

ORDINANCE 2021-004  
EXHIBIT A

Division IV. Overlay Districts.  
Sec. 2-31. Downtown Redevelopment Overlay

(a) Purpose

The Downtown Redevelopment Overlay shall apply to all properties within the Livable Centers Initiative (“LCI”) Plan study area identified in 2016 LCI application **and the Urban Redevelopment Plan approved in November 2020**, as shown on the Official Zoning Map. The purpose of this district is to provide for appropriate planned development of quality mixed-use projects within the City of Powder Springs LCI study **and redevelopment** area by allowing greater freedom of design, by improving the opportunity for flexibility and creativity in the land development process, by undertaking techniques which foster community and pedestrianism, and by limiting the expenditure of public funds in an effort to achieve the objectives and intent of the City’s Comprehensive Plan and LCI Plan **and Urban Redevelopment Plan**.

Specifically, this district is intended to:

1. Allow diversification of uses, structures, densities and open spaces when not in conflict with existing and permitted land uses on abutting properties.
2. Reduce development costs through a more efficient use of land and a smaller network of utilities and streets than is possible through the application of standards contained in conventional land development regulations.
3. Conserve the natural amenities of the land by encouraging the preservation of environmentally significant, scenic and functional open space.
4. Provide maximum opportunity for the application of innovative site planning concepts and the creation of aesthetically pleasing environments for living, shopping, playing and working on properties of adequate size, shape and location.
5. Ensure that development will occur according to the advantages and limitations of land, site design, population density, building coverage, improvement standards, and construction phasing as authorized through the approval of a comprehensive site development plan.
6. Provide a mechanism to incorporate and implement the goals and intent of the City of Powder Springs Comprehensive Plan and LCI Plan **and Urban Redevelopment Plan**.
7. Encourage transportation alternatives, including walking and land use patterns that reduce the need to drive.
8. Increase the amount of open space, public meeting areas, and recreational uses.
9. Provide a tool for improved development through creative design and an appropriate mix of land uses.

(b) Minimum Design Requirements

1. All projects must be reasonably consistent with the goals and intents of the City of Powder Springs Comprehensive Plan, the LCI Plan **and the Urban Redevelopment Plan**.
2. Within this Overlay, the City Council may approve alternatives standards to those in the Unified Development Code for lot sizes, lot widths, building setbacks, densities, parking requirements, right-of-way widths, street widths, buffers, and other components. Alternative standards must be expressly submitted and reviewed as part of an overall plan, in accordance with the procedures found in Article 2, Zoning Districts and Official Zoning Map, City of Powder

Springs Unified Development Code. Alternative standards must support the policies in the Comprehensive Plan and the LCI **and Redevelopment Plan** vision.

3. The City will not consider variances to standards or regulations of other regulating jurisdictions, such as erosion control regulations, fire codes, floodplain control, stream buffers, or other similar regulations, without the express written consent and approval of applicable jurisdiction. Furthermore, said consent shall not guarantee nor require the City to waive any or all requirements.

4. All projects should incorporate interconnectivity, pedestrian-friendly improvements, good design, architectural detail, and appropriate scale. Where appropriate, separate land uses are encouraged to be integrated both horizontally and vertically.

5. At a minimum all projects shall include and/or incorporate the following components:

a. All Planned Mixed-Use development projects must have a minimum of two discrete type of land use (commercial and single-family, recreational and multi-family, etc.).

b. All projects must be designed and incorporated together to provide a harmonious transition from one use to another. Common architecture, themes, significant natural features, connectivity and other items must be included.

c. A functional town center, community green, park, or other focal point must be included to create character and identity.

d. Interconnections to adjoining property, whether developed or undeveloped, should be included and incorporated into the design where appropriate.

e. All projects should have adequate and appropriate access.

f. Other standards, as outlined in the City of Powder Springs Comprehensive Plan, Design Guidelines, and LCI Plan **and Urban Redevelopment Plan** which are appropriate for the site's specific location and character area should be included. When determining the appropriateness and viability of a proposed project, the City shall consult the City of Powder Springs Comprehensive Plan and LCI Plan **and Urban Redevelopment Plan**. Projects that prove that the use of innovative or creative design will benefit the City may be considered for said district.

#### (c) Uses Permitted

All uses permitted shall be as determined by City Council at the time of project review and approval.

#### (d) Development Standards

1. The minimum site area shall be two (2) acres of contiguous land area.

2. No use, setback, height, and coverage requirements or residential types are established.

However, existing residential development adjacent to the Article 2, Zoning Districts and Official Zoning Map, City of Powder Springs Unified Development Code 46 Downtown Redevelopment Overlay shall be adequately protected by setbacks, landscaped walls and/or other buffers to be established as part of the site development plan review.

#### (e) Internal Development Requirements

1. No minimum lot sizes or shapes shall be required, except as may be established as part of the site development plan review.

2. No minimum distance between on-site structures shall be required, except as may be established as part of the site development plan review. However, Fire Code requirements shall be met. Approval of the Cobb County Fire Marshal's office is required prior to issuance of a building permit.

3. No minimum yard setbacks shall be required, except as may be established as part of the site development plan review.

(f) Off-Street Parking and Loading

Adequate off-street parking and loading areas shall be provided as regulated in Article 6 of the Unified Development Code. However, reductions in total parking requirements is strongly encouraged. The sharing of off-street parking areas between and the use of adjacent on-street parking to satisfy requirements is permitted by right. The use of porous alternative parking areas is allowed and encouraged where appropriate.

(g) Landscaping

Landscaping shall be consistent with the minimum requirements as established in the Unified Development Code. The preservation of mature trees and tree stands is strongly encouraged.

(h) Underground Utilities

All on-site utilities shall be installed underground. Large transformers shall be placed on the ground within pad mounts, enclosures or vaults. The developer shall provide adequate landscaping to screen all above-ground facilities.

(i) Accessibility

Every residential unit or permitted use shall have direct access to a public street via a private road, common easement, or other area dedicated or reserved for public use.

(j) Architectural Standards

Unless specifically exempted as part of the stipulations or otherwise permitted during the project development review process by the City, Article 8 - Project Design Standards of the Unified Development Code shall apply to all projects.

(k) Common Open Space Requirements

1. All designated common open spaces shall be preserved by one or more of the following methods:

- a. Public dedication, subject to acceptance by the City Council. Article 2, Zoning Districts and Official Zoning Map, City of Powder Springs Unified Development Code 47
- b. Conveyance to a property owners' association or nonprofit land conservation organization.
- c. Retention of ownership, control and maintenance by the developer with a permanent conservation easement dedicated to the City in perpetuity.

2. All privately-owned common open space shall conform to its intended use and remain as expressed in the approved site development plan through the inclusion in all deeds of appropriate covenants. Said deed restrictions shall run with the land.

(l) Environmental Considerations

Protections of wetlands, creeks and streams and compliance with floodplain requirements should be provided in accordance with Article 9 of the Unified Development Code.

(m) Application Procedures

1. The following procedures, applications and exhibits are required for project approval in the Downtown Redevelopment Overlay:

- a. Before submitting an application for consideration under the Overlay, the applicant shall confer with the Community Development Department to determine the feasibility for the proposed plan and its relationship to the City's Comprehensive Plan and LCI Plan and Urban Redevelopment Plan.
- b. Any plan or exhibit as part of an application shall certify that the services of two (2) or more of the following professionals were utilized in the design or planning process:
  - i. A planner who is a member of the American Institute of Certified Planners;
  - ii. A landscape architect registered by the State of Georgia;
  - iii. An architect licensed by the State of Georgia; and/or
  - iv. A professional civil engineer registered by the State of Georgia.
- c. Fees shall be required at the time of submittal of an application, in conformance with the City's fee schedule, unless otherwise waived as part of the Economic Development Incentives Plan.
- d. All shall include the following information on the site development plan and supporting documents:
  - i. A recent (less than two years) boundary survey with north arrow;
  - ii. scale.
  - iii. A full legal description of the property with attached copies of any instruments referred to such as deeds, plats, covenants or restrictions.
  - iv. The names and addresses of the owners of the property to be considered and evidence of unified control of the property.
  - v. The names and addresses of all adjoining property owners.
  - vi. The total area of the site in acres and square feet.
  - vii. A map indicating the location, arrangement and dimensions of the following existing features within and immediately adjacent to the property: Vegetation including tree preserve areas, state waters, land uses, buildings, structures, utilities, drainage ways, easements, public street rights-of-way, railways, floodplains, and property lines.
  - viii. A statement as to how the proposed project conforms to the City's adopted Comprehensive Plan, Design Guidelines and LCI Plan and Urban Redevelopment Plan.
  - ix. Plans showing the location, arrangement and dimensions of all proposed land uses, including the number of floors per building (other than single-family residential); the height of all nonresidential and multi-family buildings above finished grade; building setbacks from perimeter boundaries and from public rights-of-way; a proposed traffic circulation plan showing the location and dimensions of all streets, driveways, walkways, bikeways, parking spaces, and loading areas; and all proposed common elements including utilities, open spaces and recreation areas.
  - x. A plan or statement showing the manner of improving common open spaces, together with provisions, restrictions and conditions anticipated for the use, maintenance, and operation of such common elements.
  - xi. A statement, in tabular form, of the anticipated gross residential density and overall project density, the total number of dwelling units by type, size and number of bedrooms, and gross floor area devoted to business or other nonresidential uses.

- xii. Proposals for providing preliminary storm water drainage and on-site retention areas and at the City's discretion may include rough calculations, approximate size of retention areas, methods of pollutant removal, location of berms, swales, culverts and sewers, anticipated finished grades, and proposed slopes and grades adjacent to bodies of water
- xiii. An architectural sketch or sketches of typical proposed structures.
- xiv. Proposed streetscape sections along existing and new streets.
- xv. Property owner authorization.
- xvi. Campaign disclosures.

2. With input from Community Development and Economic Development staff, the Planning Commission and DDA shall make a recommendation to the City Council.
3. Upon receiving the recommendation of the Planning Commission and DDA, the City Council shall, at a Public Hearing, review said recommendation and proposed project. The City Council may then approve, approve subject to conditions, or disapprove the application. Any and all variances to the City's UDC shall be outlined in stipulations and illustrated on the Site Plan adopted by the City. In the event the consideration is approved by the City Council, the site development plan shall be certified by the City and said certified copy shall be filed as a permanent record. Without exception, the approved plan shall be binding upon all existing and future owners and assigns.
4. After approval of a site plan, no permits shall be issued and no development shall commence unless in conformance with the approved site development plan, unless a change or deviation is approved by the City.
5. The Community Development Director may approve minor changes and deviations from the approved site development plan which are in compliance with the provisions and intent of this article, and which do not depart from the principal concept of the approved site development plan. Should the Director determine that a requested change or deviation from the approved site development plan does not comply with the provisions and intent of this article, or departs from the principles and recommendations of the approved Comprehensive Plan and LCI Plan and Urban Redevelopment Plan, the applicant may apply for approval of such change or deviation to the City Council as a Plan Amendment.
6. If no construction has been initiated or no use established in the downtown redevelopment within eighteen (18) months from time of project approval or such time as specified in a development agreement, the approved site development plan shall lapse and become null and void until the plan is resubmitted for approval or a new site plan is approved as a Plan Amendment.