

**ARTICLE 1 GENERAL
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Density: The ~~quantity of building per unit of area; for example, the~~ number of dwellings units per ~~gross square foot or per~~ acre. **When determining residential density areas containing wetlands, floodplains, or required stream buffers shall be excluded.**

Development: (1) a land development project involving the construction of streets, utilities, buildings, or other improvements required for the habitation or use of property, such as a residential neighborhood, an apartment complex, a store, or a shopping center; (2) any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials; (3) the act of constructing or carrying out a land development project, including the alteration of land or vegetation in preparation for construction activity.

Finished grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Floor: The top surface of an enclosed area in a building, including basement, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles or storage, or the floor area of an attic used exclusively for storage.

Floor area: The sum of all square footages (areas) of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The following areas are excluded from the measurement of floor area: unfinished attics, attached garages or spaces used for off-street parking and loading, breezeways, and enclosed or unenclosed decks and porches.

Floor area ratio: A number which, when multiplied by the total area of the lot, establishes the total amount of floor area which may be built on that lot.

Frontage: The width in linear feet of a lot where it abuts the right-of-way of any street from which access may be directly gained.

Ground elevation: The original elevation of the ground surface prior to cutting or filling.

Highest adjacent grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation of a building.

Impermeable: Something that water cannot pass through or be absorbed by, such as a layer of rock.

Impervious surface: A surface that rainwater cannot penetrate or be absorbed by, such as a paved parking lot, paved road, or building.

Lot: A parcel or tract of land held in single ownership.

Division IV. Building Density and Intensity.

Sec. 1-31. Density and Intensity.

- (a) No lot shall hereafter be developed to exceed the maximum number of dwelling units per acre for the zoning district in which the lot is located as established by article 2 of this development code, except as otherwise specifically provided.
- (b) No lot shall hereafter be developed to exceed the maximum floor-area ratio for the zoning district in which the lot is located as established by article 2 of this development code, except as otherwise specifically provided in this development code.

Sec. 1-32. Impervious Surface Coverage.

No lot shall hereafter be developed to exceed the maximum impervious surface for the zoning district in which the lot is located as established by article 2 of this development code, except as otherwise specifically provided in this development code.

Sec. 1-33. Floor Area per Dwelling Unit.

- (a) No new dwelling shall hereafter be constructed or occupied that fails to meet the minimum heated floor area for a dwelling unit as established by the zoning district in which the property is located as established by article 2 of this development code, except as otherwise specifically provided in this development code.
- (b) No dwelling shall be reduced below the minimum heated floor area for a dwelling unit as established by the zoning district in which the property is located as established by article 2 of this development code, except as otherwise specifically provided in this development code.

Sec. 1-34. Floor Area per Establishment.

No building shall be erected or occupied that exceeds the maximum heated floor area per establishment for the zoning district in which the property is located as provided by article 2 of this development code, except as otherwise specifically provided in this development code.

Sec. 1-35. Open Space.

All single-family and multi-family developments with more than 20 units shall provide open space as specified in this section, except for Conservation Subdivisions which shall meet the open space requirements specified in Article 15, Division IX. The following standards shall apply to open space:

- (a) At least 20% of the site shall be set aside as open space.

(b) Open spaces must be designed to be accessible to all residents of the development.

(c) The following areas may count towards open space:

1. Conservation of natural, archaeological, or historic resources.
2. Wetlands, floodplains, or required stream buffers may comprise up to 50% of the required open space.
3. Outdoor open space amenities such as parks, plazas, community gardens, commons, open fields, walking or bicycle trails constructed of porous paving material, and similar low-impact passive recreational uses.
4. Community recreation amenities as detailed in Section 1-35-(e).
5. Golf courses may comprise up to 50% of the minimum required open space, provided that parking areas and any associated structures may not count toward the minimum required area of open space.
6. Stormwater management facilities designed by a registered landscape architect as formal or natural amenities for residents, provided that such facilities may not be fenced or enclosed by walls over 30 inches in height. No more than 50% of the area used for stormwater management may be contributed to open space.

(d) The following areas shall not count towards open space:

1. Streets, roads, parking areas, or other impervious surfaces, except as specifically authorized in this article.
2. Required yards, setbacks or buffers.
3. Utility easements.
4. Stormwater management facilities, unless designed by a registered landscape architect as formal or natural amenities for residents and not fenced or enclosed by walls over 30 inches in height.

(e) Community recreational amenities such as playing fields, playgrounds, tennis courts, basketball courts, and swimming pools are required for all residential developments as indicated below. No more than 25% of the total area of recreational amenities may be contributed to open space. In addition to the requirements of Section 4-100, the following standards apply:

1. Required amenities for single-family detached and single-family attached developments.
 - i. 1-19 units: no amenities are required.
 - ii. 20-50 units: must include at least one amenity.

iii. 51-100 units: must include at least two amenities.

iv. 101+ units: must include at least three amenities.

2. Required amenities for multi-family developments.

i. 1-19 units: no amenities are required.

ii. 20-50 units: must include at least one amenity.

iii. 51+ units: must include at least two amenities.

3. When a residential development has more than 50 dwelling units, an indoor community recreation facility or clubhouse must be constructed for use by residents of the development.

i. When constructed as a separate structure, the facility or clubhouse must be at least 1,200 square feet in floor area.

ii. When located within a multi-family residential building, the facility or clubhouse must be at least 800 square feet in floor area.

(f) Open space shall comply with the regulations of Sec. 1-81, as applicable, or be permanently protected by other legal means subject to the approval of the Community Development Director.

(g) For phased developments, open space and any required amenities shall be provided in each phase to meet the requirements of this section.

[Secs. 1-365 to 1-40 Reserved].

Division V. Building Height and Setbacks.

Sec. 1-41. Height of Buildings and Structures.

No building or structure shall hereafter be erected, constructed, reconstructed, or altered, to exceed the maximum height of buildings and structures or the number of stories established for the zoning district in which the building is located as provided by article 2, except as otherwise specifically provided in this development code.

Sec. 1-42. Exceptions to Height Regulations.

The height limitations established by this development code shall not apply to chimneys, smokestacks, church spires and steeples, domes, flag poles, public monuments, observation towers, water towers, non-commercial radio and television towers, electricity transmission towers, utility poles, and similar structures.

Sec. 2-1. Zoning Districts Established.

The following zoning districts are hereby established:

R-30, Single-Family Residential District
R-20, Single-Family Residential District
R-15, Single-Family Residential District
MDR, Medium Density Residential District
PUD-R, Planned Unit Development-Residential
MXU, Mixed-Use District
O-I, Office-Institutional District
NRC, Neighborhood Retail Commercial District
CRC, Community Retail Commercial District
CBD, Central Business District
LI, Light Industrial District
BP, Business Park District
HI, Heavy Industrial District

Sec. 2-2. Zoning District Boundaries.

The boundaries of the zoning districts established in this article are shown on the official zoning map, or as otherwise interpreted in strict conformity with the provisions of division V of this article.

Sec. 2-3. Minimum Requirements.

- (a) **Uniformity.** Within each zoning district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land, except as may be altered through conditions of zoning applied to specific properties.
- (b) **Conditions specific to property.** All conditions of rezoning, special use, or variance approval applied to property prior to adoption or re-adoption or amendment of the official zoning map are hereby retained and reaffirmed, and shall continue in full force and effect until such time as the property is rezoned or the prior zoning action of the Mayor and City Council is amended through the applicable process established by article 13 of this development code.

Sec. 2-4. Use, Occupancy, and Construction.

No building, structure, land, or water shall hereafter be used or occupied, and no building or structure or part hereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with the use provisions and other regulations for the zoning district in which it is located, as well as all other applicable provisions of this development code, or amendments thereto.

[Secs. 2-5 to 2-10 Reserved].

Division II. Residential Zoning Districts.

Sec. 2-11. R-30, Single-Family Residential District.

- (a) **Relationship to comprehensive plan.** The R-30 zoning district is intended to implement the “suburban residential” future development area established by the comprehensive plan. The R-30 zoning district is intended to implement the “low density residential” future land use category established by the comprehensive plan.
- (b) **Purposes and intentions.** This zoning district is intended to establish and protect existing neighborhoods comprised primarily of detached, single-family dwellings at densities not exceeding 1.45 dwelling units per acre. Conservation subdivisions, which may be constructed at densities slightly higher than that permitted for conventional single-family residential development, are also permitted subject to compliance with the provisions of article 15, division IX of this development code. Institutional and park, recreation, and greenspace uses are also accommodated. This zoning district is generally isolated from commercial and industrial uses.
- (c) **Permitted and special uses.** Permitted and special uses shall be as provided in Table 2-1, “Permitted and Special Uses by Residential Zoning District.”
- (d) **Dimensional requirements.** Minimum lot size, minimum lot width, maximum building height, minimum building setbacks and other dimensional requirements shall be as provided in Table 2-2, “Dimensional Requirements for Residential Zoning Districts.” Conservation subdivisions are subject to compliance with the provisions of article 15, division IX of this development code.
- (e) **Design review.** Design review shall be required as specified in article 5, “Site and Architectural Design Review,” of this development code.
- (f) **Open space.** Open space shall be required in accordance with the regulations in Sec. 1-35.

Sec. 2-12. R-20, Single-Family Residential District.

- (a) **Relationship to comprehensive plan.** The R-20 zoning district is intended to implement the “suburban residential” future development areas established by the comprehensive plan. The R-20 zoning district is intended to implement the “low density residential” future land use category established by the comprehensive plan.
- (b) **Purposes and intentions.** This zoning district is intended to establish and protect existing neighborhoods comprised primarily of detached, single-family dwellings at densities not exceeding 2.17 dwelling units per acre. Conservation subdivisions, which may be constructed at densities slightly higher than that permitted for conventional single-family residential development, are also permitted subject to compliance with the provisions of article 15, division IX of this development code. Institutional and park, recreation, and greenspace uses are also accommodated. This zoning district is generally isolated from commercial uses and industrial.
- (c) **Permitted and special uses.** Permitted and special uses shall be as provided in Table 2-1, “Permitted and Special Uses by Residential Zoning District.”
- (d) **Dimensional requirements.** Minimum lot size, minimum lot width, maximum building height, minimum building setbacks and other dimensional requirements shall be as provided in Table 2-2, “Dimensional Requirements for Residential Zoning Districts.” Conservation subdivisions are subject to compliance with the provisions of article 15, division IX of this development code.

(e) Design review. Design review shall be required as specified in article 5, “Site and Architectural Design Review,” of this development code.

(f) Open space. Open space shall be required in accordance with the regulations in Sec. 1-35.

~~(e)~~

Sec. 2-13. R-15, Single-Family Residential District.

(a) **Relationship to comprehensive plan.** The R-15 zoning district is intended to implement the “suburban residential” future development areas established by the comprehensive plan. The R-15 zoning district is intended to implement the “low density residential” future land use categories established by the comprehensive plan.

(b) **Purposes and intentions.** This zoning district is intended to establish and protect existing neighborhoods comprised primarily of detached, single-family dwellings at densities not exceeding 2.9 dwelling units per acre. Conservation subdivisions, which may be constructed at densities slightly higher than that permitted for conventional single-family residential development, are also permitted subject to compliance with the provisions of article 15, division IX of this code. Institutional and park, recreation, and greenspace uses are also accommodated. This zoning district is generally isolated from commercial and industrial uses.

(c) **Permitted and special uses.** Permitted and special uses shall be as provided in Table 2-1, “Permitted and Special Uses by Residential Zoning District.”

(d) **Dimensional requirements.** Minimum lot size, minimum lot width, maximum building height, minimum building setbacks and other dimensional requirements shall be as provided in Table 2-2, “Dimensional Requirements for Residential Zoning Districts.” Conservation subdivisions are subject to compliance with the provisions of article 15, division IX of this development code.

(e) **Design review.** Design review shall be required as specified in article 5, “Site and Architectural Design Review,” of this development code.

(f) Open space. Open space shall be required in accordance with the regulations in Sec. 1-35.

Sec. 2-14. MDR, Medium Density Residential District.

(a) **Relationship to comprehensive plan.** The MDR zoning district is intended to implement the “village center residential” future development area as established by the comprehensive plan. The MDR zoning district is intended to implement the “medium density residential” future land use category established by comprehensive plan.

(b) **Purposes and intentions.** This district is intended to provide for dwellings at densities not exceeding 3.2 dwelling units per acre for single-family detached residences. Conservation subdivisions, which may be constructed at densities slightly higher than that permitted for conventional single-family residential development, are also permitted subject to compliance with the provisions of article 15, division IX of this code. This district also permits duplexes, triplexes, quadraplexes, townhouses, and condominiums by right at densities not exceeding 5

dwelling units per acre. Density increases are also permitted by special use not exceeding 8 dwelling units per acre, provided development incorporates exceptional traditional neighborhood development design and amenities into the site plan. Institutional and park, recreation, and greenspace uses are also accommodated.

- (c) **Permitted and special uses.** Permitted and special uses shall be as provided in Table 2-1, “Permitted and Special Uses by Residential Zoning District.”
- (d) **Dimensional requirements.** Minimum lot size, minimum lot width, maximum building height, minimum building setbacks and other dimensional requirements shall be as provided in Table 2-2, “Dimensional Requirements for Residential Zoning Districts.” Conservation subdivisions are subject to compliance with the provisions of article 15, division IX of this development code.
- (e) **Design review.** Design review shall be required as specified in article 5, “Site and Architectural Design Review,” of this development code.

(f) **Open space.** Open space shall be required in accordance with the regulations in Sec. 1-35.

~~(f)~~(g) **Private open space required.** In addition to common open space requirements, Eevery single-family detached and single-family attached dwelling unit zoned MDR shall have a minimum 400 square foot private yard or patio arranged for use by the occupants of the dwelling and located in the side or rear yard. The private yard or patio may be enclosed by any combination of the following: a masonry wall, wood fence, trellis or lattice with a minimum height of 6 feet; or an evergreen hedge, shrubs or trees that will achieve a height of 6 feet within 3 years of planting under normal growing conditions.

~~(g) **Recreation amenity.** Every single family detached, single family attached or multi family development zoned MDR must contain a community recreation amenity of adequate size or variety to serve the development, such as a community pool, tennis courts, tot lot, basketball courts, or bike trails.~~

(h) **Design features.** Every single-family detached, single-family attached or multi-family development zoned MDR must be deemed by the Mayor and City Council to incorporate features of exceptional architectural, landscaping or site design prior to zoning approval. Such plans upon which this determination is made shall be considered a part of the zoning approval of the project.

~~Section~~ **2-15. PUD-R, Planned Unit Development- Residential**

(a) **Relationship to comprehensive plan.** The PUD-R district is compatible with the “suburban residential neighborhood”, “village center residential”, and “neighborhood activity center” future development areas as established by the comprehensive plan.

~~(a)~~(b) **Purpose and intentions.**

The PUD-R district is intended to allow flexible site planning and building arrangements under a unified plan of development so that innovative land planning methods may be utilized which foster natural resource conservation and neighborhood cohesiveness as well as neo-traditional developments. This may permit buildings to be clustered or arranged in an unconventional manner to maximize open space, create a pedestrian scale and other public benefits. In this district smaller lots than might otherwise be permitted under traditional zoning districts may be allowed; however, the purpose is not merely to allow smaller lots or

reduce development requirements but to achieve other goals including the protection of sensitive environmental, historic, or aesthetic resources as well as the provision of site amenities such as parks, open space, walking trails, etc. The PUD-R district is intended to encourage greater density of development for single-family detached residences, duplexes, and townhouses, ~~and~~ to encourage ingenuity and resourcefulness in land planning techniques which result in quality residential patterns that conserve and create open space, reduce vehicle trips, and provide stable developments which enhance the surrounding area. Density in the PUD-R district shall not exceed 8 dwelling units per acre.

~~(c) PUD-R is intended for single-family detached dwellings and, single-family attached, fee-simple townhouse.~~ Permitted and special uses. Permitted and special uses shall be as provided in Table 2-1, "Permitted and Special Uses by Residential Zoning District."

~~(b)~~

(d) Area Regulations. The minimum tract area size for all properties intended to be zoned PUD-R is 3 acres.

(e) Design review. Design review shall be required as specified in Article 5, "Site and Architectural Design Review," of this development code.

(f) Site design. The following site design requirements apply to all properties zoned PUD-R:

~~(e)1.~~ 1. The building setback abutting any residential or industrial zoning district must be ~~35-25~~ feet along the perimeter of the site.

~~(d)2.~~ 2. The minimum landscape buffer width abutting any zoning district shall be 25 feet for the entire perimeter of the site.

~~(e)3.~~ 3. All residential units shall have two-car garages, and the parking pads/driveway in front of the garage shall be a minimum of 22 feet in length in order to accommodate two additional cars, without encroaching on the sidewalk. The garages shall be used for the parking and storage of vehicles and may not be enclosed to provide for additional residential space.

~~(f)4.~~ 4. Accessory structures may not be closer to any right-of-way or property lines than the principal building. In the case of ~~fr~~ corner lots, the accessory structure may ~~not~~ be no closer to any right-of-way than the principal building. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.

~~(g)5.~~ 5. Materials to be used on exterior facades of all buildings shall include no less than 50% brick or stone, on the front and side facades. If the rear of the building faces the main right-of-way, 50% brick on the rear façade that is visible to the main road will be required. Brick and stone requirements shall be applied to all stories of a building. All other building materials must be consistent with the architectural standards outlined in this Code.

6. A ~~10-foot wide front~~ landscape strip is required ~~along the frontage~~ for any portion of the development adjacent to a right-of-way. One canopy tree shall be planted along every street frontage at a quantity equal to one tree per 40 feet of property frontage. ~~This 10-foot~~ The landscape strip must also include evergreen trees and shrubs. ~~Trees Buffer Landscaping, Section 12 of the Unified Development Code is applicable to~~

development within the PUD-R district. The width of the landscape strip is required as follows:

- a) When adjacent to an arterial or collector street, the landscape strip must be no less than 20 feet in width.
- b) For all other streets, the landscape strip must be no less than 10 feet in width.

7. All PUD-R developments shall comply with the requirements of Article 12.

(h)8. If a development does not have lots, the units must meet the required square footage outlined for the PUD-R zoning district.

~~(i) All PUD-R developments shall be zoned and subject to site specific plans and is still subject to applicable requirements of the Unified Development Code.~~

~~(j) The PUD-R allows for flexibility in design therefore, as part of the rezoning application, all provisions of the Unified Development Code that cannot be met as part of the development must be specifically identified in the rezoning application. Only uses permitted in Table 2-1 will be allowed within the PUD-R zoning district. After approval of the PUD-R, no other variance may be requested. Any modification to the PUD-R after approval must be considered as a change in zoning, unless identified as a minor site plan revision as defined in Section 13-54 or can be varied administratively.~~

~~(k)(g) **Open Space.** Open space shall be required in accordance with the regulations in Sec. 1-35.~~

~~(l)(h) **Application requirements.** All PUD-R developments shall be zoned subject to site specific plans and are subject to applicable requirements of the Unified Development Code.~~

~~(m)1. A detailed site plan ~~will be~~is required with all rezoning applications and ~~should~~must include the following:~~

- a) The location and extent of public rights-of-way, easements, and water and drainage courses bounding and within the tract must be included in the general plan by reference to a plan or drawing.
- b) Minimum standards for lot development such as setbacks and lot size.~~(setbacks, lot size).~~
- c) Open space and recreation area provisions ~~(active and passive).~~
- d) Detailed landscaping plan.
- e) Detailed architectural elevations of the proposed buildings.
- f) Provide lot typical for interior and corner lots.

~~1-2.~~The PUD-R allows for flexibility in design therefore, as part of the rezoning application, all provisions of the Unified Development Code that cannot be met as part of the development must be specifically identified in the rezoning application. After approval of the PUD-R, no other variance may be requested. Any modification to the PUD-R after approval must be considered as a change in zoning, unless identified as a minor site plan revision as defined in Section 13-54 or can be varied administratively eligible for administrative relief in accordance with Section 16-6.

Area Regulations

Minimum Tract Size: 3 acres

**Table 2-1
Permitted and Special Uses by Residential Zoning District**

Use	See Also Sec.	R-30	R-20	R-15	MDR	PUD-R
ACCESSORY USES						
Accessory uses and structures not otherwise listed in this table, determined by the community development director to be normally incidental to one or more permitted principal uses	Sec. 4-05	P	P	P	P	P
Accessory apartment/dwelling , attached	Sec. 4-10	S	S	S	S	S
Accessory apartment/dwelling , detached	Sec. 4-10	S	S	S	S	S
Carport or garage		P	P	P	P	P
Construction field office	Sec. 4-210	P	P	P	P	P
Fallout shelter		P	P	P	P	P
Family day care home	Sec. 4-110	P	P	P	P	P
Fence	Sec. 4-135	See Table 4.1				
Greenhouse, private		P	P	P	P	P
Guest house	Sec. 4-160	P	P	P	P	P
Home occupation	Sec. 4-170	P	P	P	P	P
Intermodal container, temporary	Sec. 4-180	P	P	P	P	P
Junk	Sec. 4-185	X	X	X	X	X
Model home or subdivision sales office, temporary	Sec. 4-285	P	P	P	P	P
Parking space, parking lot accessory to one or more permitted uses	Sec. 4-235	P	P	P	P	P
Parking of commercial vehicle or semi-trailer	Sec. 4-270	X	X	X	X	X
Recreation facility, private (tennis court, swimming pool)	Sec. 4-295	P	P	P	P	P
Roadside stand		S	X	X	X	X
Solar energy system, building mounted	Sec. 4-275	P	P	P	P	P
Solar energy system, ground mounted	Sec. 4-280	S	S	S	S	S
Tower, amateur radio	Sec. 4-435	P	P	P	P	P
Utility substation		P	P	P	P	P
Yard or garage sale	Sec. 4-335	P	P	P	P	P
AGRICULTURAL USES						
Livestock and animal quarters	Sec. 4-200	S	X	X	X	X
Poultry	Sec. 4-200 (d)	P	P	P	P	P
Production of crops	Sec. 4-15	P	P	P	P	P
Timbering and forestry	Sec. 4-15	P	P	P	P	P
Agriculture, agricultural facility, or agricultural operation not otherwise specifically indicated in this table		S	S	X	X	X
RESIDENTIAL USES						
Boarding house		X	X	X	X	X
Conservation subdivision	Art.15 Div. 9	P	P	P	P	P
Dwelling, detached single-family	Sec. 4-130	P	P	P	P	P
Dwelling, two-family (duplex)	Sec. 4-125	X	X	X	P	P
Dwelling, attached single-family (fee simple or condo)	Sec. 4-120	X	X	X	P	P
Dwelling, multiple-family		X	X	X	X	X
Group home		X	X	X	S	S
Live-work unit		X	X	X	S	S
Loft		X	X	X	P	P
Manufactured home	Sec. 4-205	X	X	X	X	X
Modular home (see def. industrialized building)		P	P	P	P	P
Model home or subdivision sales office, temporary	Sec. 4-285	P	P	P	P	P
Relocated residential structure		S	S	S	S	S
INSTITUTIONAL USES						
Church, temple, synagogue, or place of worship	Sec. 4-70	S	S	S	S	S
Club or lodge, nonprofit (civic, fraternal, social)	Sec. 4-75	S	S	S	S	S
Continuing care retirement community		X	X	X	S	S

zoning district (feet)					
Minimum buffer width abutting any industrial use or district	NA	NA	NA	25	25
Minimum landscape strip required along right-of-ways for any non-single-family residential use (width in feet)	10	10	10	10	20 or 10*
MINIMUM HEATED FLOOR AREA REQUIREMENTS	R-30	R-20	R-15	MDR	PUD-R
Detached, single-family dwelling unit (square feet)	2,000	1,800	1,600	1,400	±
Fee simple townhouse unit or unit in a two-family dwelling	NP	NP	NP	1,200	±
Multi-family dwelling unit, efficiency	NP	NP	NP	NP	NP
Multi-family dwelling unit, one bedroom	NP	NP	NP	NP	NP
Multi-family dwelling unit, two bedroom	NP	NP	NP	NP	NP
Multi-family dwelling unit, three bedroom	NP	NP	NP	NP	NP

‡ As established as part of the zoning approval for the development

- [As established in Section 2-15](#)

[Secs. 2-15 to 2-20 Reserved].

Division III. Mixed-Use and Nonresidential Zoning Districts.

Sec. 2-21. MXU, Mixed-Use District.

- (a) **Relationship to comprehensive plan.** The MXU zoning district may be appropriate for the “village center residential,” “town center mixed use,” “neighborhood activity center,” and “community activity center” future development areas established by the comprehensive plan. The MXU zoning district may be appropriate to implement the “downtown,” “community,” and “neighborhood” activity center future land use categories established by the comprehensive plan.
- (b) **Purposes and intentions.** The MXU district is established to provide locations for planned combination of commercial and office uses with residential uses. Appropriate intensities of development are directly related to the varying intensities encouraged by the comprehensive plan in various locations throughout the city. The intent of the MXU district is to allow the opportunity for an integrated mixture of residential and commercial employment-generating uses within the same structure or site, including upper floor residential over ground floor commercial or office uses; and the combination of residential and nonresidential uses on the same floor, such as ground-floor live-work units. Uses within a MXU zoning district are intended to be located and designed as a unified development.
- (c) **Permitted and special uses.** Permitted and special uses shall be as provided in Table 2-3, “Permitted and Special Uses in Mixed-Use and Non-residential Zoning Districts.”
- (d) **Dimensional requirements.** Unless otherwise specified in Table 2-4, “Dimensional Requirements for Mixed-Use and Non-residential Zoning Districts” of this code, design features of a mixed-use development, such as minimum lot sizes, minimum lot widths and frontage requirements, buffer widths, building setbacks, minimum dwelling unit floor areas, and maximum building heights, will be established on a project-by-project basis, incorporating specifications and site plans of the development into conditions of zoning approval.
- (e) **Design review.** Design review shall be required as specified in article 5, “Site and Architectural Design Review,” of this development code.

(f) **Land use mix.** The proportion and distribution of nonresidential to residential uses in a Mixed-Use development is determined by the land use category in which the mixed-use development is located as delineated on the future land use map of the comprehensive plan. The applicable future land use map category also determines the maximum number of dwelling units and the maximum commercial and office floor area that can be allowed in the mixed-use development based on the maximum allowed density. These limitations and the distribution of residential density within a mixed-use development are specified in Table 2-5.

(g) Open Space. Open space shall be required for residential uses in MXU developments in accordance with the regulations in Sec. 1-35.

~~(g)~~(h) **Minimum area for rezoning.** The minimum land area to rezone to the MXU zoning district is two acres.

~~(h)~~(i) **Development.** Commercial structures and uses are to be located and designed as a unified development. Residential and commercial/office uses may either be located in freestanding buildings within a site, or combined together within the same building. Development is to be carefully planned to ensure the benefits of mixed-use development are fully realized and potential negative impacts of one use on another are minimized, both within the development and along its periphery.

~~(i)~~(j) **Sequencing of commercial with residential development.** Unless another sequencing provision is substituted by Mayor and City Council as part of the MXU development approval, no more than 50% of the total number of dwelling units authorized in the MXU development shall receive building permits from the city until a building permit is issued, and certificate of occupancy is issued for at least 5,000 square feet of nonresidential space or 25% of the square footage of nonresidential development authorized in the MXU development, whichever is greater.

Sec. 2-22. O-I, Office-Institutional District.

- (a) **Relationship to comprehensive plan.** The O-I zoning district is intended to implement the “employment center” future development area established by the comprehensive plan. The O-I zoning district is intended to implement the “office professional” future land use category shown on the future land use plan map established by the comprehensive plan.
- (b) **Purposes and intentions.** The O-I zoning district is established to provide locations for office park development and to accommodate institutional uses. Uses are limited primarily to professional offices. The O-I zoning district is intended to provide an appropriate transition between neighborhood or commercial activity centers as described in the comprehensive plan, and single-family neighborhoods. Properties containing single-family dwellings on lots fronting heavily traveled roads may be considered appropriate for this zoning district if they are transitional in nature, i.e., experiencing diminished desirability for continued residential use and increased utility for adaptive reuse as offices. Commercial retail and services supporting office uses and compatible with adjacent single-family residential neighborhoods are also appropriate in this district.
- (c) **Permitted and special uses.** Permitted and special uses shall be as provided in Table 2-3, “Permitted and Special Uses in Mixed-Use and Non-residential Zoning Districts.”
- (d) **Dimensional requirements.** Minimum lot size, minimum lot width, maximum building height, minimum building setbacks and other dimensional requirements shall be as provided in Table 2-4, “Dimensional Requirements for Mixed-Use and Non-residential Zoning Districts.”
- (e) **Design review.** Design review shall be required as specified in article 5, “Site and Architectural Design Review,” of this development code.
- ~~(e)~~(f) **Open Space.** [Open space shall be required for residential uses in accordance with the regulations in Sec. 1-35.](#)

Sec. 2-23. NRC, Neighborhood Retail Commercial District.

- (a) **Relationship to comprehensive plan.** The NRC zoning district is intended to implement the “neighborhood activity center” future development area established by the comprehensive plan. The NRC zoning district is intended to implement the “neighborhood activity center” future land use category established by the comprehensive plan.
- (b) **Purposes and intentions.** The NRC zoning district is established to provide locations for retail, services, and office uses at a neighborhood level of intensity, serving a small market area, in a manner that is compatible with adjacent neighborhoods, and without intense traffic generation. Uses permitted consist primarily of convenience shopping facilities and services that serve a neighborhood-oriented market and which supply convenience goods and/or services. NRC zoning districts are intended to provide pedestrian-oriented neighborhood focal points serving adjacent and nearby neighborhoods. NRC zoning districts are small in total area so as to limit the scale and scope of development and to control adverse impacts on adjacent neighborhoods.
- (c) **Permitted and special uses.** Permitted and special uses shall be as provided in Table 2-3, “Permitted and Special Uses in Mixed-Use and Non-residential Zoning Districts.”

- (d) **Dimensional requirements.** Minimum lot size, minimum lot width, maximum building height, minimum required building setbacks and other dimensional requirements shall be as provided in Table 2-4, “Dimensional Requirements for Mixed-Use and Non-residential Zoning Districts.”
- (e) **Design review.** Design review shall be required as specified in article 5, “Site and Architectural Design Review,” of this development code.

Sec. 2-24. CRC, Community Retail Commercial District.

- (a) **Relationship to comprehensive plan.** The CRC zoning district is intended to implement the “community activity center” future development established by the comprehensive plan. The CRC zoning district is intended to implement the “community activity center” future land use category established by the comprehensive plan.
- (b) **Purposes and intentions.** The CRC zoning district is established to accommodate commercial uses serving a citywide or regional market. This zoning district is typically if not exclusively designated on properties abutting and with access to major arterial streets and at intersections of arterial streets with other major streets, where development nodes can be supported by the regional transportation network. Higher density residential uses in certain locations may be permitted.
- (c) **Permitted and special uses.** Permitted and special uses shall be as provided in Table 2-3, “Permitted and Special Uses in Mixed-Use and Non-residential Zoning Districts.”
- (d) **Dimensional requirements.** Minimum lot size, minimum lot width, maximum building height, minimum building setbacks and other dimensional requirements shall be as provided in Table 2-4, “Dimensional Requirements for Mixed-Use and Non-residential Zoning Districts.”
- (e) **Design review.** Design review shall be required as specified in article 5, “Site and Architectural Design Review,” of this development code.
- (f) **Open Space.** [Open space shall be required for residential uses in accordance with the regulations in Sec. 1-35.](#)

Sec. 2-25. CBD, Central Business District.

- (a) **Relationship to comprehensive plan.** The CBD zoning district is intended to implement the “town center mixed use” future development area established by the comprehensive plan. The CBD zoning district is intended to implement the “downtown activity center” future land use category established by the comprehensive plan.
- (b) **Purposes and intentions.** The CBD zoning district corresponds with the established downtown area of Powder Springs, which is the historic cultural, business, and governmental center of the city. The CBD zoning district is intended foster a unique sense of place and identity for the city. This intent can be achieved by providing for an appropriate mixture of land uses and intensity of development conducive to maintaining the downtown area as a focal point for civic activities and traditional “main street” retail commercial and service uses. The CBD zoning district is also intended to provide for a vibrant mix of land uses within easy walking distance of abutting and adjacent neighborhoods, including commercial, office, various forms of housing, civic uses, and parks and recreation areas. Townhomes and loft apartments are considered particularly

**Table 2-3
Permitted and Special Uses in
Mixed-Use and Non-residential Zoning Districts**

Use	See also	MXU	O-I	NRC	CRC	CBD	BP	LI	HI
ACCESSORY									
Automated teller machine (with drive-through)	Sec. 4-35	X	X	P	P	X	P	X	X
Automated teller machine (without drive-through)	Sec. 4-35	P	P	P	P	P	P	P	P
Automotive Broker, Office Only (within office occupied by an established permitted use.		X	P	P	P	P	P	P	P
Business services, accessory		P	P	P	P	P	P	P	P
Caretaker's residence	Sec. 4-65	X	X	X	X	P	P	P	P
Carnival or amusement park not on fairground	Sec. 4-85	X	X	X	S	S	S	X	X
Carport or garage	Sec. 4-05	P	P	X	X	P	P	P	P
Catering establishment		X	X	X	P	P	P	X	X
Christmas tree sales facility, temporary		X	X	P	P	P	P	P	X
Construction field office	Sec. 4-210	P	P	P	P	P	P	P	P
Fence	Sec. 4-135	See Table 4.1							
Food truck	Sec. 4-145	P	X	P	P	P	P	P	X
Food truck park	Sec. 4-146	X	X	X	S	X	S	S	X
Helicopter landing pad		X	X	X	S	X	S	S	S
Intermodal container, temporary	Sec. 4-180	P	P	P	P	P	P	P	P
Intermodal Container, permanent	Sec. 4-180	S	X	X	P	S	P	P	P
Solar energy system, building mounted	Sec. 4-275	P	P	P	P	P	P	P	P
Solar energy system, ground mounted	Sec. 4-280	P	P	P	P	P	P	P	P
RESIDENTIAL	See also	MXU	O-I	NRC	CRC	CBD	BP	LI	HI
Boarding house		X	X	X	S	X	X	X	X
Dormitory		X	X	X	S	X	X	X	X
Dwelling, single-family detached, fee-simple, existing on the effective date of these regulations	Sec. 4-130	P	P	P	P	P	X	X	X
Dwelling, single-family detached	Sec. 4-130	P	P	X	X	S	X	X	X
Dwelling, single-family attached (fee-simple or condominium townhouse)	Sec. 4-120	P	S	X	X	P	X	X	X
Dwelling, two-family (duplex)	Sec. 4-125	P	X	X	X	X	X	X	X
Dwelling, multiple-family, including apartments and condominiums	Sec. 4-325	P	X	X	S	P	X	X	X
Group home, serving 15 persons or less		S	S	S	P	S	X	X	X
Group home, serving more than 15 persons		X	X	X	S	S	X	X	X
Live-work unit		P	P	X	X	P	S	S	X
Loft dwellings		S	X	X	X	P	X	X	X
Relocated residential structure		X	S	X	X	X	X	X	X
INSTITUTIONAL	See also	MXU	O-I	NRC	CRC	CBD	BP	LI	HI
Aircraft landing area, other than helicopter landing pad		X	X	X	S	X	S	S	S
Cemetery	Sec. 4-70	X	P	X	X	X	P	P	P
Church, temple, synagogue, or place of worship	Sec. 4-70	S	P	P	P	X	P	X	X
Club or lodge, nonprofit, without private bar or restaurant	Sec. 4-75	S	P	P	P	X	P	X	X
Club or lodge, nonprofit, with private bar or restaurant	Sec. 4-75	S	S	S	S	X	S	X	X
College or university		S	P	P	P	X	P	P	X
Community center, senior center		P	P	P	P	P	P	P	X
Continuing care retirement community		S	X	X	P	S	X	X	X

Convenience store, with fuel pumps	Sec. 4-150	X	X	X	S	X	S	S	X
Courier or message service		X	P	X	P	P	P	P	X
Data processing center		X	P	X	P	P	P	P	X
Use	See also	MXU	O-I	NRC	CRC	CBD	BP	LI	HI
Day care, including group day care home, and basic social (non-medical) adult day care serving not more than 18 adults)	Sec. 4-110	P	P	P	P	S	P	X	X
Day care, child learning center (19 or more), or basic social adult day care serving 19 or more adults, or medical adult day care serving any number	Sec. 4-110	X	S	S	P	S	P	X	X
Exterminator, pest control or disinfecting service		X	P	P	P	S	P	P	P
Fairground		X	X	X	P	X	S	P	X
Farmers market		X	X	X	P	P	P	P	X
Finance, insurance, and real estate establishments, including bank, 2,500 square feet or less of gross floor area per establishment		P	P	P	P	P	P	P	X
Finance, insurance, and real estate establishments, including bank, more than 2,500 square feet of gross floor area per establishment		S	S	P	P	P	P	P	X
Fitness center		X	X	S	P	S	P	P	X
Flea market	Sec. 4-140	X	X	X	X	X	X	S	X
Fuel sales, gasoline and diesel, retail	Sec. 4-150	X	X	X	SP	X	P	P	P
Fuel tank sales		X	X	X	X	X	X	P	P
Funeral home	Sec. 4-151	X	X	X	S	X	S	P	P
Furniture repair or reupholstering		X	X	X	P	S	P	P	X
Greenhouse, plant nursery		X	X	X	P	X	P	P	X
Golf course with country club		X	X	X	P	X	P	S	X
Hookah bar or hookah lounge		X	X	X	X	X	X	X	X
Internet business		P	P	P	P	S	P	P	X
Janitorial, building and carpet cleaning		X	X	X	P	S	P	P	P
Kennel	Sec. 4-195	X	X	X	S	X	S	P	X
Landscaping company		X	X	X	X	X	P	P	X
Lawn and garden store		X	X	X	P	X	P	P	X
Laundry, laundromat		X	X	P	P	X	P	P	X
Locksmith, security service		P	P	P	P	P	P	P	X
Lodging service, hotel		X	X	X	P	P	S	X	X
Lodging service, motel		X	X	X	X	X	X	X	X
Lodging service, Extended Stay		X	X	X	X	X	X	X	X
Mail order establishment		P	P	P	P	S	P	P	X
Manufactured home sales lot		X	X	X	S	X	S	P	P
Mixed use building		P	X	X	P	P	S	X	X
Museum		P	P	P	P	P	P	P	X
Office, professional, medical, other		P	P	P	P	P	P	P	P
Office/warehouse		X	X	X	X	X	P	P	P
Open air business		X	X	X	X	X	S	S	P
Package store		X	X	X	S	X	X	X	X
Parking lot, off-site		S	S	S	S	S	S	S	S
Parking structure		S	X	X	S	S	S	S	X
Pawn shop		X	X	X	X	X	X	X	X
Payday loan establishment		X	X	X	X	X	X	X	X
Personal service establishment, apparel		P	X	P	P	P	P	X	X
Personal service establishment, entertainment		X	X	X	P	P	P	X	X
Personal service establishment, event or travel		P	P	P	P	P	P	X	X

Common area and greenspace		P	P	P	P	P	P	P	P
Community recreation	Sec. 4-100	P	P	P	P	P	P	P	P
Conservation area		P	P	P	P	P	P	P	P
Public use		P	P	P	P	P	P	P	P
Solar energy facility or solar farm		X	X	X	X	X	X	P	P
Temporary use Events approved permitted by the community development director		P	P	P	P	P	P	P	P

**Table 2-4
Dimensional Requirements for Mixed Use and Non-residential Zoning Districts**

DENSITY AND LOT REQUIREMENTS	MXU	O-I	NRC	CRC	CBD	BP	LI	HI
Minimum lot size (square feet)	‡	15,000	20,000	20,000	None	40,000	40,000	40,000
Minimum lot width (feet)	‡	75	75	100	None	100	100	100
Minimum lot frontage (feet)	‡	75	75	100	None	50	100	100
Floor-area ratio, maximum	‡	0.25	0.35	0.50	None	0.50	0.75	0.75
Maximum density, multi-family (units per acre)	‡	NA	NA	NA	None	NA	NA	NA
Maximum impervious surface coverage, lot (%)	‡	60	60	75	100	75	75	90
Maximum square footage per establishment (square feet)		None	None	None	None	None	None	None
PRINCIPAL BUILDINGS AND ACCESSORY STRUCTURES LARGER THAN 144 SQUARE FEET IN FLOOR AREA	MXU	O-I	NRC	CRC	CBD	BP	LI	HI
Front, minimum (feet)	‡	40	40	40	None	40	50	50
Side, minimum (feet)	‡	10	15	15	None	20	20	20
Rear, minimum (feet)	‡	30	30	40	None	30	40	40
Setback, minimum, abutting R zoning district (feet)	‡	30	40	50	None	100	110	120
Buffer width minimum within setback abutting R zoning district (feet)	‡	20	30	40	None	75	85	110
Front landscape strip (minimum average width in feet)	‡	10	10	10	None	10	20	20
ACCESSORY BUILDINGS OF 144 SQUARE FEET OR LESS IN FLOOR AREA AND ACCESSORY STRUCTURES	MXU	O-I	NRC	CRC	CBD	BP	LI	HI
Side or rear yard	‡	10	10	10	None	20	20	20
BUILDING HEIGHT REQUIREMENTS	MXU	O-I	NRC	CRC	CBD	BP	LI	HI
Maximum building height (feet)	‡	40	40	50	50	50	50	75
Maximum building height (number of stories)	‡	2	2	4	4	4	4	4
MINIMUM RESIDENTIAL UNIT SQUARE FOOTAGE	MXU	O-I	NRC	CRC	CBD	BP	LI	HI
Minimum heated floor area requirement per residential unit (square feet)	‡	NA	NA	NA	None	NA	NA	NA

NA = Not Applicable

‡ As established as part of the zoning approval for the development.

N—Definitions.

Nonconforming building or structure: A building or structure that does not meet one or more setbacks for the zoning district in which said building or structure is located, or a building or structure that exceeds the maximum building coverage for the zoning district in which said building or structure is located, or a principal building or accessory structure that otherwise does not comply with dimensional requirements established by this unified development code for the particular principal building or accessory structure or for the zoning district in which the nonconforming building or structure is located.

Nonconforming lot: A lot which does not conform to the lot requirements of the zoning district in which the lot is located as established by this unified development code but which was a lot of record prior to the effective date of this unified development code or its amendment.

Nonconforming use: Any building or use of land or building lawfully existing on or before the effective date of this unified development code or as a result of subsequent amendments to this unified development code, which does not conform to the use provisions of the zoning district in which it is located.

Nursery or kindergarten school: Any building used routinely for the daytime care or education of preschool age children and including all normal accessory and play areas. For purpose of this Code, a nursery or kindergarten school is a day care center.

Nursing home: A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has an agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the patients; it complies with rules and regulations of the Georgia Department of Human Resources. For purposes of this Code, this use is an institutional residential living and care facility.

ARTICLE 4
SPECIFIC USE PROVISIONS

Division I. Uses.

- Sec. 4-05. Accessory Use, Building or Structure.
- Sec. 4-10. Accessory Dwelling Unit.
- Sec. 4-15. Agricultural Crops and Activities.
- Sec. 4-20. Animal Shelter.
- Sec. 4-25. Asphalt or Concrete Plant.
- Sec. 4-30. Attendant's Shelter.
- Sec. 4-35. Automated Teller Machine.
- Sec. 4-40. Automobile Repair.
- Sec. 4-45. Automotive Sales.
- Sec. 4-50. Automotive Service.
- Sec. 4-55. Bed and Breakfast Inn.
- Sec. 4-60. Blasting Operations.
- Sec. 4-65. Caretaker's Residence.
- Sec. 4-66. CBD Oil Establishments
- Sec. 4-70. Church or Place of Worship.
- Sec. 4-75. Club or Lodge, Nonprofit.
- Sec. 4-80. Collection Bin.
- Sec. 4-85. Commercial Recreation Facility, Outdoor.
- Sec. 4-90. Community Donation Center.
- Sec. 4-95. Community Food or Housing Shelter.
- Sec. 4-100. Community Recreation.
- Sec. 4-105. Dam.
- Sec. 4-110. Day Care.
- Sec. 4-115. Drive-through.
- Sec. 4-120. Dwelling, Single-family Attached (Fee Simple or Condominium Townhouse).
- Sec. 4-125. Dwelling, Two-family (Duplex).
- Sec. 4-130. Dwelling Unit.
- Sec. 4-135. Fence or Wall.
- Sec. 4-140. Flea Market.
- Sec. 4-145. Food Truck.
- Sec. 4-146. Food Truck
- Park
- Sec. 4-150. Fuel Pump.
- Sec. 1-151. Funeral Homes.
- Sec. 4-155. Golf Driving Range.
- Sec. 4-160. Guest House.
- Sec. 4-165. Heating and Air Conditioning Units, Accessory.
- Sec. 4-170. Home Occupation.
- Sec. 4-175. Institutional Residential Living and Care Facility.
- Sec. 4-180. Intermodal Container, ~~Temporary~~.
- Sec. 4-185. Junk or Junked Vehicle.
- Sec. 4-190. Junkyard.
- Sec. 4-195. Kennel.
- Sec. 4-200. Livestock and Animal Quarters.
- Sec. 4-205. Manufactured Home.
- Sec. 4-210. Manufactured Home, Temporary (Construction).

- Sec. 4-215. Manufactured Home, Temporary (Medical Hardship).
- Sec. 4-220. Manufacturing or Fabrication Accessory to Retail Use.
- Sec. 4-225. Mobile Home.
- Sec. 4-226. Multifamily Inspections
- Sec. 4-230. Outdoor Display and Storage.
- Sec. 4-235. Accessory Uses of Parking Lots and Loading Areas.

General, Safety Fire Commissioner, Chapter 120-3-10, Rules and Regulations for Explosives and Blasting Agents).

Sec. 4-65. Caretaker’s Residence.

A residence for a caretaker or night watchman may be permitted as a use accessory to a business or industrial establishment, subject to compliance with the following regulations:

- (a) **Evidence of need.** Evidence of need for full-time security or on-site management after operation hours must be submitted to and accepted by the community development director.
- (b) **Specifications.** The caretaker’s residence shall contain a minimum of 600 square feet of heated floor area, which may be included inside a principal building on the lot or as a detached residential structure separate from the principal building(s) on the lot.
- (c) **Parking.** Two off-street parking spaces shall be provided in addition to the parking required for the principal uses(s).

Sec. 4-66. CBD Oil Establishments.

(a) Purpose and intent. The purpose of this section is to regulate the location and operation of establishments that sell and distribute cannabidiol products (“CBD oil establishments”) to protect: the unique character and aesthetic of the City of Powder Springs family-friendly, historic downtown and neighborhoods; property interests and rights; the public health, safety, and welfare; and the administration of local laws.

(b) Hours of Operation: CBD oil establishments are limited to operating between 8 a.m. to 10 p.m.

(c) Accessory Use Regulations:

- 1) CBD oil sales shall be permitted as an accessory use within Medical, Medical Clinics and Pharmacies pursuant to all other provisions of the UDC, without regard to the distance provisions of item (4 a-f)
- 2) When permitted as an accessory use, CBD oil establishments shall be limited as follows:
 - i. 40% or less of gross floor area of the overall tenant space of the principal use.
 - ii. No exterior signage specifically for CBD oil establishments or related activities.

(d) Principal Use Regulations-CBD Oil Establishments as a principal use require a Special Use Permit approved by Mayor and Council.

- 1) Prohibition by Frequency. CBD oil establishments shall be located no more than one per block or within 750 feet of another such use, or from a bar, as measured from lot line to lot line in a straight line.
- 2) Prohibition by Proximity. CBD oil establishments, whether principal or accessory, shall not be located within 500 feet of an established residential zone, school, public park, day care facilities, or houses of worship.

- 3) With respect to schools and parks, the 500 feet distance shall be measured from the nearest point of the property of the place of business, location, or establishment to the nearest point of the school property in use as a part of the school facilities.
- 4) With respect to houses of worship and day care facilities, the 500 feet distance shall be measured from the nearest point of the property of place of business, location, or establishment to the nearest point of the property of the house of worship building or buildings.
- 5) With respect to established residential zones, the 500 feet distance shall be measured from the nearest point of the building of place of business, location, or establishment to the nearest point of the residential zoning district boundary.
- 6) The 500 feet distance shall be measured in a straight line.

Sec. 4-70. Church or Place of Worship.

Churches or places of worship shall be governed by the following requirements:

- (a) **Minimum street frontage.** The church or place of worship shall be located on a lot with a minimum of 150 feet of frontage on a public street with a classification of major or greater.
- (b) **Minimum acreage.** The church or place of worship shall be established on a lot having a minimum area of two acres dedicated to the use.
- (c) **Buffer.** A church or place of worship that constitutes the only principal use on the lot shall provide and maintain a buffer with a minimum width of 50 feet abutting a residential zoning district. Said buffer shall meet or exceed specifications of article 12 of this development code.
- (a) **Residence.** A church or place of worship that constitutes the only principal use on the lot shall be permitted one residence as an accessory use, with its customary accessory uses, for the housing of the pastor, priest, minister, rabbi, etc.; provided that if the residence is a stand-alone unit it shall be separated by a minimum of 15 feet from other buildings on the lot.
- (b) **School or day care.** A church or place of worship shall be permitted a school or day care center as an accessory use.
- (c) **Cemetery.** A church or place of worship that constitutes the only principal use on the lot shall be permitted to have a cemetery as an accessory use.
- (d) **Community food or housing shelter.** One community food or housing shelter is an authorized accessory use to a church or place of worship, in office or commercial zoning districts only, subject to Sec. 4-95 of this development code.

front façade of a building. No drive-through window shall not be located within 20 feet of the front façade of a building.

(d) Site and Design requirements. Drive-through facilities must be designed to be visually appealing and compatible appearance with the surrounding area, while minimizing negative impacts related to access and peak demand traffic.

- 1. Architectural Harmony. Ensure that the design of the drive-through facility complements the architectural styles of the surrounding buildings. Incorporate materials, colors, and textures that blend seamlessly with the neighborhood's aesthetic.**
- 2. Landscaping and Screening. Integrate landscaping elements such as trees, shrubs, and decorative plantings to soften the visual impact of the drive-through facility. Use well-designed fencing, decorative walls, or green screens to visually shield drive-through lanes from public view and adjacent properties.**
- 3. Building Placement and Orientation. Position the drive-through facility in a way that minimizes its impact on adjacent properties and maximizes its accessibility from the main road. Orient the building to allow for convenient and safe vehicle circulation, while ensuring minimal visual impact at the building's frontage.**
- 4. Noise Mitigation. Implement noise-reduction measures such as acoustic barriers or landscaping buffers to minimize noise impacts on nearby properties.**

(e) Traffic and Access management. Conduct a comprehensive traffic impact assessment for any proposed drive-through restaurant to evaluate its potential effects on traffic flow and safety. Determine the necessary measures, such as dedicated queuing areas, stacking lanes, and traffic control devices, to mitigate any adverse impacts on the surrounding road network, and on adjacent properties.

(f) Pedestrian Access. Ensure that the presence of drive-through facility does not compromise the safety and convenience of pedestrians and cyclists. Ensure that pedestrian pathways are well-lit, well-maintained, and separated from vehicular areas.

Sec. 4-120. Dwelling, Single-family Attached (Fee Simple or Condominium Townhouse).

Townhouses, whether fee simple or condominium shall meet the following requirements, as applicable:

- (a) **Minimum lot frontage.** Each platted lot for a fee-simple townhouse shall have a minimum of 20 feet of frontage on a public street or private road that meets public street standards of the City of Powder Springs.
- (b) **Minimum lot size.** The minimum lot size for a fee-simple townhouse lot shall be ≥1,000 square feet, with an overall average of 2,400 square feet for the townhouse development.
- (c) **Setback.** Zero lot line between fee-simple units within the same building shall be permitted, subject to applicable fire and building codes.
- (d) **Units in building.** To avoid a monotonous appearance, for any given building, no more than eight units may have common walls.
- (e) **Staggered front facades.** Any building containing more than 3 units with common walls must have the roof and front building wall (façade) of each attached unit distinct from the other through offsets of three feet or more in roof design and front building wall location.
- (f) **Building separation.** Buildings in townhouse developments shall be separated by a distance of at least 10 feet.
- (g) **Access to rear required.** Townhouse developments shall be designed to provide proper access to the rear of all dwelling units for fire-fighting purposes.
- ~~(g)~~ **Fenestration.** All buildings in townhouse developments must have at least 25% fenestration, as defined in Section 5-3, on the side facades or end walls.
- (h) **Plat approval.** Each fee simple townhouse development or phase thereof shall require subdivision plat approval in accordance with article 15 of this development code.
- (i) **Condominium ownership.** If a condominium form of ownership is proposed, the development shall meet all applicable state laws including the Georgia Condominium Act (O.C.G.A. 44-3-70 et. seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted to the community development director with the application for development approval.

Sec. 4-125. Dwelling, Two-family (Duplex).

Property containing a two-family dwelling may be subdivided in a manner so that each dwelling unit is located on its own lot, with zero lot line in between the units, if permitted by applicable building codes and subject to compliance with article 15 of this development code.

unit. Exterior door jambs, stops, headers and moldings shall be securely attached to the structure and maintained in good condition without splitting or deterioration. Additionally, exterior doors shall be provided with proper hardware and maintained in proper working condition.

- (i) **Exterior decks, stairways, porches, and balconies.** Exterior stairways, decks, porches and balconies, and all appurtenances attached thereto, shall be maintained so that they are structurally sound, in good repair with proper anchorage and capable of supporting the imposed loads.
- (j) **Gutters and shutters.** Gutters and shutters and all appurtenances attached thereto, shall be maintained so that they are structurally sound, in good repair with proper anchorage and attachment.
- (k) **Deviations.** The Mayor and City Council may on a case-by-case basis approve via special use approval deviations from the standards contained in this section for a single-family or two-family dwelling or a manufactured home. In considering such special uses the Mayor and City Council should consider whether the materials to be utilized or the architectural style proposed for the dwelling unit will be compatible with and harmonious or superior to existing structures in the vicinity.
- (l) **Compliance with code.** The dwelling shall be constructed in accordance with all applicable requirements of the Building Code as adopted by the City, or in accordance with standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.) for manufactured homes, or in accordance with State law and regulations for industrialized buildings, whichever apply.

Sec. 4-135. Fence or Wall.

- (a) **General standards.** Fencing and wall standards (purpose, composition, height, and setback) are presented in Table 4-1, “Fence and Wall Regulations by Zoning District.” The community development director may vary these standards, not to exceed two feet in height variation and three feet in setback variation. Other variations shall only be permitted by special use approval.

Table 4-1
Fence and Wall Regulations by Zoning District
 P = Permitted S = Special Use X = Prohibited

Regulation	Section Reference	Residential Zoning Districts	Mixed Use and Office Districts	Business and Neighborhood Commercial Districts	Community Commercial and Light Industrial Districts	Heavy Industrial Districts
Fence or Wall Purpose						
Front Yard		S	PX	PX	PS	P
Screening	12-43	P	P	P	P	P
Retaining wall		P	P	P	P	P
Decorative		P	P	P	P	P
Security		P	P	P	P	P
Tree protection, during land development	12-24(c)	P	P	P	P	P
Composition/Type						

Unfinished concrete block wall		X	X	X	X	X
Wall or fence, unapproved materials		X	X	X	X	X
Solid wooden fence		P	P	P	P	P
Block wall with brick or stone facing/finish		P	P	P	P	P
Fence, PVC with like-wood finish		P	P	P	P	P
Fence, picket		P	P	P	X	X
Fence, split rail		P	P	P	X	X
Fence, wrought iron, aluminum, approved metal		P	P	P	P	P
Fence, chain-link		X	X	X	P	P
Fence, chain-link, vinyl coated		P	P	P	P	P
Fence, barbed wire (rear yard only)		X	X	X	X	P
Fence, with barbed or razor wire top strands (rear yard only)		X	X	X	X	P
Fence, electrically charged		X	X	X	X	X
Regulation	Section Reference	Residential Zoning Districts	Mixed Use and Office Districts	Business and Neighborhood Commercial Districts	Community Commercial and Light Industrial Districts	Heaving Heavy Industrial Districts
Fencing, temporary, around a lot during construction of a building, as directed for safety or code compliance		P	P	P	P	P
Fence or Wall Height (Feet)						
When required for screening, minimum	12-43	6 feet	6 feet	6 feet	6 feet	8 feet
When required for screening, maximum		6 feet	6 feet	6 feet	10 feet	10 feet
Front yard location		3 feet	6 feet	6 feet	8 feet	8 feet
Rear or side yard location		6 feet	6 feet	6 feet	8 feet	8 feet

- (b) **Composition.** In addition to the standards of Table 4-1, fences or walls composed or constructed of exposed concrete block, tires, junk, or other discarded materials shall not be permitted.
- (c) **Location.** In addition to the standards of Table 4-1, no fence or wall shall be constructed in a public right-of-way, except that retaining walls and subdivision or project entrance monuments may be placed partially within the right-of-way of a local public or private street if approved by the community development director and public works director as not posing a visibility or other public hazard.
- (d) **Subdivision or project identification monuments.** Subdivision or project identification monuments at the entrance to a subdivision or development and wall or fence extensions thereof, where permitted, shall not exceed eight feet in height and columns shall not exceed ten feet in height.
- (e) **Tennis court fencing.** A fence surrounding a tennis court is authorized to exceed the height limitations of this Section.
- (f) **Maintenance.** Fences and walls shall be maintained, repaired if damaged, and replaced if severely damaged or destroyed.
- (g) **Gates.** When gates for vehicular access are required or proposed, said gates shall not be located closer than 25 feet of a public street or road right-of-way, to ensure safe ingress and egress.

A flea market shall comply with applicable state law regarding flea market vendors record keeping (O.C.G.A. 10-1-360 et seq.).

Sec. 4-145. Food Truck, Accessory Use.

- (a) **Motor vehicle tag.** A food truck must have a valid tag from the state's division of motor vehicles.
- (b) **Food service rules.** Food trucks shall operate in accordance with the State of Georgia's Rules and Regulations Food Service—~~Chapter 290-5-14, Manual for Design, Installation and Construction, Section U—Special Food Service Operations.~~
- (c) **Health Department license, permit or approval.** The operator of a food truck shall make application for a license or permit as may be required to the Cobb County Health Department, and the applicant shall submit evidence of health department approval as part of an application for a zoning permit. No food truck shall operate without a health department permit or approval.
- (d) **Zoning restrictions and zoning permit.** Food trucks are permitted in certain zoning districts as indicated in article 2, Table 2-3 of this development code. A food truck shall not be located on a vacant lot. A zoning permit for a food truck shall be applied for and must be received from the director of community development prior to operation. No more than two food trucks may operate simultaneously on any lot of record, and no lot shall be approved for more than two spaces or areas for food truck operations.
- (e) **City business license.** A city business license shall be required to operate a food truck.
- (f) **On-site location requirements.**
 - 1. Food truck operators shall obtain the signed approval of the property owner for each location at which the food truck operates. Such approval must be made available for inspection upon request.
 - 2. The location for the parking and operation of food trucks must be approved by the community development director. The approved location must be marked on a site or plot plan of the lot on which it is located, and the community development director may require the food truck location on the ground to be marked with paint, tape, chalk, or any other easily identifiable material.
 - 3. Food trucks shall be located no less than 10 feet from any fire hydrant, sidewalk, utility box, handicap ramp, or building entrance. No fire lane, vehicular access way, or pedestrian walkway shall be obstructed or encroached upon by the food truck or its operational area. Food trucks shall not park in handicapped accessible parking spaces; a food truck may be permitted to occupy any other private parking space, unless it is determined by the community development director that parking demand may exceed supply at the subject location while the food truck is operating.
- (g) **Location restrictions from certain adjacent uses.** Except for properties zoned in the

Central Business District (CBD). No food truck shall operate (as measured in a straight

line from property line to closest point of the approved food truck location, where distances are specified):

1. Within 750 feet of a public or private elementary, junior or high school while school is in session.
2. Within 150 feet of a property with a single or two-family residential dwelling.
3. Within 150 feet of a restaurant entrance, unless a waiver is granted by the owner of property on which the restaurant is located.
4. Within 300 feet of a city, county, state or private park or open space, unless a temporary permit is granted by the city manager.
5. On a public or private street, or on in a city park or other open space, unless a temporary permit is granted by the city manager. The city manager is authorized to promulgate additional rules and regulations for the issuance of temporary permits for food trucks on public streets and public properties.
6. On the grounds of a school, unless authorized by the school's administration as part of a school-authorized function.

(h) **Operational Limitations.** Food trucks shall comply with the following:

1. Food trucks shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
2. Food trucks shall be limited in their operation to a maximum of six consecutive hours per day at any single location.
3. Food trucks shall not be parked in an approved operating location overnight and shall not be parked longer than one hour before or after allowable hours of operation; a food truck shall not be in a set-up/start-up or break-down/ close-up mode between the hours of 11:00 p.m. and 6:00 a.m.
4. No food truck shall be permitted to have a vehicular drive-through facility or drive-up window.
5. No amplified microphones or bullhorns shall be permitted as part of the food truck operation.
6. The food truck must be self-contained with regard to water and sanitary sewer needs; no temporary potable water or sanitary sewer shall be permitted.
7. Signage and advertising shall be limited to copy on the food truck itself, and one "sidewalk" sign as defined in the city's sign regulations, not to exceed four square feet of area, located only within the operational area approved by the community development director. Such signage shall be in addition to that approved for the principal use on the lot.
8. All associated equipment, such as trash receptacles and signage, must be confined

within the operational area approved by the community development director.

- (i) **Sanitation.** Food truck operators shall be responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles shall not be used for this purpose. Operators shall remove all waste and trash prior to leaving each location or as needed to maintain the health and safety of the public.

Sec. 4-146. Food Truck Park

The City may, at its discretion, allow for the concentrated parking of mobile food vendors, subject to approved Occupational Tax License and Special Use approval.

- (a) **Motor vehicle tag.** All food trucks must have a valid tag from the state's division of motor vehicles.
- (b) **Food service rules.** All food trucks shall operate in accordance with the State of Georgia's Rules and Regulations Food Service.
- (c) **Health Department license, permit or approval.** The operator of a food truck park shall make application for a license or permit as may be required to the Cobb County Health Department, and the applicant shall submit evidence of health department approval as part of an application for a zoning permit. No food truck or food truck park shall operate without a health department permit or approval.
- (d) **Zoning restrictions and zoning permit.** Food truck parks are permitted in certain zoning districts as indicated in article 2, Table 2-3 of this development code.
- (e) **Occupational Tax Certificate.** The operator of the food truck park must obtain an occupational tax certificate. The occupational tax must cover all gross receipts.
- (f) **City business license.** A city business license shall be required to operate a food truck.
- (g) **Structures.**
 - 1. All structures including buildings, stages, containers, enclosures must meet all permitting requirements including building, design, setback, state, fire requirements.
 - 2. Modified shipping containers with a commercial building permit and meeting other state requirements are allowed provided other requirements of commercial structures are met.
- (h) **Onsite Location Requirements.**
 - 1. Food truck parks shall have a permanent building on site for restrooms and storage and may include any other facilities necessary for business operation or public accommodation.
 - 2. Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.

3. Off-street parking for customers at the proposed facility shall be provided at a ratio of 3 spaces per food truck. The maximum number of operating food trucks is dependent on parking availability.
4. No fencing on site, except where required by other applicable code provisions.
5. Must submit site plan for review and approval to the city showing the location and spacing of vendors, location of site features, parking lot striping plan, location of bathrooms, and location of dumpsters.
6. Permanent signage shall be installed, subject to the issuance of an approved Sign Permit.
7. Permanent bathrooms shall be provided, with the number of stalls subject to the approval of Cobb Douglas Public Health, and the City of Powder Springs. If necessary, the use of portable toilettes is subject to the approval of a Temporary Event Permit.
8. The landscaping plan for food truck park shall comply with Article 12.
9. A minimum distance of 100 feet shall be maintained between any food truck and the entrance to any structure.
10. The food truck shall not be located within any required customer parking, setback, any sight distance triangle or required buffer.
11. Access aisles sufficient to provide emergency access to any food truck shall be provided subject to approval by the fire marshal.

(i) Operational Limits.

(a)

1. All operating mobile food units must be licensed by the City of Powder Springs and must meet all Health Department requirements or Department of Agriculture, whichever is applicable.
- 1)2. For non-special event sales, the operation of non-food vendors is allowed at a ratio of 1 non-food vendor to 5 food truck vendors.
- 2)3. For non-special event sales, business must be contained within the vehicle(s). No tents or tables allowed to be set up outside of the vehicle(s), except for that of approved non-food vendors.
- 2)4. Food trucks shall not be permitted to operate on the premises before 8:00 a.m. or after 10:00 p.m.
- 3)5. No provision of drive-through service of any kind from any food truck, vendor, or structure.

- ~~4)6.~~ No overnight storage of food trucks, except in association with base of operation and by special use approval from the City Council.
- 7. Free-standing chairs and other temporary furniture shall be stored overnight in an approved enclosed structure.
- ~~5)8.~~ No grills are allowed, except if approved or authorized by Cobb Douglas Public Health and associated with an operating mobile food unit.
- ~~6)9.~~ No amplified sound shall be used for announcements or hawking of products in conjunction with any food truck park.
- ~~7)10.~~ No amplified sound shall be used for the purpose of music or live entertainment, except by approved Temporary Event Permit.
- ~~8)11.~~ No alcohol is allowed to be consumed or sold on the premises, unless specifically licensed as specified in Chapter 3 of the Code of Ordinances and included in the Special Use approval.

~~(b)(j)~~ Sanitation.

- ~~1)a.~~ Adequate trash receptacles shall be provided on the premises to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. Such receptacles shall be located no more than ten feet from each food truck. The food truck park shall be responsible for removing all trash, litter and refuse from the site at the end of each business day.

a.b. Dumpster and grease container requirements shall be installed meeting all code requirements of the City of Powder Springs and other applicable agencies.

Sec. 4-150. Fuel Pump.

- (a) All gasoline or other fuel pumps, where permitted, shall be located at least forty feet from the side or rear property line and at least 25 feet from any public right-of-way.
- (b) Fuel pumps must be located at least 100 feet from any residential zoning district boundary.
- ~~(b)(c)~~ Convenience Stores with fuel pumps when permitted in the CRC zoning district must be a minimum of 4500 sf.

Sec. 4-151. Funeral Homes

- (a) Funeral Homes that are legally non-conforming that request to add accessory uses to existing floor space or to accessory structures legally established prior to 12/7/2015 without any building expansions will require a Special Use approval.
- (b) Accessory crematory, where permitted, must have a minimum exterior renovations subject to administrative design review. All activities associated with said use, must occur entirely

- (b) Plans for any such facilities must receive approval from the County Health Department and state fire marshal's office prior to issuance of a permit for construction and operation. Proof of compliance with such requirements shall be required to be on file with the city prior to business registration approval.

Sec. 4-180. Intermodal Container, ~~Temporary.~~

a) Temporary. During the time a household, institution, business, or industrial establishment is moving in or out of a building on a property, one intermodal container, as defined, may be temporarily placed on the premise of a developed lot for purposes of loading or unloading personal property pertaining to the use on the property subject to the following:

~~(a)~~1. The container may be positioned in a front yard or other location on the property that is accessible for pick up or drop off.

~~(b)~~2. The container shall not remain longer than a period of 32 calendar days.

3. One additional intermodal container, for a total of two, may be authorized by the community development director for institutional, business, or industrial establishment upon demonstration of evidence of need by the establishment.

~~(a)~~b) Permanent. Intermodal containers may be permitted as permanent structures subject to all requirements of buildings, to include site plan review, land disturbance permitting, design review and permitting of outside agencies to include DCA, Cobb County Fire Marshal, and City of Powder Springs.

Sec. 4-185. Junk or Junked Vehicle.

Except for junk/salvage yards and wrecked motor vehicle compounds as may be permitted by this unified development code, it shall be unlawful to park or continuously store abandoned, wrecked, junked or inoperable vehicles, power-driven construction equipment, used lumber or metal, used appliances, or any other miscellaneous scrap material in a quantity visible from a public street or adjacent or abutting property. No such storage shall be allowed in front yards. Appropriate screening as determined by the community development director, based upon the elevations and uses of surrounding properties, may be used to comply with this provision in side and rear yards.

Sec. 4-190. Junkyard.

In addition to local zoning requirements established by this unified development code, junkyards are subject to compliance with Article 8 of Title 32, O.C.G.A., including location restrictions provided in O.C.G.A. 32-6-241 (Reference: O.C.G.A. 32-6-240 et seq.). (Additional Reference: Rules of the Georgia Department of Transportation, 672-8 Rules and Regulations Governing the Control of Junkyards).

Sec. 4-195. Kennel.

Sec. 4-226. Multi-family inspections.

(a) Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Built-to-rent subdivision means any subdivision of for-rent detached single-family homes, or for-rent townhomes, developed with the intent for the dwelling units to be leased to residential tenant or tenants for use as a home, residence, or sleeping unit.

Certified building inspector means a person inspecting for compliance with the International Property Maintenance Code, the Life Safety Code (existing provisions) and the International Fire Code and other referenced standards contained herein, who is a currently licensed/certified design professional (architect or engineer) or holds one of the following current certifications from the International Code Council (ICC): property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner, or commercial combination inspector.

Code compliance certificate means a certificate, on a form provided by the city, executed by a certified building inspector and stating compliance with those minimum standards described in the inspection report.

Inspection report means the report attached to the code compliance certificate describing minimum requirements for inspection of each unit.

Lease means any written or oral agreement which sets forth any and all conditions concerning the use and occupancy of multifamily rental dwellings or multifamily rental units.

Multifamily rental dwelling means any multifamily structure, multifamily building, or other facility promised and/or leased to residential tenant or tenants for use as a home, residence, or sleeping unit. This definition includes, but is not limited to, multiple-family dwellings, multiple-family apartment units, boardinghouses, rooming houses, group homes, and flats.

Multifamily rental unit means any one area, room, structure, flat, apartment, or facility of a multifamily rental dwelling that is being leased or rented to only one tenant, group of tenants, or family under one lease or under terms of joint and severable liability.

Occupant means all tenants, lessees and persons residing within a multifamily rental dwelling or multifamily rental unit.

Owner means any person, agent, firm, or corporation having a legal or equitable interest in a premises.

Owner-occupied means any part of a structure used as a living quarter by the owner of said structure where other parts of the structure are used as multifamily rental units. Example: two-family dwelling, owner occupies one flat; rooming house, owner occupies one unit.

Premises means any lot or piece of land inclusive of the multifamily rental dwelling or multifamily rental unit.

(b) Fee and certificate required.

- (1) *Occupation tax.* All owners of multi-family rental dwellings or multi-family rental units or built-to-rent subdivisions within the city required to pay occupational taxes pursuant to Code of Ordinances Section 12-1 shall provide to the city, prior to receiving an occupational tax certificate under this Code, a code compliance certificate covering interior inspections of no less than 25 percent of the total multi-family rental units within the multifamily dwelling complex within the 12-month period immediately preceding the date of the certification. Said code compliance certificate shall be certified by the owner and a certified building inspector that all units inspected are in compliance with those standards contained in the code compliance certificate and inspection report. For the initial year of construction, this section shall not apply to new construction or rehabilitation of a multi-family rental dwelling provided proper permits are obtained from the city.
- (2) *Inspection.* Upon initial inspection of such dwellings or units, should a certified building inspector determine that further work is necessary to comply with the minimum standards set forth herein, an acceptable plan shall be submitted to the city chief building official outlining the time and scope of work necessary to bring the units into compliance. If the city chief building official determines that the remediation plan should be approved, the city chief building official may, in the exercise of his or her discretion, grant an extension not exceeding one year for the completion of necessary repairs to satisfy minimum standards; however, no extension shall be granted for violations that result in conditions that could endanger public health and safety, and any such units shall not be leased until brought into compliance with all life safety standards.
- (3) *Code compliance certificate.*
- (a) *Interiors.* After submission of the initial code compliance certificate, each owner shall submit a code compliance certificate annually, commencing on January 1, 2024, with their business license renewal. Such subsequent code compliance certificates shall cover interior inspections of at least 25 percent of the units, provided all units shall be inspected, at a minimum, every four years. All units inspected shall be listed individually on the code compliance certificate submitted to the city by the certified building inspector.
- (b) *Exteriors.* Exterior inspections of buildings and property to show compliance with minimum requirements of the International Property Maintenance Code (IPMC) shall cover 100 percent of the properties common areas, including but not limited to: drainage, sanitation, weeds, exterior walls, paint deterioration, decks, doors, windows, screens, handrails, guardrails, roofs, abandoned vehicles, parking lot maintenance, electrical and plumbing maintenance and graffiti. All common areas of property shall be inspected for compliance, at a minimum, once each year. A compliance report indicating that the condition of the property meets the minimum requirements of the IPMC shall be submitted to the city by the owner as part of the annual code compliance certificate.
- (4) *Written record of inspection.* Each owner and certified building inspector shall keep a written record of all inspections for each unit including the date of the inspection, items

inspected and all violations, if any, observed. Such records shall be presented to the city within ten business days after such request is made in writing to the inspector. Failure to provide such records shall nullify the code compliance certificate for those units.

(c) Failure to provide code compliance certificate.

- (1) Failure to provide the code compliance certificate as provided herein shall be a violation of this section and is subject to penalties in accordance with Code of Ord. Sec 1-08.
- (2) Failure to provide the code compliance certificate may subject said multifamily rental dwelling or multifamily rental units to, inspection by the chief building official or his designee at a fee as determined by the board of commissioners that covers all costs of such inspection by the city. Said inspection by the city, if required, shall be at the sole cost of the owner and failure to pay said cost shall result in a lien being placed on the premises to be collected as provided for the collection of taxes.
- (3) Failure to pay the occupation tax as provided herein shall be in violation of this Code and is subject to those penalties set forth herein. Nothing contained in this section shall prevent the city from enforcing the state minimum standard codes as provided in this chapter.

(d) Penalty for false certification and false inspection.

- (1) An owner who knowingly participates in furnishing a code compliance certificate to the city which contains a false certification that all multifamily rental dwellings or multifamily rental units inspected are in compliance with those standards contained in the code compliance certificate shall be guilty of a violation of this Code for each multifamily rental dwelling or multifamily rental unit for which the certification is shown to be false and can be fined as provided by this Code for each violation.
- (2) A certified building inspector who furnishes an inspection report which knowingly contains false information that a multifamily rental dwelling or multifamily rental unit meets the minimum housing standards of the city as shown by the inspection report provided to the city shall be guilty of a violation of this Code and the inspector's right to submit inspection reports to the city may be suspended for a stated period of time, up to five years, following notice by the Chief Building Official.

(e) Certified building inspector requirements.

- (1) All inspectors wishing to submit or participate in the multifamily rental housing inspection program as a certified building inspector must satisfy the following requirements:

 - a. Be a licensed/certified design professional (architect or engineer) or hold one of the following certifications from the International Code Council (ICC): property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner or commercial combination inspector.
 - b. Provide a copy of his or her business license and applicable current license/certification to the city to be placed on an approved certified building inspector list prior to inspecting any multifamily residential dwelling or multifamily residential unit under this program.
 - c. Following completion of any inspection under this program, the inspector must provide to the owner an inspection report, executed by the currently licensed/certified building inspector and stating compliance with those minimum standards described in the inspection report. The inspector must sign and date the report upon completion.

Sec. 4-230. Outdoor Display and Storage.

- a) **Outdoor Display.** Merchandise or goods sold at retail may be displayed outside a building or structure on the premises of a permitted commercial establishment, subject to the following limitations:

Sec. 6-8. Parking for company-owned vehicles.

Every business that stores vehicles owned by the business on site overnight (such as a company fleet), or maintains a stock of vehicles as part of its business activities (such as a car sales lot, a salvage and wrecking yard, car rental agency, etc.), shall provide for adequate parking or storage for the vehicles such that no parking occurs in a public right-of-way or in an area that has not been improved as a parking lot or storage yard. Such parking spaces shall be in addition to those required for residents, employees, customers and visitors.

Sec. 6-9. Guest Parking Provisions.

Any residential community, whether owned individually, in common, or corporately shall provide areas sufficient to accommodate parking for guests visiting the residents within the community. These areas must be shown on a site plan prepared by a design professional licensed to practice in Georgia and address the following criteria.

(a). Number Required.

Notwithstanding a shared parking analysis prepared by a design professional licensed to practice in Georgia that provides an alternative number, guest parking areas shall be provided at 0.35 space/area per dwelling unit.

(b). Area Required for Guest Parking.

In general, areas designated for guest parking must meet size requirements outlined in this code.

(c). Acceptable Locations for Guest Parking.

Areas to be designated for guest parking may be:

1. Within the public or private right of way. If right of way width is increased to allow for "on street guest parking", the Community Development Director is authorized to provide administrative variance relief for up to 25% of underlying requirements that may be affected, including but not limited to setbacks, minimum lot size, configuration, impervious surface maximums, etc. This administrative relief shall not allow for additional density that would be achieved utilizing minimum local road right of way requirements.
2. Within or on privately owned property. Individual lots that have dimensions (width and length of driveways) sufficient to accommodate guest parking areas may be subtracted from the total dwelling units requiring .5 spaces/areas per dwelling unit. Privately owned properties meeting such criteria, must be identified on a site plan prepared by a design professional with a statement or note illustrating compliance.
3. Within or on commonly owned property. Amenity areas and mail kiosk areas may account for up to 60 % of required guest parking areas. Said percentage can be increased if site plan prepared by a design professional demonstrates a central location within the community, accessible by sidewalk or other pedestrian access arrangement.

(d). Directional and Informational Signage Required.

Any site plan prepared to address these criteria must identify where guest parking areas are provided, including signage that directs visitors to designated areas, as well as signage that restricts parking areas to guests only.

Secs. 6-09—6-20. Reserved.

Division II. Driveways

Sec. 6-21. Access driveway required.

- (a) Every development and every lot shall have access to the public street system via an approved roadway or driveway.
- (b) Ingress and egress to parking areas shall be by means of a driveway from the abutting street meeting the minimum requirements of this article.

Sec. 6-22. Minimum driveway width.

Access drives shall be constructed to a minimum width required in Table 6-1. When a property containing a single-family residence is converted to a use that requires a wider driveway, the public works director may reduce the driveway width required by this section if access via a narrower driveway will not be impeded.

Sec. 6-23. Maximum driveway width.

- (a) Driveways, as measured at the right-of-way line, shall not exceed a width of 10' 20' for single-family or 24' two-family dwellings.
- (b) Driveways serving uses other than single-family or two-family dwellings shall not exceed 40' in width as measured at the right-of-way line, unless adjoining a state route, in which case the driveway shall meet Georgia Department of Transportation standards. On non-state routes, the public works director may limit the width of a driveway when it is deemed to be of benefit to the safety and welfare of the public.

Table 6-1
Driveway Requirements

Use	Minimum Driveway Width		Maximum Driveway Width	
	Two-Way	One-Way	Two-Way	One-Way
Single-Family Residence	12 feet	12 feet	24 feet See Sec. 6-23 (a)	14 feet See Sec. 6-23 (a)
Multi-Family Residential	24 feet	14 feet	32 feet	18 feet
Commercial & Industrial	24 feet	14 feet	32 feet	18 feet

variance in accordance with this development code, in the event an administrative variance is not granted by the community development director.

Secs. 6-44—6-50. Reserved.

Division IV. Design and Improvement Requirements for Parking Lots

Sec. 6-51. Applicability.

- (a) The provisions of this division apply to all off-street parking spaces and parking areas, whether the parking is provided to serve a particular development or the parking lot is operated as a principal use on a property and not dedicated to serving a particular development.
- (b) Construction of a new parking lot or loading area, or expansion of an existing parking lot or loading area, requires issuance of a development permit in accordance with the requirements of this development code.

Sec. 6-52. Improvement setback.

Off-street parking areas shall be set back from front, side, and rear property lines by at least 5', except that the community development director may authorize a reduction in the parking lot improvement setback to no less than 3' where a front landscape strip as required by article 5 of this development code is authorized to have a variable width.

Sec. 6-53. Parking space relationship to street.

- (a) Except single-family detached or two-family dwellings, all areas devoted to off-street parking shall be so located so that no vehicle is required to use a public or private street to maneuver into or out of a parking space.
- (b) No off-street parking spaces shall be permitted directly from an access driveway within the first 30' of the driveway back from the street right-of-way line.
- (c) Unenclosed off-street parking for single-family and 2-family dwellings shall not be located within the minimum front yard setback, except on a hard-surface driveway, nor between the minimum front yard setback and the front of the principal dwelling except on a hard-surface driveway or in a carport or garage.

Sec. 6-54. Area per parking space.

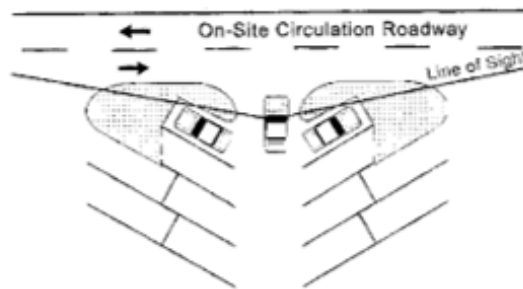
- (a) **Perpendicular and Angled Spaces.** Every parking space shall provide a useable, rectangular area at least 9' wide by 20' long; provided that parking space widths may be reduced in width only as specified in section 6-87, "Use Division of Large Parking Lots." Access aisles shall not encroach into this minimum rectangular area.
- (b) **Parallel Spaces.** Every parking space shall provide a useable, rectangular area at least 9 feet wide by 22 feet long; provided that parking space widths may be reduced in width only as specified in Sec. 6-87, "Use Division of Large Parking Lots." Access aisles shall not encroach into this minimum rectangular area.

Sec. 6-55. Demarcation.

- (a) Every parking space shall be clearly demarcated by lines painted on or otherwise applied to the parking lot surface.
- (b) One-way traffic aisles must be clearly marked with directional arrows on the pavement at each intersection with another aisle, driveway, or street entrance.
- (c) The community development director may grant exceptions to the requirement of this section to mark common boundaries between parking spaces in the case of gravel parking lots, if and where permitted, or to authorize traffic directional signs in lieu of one-way pavement markings.

Sec. 6-56. Access aisle specifications.

- (a) Access aisles in parking lots serving parking spaces are perpendicular (90°) to the access aisle shall be at least 22' wide (exclusive of area devoted to parking spaces) and provide for two-way traffic.
- (b) Access aisles in parking lots serving parking spaces that are angled shall be limited to one-way traffic. Such access aisles shall be a minimum of 18' wide serving spaces that are at a 60-degree angle to the aisle and a minimum of 13' wide serving spaces that are at a 45-degree angle to the aisle.

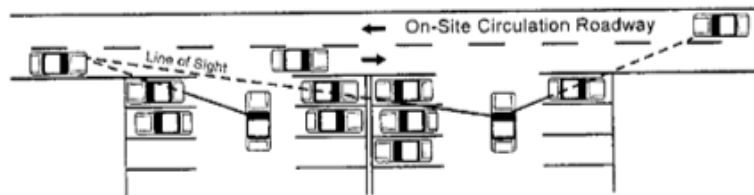


End Islands Preserve Sight Distance

Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 8-15, p. 8-25.

- (c) Access aisles in parking lots serving parking spaces that are parallel to the access aisle shall be at least 22 feet wide (exclusive of area devoted to parking spaces).
- (d) Parking aisle lengths shall not exceed 300' without a break for circulation.
- (e) The intersection of parking aisles with a ring road or other on-site roadways or driveways shall provide adequate intersection sight distance. Parking aisle end islands shall be curbed unless that requirement is waived for water quality purposes or in a rural/exurban area; painted end islands are ineffective and are generally not permitted.

Inadequate Sight Distance Due To No Parking Aisle End Islands



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 8-14, p. 8-24.

Food Truck Park	3 per Food Truck	As determined by community development director
Grocery store	1 per 300 square feet	1 per 250 square feet
Hardware store	1 per 400 square feet	1 per 300 square feet
Health or fitness club	1 per 200 square feet	1 per 150 square feet
Hotel or motel	1 per lodging unit, plus one per each 150 square feet of banquet, assembly, meeting, or restaurant seating area	1.2 per lodging unit, plus one per each 100 square feet of banquet, assembly, meeting, or restaurant seating area
Laundromat	1 for each 3 washer/dryer combinations	1 for each 2 washer/dryer combinations
Nursery or garden center	1 per 300 square feet plus 1 per 1,500 square feet outdoor sales or display area	1 per 250 square feet plus 1 per 1,000 square feet outdoor sales or display area
Office	1 per 300 square feet	1 per 200 square feet
Open air sales	1 per 250 square feet of indoor floor space plus 1 per 600 square feet of outdoor sales	1 per 200 square feet of indoor floor space plus 1 per 500 square feet of outdoor sales
Personal service establishment	1 per 250 square feet	1 per 200 square feet
Photofinishing laboratory	1 per 250 square feet	1 per 200 square feet
Photographic studio	1 per 300 square feet	1 per 250 square feet
Restaurant, bar, or tavern	1 per 125 square feet	1 per 75 square feet
Retail store (not otherwise listed)	1 per 275 square feet	1 per 200 square feet
Self storage facility (mini-warehouse)	See Sec. 4-265	See Sec. 4-265
Self storage facility (mini-warehouse), climate controlled	See Sec. 4-266	See Sec. 4-266
Service station	1 per 250 square feet of office space plus two per service bay	1 per 200 square feet of office space plus three per service bay
Shopping center	1 per 275 square feet	1 per 225 square feet

ARTICLE 13
ZONING AMENDMENTS AND PROCEDURES

Division I. General.

Sec. 13-1. Definitions.

Sec. 13-2. Incorporation Clause.

Sec. 13-3. Standards for Quasi-judicial officers, boards or agencies'

[Secs. 13-~~3~~ 4 to 13-10 Reserved].

Division II. Text Amendment.

Sec. 13-11. Authority to Amend.

Sec. 13-12. Initiation of Proposals for Text Amendments.

Sec. 13-13. Application Requirements.

Sec. 13-14. Limitation on Concurrent Consideration.

Sec. 13-15. Notice of Public Hearing.

Sec. 13-16. Work Sessions.

Sec. 13-17. Public Hearing.

Sec. 13-18. Recommendation and Decision.

Sec. 13-19. Withdrawal of Text Amendment.

Sec. 13-20. Notice of Action.

[Secs. 13-21 to 13-30 Reserved].

Division III. Rezoning and Special Use.

Sec. 13-31. Authority to Amend.

Sec. 13-32. Initiation of Proposals for Rezoning. Sec.

13-33. Initiation of Special Use Applications. Sec.

13-34. Application Requirements.

Sec. 13-35. Sketch Plan.

Sec. 13-36. Development Statistics Required.

Sec. 13-37. Criteria for Rezoning Decisions.

Sec. 13-38. Criteria for Special Use Decisions.

Sec. 13-39. Application Compliance and Completeness.

Sec. 13-40. Administrative Processing of Applications.

Sec. 13-41. Concurrent Consideration of Applications.

Sec. 13-42. Investigations and Recommendation.

Sec. 13-43. Public Hearing Notice – Newspaper.

Sec. 13-44. Public Hearing Notice – Sign on Property.

Sec. 13-45. Public Hearing Notice – Surrounding Property Owners.

Sec. 13-46. Special Notice Requirements for Halfway Houses and Related Uses.

Sec. 13-47. Work Sessions.

Sec. 13-48. Public Hearings.

approval of a rezoning or special use, placing greater or additional requirements or restrictions on the property than provided in this development code in order to reduce an adverse development impacts and to protect the public health, safety, or general welfare.

Governing body: The Mayor and City Council of the City of Powder Springs, Georgia.

Planning Commission: The planning and zoning commission established by the code of ordinances of the City of Powder Springs.

Quasi-judicial officers, boards, or agencies' means an officer, board, or agency appointed by a local government to exercise delegated, quasi-judicial zoning powers including hearing appeals of administrative decisions by such officers, boards, or agencies and hearing an rendering decisions on applications for variances, special administrative permits, special exceptions, conditional use permits, or other similar permits not enumerated herein as a zoning decisions, pursuant to standards for the exercise of such quasi-judicial authority adopted by a local government.

Zoning decision' means final legislative action by a local government which results in:

(A) The adoption or repeal of a zoning ordinance;

(B) The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;

(C) The adoption or denial of an amendment to a zoning ordinance which rezones to rezone property from one zoning classification to another;

(D) The adoption or denial of an amendment to a zoning ordinance by a municipal local government which zones to zone property to be annexed into the municipality; or

(E) The grant or denial of a permit relating to a special use of property;

(F) The grant or denial of a variance or conditions concurrent and in conjunction with a decision pursuant to subparagraphs (C) or (E) of this paragraph.

Sec. 13-2. Incorporation Clause.

This article is intended to comply with the provisions of the Georgia Zoning Procedures Act, O.C.G.A. § 36-66 et. seq., which Act is incorporated by reference in its entirety into this article. Where any provision of this article is in conflict with any provision of the act, the act shall control. Or where this article is incomplete in having failed to incorporate a provision necessarily required for the implementation of the act, such provision of the act, so as to meet the mandate of the act, shall be fully complied with.

Sec. 13-3. Standards for Quasi-judicial officers, boards, or agencies appointed by the City of Powder Springs.

Any zoning decision, as defined in Sec. 13-1, shall include the criteria established in Sec. 13-37 and Sec. 13-38 of this chapter.

[Secs. 13-3 ~~4~~ to 13-10 Reserved].

Division II. Text Amendment. Sec.

13-11. Authority to Amend.

The governing body and Quasi-judicial officers, boards, or agencies' may from time to time amend any regulation pertaining to any zoning district; or may amend any other article or section of this development code.

Sec. 13-12. Initiation of Proposals for Text Amendments.

An application to amend the text of this development code may be initiated by:

- (a) The governing body;
- (b) The planning commission;
- (c) The community development director;
- (d) The director of public works, in the case of text amendments pertaining to article 21 of this development code;
- (e) The building inspector, in the case of text amendments pertaining to article 24 of this development code;
- (f) Any person, firm, corporation or agency, provided said individual, firm, corporation or agency is the owner or owner's agent of the property for which an amendment is sought, and further provided that the applicant has attended a pre-application meeting with the community development director.
- (g) Quasi-judicial officers, boards, or agencies' appointed by the City of Powder Springs

Sec. 13-13. Application Requirements.

Applications to amend the text of this development code shall require submittal of an application fee, application form, and proposed text amendment in a form approved in advance by the community development director. The community development director shall waive the application fee required by this section when an application is initiated by the governing body, planning commission, director of public works, building inspector, ~~or~~ the community development director, or Quasi-judicial officers, boards, or agencies'.

Sec. 13-14. ~~Limitation on Concurrent Consideration.~~

In cases where an applicant is proposing a text amendment to modify or create a new zoning district or to add a permitted or special use to an existing zoning district, and where the applicant also desires to rezone property to the new or modified zoning district (or establish a special use that may include a variance in accordance with the amendment), ~~the two applications shall not be considered concurrently,~~ there shall be only one hearing required in accordance with OCGA 36-66-4.

Sec. 13-15. Notice of Public Hearing.

- (a) **Planning Commission.** Prior to the date of the public hearing before the planning commission, if a hearing is to be held, the city may cause to be published within a newspaper of general circulation within the City a notice of the public hearing before the planning commission. The notice if published shall state the time, place, and purpose of the public hearing.
- (b) **Mayor and City Council.** At least fifteen (15) but not more than forty-five (45) days prior to the date of the public hearing before the governing body, the city shall cause to be published within a newspaper of general circulation within the City a notice of the public hearing before the governing body. The notice shall state the time, place, and purpose of the public hearing.
- (c) **Exemption.** Notice of public hearing shall not be required for amendments to article 21 or article 24 of this development code.

(d) A local government delegating decision-making power to a quasi-judicial officer, board, or agency shall provide for a hearing on each proposed action described in 13-1 of this chapter and paragraph (1.1) of OCGA 36-66-3. Notice of such hearing shall be provided at least 30 days prior to the quasi-judicial hearing, with such notice being made as provided for in Sec. 13-15 of this Code section and with additional notice being mailed to the owner of the property that is the subject of the proposed action.

(e)(1) Notwithstanding any other provisions of this chapter to the contrary, when a proposed

zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision must be adopted in the following manner:

(A) The zoning decision shall be adopted at two regular meetings of the local government making the zoning decision, during a period of not less than 21 days apart; and

(B) Prior to the first meeting provided for in subparagraph (A) of this paragraph, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required under subsection (a) of this Code section. The local government shall give notice of such hearing by:

(i) Posting notice on each affected premises in the manner prescribed by subsection (b) of this Code section; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and

(ii) Publishing in a newspaper of general circulation within the territorial boundaries of the local government a notice of each hearing at least 15 days and not more than 45 days prior to the date of the hearing.

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the local government and in the office of the clerk of the superior court of the county of the legal situs of the local government for the purpose of examination and inspection by the public. The local government shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

(2) The provisions of paragraph (1) of this subsection shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of a local government or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of a local government to multifamily residential uses of property.

(3) This subsection shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when

(a) the rezoning is initiated by the owner or authorized agent of the owner of such property.

Sec. 13-16. Work Sessions.

Work sessions of the planning commission and governing body may be convened from time-to-time to discuss pending matters prior to public hearings. Work sessions at which applications for text amendment are to be discussed shall be attended by the applicant or representative thereof with authority to make binding commitments to the City with respect to any stipulations that may be offered in connection with such application. Failure to attend the work session may result in the application being tabled one time. Failure to attend the rescheduled work session may result in denial of the application.

Sec. 13-17. Public Hearing.

- (a) **Planning Commission.** The planning commission may hold a public hearing on text amendments in accordance with the public hearing procedures specified in this article. The governing body may waive the requirement for public hearing, consideration, and action by the planning commission.
- (b) **Governing Body and Quasi-judicial officers, boards, or agencies'**. The governing body and Quasi-judicial officers, boards or agencies' shall hold a public hearing on all text amendments in accordance with the public hearing procedures specified in this article.
- (c) **Exemption.** A public hearing shall not be required for amendments to article 21 or article 24 of this development code. Amendments to article 21 or 24 of this development code may be considered just the same as any other amendment to the City's Code of Ordinances.

Sec. 13-18. Recommendation and Decision.

- (a) **Planning Commission recommendation.** Unless review and recommendation by the planning commission is waived by the City Council, within a period of 32 calendar days from the date of the planning commission's scheduled meeting on any such application, the planning commission shall provide a recommendation on the application. The planning commission may recommend approval or disapproval of the proposed text amendment, or it may recommend modifications of the text amendment originally proposed.
- (b) **Governing Body decision.** Within a period of 65 calendar days from the date of the public hearing held by the governing body on any such application, the Governing Body shall render a decision on the application. The governing body may approve or disapprove the proposed text amendment as written, or it may approve modifications of the text amendment originally proposed.

- (c) **Information.** In rendering a decision on any such application, the governing body shall consider all information supplied by the community development director, the planning commission, and the applicant if different.

- (d) **Criteria.** The planning commission and the governing body shall consider the following standards in considering any proposal that would result in a change to the text of this development code (except articles 21 and 24), giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:
 - 1. Is the proposed amendment consistent with the purpose and intent of this development code?
 - 2. Does the proposed amendment further the purpose and intent of the comprehensive plan, or is it needed to properly implement the comprehensive plan?
 - 3. Is the proposed amendment needed to address new or changing conditions?
 - 4. Does the proposed amendment reasonably promote the public health, safety, morality or general welfare?

- (e) **Exemption.** Review of and recommendation by the planning commission shall not be required for amendments to article 21 or article 24 of this development code.

Sec. 13-19. Withdrawal of Text Amendment.

Any application for an amendment to the text of this development code may be withdrawn at any time at the discretion of the person or agency initiating such a request, upon written notice to the community development director.

Sec. 13-20. Notice of Action.

When a text application is filed by a property owner, the community development director shall notify the applicant of the recommendation of the planning commission on the application, if required, and action taken by the governing body on the application.

[Secs. 13-21 to 13-30 Reserved]. Division

III. Rezoning and Special Uses. Sec. 13-

31. Authority to Amend.

The governing body and Qausi-judicial officers, boards, or agencies' appointed by the City of Powder Springs may from time to time amend the boundaries of any zoning district or overlay

district established in this development code, and may amend the boundaries of any other map adopted in or adopted by reference by this development code.

Sec. 13-32. Initiation of Proposals for Rezoning.

An application to amend the official zoning map of the City, thus changing the boundaries of a zoning district or overlay district, may be initiated by the governing body, Qausi-judicial officers, boards, or agencies' appointed by the City of Powder Springs or by any person, firm, corporation or agency, provided said individual, firm, corporation or agency is the owner or owner's agent of the property for which an amendment is sought.

Sec. 13-33. Initiation of Special Use Applications.

An application for special use may be initiated by any person, firm, Qausi-judicial offices, boards, or agencies' appointed by the City of Powder Springs, corporation or agency, provided said individual, firm, corporation or agency is the owner or owner's agent of the property for which the special use is sought.

Sec. 13-34. Application Requirements.....

Sec. 13-37. Criteria for Rezoning Decisions.

Applications to amend the official zoning map shall provide a written analysis comparing the proposed action with the criteria in this section. The planning commission and the governing body will take into consideration these standards in making a recommendation and decision, respectively, on a rezoning application.

- (a) Whether the proposed zoning district and uses within that district are compatible with the purpose and intent of the comprehensive plan. The future development map and the future land use plan map of the city's comprehensive plan shall be used in decision-making relative to amendments to the official zoning map, in accordance with Table 13-1:

**Table 13-1
Zoning Districts Consistency with Future
Development and Future Land Use Categories of
the Comprehensive Plan**

Future Development Map Category	Future Land Use Map Category	Consistent Zoning Districts
Parks / Recreation / Conservation	Parks / Recreation / Conservation	R-30, R-20, R-15
Suburban Residential Neighborhoods	Low Density Residential	R-30, R-20, R-15, MXU
Village Center Residential	Medium Density Residential	R-30, R-20, R-15, MDR, MXU
Town Center Mixed Use	Downtown Activity Center	CBD, MXU

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Neighborhood Activity Center	Neighborhood Activity Center	NRC, O-I, MXU
Community Activity Center	Community Activity Center	NRC, CRC, OP, MXU
Professional Employment Center	Office Professional	O-I, BP
	Community Service/ Institutional	O-I
Industrial Areas	Industrial Compatible	O-I, BP, LI
	Industrial	O-I, BP, LI, HI

- (b) Whether the proposed zoning district and uses permitted within that district are suitable in view of the zoning and development of adjacent and nearby property;
- (c) Whether the existing use or usability of adjacent or nearby property will be adversely affected by one or more uses permitted in the requested zoning district;
- (d) Whether there are substantial reasons why the property cannot or should not be used as currently zoned;
- (e) Whether public facilities such as roads, schools, water and sewer utilities, and police and fire protection will be adequate to serve the proposed zoning district and uses permitted;
- (f) Whether the proposed zoning district and uses permitted within that zoning district are supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties; and
- (g) Whether the proposed zoning district and uses permitted within that zoning district reflect a reasonable balance between the promotion of the public health, safety, morality or general welfare and the right to unrestricted use of property.

Sec. 13-38. Criteria for Special Use Decisions.

Applications for special use shall provide a written analysis comparing the proposed action with the criteria in this section. The planning commission and the governing body will take into consideration these standards in making a recommendation and decision, respectively, on a special use application.

- (a) Whether the proposed special use is consistent with the stated purpose of the zoning district in which it will be located;
- (b) Whether the establishment of the special use will impede the normal and orderly development of surrounding property for uses predominate in the area;
- (c) Whether the location and character of the proposed special use are consistent

with a desirable pattern of development in general;

- (d) Whether the type of street providing access to the use is or will be adequate to serve the proposed special use;
- (e) Whether access into and out of the property is or will be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles;
- (f) Whether public facilities such as schools, water or sewer utilities, and police or fire protection are or will be adequate to serve the special use;
- (g) Whether refuse, service, parking and loading areas on the property will be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor;
- (h) Whether the hours and manner of operation of the special use will have adverse effects on other properties in the area; and
- (i) Whether the height, size or location of the buildings or other structures on the property are or will be compatible with the height, size or location of buildings or other structures on neighboring properties.

Sec. 13-40. Administrative Processing of Applications.

The community development director is hereby authorized to establish administrative deadlines for the receipt of applications specified in this division. Upon a finding by the community development director that an application is complete and complies with the requirements of this division and administrative deadlines, the application shall be marked received and approved for initiation, and the date of such consideration shall be indicated in the file of the application.

Sec. 13-41. Concurrent Consideration of Applications.

In cases where an applicant is proposing a rezoning (i.e., amendment to the official zoning map), and where the applicant files an application to obtain a special use at the same time of filing a rezoning application, the two applications may be processed simultaneously in accordance with Sec. 13-14 and OCGA 36-66-4, ~~but the special use application shall not be voted on until the rezoning application is voted on (which may be the same public hearing or meeting), since the special use would not otherwise be permitted without the rezoning.....~~

Sec. 13-43. Public Hearing Notice – Newspaper.

- (d) **Planning Commission.** Prior to the date of the public hearing before the planning commission, the city may cause to be published within a newspaper of general

circulation within the City a notice of the work session and public hearing before the planning commission. The notice if provided shall state the time, place, and purpose of the public hearing and shall include the location of the property. For rezoning applications, the notice shall include the existing zoning classification and the proposed zoning classification of the property.

- (e) **Mayor and City Council.** At least 15 but not more than 45 days prior to the date of the public hearing before the governing body, the city shall cause to be published within a newspaper of general circulation within the City a notice of the work session and public hearing before the governing body. The notice shall state the time, place, and purpose of the public hearing and shall include the location of the property. For rezoning applications, the notice shall include the existing zoning classification and the proposed zoning classification of the property. For special use applications, the notice shall include the existing zoning classification and the proposed special use.
- (f) **Quasi-judicial officers, boards, or agencies.** Public hearing notice shall be provided in accordance with Sec. 13-15 of this chapter and OCGA 36-66-4.

Sec. 13-44. Public Hearing Notice – Sign on Property.

- (a) **Requirement and locations.** The applicant shall be required to post and maintain signs supplied by the City on or near the right-of-way of the nearest public street, so as to be visible from the street for at least 15 days and not more than 45 days immediately preceding the date for the governing body’s public hearing on the rezoning or special use application. Signs providing notice of hearings by Quasi-judicial officers, boards, or agencies’ shall be erected in accordance with OCGA36-66-4. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the rezoning or special use approval has been requested. If the property has no street frontage, the sign shall be placed on each street where access to the property will be gained.
- (b) **Content.** The sign providing notice shall state the time, place, and purpose of the public hearing and shall include the location of the property. For rezoning applications, the notice shall include the existing zoning classification and the proposed zoning classification of the property.
- (c) **Time period.** It is the responsibility of the applicant to post the signs and to maintain the signs during the posting period. Said signs pertaining to the governing body’s public hearing shall remain posted until a final decision by the governing body has been rendered.
- (d) **Consequences of non-maintenance.** Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing. In the event the signs are not posted continuously, the City, in its sole discretion, may require

the reposting and readvertising prior to any future public hearing, for which the applicant shall pay an additional readvertising fee. The City may also in its sole discretion, continue, hold, approve, or dismiss the application. Any dismissal under the provisions of this paragraph shall be with prejudice unless specifically noted as being without prejudice by the City.

Sec. 13-45. Public Hearing Notice – Surrounding Property Owners.

- (a) Prior to the public hearing before the planning commission, the applicant may be required by the community development director to mail a notice to all persons owning property located in whole or in part within 200 feet of any portion of the property that is the subject of the rezoning or special use.
- (b) The written notice, if provided, is to be mailed to the property owners as such names and addresses appear on the County's current ad valorem tax records.
- (c) The notice if provided shall state the time, place, and purpose of the work sessions and public hearings before the planning commission and governing body and shall include the location of the property. For rezoning applications, the notice if provided shall include the existing zoning classification and the proposed zoning classification of the property. For special use applications, the notice if provided shall include the existing zoning classification and the proposed special use. In addition, the notice if provided shall include a page size copy of the sketch plan submitted with the application.
- (d) When required to provide notices per this section, the applicant shall submit an affidavit to the community development director or designee prior to the public hearing before the planning commission, listing the property owners and certifying the date that the notices were mailed.
- (e) Notices of hearings by Quasi-judicial officers, boards, or agencies 'provided to surrounding property owners shall be in accordance with OCGA 36-66-4.

Sec. 13-51. Notice of Action.

When a rezoning or special use application is filed by a property owner, the community development director shall notify the applicant of the recommendation of the planning commission on the application, and action taken by the Governing Body.

Sec. 13-52. Finality and Legal Recourse.

~~A decision of the governing body with regard to a rezoning or special use application shall be final and may be appealed only to a court of competent jurisdiction. Such appeal must be taken within 30 days of the decision of the governing body. Reconsideration of an action on a rezoning~~

~~or special use application under court order shall follow the same procedures of this division as though a new application.~~

(a) To ensure that the general public is afforded due process in an orderly way to petition the courts for review of a local government's exercise of zoning, administrative, or quasi-judicial powers as guaranteed by Article I, Section I, Paragraphs IX and XII of the Constitution, the General Assembly, pursuant to its authority under Article VI, Section IV, Paragraph I of the Constitution, provides the following mechanism by which each of the powers described in this chapter may be reviewed by the superior court of the county wherein such property is located:

(1) Zoning decisions as described in this chapter (Sec. 13-1), being legislative in nature, shall be subject to direct constitutional challenge regarding the validity of maintaining the existing zoning on the subject property or the validity of conditions or an interim zoning category other than what was requested in the superior court pursuant to its original jurisdiction over declaratory judgments pursuant to Chapter 4 of Title 9 and equity jurisdiction under Title 23. Such challenges shall be by way of a de novo review by the superior court wherein such review brings up the whole record from the local government and all competent evidence shall be admissible in the trial thereof, whether adduced in a local government process or not and employing the presumption that a governmental zoning decision is valid and can be overcome substantively by a petitioner showing by clear and convincing evidence that the zoning classification is a significant detriment to the petitioner and is insubstantially related to the public health, safety, morality, or general welfare; or

(2) Quasi-judicial decisions as described in this chapter and zoning decisions under subparagraph (E) of paragraph (4) of Code Section 36-66-3 shall be subject to appellate review by the superior court pursuant to its appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition for such review as provided for in Title 5. Such matters shall be reviewed on the record which shall be brought to the superior court as provided in Title 5.

(b) All such challenges or appeals shall be brought within 30 days of the written decision of the challenged or appealed action.

(c) To ensure that the citizens of this state are not unnecessarily burdened by the review process as a mechanism of appeal, local governments shall designate by ordinance or resolution:

(1) The officer of the quasi-judicial board or agency who shall have authority, without additional board or agency action, to approve or issue any form or certificate necessary to perfect the petition described in Title 5 for review of lower judicatory bodies and upon whom service of such petition may be effected or accepted on behalf of the lower judicatory board or agency, during normal business hours, at the regular offices of the local government; and

(2) The elected official or his or designee who shall have authority to accept service and upon whom service of an appeal of a quasi-judicial decision may be effected or accepted on behalf of the local governing authority, during normal business hours, at the regular offices of the local government.

(d) An appeal or challenge by an opponent filed pursuant to this chapter shall stay all legal proceedings in furtherance of the action appealed from or challenged, unless the local

government, officer, board, or agency from which or from whom the appeal or challenge is taken certifies that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such actions, the applicant for the zoning decision or the quasi-judicial decision shall be a necessary party and shall be named as a defendant in the action and served in accordance with the requirements of Title 5 or Title 9, as appropriate.

Sec. 13-53. Limitations on the Frequency of Filing Applications.....

financial consultant for preparing or updating the capital improvement element, and administrative costs, provided that such administrative costs shall not exceed 3% of the total amount of development impact fee receipts. Projected interest charges and other finance costs may be included if the development impact fees are to be used for the payment of principal and interest on bonds, notes, or other financial obligations issued by or on behalf of the municipality or county to finance the capital improvements element but such costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.

System improvements: Capital improvements that are public facilities and are designed to provide service to the community at large, in contrast to "project improvements."

Sec. 17-6. Imposition of public safety development impact fee.

- (a) Any person who, after the effective date of this article seeks to develop land within the City of Powder Springs, Georgia, by applying for a building permit, is hereby required to pay a public safety development impact fee in the manner and amount set forth in this article.
- (b) No new building permit for any activity requiring payment of an development impact fee pursuant to this article shall be issued unless and until the public safety development impact fee hereby required has been paid.

Sec. 17-7. Computation of the amount of public safety development impact fee.

(a) At the option of the applicant, the amount of the public safety development impact fee shall be determined by the following fee schedule, or pursuant to subsection (b) below:

Public Safety Development Impact Fee Schedule

For developments currently under development that have had building permits issued as of 8/21/2023

LAND USE	FEE
Per Detached, Single-family Dwelling Unit	\$669.36
Per Attached Dwelling Unit or Apartment	\$401.61
Walk-in Bank per FT ²	\$0.37
Drive-Thru Bank per FT ²	\$0.41
Mini-Warehouse per FT ²	\$0.02
Hotel/Motel per Room	\$233.66
Movie Theatre per FT ²	\$1.79
Religious Facility per FT ²	\$0.11
Day Care Center per FT ²	\$0.24
Restaurant per FT ²	\$0.94
Restaurant with Drive-Thru per FT ²	\$1.18
Car Sales per FT ²	\$0.49
Offices per FT ²	\$0.16
Medical Buildings:	
Medical Offices per FT ²	\$0.26
Hospitals per FT ²	\$0.28
Nursing Homes per FT ²	\$0.12
Industrial Buildings:	
Gen. Industrial per FT ²	\$0.13

Warehouse/Storage per FT ²	\$0.06
General Commercial/Retail per FT ² :	\$0.34
Pharmacy with Drive-Through per FT ²	\$0.21
Service Station per Fueling Station	\$380.50
Convenience Retail per FT ²	\$1.08

For subdivisions that have submitted full land disturbance permit application as of 8/21/2023.

LAND USE	FEE
<u>Per Detached, Single-family Dwelling Unit</u>	<u>\$801.62</u>
<u>Per Attached Dwelling Unit or Apartment</u>	<u>\$453.81</u>
<u>Walk-in Bank per FT²</u>	<u>\$0.44</u>
<u>Drive-Thru Bank per FT²</u>	<u>\$0.49</u>
<u>Mini-Warehouse per FT²</u>	<u>\$0.02</u>
<u>Hotel/Motel per Room</u>	<u>\$279.83</u>
<u>Movie Theatre per FT²</u>	<u>\$2.14</u>
<u>Religious Facility per FT²</u>	<u>\$0.13</u>
<u>Day Care Center per FT²</u>	<u>\$0.33</u>
<u>Restaurant per FT²</u>	<u>\$1.12</u>
<u>Restaurant with Drive-Thru per FT²</u>	<u>\$1.41</u>
<u>Car Sales per FT²</u>	<u>\$0.58</u>
<u>Offices per FT²</u>	<u>\$0.19</u>
<u>Medical Buildings:</u>	
<u>Medical Offices per FT²</u>	<u>\$0.31</u>
<u>Hospitals per FT²</u>	<u>\$0.33</u>
<u>Nursing Homes per FT²</u>	<u>\$0.14</u>
<u>Industrial Buildings:</u>	
<u>Gen. Industrial per FT²</u>	<u>\$0.15</u>
<u>Warehouse/Storage per FT²</u>	<u>\$0.07</u>
<u>General Commercial/Retail per FT²:</u>	<u>\$0.40</u>
<u>Pharmacy with Drive-Through per FT²</u>	<u>\$0.25</u>
<u>Service Station per Fueling Station</u>	<u>\$455.68</u>
<u>Convenience Retail per FT²</u>	<u>\$1.29</u>

For all other developments including new construction in existing subdivisions

LAND USE	FEE
<u>Per Detached, Single-family Dwelling Unit</u>	<u>\$951.52</u>
<u>Per Attached Dwelling Unit or Apartment</u>	<u>\$538.67</u>
<u>Walk-in Bank per FT²</u>	<u>\$0.52</u>
<u>Drive-Thru Bank per FT²</u>	<u>\$0.58</u>
<u>Mini-Warehouse per FT²</u>	<u>\$0.02</u>
<u>Hotel/Motel per Room</u>	<u>\$332.15</u>
<u>Movie Theatre per FT²</u>	<u>\$2.54</u>
<u>Religious Facility per FT²</u>	<u>\$0.15</u>
<u>Day Care Center per FT²</u>	<u>\$0.39</u>
<u>Restaurant per FT²</u>	<u>\$1.32</u>
<u>Restaurant with Drive-Thru per FT²</u>	<u>\$1.67</u>

<u>Car Sales per FT²</u>	<u>\$0.68</u>
<u>Offices per FT²</u>	
<u>Medical Buildings:</u>	<u>\$0.36</u>
<u>Medical Offices per FT²</u>	<u>\$0.39</u>
<u>Hospitals per FT²</u>	<u>\$1.32</u>
<u>Nursing Homes per FT²</u>	<u>\$0.16</u>
<u>Industrial Buildings:</u>	
<u>Gen. Industrial per FT²</u>	<u>\$0.17</u>
<u>Warehouse/Storage per FT²</u>	<u>\$0.08</u>
<u>General Commercial/Retail per FT²:</u>	<u>\$0.47</u>
<u>Pharmacy with Drive-Through per FT²</u>	<u>\$0.29</u>
<u>Service Station per Fueling Station</u>	<u>\$540.89</u>
<u>Convenience Retail per FT²</u>	<u>\$1.53</u>

- (1) If a building permit is requested for mixed uses, then the fee shall be determined through using the above schedules by apportioning the space committed to uses specified on the schedules.
 - (2) If the type of development activity that a building permit is applied for is not specified on the above fee schedules, the impact fee administrator shall use the fee applicable to the most nearly comparable type of land use on the above fee schedules. The impact fee administrator shall be guided in the selection of a comparable type by the City of Powder Springs comprehensive plan, supporting documents of the City of Powder Springs comprehensive plan, and the City of Powder Springs unified development code. If the impact fee administrator determines that there is no comparable type of land use on the above fee schedules then the impact fee administrator shall determine the appropriate fee by considering demographic or other documentation which is available from the City of Powder Springs community development department, and state and regional authorities.
 - (3) In the case of a change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a building permit, the development impact fee shall be based upon the net positive increase in the development impact fee for the new use as compared to the previous use. The impact fee administrator shall be guided in this determination by the sources listed in subsection (2) above.
- (b) If an applicant opts not to have the public safety development impact fee determined according to subsection (a) of this section, then the applicant shall prepare and submit to the impact fee administrator an independent fee calculation study for the land development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. The impact fee administrator shall consider the documentation submitted by the applicant but is not required to accept such documentation as he/she shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the applicant to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the applicant shall pay public safety development impact fees based upon the schedule shown in subsection (a) of this section. If an acceptable independent fee calculation study is presented, the impact fee administrator may adjust the fee to that appropriate to the particular development. Determinations made by the impact fee administrator pursuant to this subsection may be appealed to the City Council by filing a written request with the City Manager within 10 days of the impact fee administrator's decision.
- (c) In addition to all impact fees determined under subsection (a) (as updated) or (b) above, an administrative fee of 3% of said fee shall also be paid.
- (d) On the request of an applicant, the impact fee administrator shall certify the public safety development impact fee schedule or public safety development impact fees resulting from an individual assessment,

ARTICLE 18. PARK AND RECREATION DEVELOPMENT IMPACT FEES

Sec. 18-7. Computation of the amount of park and recreation development impact fee.

- (a) At the option of the applicant, the amount of the park and recreation development impact fee shall be determined by the following fee schedule, or pursuant to subsection (b) below:

Park and Recreation Development Impact Fee Schedule:

For developments currently under development that have had building permits issued as of 8/21/2023

Per Detached, Single-Family Dwelling Unit	\$1,449.11
Per Attached Dwelling Unit or Apartment	\$869.46

For subdivisions that have submitted full land disturbance permit application as of 8/21/2023.

<u>Per Detached, Single-Family Dwelling Unit</u>	<u>\$1,735.46</u>
<u>Per Attached Dwelling Unit or Apartment</u>	<u>\$982.48</u>

For all other developments including new construction in existing subdivisions

<u>Per Detached, Single-Family Dwelling Unit</u>	<u>\$2,059.99</u>
<u>Per Attached Dwelling Unit or Apartment</u>	<u>\$1,166.20</u>

- (1) If a building permit is requested for mixed uses, then the fee shall be determined through using the above schedule by apportioning the space committed to uses specified on the schedule.
- (2) In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a building permit, the development impact fee shall be based upon the net positive increase in the development impact fee for the new use as compared to the previous use.
- (b) If an applicant opts not to have the park and recreation development impact fee determined according to subsection (a) of this section, then the applicant shall prepare and submit to the impact fee administrator an independent fee calculation study for the land development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. The impact fee administrator shall consider the documentation submitted by the applicant but is not required to accept such documentation as he/she shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the applicant to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the applicant shall pay park and recreation development impact fees based upon the schedule shown in subsection (a) of this section. If an acceptable independent fee calculation study is presented, the impact fee administrator may adjust the fee to that appropriate to the particular development. Determinations made by the impact fee

ARTICLE 21
STANDARD DESIGN SPECIFICATIONS

Division I. Generally.

- Sec. 21-1. Standard Design Specifications.
- Sec. 21-2. Other Design Specifications.
- [Secs. 21-3 to 21-10 Reserved].

Division II. Streets.

- Sec. 21-11. Street Base and Pavement Requirements.
- Sec. 21-12. Minimum Sight Distance.
- Sec. 21-13. Vertical Curves.
- Sec. 21-14. Horizontal Alignment.
- Sec. 21-15. Tangents.
- Sec. 21-16. Temporary Turnaround.
- Sec. 21-17. Curb and Gutter.
- Sec. 21-18. Slopes and Shoulder Improvements.
- Sec. 21-19. Specifications for Acceleration/Deceleration Lanes.
- [Secs. 21-20 to 21-30 Reserved].

Division III. Utilities Generally.

- Sec. 21-31. Utility Plans.
- Sec. 21-32. Underground Utilities.
- Sec. 21-33. Pavement Cuts.
- [Secs. 21-34 to 21-40 Reserved].

Division IV. Storm Drainage.

- Sec. 21-41. Storm Design Standard.
- Sec. 21-42. Method of Sizing Detention Ponds.
- Sec. 21-43. Emergency Overflow Device.
- Sec. 21-44. Discharge Locations.
- Sec. 21-45. Hydrology Study.
- Sec. 21-46. Pond Tie-in to Existing Pipe.
- Sec. 21-47. Slopes.
- Sec. 21-48. Pond Depth.
- Sec. 21-49. Pipe Slopes.
- Sec. 21-50. Pipe Sizing.
- Sec. 21-51. Design Standard for Catch Basins.
- Sec. 21-52. Street Runoff Design Standard.
- Sec. 21-53. Subdrainage.
- Sec. 21-54. Bridges.
- Sec. 21-55. Riprap.
- Sec. 21-56. Exit Velocity.
- Sec. 21-57. Breach Analysis for Lakes.
- Sec. 21-58. Cross-drain Pipes.
- Sec. 21-59. Inlet and Outlet Specifications.

- Sec. 21-60. Storm Pipe Length.
- Sec. 21-61. Junction Boxes.
- Sec. 21-62. Stormwater Ditches.
- Sec. 21-63. Pipe Materials.
- Sec. 21-64. Pipe Installation and Maintenance.
- Sec. 21-65. Minimum Clearance.
- Sec. 21-66. Trench Construction.
- Sec. 21-67. Driveway Culverts.
- Sec. 21-68. Field Changes.
- [Sec. 21-69. Runoff Reduction Infeasibility \(RRI\) Form for Determination of Infeasibility](#)
- [Secs. 21-~~69~~ [70](#) and 21-70 Reserved].

Division V. Public Water System.

- Sec. 21-71. Residential Water Supply Pressure.
- Sec. 21-72. Fire Protection.
- Sec. 21-73. Minimum Required Fire Flow.
- Sec. 21-74. Fire Hydrant Spacing.
- Sec. 21-75. Water Main Size.
- Sec. 21-76. Waiver of Water Main Size Requirements.
- Sec. 21-77. Pressure Testing.
- Sec. 21-78. Water Meters.
- Sec. 21-79. Location of Water Lines.
- Sec. 21-80. Service Laterals.
- Sec. 21-81. Private Fire Service Systems.
- Sec. 21-82. Ductile Iron Pipe.
- Sec. 21-83. Copper Tubing for Water Service.
- Sec. 21-84. Steel Casing Pipe.
- Sec. 21-85. Pipe Fittings.
- Sec. 21-86. Butterfly Valves.
- Sec. 21-87. Gate Valves.
- Sec. 21-88. Valve Boxes.
- Sec. 21-89. Air and Vacuum Relief Valve Assemblies.
- Sec. 21-90. Fire Hydrants.
- Sec. 21-91. Tapping Saddles.
- Sec. 21-92. Mechanical Joint Plugs.
- Sec. 21-93. Pipe Connection Couplings.
- Sec. 21-94. Curb Stops.
- Sec. 21-95. Corporation Cocks.
- Sec. 21-96. P.V.C. Casing Pipe.
- Sec. 21-97. Meter Boxes (5/8-inch by 3/4-inch).
- Sec. 21-98. Tapping Valves.
- Sec. 21-99. Tapping Sleeves (Tees).
- [Secs. 21-100 to 21-110 Reserved].

Sec. 21-65. Minimum Clearance.....

Sec. 21-68. Field Changes.

Changes in construction plans caused by field conditions shall be made at the direction of the public works director, with the cost of such changes to be paid by the developer.

Sec. 21-69. Runoff Reduction Infeasibility (RRI) Form for Determination of Infeasibility.

[Insert Local Jurisdiction Name]
**Runoff Reduction Infeasibility (RRI) Form for
Determination of Infeasibility**

Design Professional Primary Contact (Name/Email/Phone): _____

Description of Site/Land Development Application Number: _____

Address: _____

Size (acres): _____

Maximum Practicable Runoff Reduction Volume*: _____

**If any of the stormwater runoff volume generated by the first 1.0" of rainfall cannot be reduced or retained on the site, due to site characteristics or constraints, the remaining volume shall be increased by a multiplier of 1.2 and shall be intercepted and treated in one or more best management practices that provide at least an 80 percent reduction in total suspended solids.*

GENERAL SUPPORTING DOCUMENTATION

All General Supporting Documentation must be included with this RRI Form for the submittal for a Determination of Infeasibility to be considered complete. Please check each item below to confirm it has been included in the submittal package.

- Stormwater Concept Plan that has been developed based on site analysis, and natural resources inventory (including impracticability) in accordance with Section 2.4.2.5 of the GSMM
 - GSMM Stormwater Quality Site Development Review Tool for the Stormwater Concept Plan
 - Please include justification that the site cannot accommodate best management practices that rely on evapotranspiration and reuse such as rainwater harvesting or green roofs
-

SITE CONDITION APPLICABILITY

(descriptions are in Policy on Practicability Analysis for Runoff Reduction)

Please check each applicable item below and confirm the supporting documentation has been included in the submittal for a Determination of Infeasibility.

<u>Site Condition</u>	<u>Supporting Documentation</u>
<input type="checkbox"/> <u>Soil Infiltration Rate</u>	<u>Infiltration test(s), Soil Boring Log(s), and Report of results as interpreted by a Professional Engineer, Professional Geologist, or Soil Scientist licensed in Georgia</u>
<input type="checkbox"/> <u>Water Table</u>	<u>Soil Boring Log(s) and Report with results of the seasonal high-water table assessment as interpreted by a Professional Engineer, Professional Geologist, or Soil Scientist licensed in Georgia</u>
<input type="checkbox"/> <u>Bedrock</u>	<u>Soil Boring Log(s) and Report with results of the shallow bedrock assessment as interpreted by a Professional Engineer, Professional Geologist, or Soil Scientist licensed in Georgia</u>
<input type="checkbox"/> <u>Extreme Topography</u>	<u>Site survey showing 50% of the site is steeper than 3:1 slopes as interpreted by a Professional Engineer or Land Surveyor licensed in Georgia AND Stormwater Concept Plan showing the proposed post-development condition will not change from the site survey</u>
<input type="checkbox"/> <u>Karst Topography</u>	<u>Report developed by a Professional Engineer, Professional Geologist, or Soil Scientist licensed in Georgia</u>
<input type="checkbox"/> <u>Hotspots/ Contamination</u>	<u>Phase I Environmental Assessment Report</u>
<input type="checkbox"/> <u>Historic Resources</u>	<u>Documentation of the NAHRGIS listing</u> <u>OR</u> <u>Report of assessment from a Preservation Professional (including Archaeologist, Architectural Historian, Historian, Historic Preservationist, or Historic Preservation Planner)</u>
<input type="checkbox"/> <u>Site Constraints</u>	<u>Site Plan identifying all development requirements (e.g. zoning side/front setbacks, build-to-lines, stream buffers, floodplains, septic fields) that are creating irreconcilable conflicts with on-site runoff reduction</u>
<input type="checkbox"/> <u>Economic Hardship*</u>	<u>An estimated cost comparison of proposed runoff reduction practices compared to the proposed water quality practices must be included to demonstrate an economic hardship and must show the cost of providing runoff reduction is a minimum of three times greater than the cost of providing water quality practices</u>

* Note: A Determination of Infeasibility cannot be granted solely for economic hardship and must be present with another site condition. Additionally, a Determination of Infeasibility for economic hardship may only be allowed for up to 50% runoff reduction volume.

STORMWATER RUNOFF QUALITY/ REDUCTION SUMMARY

Maximum Practicable Runoff Reduction Volume*: _____

Remainder of Volume treated by Water Quality Best Management Practice: _____

**If any of the stormwater runoff volume generated by the first 1.0" of rainfall cannot be reduced or retained on the site, due to site characteristics or constraints, the remaining volume shall be increased by a multiplier of 1.2 and shall be intercepted and treated in one or more best management practices that provide at least an 80 percent reduction in total suspended solids.*

Design Professional Printed Name _____

Design Professional Signature _____

FOR [INSERT LOCAL JURISDICTION NAME] USE ONLY

APPROVED

APPROVED with
conditions _____

DENIED _____

Reviewer: _____

(Print Name)

(Signature)

(Date)

[Secs. 21-69 **70** and 21-70 Reserved

Index to the Unified Development Code

SUBJECT	ARTICLE, DIVISION, SECTION
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Lighting, architectural	Sec. 5-58
Lighting, exterior (including parking lots)	Sec. 5-38; Sec. 6-60
Lighting, exterior (residential infill)	Sec. 5-89
Lighting, streets	Sec. 8-76
Litter control	Article 20
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Lot frontage, minimum	Sec. 1-21; Tables 2-2 and 2-4
Lot of record	Secs. 1-13; 1-7; 1-61; 1-67; 1-69; 4-145; 4-415; and 15-18
Lot size, minimum	Sec. 1-23; Tables 2-2 and 2-4
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Nonconforming situations	Sec. 1-69
Nonconforming situations, at time of annexation	Sec. 13-64
Nonconforming situations, correction of	Sec. 1-70
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