery Manufacturing
 - a) Optical Instrument and Lens Manufacturing
 - v. Ventilation, Heating, and Air Conditioning, and Commercial
 - vi. Refrigeration Equipment Manufacturing

- vii. ~~Metalworking Machinery Manufacturing~~
- viii. ~~Engine, Turbine, and Power Transmission Equipment Manufacturing~~
- ix. ~~Other General Purpose Machinery Manufacturing~~
- j. ~~Medical equipment and supplies, optical instrument and lens manufacturing;~~
- k. ~~Miscellaneous manufacturing~~
 - i. ~~Medical Equipment and Supplies Manufacturing~~
 - ii. ~~Other Miscellaneous Manufacturing~~
 - a) ~~Jewelry and Silverware Manufacturing~~
 - a) ~~Sporting and Athletic Goods Manufacturing~~
 - b) ~~Doll, Toy, and Game Manufacturing~~
 - c) ~~Office Supplies (except Paper) Manufacturing~~
 - d) ~~Sign Manufacturing~~
 - e) ~~Other~~
 - 1) ~~Musical Instrument Manufacturing~~
 - 2) ~~Fastener, Button, Needle, and Pin Manufacturing~~
 - 3) ~~Broom, Brush, and Mop Manufacturing~~
 - 4) ~~Burial Casket Manufacturing~~
- l. ~~Pharmaceutical and medicine manufacturing;~~
- m. ~~Plastics and Rubber Products Manufacturing~~
 - i. ~~Plastics Product Manufacturing~~
 - ii. ~~Other Plastics Products Manufacturing~~

- n. ~~Printing and related support activities;~~
 - o. ~~Transportation equipment manufacturing;~~
 - p. ~~Warehousing, distribution and storage, logistics facilities; and~~
 - q. ~~Wholesale trade of durable and nondurable goods;~~
- C. Conditional Uses: Commercial and Institutional Uses. Upon application to and approval by the Zoning Administrator, said approval being based solely on compliance with all the conditions required herein, the following conditional uses shall be allowed:
- 1. Commercial, Retail and Services Uses
 - a. Animal hospitals and veterinary clinics, provided:
 - i. All structures shall be located and activities conducted at least one hundred (100) linear feet from the nearest property zoned and used for residential use purposes; and
 - ii. All animals shall be housed within an enclosed building and adequate sound and odor control shall be maintained.
 - b. Carnival, rodeo, horse show, athletic event or community fair provided the event is temporary in nature. [Need conditions to be a Conditional Use; calling it temporary, with no other direction, may not be enough.]
 - c. Dry cleaning & laundry services, provided:-
 - i. Dry cleaning plants using clean systems which make use of solvents rated at above 40 by the Underwriter's Laboratories, Inc. Standard of Classification, known as Class I Systems shall be prohibited;
 - ii. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five (5) but less than 40 according to the Underwriter's Laboratories, Inc. Standard of Classification, known as Class II and Class III Systems, shall not be established in a building with other occupancy;
 - iii. The dry cleaning plant shall be designed to operate in a manner that will not emit smoke or odor objectionable waste materials, and which will not produce noise that will carry beyond the walls of the building occupied by such plant;
 - iv. Fuel for operation of equipment shall be smokeless fuel;

- v. ~~The applicant for the dry cleaning plant shall certify in writing at the time of application that all the above conditions will be met;~~
 - vi. Central water and central sanitary sewage systems are required; and,
 - vii. There shall be no on-site storage of dry cleaning solvents in separate container(s) apart from the dry cleaning apparatus (Amended 9/19/06, Ord. 2006-47)
- d. Extended stay hotels or [extended stay](#) motels, provided:
- i. Each hotel/motel site shall be a minimum of two acres~~;~~
 - ii. Each guest room shall have a minimum of three hundred (300) square feet~~;~~
 - iii. Guest rooms shall be accessed internally to the building with no direct room access to the outside. The lobby shall be a minimum of one thousand (1,000) square feet in size~~;~~
 - iv. Each hotel/motel shall provide a fitness or recreational center with a minimum of four hundred (400) square feet, which is available to all guests~~;~~
 - v. The development shall include a minimum one thousand (1,000) square foot meeting facility/conference room dedicated to the exclusive use of business meetings, conferences and seminars. The facility/conference room is not to be subdivided except by movable partitions~~;~~
 - vi. No [permanent business license occupation tax certificate](#) shall be issued for conduct of any business from any guest room of the facility~~;~~
 - vii. No hotel or motel under this section is to be converted to or used as an apartment or condominium without prior approval of the City Council. Any hotel or motel converted to such use must meet all applicable state and local codes including zoning standards~~;~~
 - viii. Each guest room must be protected with a sprinkler system approved by the fire marshal or their designee~~;~~
 - ix. A hard-wired smoke detector shall be provided and installed in each guest room~~;~~
 - x. No outside storage or permanent parking of equipment or vehicles shall be allowed~~;~~ [and](#)
 - xi. All extended stay hotels [and extended stay motels](#) shall have a maximum density of seventy-five (75) guest units per gross acre of development.

2. Institutional Uses

a. Child care learning centers, provided:

- i. Such use must obtain certification from the Georgia Department of Human Resources;
- ii. The minimum size of the outdoor play area must be equal to one hundred (100) square feet times one-third (1/3) of the center's licensed capacity for children;
- iii. ~~They~~There shall ~~have~~be at least thirty-five (35) square feet of usable indoor floor space provided for each child; and,
- iv. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet. (Amended 9/19/06, Ord. 2006-47)

3. ~~All developments which are mixed use, i.e., containing two or more uses within the development, shall receive development approval substantially the same as that process is described in Section 7-2 (E) of the Zoning Ordinance pertaining to Planned Unit Developments. It is the intent of this paragraph that mixed use developments will be held to a more flexible standard as set out in the PUD development approval process previously referenced. [A comment from the March 20, 2019 meeting is to separate this from the Conditional Uses section; maybe have a separate section for this.][Moved to subsection (F).]~~

4. Towers and antennas pursuant to the definitions and conditions outlined in ARTICLE III and ARTICLE VIII of this ordinance. (Ordinance 10-13, 7/20/10)

D. Special Administrative Permit – Industrial.

1. Purpose. Upon detailed analysis and study of: 1) all existing TCMU properties (2020); 2) the intent of the Comprehensive Plan for a mix of uses along the South Fulton Parkway Corridor including residential; 3) the development pattern of primarily industrial uses despite the intent of the Comprehensive Plan; and 4) the impacts resulting from industrial use development on local infrastructure and nuisance associated with certain freight-truck related industrial development adjacent to residential neighborhoods, including damage to local roads, and periodic violation of truck route restrictions, the City finds additional controls are needed to improve compatibility of this mix of uses, as anticipated by the 2016 Comprehensive Plan. Therefore, prior to the issuance of a land disturbance permit, a Special Administrative Use Permit is required for industrial uses within the TCMU district as follows below.

2. The Special Administrative Use Permit requirement shall not apply to any property that was rezoned with conditions in settlement of a lawsuit. The terms and conditions of the settlement shall govern the development of such property.
3. Required Provisions and Standards for Industrial Special Administrative Permit Approval. Industrial uses listed in Section (D) (4) below shall henceforth be allowed via administrative approval only under the following conditions:
 - a. Policy Criteria. The Comprehensive Plan's Future Development Map shows that the subject parcel is located within a District-Mixed-Use Office/Corporate Campus or Industrial Character Area. Subject properties zoned TCMU prior to September 28, 2020 and located within areas designated as Natural Green Space able to meet the remaining criteria may also be used for industrial uses, provided development meets all the dimensional zoning requirements, criteria enumerated below and applicable environmental codes.
 - b. Roadway Criteria. Subject property has direct access to a road designated as State and/or Fulton County truck (freight) route (hereafter "Truck Route"). Exceptions may be approved on construction plans by the City Engineer if one of the following conditions exists:
 - i. Applicant secures agreement(s) with adjacent property(ies) that have direct access to a truck route and provides either new public roadway or private inter-parcel connection to a truck route. Applicant shall provide documentation of agreement(s) and recorded easements, as applicable. Such roadways must meet construction standards for industrially-used roads per City road specifications or State GDOT.
 - ii. Absent direct or inter-parcel access to a Truck Route, applicant may propose access to an industrial use via an existing local road only as provided below:
 - a) Maximum ¼ mile to Truck Route. Curb cuts on a local road shall be no further than ¼-mile distance from the intersection of a Truck Route, as measured from the outer edge of the drive apron providing the access to the local road; and
 - b) Road Conditions, Required Improvements and Restrictions. The ¼-mile (or less) segment of the local road leading to a Truck Route intersection shall meet the Union City specifications for Industrial Street Standards (lane widths, materials, etc.); deceleration or acceleration lanes shall be provided; and the design of curb cuts providing freight truck access shall restrict egress and ingress to and from the remaining portion of the local road (i.e., allows vehicle movement only toward and from the Truck Route).

c) Construction, Maintenance and Route Enforcement. The cost of any improvements required to upgrade the segment of local road to Industrial Street Standards will be determined by the City. The Developer shall pay the cost to upgrade the road to Industrial Street Standards. Any future maintenance of the upgraded street will be the responsibility of the City.

c. Impact Criteria. For developments which qualify as a Development of Regional Impact (DRI), developers shall provide a written response addressing the development's economic benefits including such topics as: workforce training, local preference for workforce hiring, local preference for small business support services, employee commuter programming, and/or partnerships to address workforce housing needs within the Aerotropolis Alliance subregion of Fulton County.

4. Industrial Uses Allowed.

a. Upon determination that conditions described in Section (D) (1) are met, the following conditional uses shall be allowed:

i. Apparel manufacturing;

ii. Assembly plants;

iii. Bakeries and food manufacturing;

iv. Computer and electronic parts manufacturing;

v. Data centers and computer facilities management services;

vi. Electrical equipment, appliance and component manufacturing;

vii. Furniture and related product assembly and manufacturing;

viii. Greenhouse, nursery, and floriculture production;

ix. Machinery manufacturing;

x. Medical equipment and supplies, optical instrument and lens manufacturing;

xi. Pharmaceutical and medicine manufacturing;

xii. Printing and related support activities;

xiii. Technology/Business Park

xiv. Transportation equipment manufacturing;

xv. Warehousing, distribution and storage, logistics facilities; and

xvi. Wholesale trade of durable goods.

b. Prohibitions:

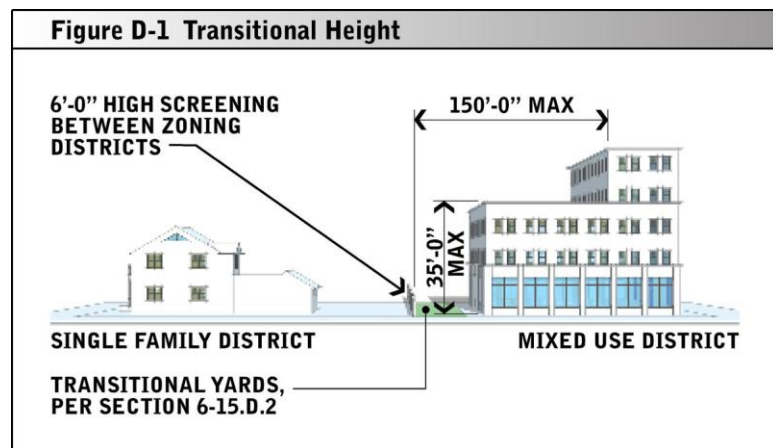
i. Use of heavy drop hammers, punch presses or other machinery or processing methods creating excessive noise or vibration is prohibited in this district.

ii. Stand-alone truck parking facilities are explicitly prohibited.

D.E. Transitional Heights and Yards/Buffers.

1. Residential, Institutional and Commercial/Retail/Service Uses.

a. Transitional height restrictions: Where this district adjoins a single-family



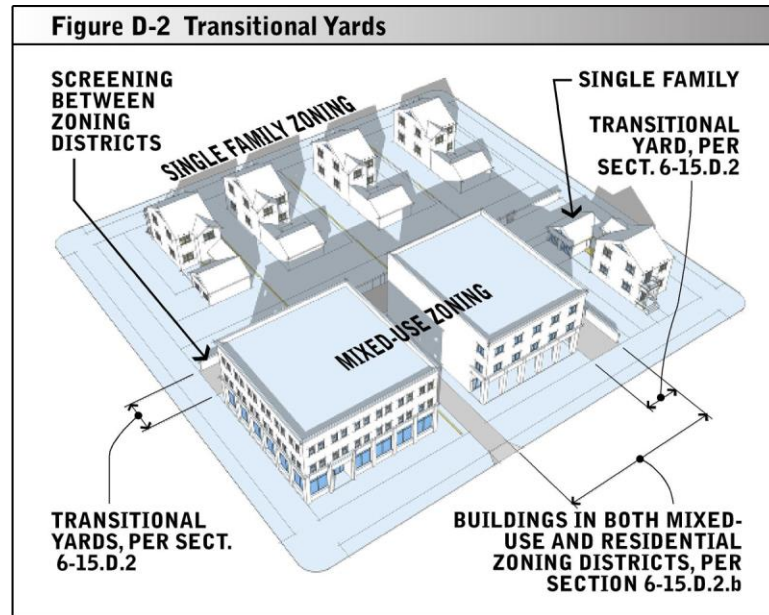
zoning district without an intervening street, other than this district, height within this district shall be limited to thirty-five (35) feet for within a linear distance of one hundred and fifty (150) feet of this district as measured from the district boundary.

b. Transitional yards/Buffers:

i. Where this district adjoins a single-family zoning district without an intervening street, a minimum buffer of at least twenty (20) feet is required

which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of private alleys or drives up to ten (10) feet in width. Such yards/buffers shall be planted undisturbed except to augment with plantings and/or berms and maintained as a landscaped strip.

- ii. Where this district adjoins a single family zoning district and contains a building, structure, or use located in both zoning districts, a transitional yard is not required, provided that the portion of



the building, structure, or use within twenty (20) feet of such designations shall only contain principal or accessory uses and structures permitted in such district. Where an industrial use adjoins property that is used for a single family residence in zoning districts other than TCMU or TCMF, a buffer shall be provided and maintained along the common property line in an undisturbed, natural state, except for approved access and utility improvements. No trees, other than dead or diseased trees, shall be removed from such buffer, but additional trees and plant material may be added in areas where vegetation is sparse. The width of the required buffer shall be:

1. A minimum of 50 feet where the proposed industrial building measures up to 100,000 square feet in gross floor area;
2. A minimum of 60 feet where the proposed industrial building measures more than 100,000 square feet but less than 500,000 square feet in gross floor area; and
- 1-3. A minimum of 75 feet where the proposed industrial building measures 500,000 square feet or more in gross floor area.

Screening: In addition to the above transitional yard requirements, permanent opaque walls six (6) feet in height shall be provided and shall be maintained.

- c. Zero-lot-line development. Zero-lot-line subdivision is permitted. Separation between structures in Single-Family Dwelling lots shall be governed by the International Residential Code (Section R302.1 Exterior Walls).

2. Industrial Uses.

- a. Transitional height restrictions. Where an industrial use ~~within this district~~ adjoins property ~~located in Union City~~ that is used for single-family residential purposes ~~without an intervening street (other than TCMU), the~~ height ~~for of~~ such industrial use shall be limited to ~~fifty~~forty (50) ~~vertical~~ feet for a ~~linear~~horizontal distance of one hundred ~~and~~ fifty (150) feet as measured from the ~~existing residential use~~common property line.

- b. ~~Transitional yards. Where an industrial use within this district adjoins property in Union City that is used for single-family residential purposes without an intervening street, a transitional yard of twenty (20) feet is required which shall not be used for the purpose of parking, paving, loading and servicing or any other activity with the exception of private alleys or drives up to ten (10) feet in width. Such yards shall be planted and maintained as a landscaped strip.~~Landscape Strip, Perimeter Required Buffer Buffers, and Transitional Yard.

- i. Landscape strip. Where an industrial use adjoins a public road, a planted landscape strip shall be provided adjacent to the dedicated/ reserved right-of-way as follows:

- a) 50 feet along any primary arterial road; and

- b) 20 feet along any collector or local road.

- ii. ~~Perimeter Industrial buffer. Where an industrial use adjoins property that is used for a Single-Family residential purpose in zoning districts other than TCMU or TCMF, a buffer fifty (50) feet in width shall be provided and maintained along the common property line in an undisturbed, natural state, except for approved access and utility improvements. No trees, other than dead or diseased trees, shall be removed from such buffer, but additional trees and plant material may be added in areas where vegetation is sparse. All industrial uses shall provide a wooded buffer to the rear as added environmental protection for erosion control, habitat, and air quality. Additionally, where an industrial use adjoins property that is used for residential purposes a buffer shall be required according to the table below. All buffers shall be provided based upon the scale of the development, as indicated in the table below:~~

Buffer Width (feet)

Development Size (Sq. ft. all structures)

75	Up to 100,000
100	100,000+ - 500,000
150	500,000+

Buffers shall be provided and maintained along the property line, of which the first 50 feet shall remain in an undisturbed, natural state, except for approved access and utility improvements and topography as provided below. No trees, other than dead or diseased trees, shall be removed from such buffer, but additional trees and plant material shall be added in areas where existing vegetation does not meet the standards established below. The subsequent 50 feet may be disturbed and graded, provided replanting is provided to meet the buffer planting standards below. In addition to the standards set forth in Section 5-29 Buffer Areas and Article 9 regarding tree planting standards, buffers shall be established as follows:

- iii. Transitional yard. A transitional yard ten (10) feet in width shall be provided adjacent and internal to a required perimeter buffer, and shall not be paved or used for the purpose of parking, driving, or servicing of vehicles.
- a) Materials and Specifications. Plantings and supplemental plantings shall consist of a combination of evergreen and deciduous trees and shrubs adaptable to the region as follows:
 - 1) Deciduous trees shall be a minimum of 2 inches in caliper and evergreen trees shall be a minimum of 6 feet in height at time of planting, and shall be a species which will achieve a height of at least 20 feet at maturity;
 - 2) The tree types shall be from the Tree Species Lists in Article IX Tree Ordinance;
 - 3) All shrubs shall be a large-growing species, shall be a minimum of 3 feet in height at time of planting and shall be a species which will achieve a height of at least 8 feet at maturity;
 - 4) No one species may comprise more than one-third (1/3) of the total buffer. Two-thirds (2/3) of the species must be overstory species and shall be evenly distributed throughout the buffer;
 - 5) The buffer must be in place prior to approval of Certificate of Occupancy for non-residential projects, unless escrowed as provided by Section 9-4; and

6) Trees or shrubs that die within the first three years shall be replaced by the Developer or property owner.

b) Berms or Undulating Mounds. Per Section 5-29, slope easements may be permitted to address soil erosion. Further, topographic constraints may make a constructed berm or undulating mound appropriate to fulfill the buffer requirements and may be approved by the City Engineer with shrubs instead of tree plantings as follows:

1) One (1) shrub for every ten (10) feet of continuous boundary shall be planted on the mound; and

2) All required shrubs shall measure eighteen (18) inches in height measured from grade at the time of planting.

c) Minimum Rows. The number of rows required within planted buffers is based on the buffer width:

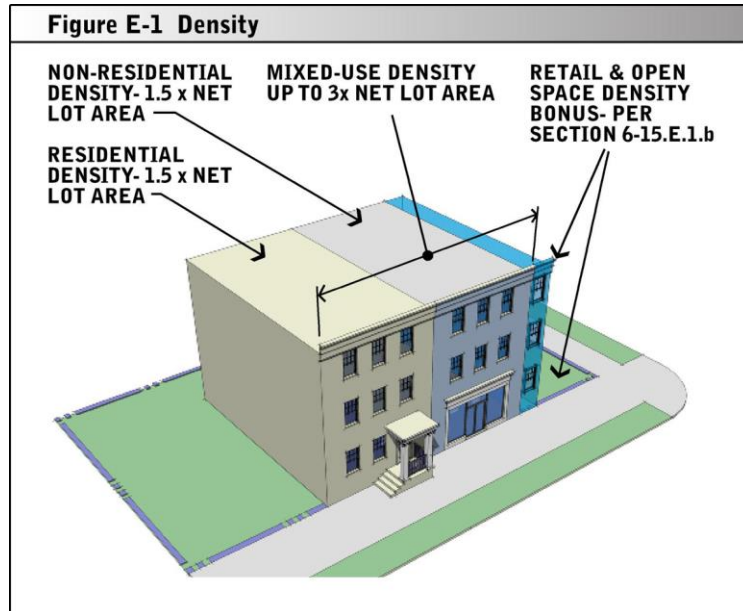
<u>Buffer Width (feet)</u>	<u>Min. Rows</u>
<u><30</u>	<u>2 rows</u>
<u>30 – 39</u>	<u>3 rows</u>
<u>40 – 50</u>	<u>4 rows</u>
<u>>50</u>	<u>4 plus 1 row for each additional 25 ft.</u>

E.F. Development Controls

1. Residential, Institutional and Commercial/Retail/ Service Uses.

a. Density. For the purposes of this section, “net lot area shall equal the total gross acres multiplied by 43,560 square feet (a gross acre equals 43,560 square feet) less the total combined square footage of street rights-of-way, both public and private, all land located in the 100 year flood plain, all water impoundments, and all lands proposed to be dedicated to a governing authority. The following density requirements shall apply:

i. Non-residential density. For institutional and commercial uses, density shall not exceed an amount equal to one and one-half (1.5) unit per 7,000 square feet of times the net lot area.

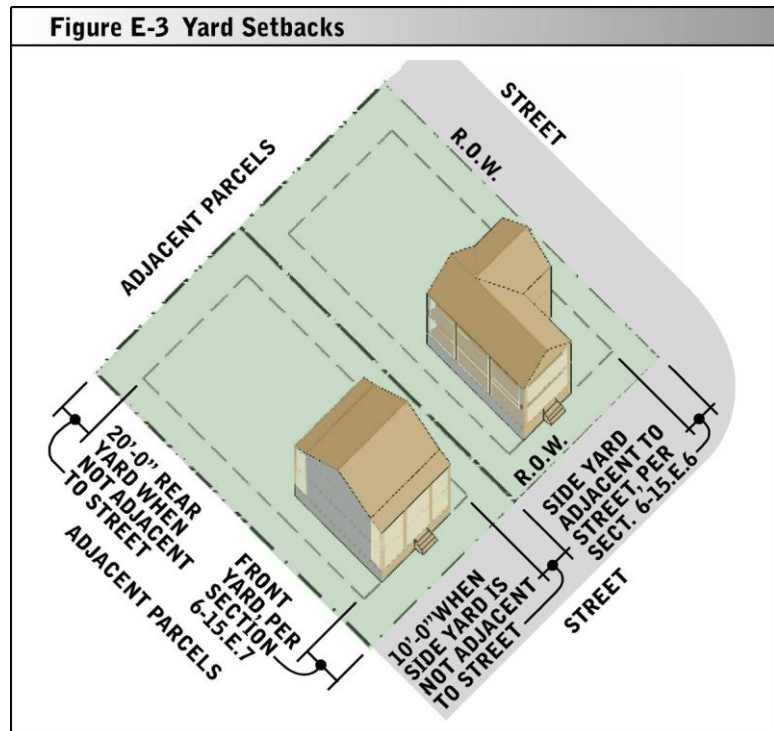


- ii. Residential density. ~~For single family dwellings, Residential~~ density shall not exceed an amount equal to one and one-half (1.5) ~~units for each acre contained in times~~ the net lot area. ~~For multi family dwellings and townhomes, density shall not exceed an amount equal to six (6) units for each acre contained in the net lot area.~~
- iii. Mixed uses. In mixed use developments, the following density requirements shall apply:
 - a) For commercial and institutional uses, density shall not exceed an amount equal to ~~one (1) unit per 3,000 square feet of~~ three (3) times the net lot area.
 - b) For ~~single family dwellings residential uses~~, density shall not exceed an amount equal to three (3) ~~units for each acre contained in times~~ the net lot area.
 - c) ~~For multi family dwellings and townhomes, density shall not exceed an amount equal to twelve (12) units for each acre contained in the net lot area.~~
- b. Maximum building coverage: Eighty-five (85%) percent of the net lot area.
- c. Minimum open space requirements.
 - i. The minimum required open space shall be at least fifteen (15%) percent of gross acreage. For developments with residential units, an additional 500 square feet of contiguous, usable open space (active recreational use) shall

be provided for every one (1) dwelling unit proposed; and the area shall be identified as an amenity for residents. Required yards and requirements for sidewalk and supplemental zone widths constructed on private property may be counted towards this requirement. Open space may include ~~new streets,~~ roof-top terraces, residential balconies, sidewalks, street furniture and landscape strips, supplemental zones, planted areas, fountains, plazas, hardscape elements related to sidewalks and plazas, and similar features and shall include all non-impervious surfaces. (Amended 9/19/06, Ord. 2006-47)

- ii. Residential balconies: Balconies for residential units, which are enclosed on no more than three (3) sides, may be counted towards open space requirements for a maximum depth of six (6) feet.
- iii. ~~New streets incentive: New public streets, or private streets which function as public streets, may be counted towards open space requirements provided said street:~~
 - a) ~~Connects two (2) other public streets or private streets which meet the requirements of this section (c);~~
 - b) ~~Meets the sidewalk requirements of this Chapter;~~
 - c) ~~Has a maximum of two (2) travel lanes;~~
 - d) ~~Does not include gates across said street; and~~
 - e) ~~Has components with the following maximum widths, where utilized:~~
 - 1) ~~Travel lanes: 12 feet~~
 - 2) ~~Bike lanes: 5 feet~~
 - 3) ~~Parallel parking: 8 feet~~
 - 4) ~~45 degree angled parking lane: 19 feet~~
 - 5) ~~60 degree angled parking lane: 20 feet~~
- iv. ~~On street parking incentive: New on street parking may be counted towards open space requirements provided the following criteria are met:~~
 - a) ~~No on street parking currently exists in the public right of way adjacent to the project area for which credit is sought;~~

- b) ~~The new on-street parking is located where there is no existing street lane;~~
 - c) ~~The on-street parking occupies an entire block face or a minimum distance of two hundred (200) feet;~~
 - d) ~~Sidewalk extensions are provided at street intersections; and~~
 - e) ~~All other sidewalk requirements of this Chapter are met.~~
- d. Building heights.
- i. Minimum building façade heights: Buildings shall have a minimum façade height of twelve (12) feet along each façade visible from any public right-of-way; and



- ii. Maximum building heights: Buildings shall not exceed a maximum building height of twenty (20) stories. (Amended 9/19/06, Ord. 2006-47)
- e. Side or rear yards for non-residential development:
- i. Side yards ~~not adjacent to a street~~: Ten (10) feet.
 - ii. Rear yards ~~not adjacent to a street~~: Twenty (20) feet.
 - iii. ~~Side or rear yards adjacent to a street. See (H) Supplemental Zones.~~

- f. Front yard: See (H) Supplemental Zones.
- g. Side, rear and front yards for single-family attached and single-family detached development:
 - i. Front yard: Twenty (20) feet;
 - ii. Rear ~~yardyards not adjacent to a street~~: Twenty (20) feet;
 - iii. Side ~~yardyards not adjacent to a street~~: Zero (zero) feet; ~~and~~
 - iv. ~~Side yards (corner yards) adjacent to a street: Fifteen (15) feet.~~
 - v. Supplemental zones shall not apply to single-family attached and single-family detached development. (Amended 9/19/06, Ord. 2006-47)
- h. All developments which are mixed use, i.e., containing two or more uses within the development, shall receive development approval substantially the same as that process is described in Section 7-2 (E) of the Zoning Ordinance pertaining to Planned Unit Developments ("PUD"). It is the intent of this paragraph that mixed use developments will be held to a more flexible standard as set out in the PUD development approval process previously referenced.

2. Industrial Uses.

- a. Density. Development shall not exceed a floor area ratio equal to 1.5 times the net lot area. For purposes of this section:
 - i. Floor area ratio shall mean a number which, when multiplied by the total net lot area of any lot within the TCMU and TCMF districts, establishes the total amount of gross floor area space that may be developed on that lot, excluding basement and garage space and space contained within any accessory structure unless said accessory structure is used as a secondary dwelling unit;
 - ii. "~~net~~Net lot area" shall equal the total gross ~~acres multiplied by 43,560~~ square feet (A gross acre equals 43,560 square feet) area of a lot as measured in square feet less the total combined square footage of street rights-of-way, both public and private, all land located within the 100 year flood plain, ~~and~~ all water impoundments, ~~and all lands proposed to be dedicated to a governing authority. For industrial uses, density shall not exceed an amount equal to one (1) unit per 20,000 square feet of net lot area.~~
- b. Maximum impervious surface area: Eighty-five (85%) percent of the total lot area.

c. Building heights.

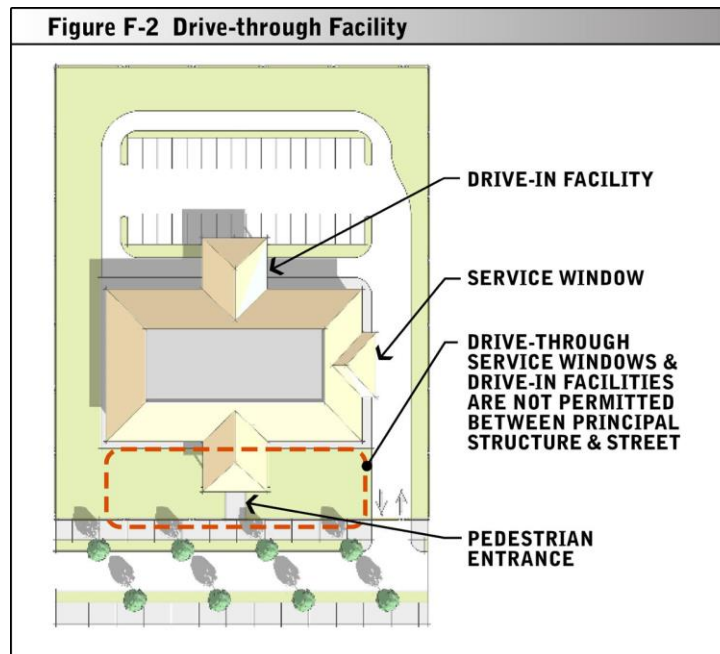
- i. Minimum building façade heights: Buildings shall have a minimum façade height of ten (10) feet along each façade visible from any public right-of-way if no perimeter buffer is required.
- ii. Maximum building heights: Buildings shall not exceed a maximum building height of twenty (20) stories if no perimeter buffer is required.

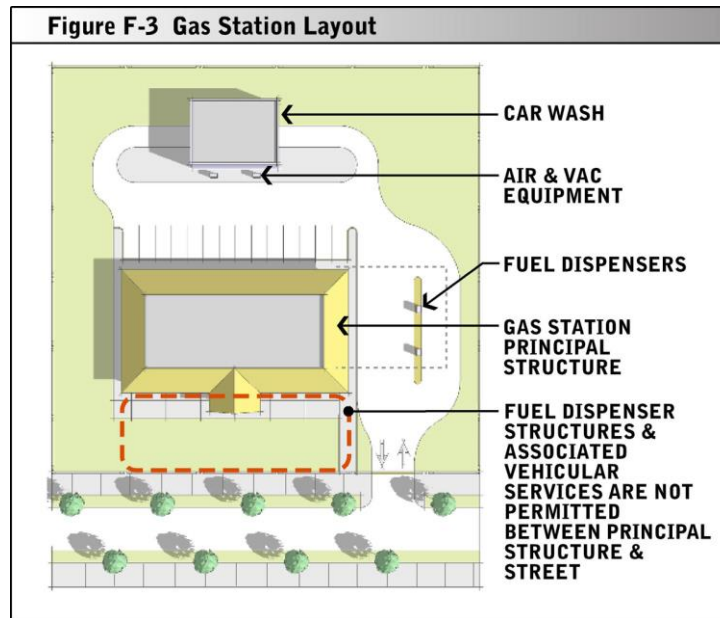
d. Setback Requirements Industrial Uses.

- i. Side yard setback: ~~40~~20 feet
- ii. Rear yard setback: 50 feet
- iii. Front yard setback, ~~as measured from the right-of-way~~: ~~60~~50 feet

F. G. Site Limitations for Residential, Institutional and Commercial/Retail/Service Uses.

1. Drive-through service windows and drive-in facilities shall not be located between the principal structure and the street.
2. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between the principal structure and the street.





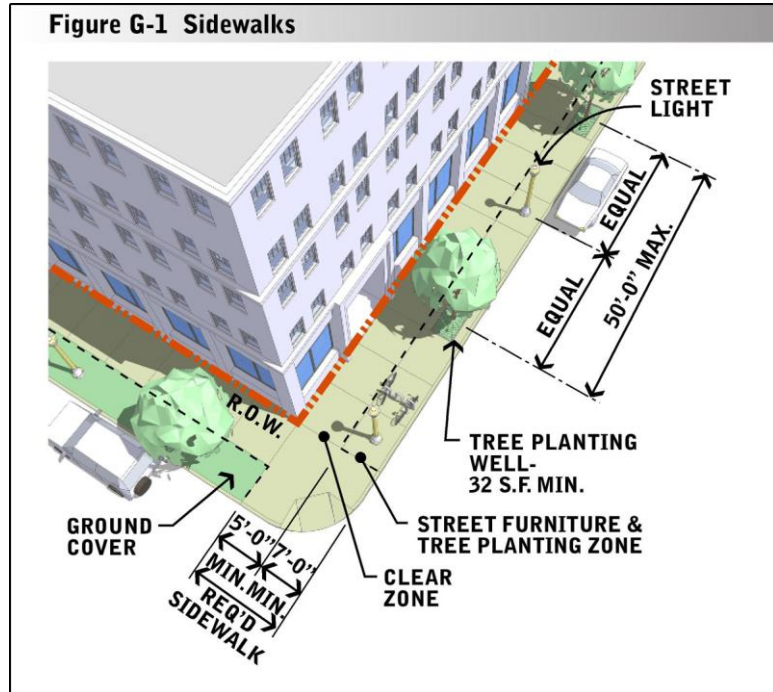
G. H. Sidewalks.

1. Residential, Institutional and Commercial/ Retail/Service Uses. Public sidewalks shall be located along all streets and shall have minimum widths as specified herein. Sidewalks shall consist of two zones: a street furniture and tree planting zone and a clear zone. For purposes of this Section the following regulations shall apply to all sidewalks:

a. Street furniture and tree planting zone requirements:

- i. Said zone shall be located immediately adjacent to the curb;
- ii. Said zone shall be a minimum width of seven (7) feet and shall be continuous;
- iii. Said zone shall meet the tree planting requirements of this section; and
- iv. In addition to the required planting of trees, this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility and as approved by the Union City Planning Department. The Union City Community Development Department shall issue permits therefor.

- b. Clear zone requirements: Said zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be continuous. Said zone shall be a minimum width of five (5) feet and shall be hardscape, and unobstructed for a minimum height of eight (8) feet.



- c. Street tree planting requirements:

- i. Street trees ~~are required and~~ shall be planted ~~in the ground~~ a maximum of fifty feet (50) on center within the street furniture and tree planting zone and shall be equally spaced equal distance between street lights;
- ii. All newly planted Street trees shall be a minimum of three (3) inches in caliper diameter measured thirty-six (36) inches above ground. These trees shall be a minimum of twelve (12) feet in height, shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of eight (8) feet; and
- iii. Street Tree trees shall have a minimum planting area of thirty-two (32) square feet. All plantings, planting replacement and planting removal shall be approved by the Union City Planning Department of Community Development. The area between required plantings shall either be planted with evergreen ground cover such as mondo grass or liriop spicata or shall be paved as approved by the Union City Planning Department of Community Development.

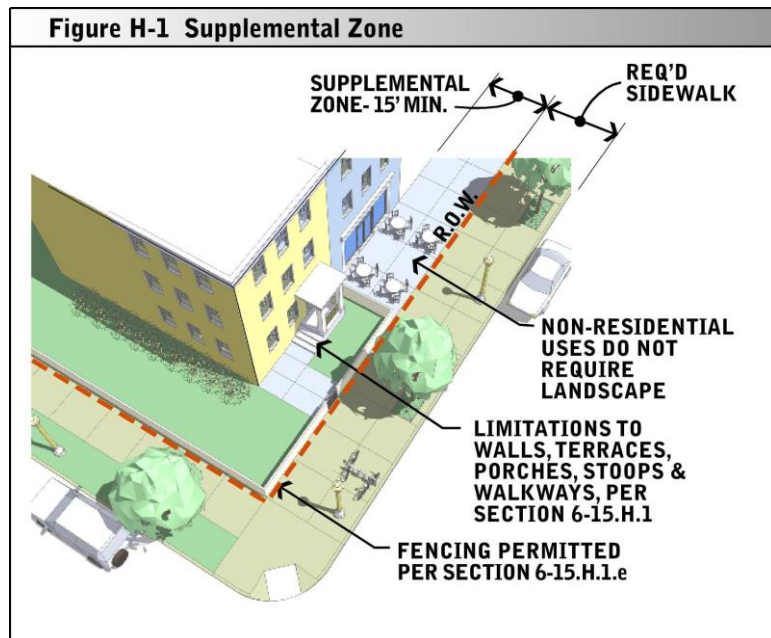
- d. Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.

- e. Sidewalks for ~~single family residential~~, single family residential detached, single family residential attached, two-family residences, townhomes, and multi-family residential shall be governed by the same standards applicable in the single family/multi-family regulations of the Union City Development Regulations. (Amended 9/19/06, Ord. 2006-47)
- 2. Industrial Uses. Public sidewalks shall be located along ~~both sides~~one side of all public streets and shall have minimum widths of ~~fivesix~~ (56) feet. Prior to the issuance of a Land Disturbance Permit, a Pedestrian Access Plan shall be submitted that shows safe pedestrian routes from the closest public right of way of the primary building entrance/exit. The following regulations shall apply to all sidewalks:
 - a. Street tree planting requirements:
 - i. Street trees ~~are required and~~ shall be planted ~~in the ground~~ a maximum of fifty feet (50) on center within seven (7) feet of the curb and shall be equally spaced equal distance between street lights.
 - ii. All newly planted Street trees shall be a minimum of three (3) inches in caliper diameter measured thirty-six (36) inches above ground. ~~., The trees~~ shall be a minimum of twelve (12) feet in height, shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of eight (8) feet.
 - iii. Street Tree trees shall have a minimum planting area of thirty-two (32) square feet. All plantings, planting replacement and planting removal shall be approved by the Union City Planning Department of Community Development. The area between required plantings shall either be planted with grass or evergreen ground cover such as mondo grass or liriop spicata or shall be paved as approved by the Union City Planning Department of Community Development.
 - b. Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
- H. I. Supplemental Zones for Residential, Institutional and Commercial/Retail/Service Uses. The area between any building, parking garage, or parking lot and the required sidewalk, ~~when no intervening building exists,~~ shall be defined as the supplemental zone. Supplemental zones shall meet the following requirements. Except as otherwise specified below, the square footage contained within a supplemental zone which meets all the following supplemental zone requirements may be counted towards open space requirements.

1. Supplemental zone general requirements:

- a. When sidewalk level residential units are provided, ~~the~~ supplemental zone shall be landscaped ~~with the exception of terraces~~ Terraces, porches, stoops and walkways, ~~which~~ may occupy a maximum of two-thirds (2/3) of the supplemental zone area;
- b. Terraces, porches and stoops shall have a maximum finished floor height of twenty-four (24) inches above finished-grade, unless existing topographical considerations render this requirement unreasonable;

- c. The supplemental zone shall be no more than twenty-four (24) inches above the adjacent public sidewalk for a minimum linear distance of fifteen (15) feet from the nearest edge of the adjacent public sidewalk, unless existing topographical considerations render this requirement unreasonable; and

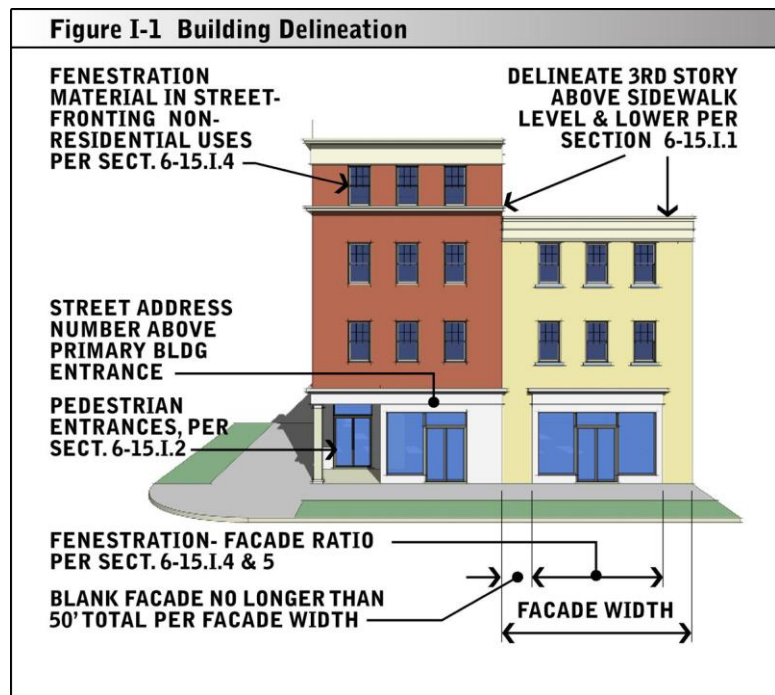


- d. Any authorized walls, ~~other than retaining walls~~, surrounding landscaped and grassed areas shall not exceed a maximum height of twenty-four (24) inches, ~~except retaining walls, which shall not exceed a maximum height of thirty-six (36) inches unless existing topography requires a retaining wall of greater height~~; and
- e. Fencing shall be permitted only when:
 - i. The supplemental zone is located between sidewalk level residential units and the adjacent street; or
 - ii. Said fencing is used to separate authorized outdoor dining from the required sidewalk.

2. Supplemental zones containing a depth greater than fifteen (15) feet shall be counted towards open space requirements only when the following additional requirements are met:
 - a. ~~Shall be~~They are unobstructed by any elements with the exception of fountains, pedestrian furniture, public art and similar elements ~~which shall be permitted;~~
 - b. When adjacent non-residential ground floor uses are provided, the zone shall be visible and accessible from any point along the adjacent sidewalk ~~;~~ and
 - c. When adjacent residential ground floor uses are provided, the zone shall ~~provide~~contain a pedestrian walkway ~~from said space~~ to the adjacent public sidewalk. Said pedestrian walkway shall be perpendicular to the street and shall connect directly to the public sidewalk and shall be uncovered ~~and open to the sky~~ along its entire length.

I. J. Relationship of Building to Street.

1. Residential, Institutional and Commercial/Retail/Service Uses.



- a. The Delineation delineation of building floors ~~at~~from the third story above the sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.

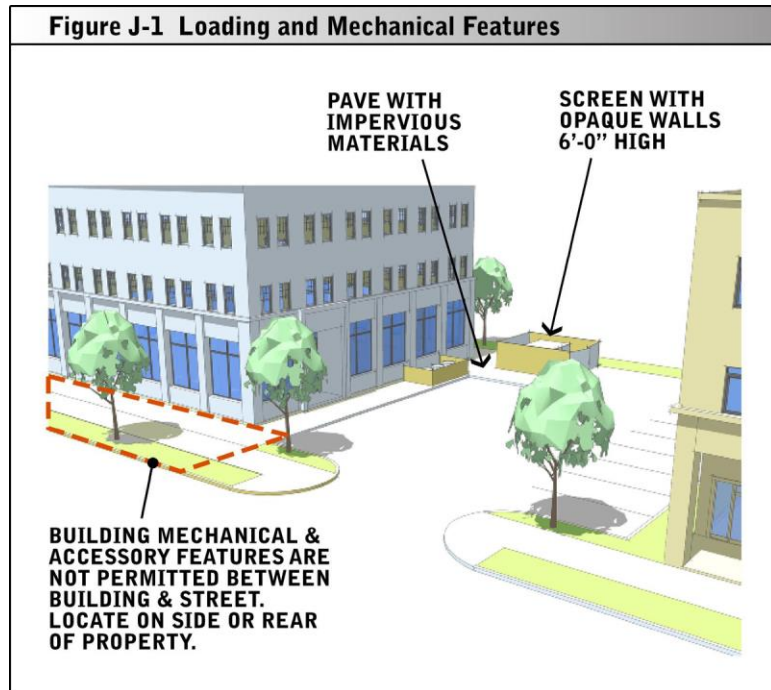
- b. The primary pedestrian entrance for ~~pedestrians to~~ access to all sidewalk level uses and business establishments with ~~public or private~~ street frontage:
 - i. Shall face and be visible from the ~~public~~ street when located adjacent to such street~~;~~
 - ii. Shall be directly accessible and visible from the sidewalk adjacent to such street~~;~~ and
 - iii. Shall remain unlocked during business hours for non-residential uses.
- c. A street address number shall be required above each ~~buildings~~building's primary entrance. The address number shall be clearly visible from the sidewalk and shall be a minimum of eight (8) inches in height.
- d. Fenestration:
 - i. Street-fronting non-residential uses, with the exception of places of worship, shall meet the following sidewalk level requirements:
 - a) The length of the primary building façade without intervening fenestration or entryway shall not exceed fifty (50) feet~~;~~
 - b) Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements~~;~~
 - c) Fenestration shall be provided for a minimum of fifty (50%) percent of the length of all street frontages:
 - 1) Beginning at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk~~;~~ or
 - 2) Beginning at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk~~;~~ or
 - 3) Beginning at a point not more than sidewalk level, to a height ~~not~~ not less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk.
 - ii. Fenestration shall be provided for a minimum of twenty-five (25%) percent of the length of the street primary building façade frontage for residential uses. (Amended 9/19/06, Ord. 2006-47)

- e. Buildings with residential uses at the sidewalk level shall meet the following regulations:
 - i. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five (5) feet wide ~~;~~ and
 - ii. All such buildings shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch ~~adjacent to the sidewalk~~. Units that are adjacent to each other shall be permitted to share one pedestrian walkway to meet this requirement. All pedestrian walkways providing such access shall be perpendicular to the street, unless prohibited by topography prohibits.
- f. Fences and walls shall meet the following regulations:
 - i. For residential uses adjacent to the sidewalk, fences shall not exceed forty-two (42) inches in height when located between the primary building and the street or between any supplemental zone and the adjacent street. For non-residential uses adjacent to the sidewalk, fences are prohibited when located between the building and the sidewalk except where outdoor dining is provided. See Section 7 for all regulations regarding Supplemental Zones.
 - ii. ~~Retaining walls located adjacent to a sidewalk along a public street shall not exceed a height of two (2) feet and the combined height of a fence where otherwise authorized and retaining wall shall not exceed a height of five (5) feet, unless existing topography prohibits retaining walls of a lesser height.~~ Retaining walls shall be finished poured concrete or shall be faced with stone, brick or smooth stucco.
 - iii. No walls, except retaining walls, shall be located between the street and any building, with the exception of screening for authorized off-street loading areas.
 - iv. Fences and walls located between the primary building and the lot line and not exceeding six (6) feet in height may be erected, but shall not be permitted between the primary building and the street.
- g. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.

J. K. Loading and Mechanical Features.

1. Residential, Institutional and Commercial/Retail/Service Uses.

- a. Loading areas: Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground level or sidewalk level outdoor dining area, public sidewalk or public right-of-way. ~~In addition, dumpsters and loading areas serving residential uses shall be enclosed with opaque walls six (6) feet in height.~~



- b. Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.
- c. Building mechanical and accessory features:
- Shall be located to the side or rear of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way.
 - When located on rooftops [these features](#) shall be incorporated in the design of the building and screened with building materials similar to the building; [and](#)
 - ~~They Shall~~ [shall](#) not be permitted between the building and any public street.

2. Industrial Uses.

- a. Dumpsters and loading areas shall be paved with impervious materials. Dumpsters shall be screened so as not to be visible from any public plaza,

ground level or sidewalk level outdoor public dining area, public sidewalk or public right-of-way.

- b. Building mechanical and accessory features shall be located on the roof, to the side or to the rear of the principal structure.

K. L. Curb Cuts and Parking Structures

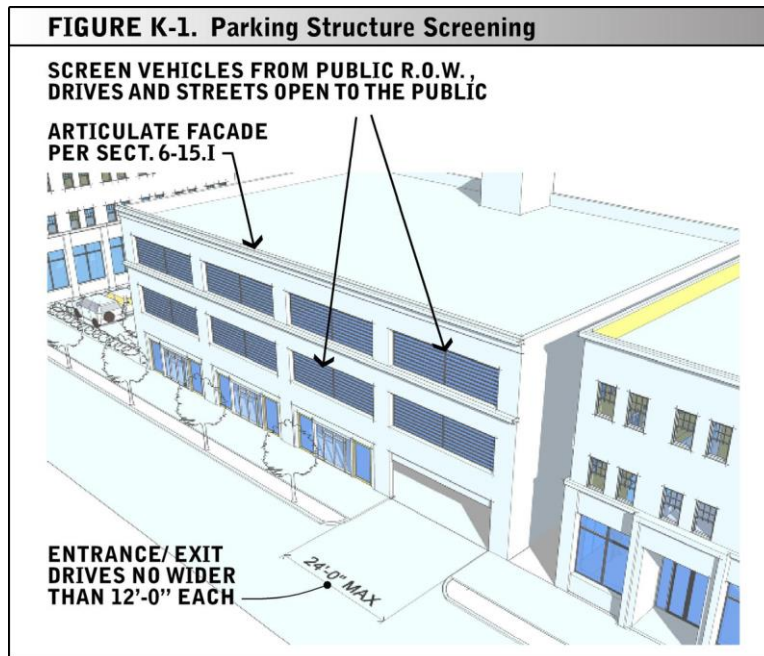
1. Residential, Institutional and Commercial/Retail/Service Uses.

- a. Driveway curb cut widths shall be a ~~maximum~~ minimum of twenty-four (24) feet for two-way entrances and twelve (12) feet for one-way entrances, unless otherwise permitted by the Union City Planning Department. For the purposes of this section, two (2) curb cuts serving two one-way driveways shall only be counted as one curb cut provided that each curb cut does not exceed one lane in width.
- b. Driveways for non-residential uses, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.

(Amended
9/19/06, Ord.
2006-47)

- c. No more than one (1) curb cut shall be permitted for each development, provided that properties with more than one (1) street frontage may have one (1) curb cut located on each street frontage.

However, developments on properties with a single street frontage greater than three hundred (300) feet shall be permitted two (2) curb cuts along one street frontage.



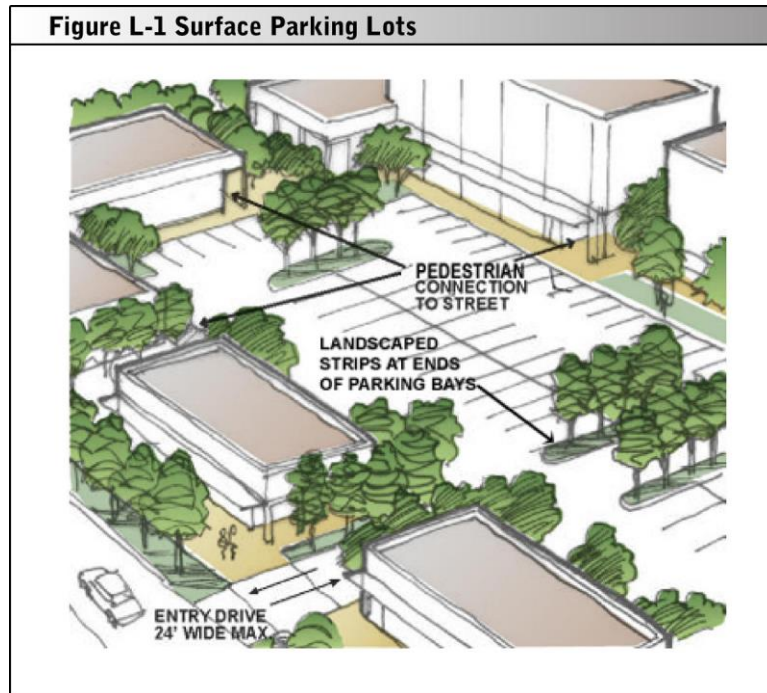
- d. Entrances to garages and carports that serve a single residential unit, and are not located behind the principal structure, shall face the front yard, rear yard, or a side yard which has no street frontage.
 - e. All contiguous ground-floor residential units shall share one common drive, located in rear yards or side yards without street frontage, to serve garages, carports and parking areas.
 - f. Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that are is open to the general public, and shall have the appearance of a horizontal storied building.
 - g. A common or joint driveway may be authorized by the Union City Planning Department when adjacent lots have direct vehicular access to a street, ~~and a driveway from a private street which functions as a public street may be authorized by the director of the Union City Planning Department, based on traffic considerations, when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such agreement is provided to the Union City Planning Department.~~
 - h. All developments, including parking decks, shall have sidewalks a minimum width of four (4) feet connecting ground level parking to the public sidewalks and to all building entrances.
2. Industrial Uses.

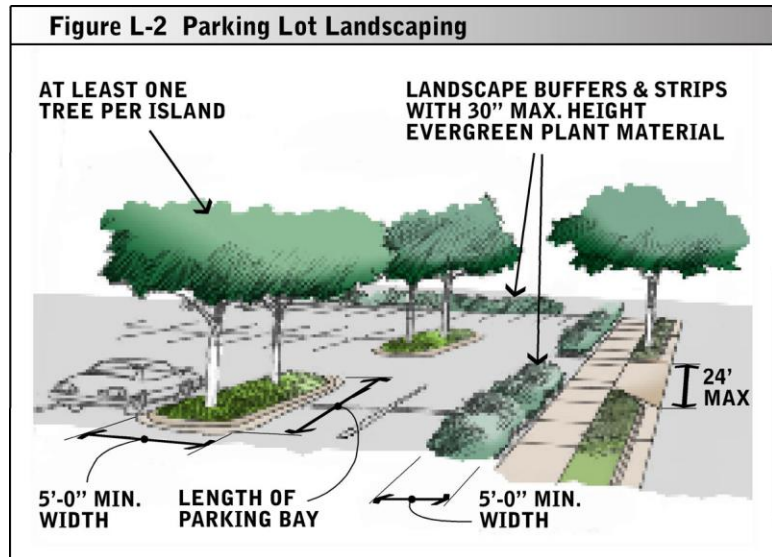
- a. Driveway curb cut widths shall be a maximum minimum of forty (40) feet for two-way entrances and twenty (20) for one-way entrances, ~~unless otherwise permitted by the Union City Planning Department.~~ For the purposes of this section, two (2) curb cuts serving two one-way driveways shall only be counted as one curb cut provided that each curb cut does not exceed one lane in width.
- b. Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that are is open to the general public, and shall have the appearance of a horizontal storied building.
- c. A common or joint driveway may be authorized by the Union City Planning Department when adjacent lots have direct vehicular access to a street, ~~and a driveway from a private street which functions as a public street may be authorized by the director of the Union City Planning Department, based on traffic considerations, when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such agreement is provided to the Union City Planning Department.~~

d. All developments, including parking decks, shall have sidewalks a minimum width of four (4) feet connecting ground level parking to an entrance to the building.

L. M. Parking Lot Landscaping. The requirements of Article X shall apply to all uses in this district except as modified as follows for Residential, Institutional and Commercial/Retail/Service Uses:

1. Said parking lot requirements shall apply to all lots regardless of size.
2. All parking bays shall be terminated with a landscaped strip a minimum width of five (5) feet and equal to the length of the parking bay.
3. All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum height of thirty (30) inches.
4. All landscaped buffer areas and strips along sidewalks, drives, private streets and public rights of way shall have a minimum of one (1) tree with a minimum [caliper diameter](#) of three and one half (3.5) inches [thirty-six \(36\) inches above ground level](#).





M. N. _____ Vehicular Parking Standards for Residential, Institutional and Commercial/Retail/Service Uses. The following parking requirements shall apply to all uses:

1. Off-street surface parking shall not be located between a building and the street ~~without an intervening building.~~
2. All non-residential developments which provide automobile parking facilities shall provide bicycle/moped parking facilities at a ratio of at least one (1) bicycle/moped parking space for every twenty (20) automobile parking spaces. No development shall have fewer than three (3) bicycle/moped parking spaces nor be required to exceed a maximum of fifty (50) spaces. Bicycle/moped spaces shall be located within the street furniture zone a maximum distance of one hundred (100) feet of the building entrance, or shall be located at least as close as the closest automobile space, except for handicapped parking spaces.
3. Shared or reduced parking arrangements may be permitted by the Union City ~~Planning~~-Department of Community Development subject to a shared parking arrangement under the following criteria:
 - a. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
 - b. All shared parking spaces shall be clearly marked; and
 - c. An applicant for shared parking spaces shall submit the following:
 - i. A to-scale map indicating location of proposed parking spaces;

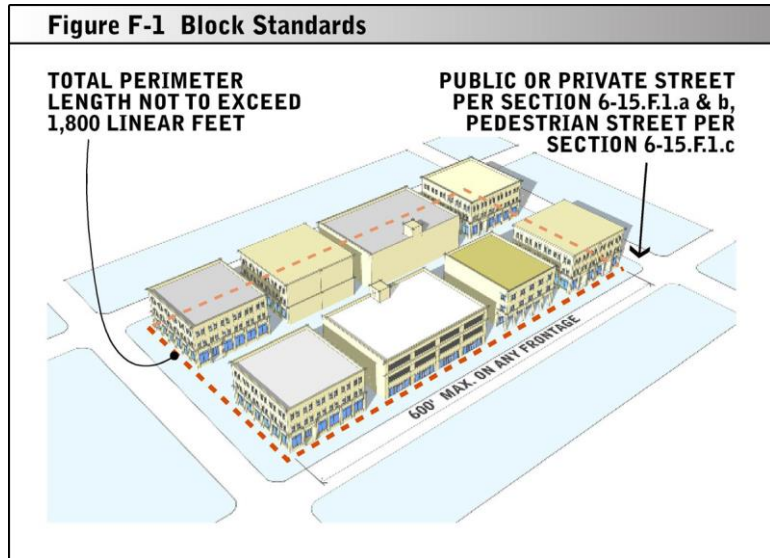
- ii. Hours of business operation of nonresidential parking users;
- iii. Written consent of property owners agreeing to the shared parking arrangement; and
- iv. Copies of parking leases. Renewed leases shall be filed with the Union City Planning Department of Community Development. Lapse of a required lease agreement shall terminate the permission for shared parking. (Amended 9/19/06, Ord. 2006-47)

N. Perimeter Landscaping for Industrial Uses. ~~The following perimeter landscaping requirements shall apply to all uses:~~

- ~~1. A 50-foot wide landscape strip outside the new dedicated/reserved right-of-way of any primary arterial road shall be provided.~~
- ~~2.1. A 20-foot wide landscape strip outside any new or dedicated rights-of-way of any collectors or local public streets shall be provided.~~
- ~~3.2. A 50-foot wide natural buffers, undisturbed except for approved access and utility crossings, improvements, and replanting where sparsely vegetated along any property adjacent to all property used for single family residential uses in Union City, with an additional setback for all improvements of 10 feet or as may be approved by the Community Development Director shall be provided.~~

O. Additional Subarea Regulations. The following additional specific regulations ~~for the Town Center Mixed Use District~~ shall only apply to the area defined Exhibit A: Town Center Mixed Use District

- 1. Block standards.
 - a. Developments with more than six hundred (600) linear feet of frontage along a single street shall be divided by public or private streets into blocks having a maximum length of four hundred (400) feet, as measured from the back of the sidewalk clear zone.
 - b. Such streets shall function as public streets and shall connect two (2) other public streets or private streets or a physical barrier or natural amenity as defined by the Union City Planning Department.



- c. Pedestrian Streets shall be ~~permitted to be~~ utilized ~~for dividing property~~ for the purposes of forming blocks. Said Pedestrian Street shall be a minimum width of sixteen (16) feet ~~in width~~ and shall meet all of the Supplemental Zone requirements of this Chapter.
- d. The total perimeter length of the block shall not exceed 1,800 linear feet and the total area of a block shall not exceed three and three-tenths (3.30) acres
2. Site limitations. Drive-through service windows and drive-in facilities are prohibited.
3. Sidewalks. Sidewalk clear zones shall be a minimum width of ten (10) feet.
4. Supplemental zone. Said zone is required and shall be a minimum width of five (5) feet.
5. Relationship of building to street. For all street-fronting buildings, with the exception of places of worship, fenestration shall be provided for a minimum of sixty-five (65%) percent of the length of all street frontages. All other relationship of building to street requirements shall apply.
6. Off street parking. All parking requirements for this subarea shall utilize the figures and ratios as established in Article X except that all figures and ratios shall be calculated as maximum parking requirements rather than the minimum parking requirement calculations as written in Article X.