

## Exhibit B

**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
<b>ACCESSORY</b>									
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
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
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

Automobile repair	Sec. 4-45 Section 4-40	X	X	X	X	X	X	P	P
-------------------	---------------------------	---	---	---	---	---	---	---	---

Vehicle emission inspection facility	Sec. 4-320	X	X	X	P	X	X	P	P
--------------------------------------	------------	---	---	---	---	---	---	---	---

### Article 3

#### USE DEFINITION

*Automobile repair:* Includes but is not limited to engine overhaul, dismantling of subparts, body or frame repair, paint, automotive glass, transmission, and alternator repair. It is characteristic of automobile repair facilities that the customer will typically leave the vehicle overnight, thus

requiring storage of vehicles under repair. Automobile repair establishment may conduct vehicle emission services as an accessory use.

## **ARTICLE 4 SPECIFIC USE PROVISIONS**

### **Sec. 4-40. Automotive Repair.**

Automotive repair facilities and automobile repair accessory to any other permitted use shall meet the following requirements:

- (a) **Equipment and parts.** All equipment and vehicle parts shall be stored within a fully enclosed building or structure.
- (b) **Operation.** All repair work shall be conducted within a fully enclosed building or structure.
- (c) **Service bays.** Service bays with overhead doors shall not be located on the front building façade of a building unless provisions are made for screening them from view from the front property line.
- (d) **Vehicle storage.** Vehicles not being serviced shall be stored in a fully screened and fenced lot located in the side or rear yard of the lot. No vehicle shall remain on premises for a period exceeding 5 days unless parts have been ordered, in time not to exceed 30 days. The total number of vehicles waiting for parts shall not exceed 2 vehicles per service bay at any time, with the minimum allowance being 4 and the maximum allowance being 10. No junk vehicles shall be permitted on the premises at any time.
- (e) Existing automotive repair facilities that are legally non-conforming that requires to add accessory uses to existing floor space without any building expansion will require a Special Use approval.

### **Section 4-272 Sidewalk Café/ Right of Way encroachment Permit – Restaurants**

Sidewalk Café means a portion of an immobile retail food establishment located on a public right-of-way, whether directly adjacent to, or in close proximity to, the retail food establishment. Sidewalk café also constitutes private establishment that are not adjacent to the right-of-way but are adjacent to the establishment parking lot.

- a) A permit, which shall be known as a Sidewalk Café permit, shall be required to operate a Sidewalk Café. The application review fee for a Sidewalk Café approval shall be \$25.00.

- b) The applicant shall provide the following information on the application to Community Development:
  - 1) Proof that the applicant holds a valid retail food establishment license issued to the establishment that will provide food for the Sidewalk Café.
  - 2) A proof of insurance as required by this article.
  - 3) A plan for the Sidewalk Café, complying with applicable regulations, and demonstrating that the sidewalk café shall not unreasonably interfere with: adequate pedestrian flow, access to building entrances; pedestrian and traffic safety; and the aesthetic quality of the surrounding area.
- c) INSURANCE REQUIRED. Each applicant for a Sidewalk Café permit shall furnish a certificate of insurance evidencing commercial general liability insurance with limits of not less than \$500,000.00 per occurrence, \$1,000,000.00 in the aggregate combined single limit, for bodily injury, personal injury and property damage liability. The establishment shall provide written notice to be given to the City of Powder Springs if coverage is substantially changed, canceled or non-renewed.
- d) ASSIGNMENT OR TRANSFER PROHIBITED. No permittee shall assign or transfer a Sidewalk Café permit.
- e) PERMIT FOR ONE RETAIL FOOD ESTABLISHMENT ONLY. A Sidewalk Café shall be for the exclusive use of the licensed retail food establishment stated on the application. Sharing or other joint use of a Sidewalk Café location by more than one retail food establishment shall not be permitted.
- f) PERMIT FOR FOOD AND ALCOHOLIC BEVERAGE SERVICE ONLY. A Sidewalk Café permit shall only authorize food and alcoholic beverage service at the Sidewalk Café. Regardless of what other activity may take place inside the establishment pursuant to license or permit, such activity shall not be allowed at the Sidewalk Café by virtue of the Sidewalk Café permit.

#### OPERATIONAL CONDITIONS.

- a) Sidewalk Cafés permitted under this article shall not operate earlier than 8:00 a.m. nor later than 12:00 midnight.
- b) Sidewalk Cafés permitted under this article shall not play music, whether live or recorded, nor allow music to be played at the Sidewalk Café, other than through headphones.
- c) The operator of a Sidewalk Café shall install and maintain a physical boundary separating the permitted outdoor seating from the remainder of the public way. The operator shall leave six feet of public way unobstructed for pedestrian passage;

- d) ALCOHOLIC BEVERAGE SERVICE--REQUIREMENTS. If alcoholic beverages are served at the Sidewalk Café, the operator must be validly licensed under the code for such sales. Alcoholic beverages supplied by the customer or by any person other than the permittee will not be allowed at Sidewalk Café.
- e) COMPLIANCE WITH CODE AND RULES AND REGULATIONS REQUIRED. All holders of a Sidewalk Café permit and their employees shall be subject to and comply with all applicable requirements and standards for retail food establishments contained in the code, as amended, and the rules and regulations promulgated hereunder, and all laws, rules and regulations pertaining to the sale of alcoholic beverages.
- f) SIDEWALK CAFÉ BOUNDARIES Sidewalk café boundaries must not interfere with the accessibility of the public right of way on the sidewalk.
- 1) Sidewalk café boundaries must be positioned so that at least 6 feet separates the outer edge of the barrier from obstacles such as street signs, planters, newspaper dispensers, fire hydrants and bus shelters. Where no obstacles are present, 6 feet must separate other edge of the barrier from the edge of the sidewalk (not including the curb).
  - 2) Sidewalk café boundaries must be constructed so that they are free of objects that protrude for example hanging lanterns, signs or other objects mounted on or alongside the café fences or barricades.
  - 3) Sidewalk café boundaries must be constructed so that they provide cane detection for pedestrians who are blind or have visual impairments. A continuous uninterrupted fence or barricade meets this requirement if it has a continuous, firm barrier at 27 inches or less above ground. If the fence or barricade is not continuous or if the barricade consists of posts or other objects connected by hanging ropes, chains or nylon strips, a detectable barrier must run continuously along the pedestrian side of the barricade or fence at a height of 27 inches or less.
  - 4) ACCESSIBLE TABLES At least 5% but not less than one of the tables in each sidewalk café seating area must be accessible to people with disabilities, including those who use wheelchairs. Accessible tables must be located on an accessible route (see below) and should be dispersed throughout the café seating area.