



Planning and Zoning Commission

AGENDA

Tuesday, March 1, 2022 ♦ 7:00 p.m.

Join Zoom Meeting

Video link: <https://zoom.us/j/7709642244>

Dial-in #: (929) 205-6099

Meeting ID: 770 964 2244

➤ **Call to Order**

➤ **Determination of a Quorum**

➤ **Public Comments**

Comments to the Planning and Zoning Commission should be limited to no more than two minutes. Groups wishing to address an issue should select one or two spokesperson(s). The time allowed for all issues shall not exceed a total of fifteen minutes. Issues raised at this time are generally referred to the Director of Planning and Zoning for review. Responses will be provided at a later date.

➤ **Approval of the Meeting Agenda**

➤ **Approval of February 1, 2022, Meeting Minutes**

➤ **Public Hearing**

➤ **Old Business**

➤ **New Business**

- **Text Amendment 2022-001TA Small Box Discount Retail Store in the C-1 (Neighborhood Commercial), C-2 (General Commercial), and M-1 (Light Industrial) Zoning Districts.** Consideration of an amendment to Chapter 80 Zoning, Article II, Section 80-83 C-1 (Neighborhood Commercial), Section 80-84 C-2 (General Commercial), and Section 80-85 M-1 (Light Industrial) to add a 1,500 foot distance separation for small box discount retail stores.
- **Text Amendment 2022-002TA Small Box Discount Retail Stores in the Highway 29 Overlay District.** Consideration of an amendment to Chapter 80 Zoning, Article II, Section 80-89 Highway 29 Overlay District to add small box discount retail stores as a prohibited use within the boundaries of the overlay district and to add a definition for small box discount retail stores.
- **Text Amendment 2022-003TA Small Box Discount Retail Stores and Self-Storage Facilities in the Highway 74 Overlay District.** Consideration of an amendment to Chapter 80 Zoning, Article II, Section 80-90 Highway 74 Overlay District to add self-storage facilities and small box discount retail stores as prohibited uses within the boundaries of the overlay district.

CITY OF FAIRBURN



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- **Text Amendment 2022-004TA Highway 74 Overlay District Restaurants, drive-through.** Consideration of an amendment to Chapter 80 Zoning, Article II, Section 80-90 Highway 74 Overlay District to add an exception to allow restaurants with drive-throughs that have a minimum of 4,000 square feet of gross floor area and 50% of the gross floor area designated for a dining room.
 - **Text Amendment 2022-005TA Definitions.** Consideration of an amendment to Chapter 80 Zoning, Article XIV, Section 80-478 Definitions, to add a definition for small box discount retail store, modify the definition of a restaurant, drive-through, and move the definition section to Chapter 80, Article I, Section 80-9.
 - **Text Amendment 2022-006TA R-4 (Single-family Residential) Zoning District.** Consideration of an amendment to Chapter 80 Zoning, Article II, Section 80-75 R-4 (Single-family Residential) zoning district, to amend the minimum front yard setback, minimum rear yard setback, minimum lot area, and minimum lot width.

➤ **Staff Report**

➤ **Commissioner Comments**

➤ **Adjournment**

CITY OF FAIRBURN

56 SW Malone Street, Fairburn, GA 30213-1341 | (770) 964-2244 | Fax (770) 969-3474 | www.fairburn.com



PLANNING AND ZONING COMMISSION MEETING MINUTES

City Hall
56 Malone Street
Fairburn, GA 30213
Tuesday, February 1, 2022
7:00 p.m.

Due to the COVID-19 pandemic, the meeting was held virtually via Zoom video conferencing.

Elizabeth Echols, Chair
Anthony Stewart, Vice-Chair
Jerry Williams
LaVone Deavers
Tony Smith
Jason Jones

Director of Planning and Zoning: Tarika Peeks
City Attorney: Valerie Ross

- I. **MEETING CALLED TO ORDER:** The meeting was called to order at 7:00 p.m. by Chair, Echols.
- II. **ROLL CALL:** A quorum was determined, and the meeting proceeded.
- III. **PUBLIC COMMENTS:**
Ms. Marilyn Jackson made comments regarding her concerns of a rooming house suspected at 410 Lake Dylan.

Warren Tillery, representing Trinity Fairburn LLC Final Plat, made comments regarding the subdivision of the property from three (3) lots to two (2) lots. He stated that tract one (1) is 5.275 acres and tract two (2) is now one (1) tract instead of two (2) tracts.
- IV. **APPROVAL OF AGENDA:** Commissioner Williams made a motion to **APPROVE** the agenda. Vice-Chair Stewart seconded. **THE MOTION CARRIED.**
- V. **APPROVAL OF PREVIOUS MEETING MINUTES:** Commissioner Williams made a motion to **APPROVE** the January 11, 2022 minutes. Commissioner Smith seconded. **THE MOTION CARRIED.**
- VI. **PUBLIC HEARING: 2021187 Primary Variance Habitat for Humanity in Atlanta**
A request to reduce the minimum heated floor area from 1,600 SF to 1,540 SF for a single-family residential house located at 52 Milo Fisher Street.

Chair Echols presented a request for Habitat for Humanity in Atlanta. It is asking the minimum heated floor area for single family residential housing, be reduced from 1600 sq. ft. to 1540 sq. ft. The location is at 52 Milo Fisher Street.

Ms. Peeks stated that the applicant is requesting a reduction for R3 Single Family Residential district from 1600 sq. ft. to 1540 sq. ft. in the heated floor area. This is a 60 ft. reduction. A survey was conducted on approximately 30 homes, and it was determined that the properties adjacent to 52 Milo Fisher is about 1250 sq. ft.

Ms. Peeks also stated out of the 30-home survey that was performed, 23 were deemed to fall below the 1540 sq. ft., which is what the applicant is requesting. Therefore, staff is asking for approval of the primary variance to reduce the area of the heated floor by 60 sq. ft. Staff feels that this will not cause harm to the adjacent homeowner's property but will be consistent with what is already in the community. Again, staff is recommending approval.

Chair Echols ask if the applicant is here and if there are any questions.

Ms. Peeks stated that Mr. Findley, the applicant is available.

Brian Findley states that he is here.

Chair Echols greets him and ask her constituents if they have any questions for the applicant.

Commissioner Jones states he has viewed it in detail and have no questions now.

Chair Echols ask for a motion, since there are no questions.

Attorney Valerie stated they needed to ask if there were any people in favor of the application, and then ask if there is anyone in opposition of the application.

Chair Echols asked if there are anyone in favor of the application.

Attorney Valerie says to states to the general public.

Chair Echols ask the public if there is anyone in the general public in favor of this request.

Ms. Peeks states if so, they can raise their hand to be acknowledged. She then states to the chair, she doesn't see anyone.

Chair Echols ask if anyone is opposing the request and if so, raise their hand.

Ms. Peeks states no one is opposing it, she doesn't see any hands.

Attorney Valerie states the chair can now close the public hearing.

Chair Echols ask for a motion to close the public the hearing.

Commissioner Williams recommend **APPROVAL**, for primary variance 2021187 for heated floor reduction from 1600 sq ft. to 1540 sq. ft according to staff recommendations.

Vice-Chair Stewart second the motion. **THE MOTION CARRIED**

VII. OLD BUSINESS: NONE**VIII. NEW BUSINESS: Use Permit 2021186 A Step at A time Early Learning Center - A request to allow a child daycare center at 204 Senoia Road.**

Chair Echols ask if the applicant is present.

Ms. Peeks states yes she is here and A Step at a Time Learning Center is asking for approval of a use permit to allow a child daycare center at 204 Senoia Rd. The property is zoned O&I Office Institutional. The proposal is to use an existing space of 2956 sq. ft. building that has frontage on Senoia Rd. The applicant can answer questions about class size and teachers if there are any. Staff is recommending approval with 2 conditions located on page 5 of the staff report. The applicant has review the conditions and are in agreement with them.

Ms. Peeks states the use permit regulations for child daycare requires the applicant to adhere and submit to the city copy of local, state and federal requirement which they have to submit and adhere to each year, before they can receive their certificate of occupancy. Again, staff is asking for approval and the applicant is available for questions.

Chair Echols ask if there are any more questions for Ms. Peeks, and if not for the applicant.

Commissioner Williams states he has a question for the applicant. He ask how many children are expected to be in the facility.

Ms. Peeks reference questions to Monique Strong or Tanisha Waller.

Tanisha Waller, the applicant states that she is looking to have it licensed for 45- 50 students, with 4 classes.

Commissioner Stewart asked what will the student to teacher ratio be.

Tanisha Waller states it depends on age, the highest age will be 5 years old. She states the teacher ratio will be 2 teachers for 17 students max and starting at 1 years old there will be 2 teachers to 12 students.

Commissioner Jones asked what are the hours, what are the pickup times, where is the drop off and pickup. Are there any conditionals for traffic knowing that Senoia Road is a well-traveled road and are there requirements so that traffic is not backing up on Senoia Road and for people's safety while picking up and dropping off children.

Ms. Peeks states they have frontage on Senoia Road and is proposing 10 parking spaces for employees and they do have designated drop off and pickup areas with one pull in egress and ingress at the site. Traffic is not expected to be backed up because on their peak time. Also, staff has looked at it and don't expect a lot of traffic during the times. Ms. Waller can elaborate more on staff and parking spaces that will be available to parents dropping off and picking up their kids.

Tanisha Waller states that the operating time will be from 6am-6pm, Monday-Friday. There will be at least 6-8 available parking spaces and there should be no problem with traffic being backed up on Senoia Road. She states she has another location not far from this location and with the different time zones there should not be any interference with traffic backup on Senoia Road.

Commissioner Jones states he know there is another childcare facility on Senoia Road, and they seem to have traffic under control and there are never any issues.

Vice-Chair Stewart asked if she was going to operate 7 days a week or 5 days a week. Tanisha Waller states 5 days a week Monday-Friday, 6am-6pm.

Commissioner Smith stated he was looking at the yard/playground square footage and wanted to know if she had room to expand the 1500 sq. ft. to accommodate the kids she will have. Tanisha states per licensing, the back will not be an issue because all the kids will not be outside at the same time. According to state regulation 1-2-year-olds are not allowed to mix with 4-5 year olds. No more than 20 kids are allowed out in a group setting at a time. Commissioner Smith thanked her.

Chair Echols ask the Commissioners if they had any more questions for Ms. Peeks or the applicant.

Ms. Peeks state there are several people on tonight and they would like to give them an opportunity to speak. She stated the chair can open it up for those of support and opposition, it is a great time to do it now.

Chair Echols ask the community is there anyone in opposition or for this project. Ms. Peeks said if you would like to speak, raise you hand and she will acknowledge them. She tells Dr. Baker to unmute herself so that she can speak.

Dr. Danielle Baker states that she is just voting in favor of the proposed project. Ms. Peeks thanked her for her comment and asked if there was anyone else in favor of the project. Ms. Peeks ask Monique Strong to unmute herself so that she can speak. Monique Strong would like to vote in favor of the daycare center. Ms. Peek thanked her. Ms. Peeks states to Chair Echols that is all.

Chair Echols ask if there is anyone in the community that opposes. Ms. Peeks states, sorry there is one more. She asked Jonathan Clark to unmute himself to speak. Jonathan Clark says thank you and he would like to vote in favor of the daycare project. Ms. Peeks said thank you.

Vice-Chair Stewart states he has a question. Then proceeds to ask why is that. Mr. Clark, please tell us why it is you would like to vote for in favor. Mr. Clark said that he think the project for a daycare there are several communities and areas that are residential and will do what it is intended to do. He states that he knows there is another daycare down the road, but he thinks the neighborhoods can benefit from having another one. Vice-Chair Stewart states, wouldn't you agree that it is very busy right there on Senoia Road. Vice-Chair Stewart states he think it is a great location also, but it is just so busy with traffic. You don't agree. Mr. Clark said he don't disagree, but it has been pointed out there has been plans and strategies to address those concerns and worries based on hours of operations and pickup and drop off times.

Commissioner Williams states he would like to make a comment about Senoia Road and that area. He states he travels the area alot and there is not alot of traffic in the area at that time of day to prevent the facility from being there. He states right down the street from there, a covid center was set up and it did not affect traffic.

Chair Echols ask if there is anyone else in the community in favor of the project or has questions about the project. Ms. Peeks states no Commissioner. Chair Echols ask if there is anyone that opposes the project if so, please raise your hand. Ms. Peeks states no hands raised.

Dee Sinkfield states excuse me, I tried to raise my hand, but it would not work on my phone. Ms. Peeks tells Dee Sinkfield she can speak at this time.

Dee Sinkfield states she lives on Grant Street across from Landmark baseball field and has been there for 52 years. She is concerned about the traffic at those times, from school buses up and down the street, activity from soccer and baseball at Landmark. I feel there will be congestion at that location. The parking lot is very small so she is concerned about traffic during those drop off and pickup times. She has noticed over the years increased traffic while traveling to work. She states

that the covid testing at the church had more parking and that is why traffic was not congested there. She is concerned about congestion from Senoia Road to Bay Street because there is already a high school with a lot of activities, buses/bus routes for Fulton County and Landmark. So that is her concern and that is why she is opposing it. Ms. Peeks thanked her for her comments and states there are no more hands raised.

Chair Echols thanks everyone for their comments and call on the Commissioners for a motion.

Commissioner Williams states he takes into consideration the opposition but moves to approve based on the two conditions that has been recommended by staff and once they are met, he moves to approve it.

Attorney Valerie Ross states at this point of order Commissioners, just to be clear for the record this is a recommendation to counsel and not a final decision-making agenda item. So, for your motion if you could amend it Commissioner Williams and make a motion to make a recommendation for the city council to approve, because that would be the actual public hearing for this item, before mayor and city council.

Commissioner Williams recommend the project be approved for the council to make a ruling. Commissioner Smith seconds the motion.

Chair Echols states all in favor. All states I.

Chair Echols ask is there any opposes. Vice-Chair Stewart states I.

Vice- Chair Stewart opposes. He states, he is going to oppose it because he agrees with the caller. He thinks it is too congested in that area. He states he does not live far from that area and for that reason he is going to oppose it.

Attorney Valerie Ross ask for a role call from the Chair.

Chair Echols ask Commissioner Williams What is his motion. He states approval.

Chair Echols ask Commissioner Deavers. She states that she approves.

Chair Echols ask Commissioner Tony Smith. He states that he approves.

Chair Echols ask Vice-Chair Tony Stewart. He states that he opposes.

Chair Echols ask Commissioner Jason Jones. He states he approve.

Chair Echols ask if she missed anyone and that someone opposed. Vice- Chair Stewart states he opposed. Ms. Peeks states she think that was all of them, that everyone has spoken. Ms. Peeks states there are four approvals and one oppose.

Chair Echols states that the motion is approved since there are four approvals. Ms. Peeks states yes. Commissioner Stewart also states yes. Chair Echols states the **motion carried**.

- IX. STAFF REPORT:** Chair Echols ask for the staff report. Ms. Peeks states she sent an email out to everyone about a training opportunity on February 24, at the UGA Gwinnett Campus, for the Planning and Zoning one on one basic training. She sates so far, she has Mr. Stewart, Ms. Echols and Ms. Deavers who responded with a yes that they would like to attend. At this time, she is bringing it back to everyone's attention and she can register everyone that sends her an email by the following day before the week is out. Ms. Peeks then states to Chair Echols that is all.
- X. COMMISSIONER COMMENTS:** Chair Echols states Commissioner comments and calls on Commissioner Williams. He states he would like to welcome the new person this year, Ms. Deavers, on board and that he appreciates everyone for being there tonight.

Chair Echols call on Commissioner Tony Smith. He states he would also like to welcome Ms. Deavers on board and thanks her for wanting to serve.

Chair Echols calls on Commissioner Tony Stewart. He states he also would like to welcome Commissioner Deaver and that it is good to see everyone here to tonight.

Chair Echols calls on Commissioner Jason Jones. He states he welcome everyone to Planning and Zoning and appreciate everyone's attendance and leadership. Then thanks them.

Chair Echols ask if she got everyone. Ms. Peeks states Ms. Deavers. Chair Echols call on Ms. Deavers then addresses her as Commissioner Deavers. Commissioner Deavers, states she would like to thank everyone for the warm greetings she has received throughout the night. She states she looks forward to bringing her expertise and talent from her career path that she can exemplify and make Fairburn a great place to live.

Chair Echols welcomed Ms. Deavers and states she can't wait for her responses and joining the Planning and Zoning Committee because she know she has alot to offer.

XI. ADJOURNMENT: Commissioner Williams made a motion to **ADJOURN**. Commissioner Smith seconded. **THE MOTION CARRIED.**

XII. MEETING ADJOURNED: The meeting adjourned at 7:26 p.m.

Approval Signatures	
Date Approved	
Elizabeth Echols, Chairwoman	
Tarika Peeks, Recording Secretary	



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
AGENDA ITEM**

**SUBJECT: TEXT AMENDMENT 2022-001TA SMALL BOX DISCOUNT RETAIL STORES IN
C-1 (NEIGHBORHOOD COMMERCIAL), C-2 (GENERAL COMMERCIAL), M-1 (LIGHT
INDUSTRIAL) ZONING DISTRICTS**

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
(X) ORDINANCE () RESOLUTION () OTHER

Submitted: 02/24/22

Work Session: N/A

City Council Meeting: 03/28/22

DEPARTMENT: Community Development, Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: () Yes (X) No

PURPOSE: For the Planning and Zoning Commission to make a recommendation to the Mayor and Council on amendments to Chapter 80 Zoning, Article II, Section 80-83 C-1 (Neighborhood Commercial), Section 80-84 C-2 (General Commercial), and Section 80-85 M-1 (Light Industrial), to add a 1,500 foot distance separation for small box discount retail stores.

DISCUSSION: According to the 2040 Comprehensive Plan, the vision of the City of Fairburn is to be an economically thriving community and a desired destination for residents and visitors of all ages. To ensure the development of vibrant commercial corridors that provide an array of goods and services, the need to eliminate the clustering of small box discount retail stores has been identified.

Currently, there are two small box discount retail stores within the city limits, Highway 29, and Highway 74. To reduce the proliferation of small box discount stores in the city, staff is recommending a distance separation of 1,500 feet for such uses. The required distance separation will be measured in a straight route from the nearest point on the lot line of the property occupied by a small box discount retail store to the nearest point on a lot line of the other property occupied by a small box discount retail store. However, these regulations would not apply to the rebuilding and/or enlargement of an existing small box discount retail store. The regulation will be included in the following zoning districts: C-1 (Neighborhood Commercial), C-2 (General Commercial), and M-1 (Light Industrial).

RECOMMENDED ACTION: For the Planning and Zoning Commission to recommend **APPROVAL** to the Mayor and Council for an amendment to Chapter 80 Zoning, Article II, Section 80-83 C-1 (Neighborhood Commercial), Section 80-84 C-2 (General Commercial), and Section 80-85 M-1 (Light Industrial), to add a 1,500 foot distance separation for small box discount retail stores.

Attachment: Chapter 80 Zoning, Article II, Section 80-83 C-1 (Neighborhood Commercial), Section 80-84 C-2 (General Commercial), and Section 80-85 M-1 (Light Industrial) - Mark Up

Sec. 80-83. C-1—Neighborhood Commercial Zoning District.

- (a) *C-1—Intent.* Regulations set forth in this section are the C-1 Neighborhood Commercial Zoning District regulations. Article IV should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The C-1 neighborhood commercial district is to serve the convenience and pedestrian needs of surrounding residents.
- (b) *C-1—Use regulations.* Within the C-1 district, land and structures shall be used in accordance with the standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by use permit shall be prohibited.
- (c) *C-1—Permitted uses.* Structures and land may be used for only the following purposes:
 - (1) Office and institutional services and similar uses, including:
 - a. Art studios, galleries, halls and schools.
 - b. Banking and financial institutions.
 - c. Clubhouse.
 - d. Dance studios, halls and schools.
 - e. Insurance agencies, agents, brokers, and services.
 - f. Legal service offices.
 - g. Martial arts facilities.
 - h. Music studios, halls and schools.
 - i. Photography studios.
 - j. Physical fitness facilities.
 - k. Real estate agencies, agents, brokers, and services.
 - l. Theatrical producers (except motion picture).
 - (2) Retail services and similar uses, including:
 - a. Bicycle repair shops.
 - b. Book stores.
 - c. Camera and photographic supply stores.
 - d. Candy, nut, and confectionery stores.
 - e. Dairy products stores.
 - f. Delicatessens.
 - g. Drop-off laundry, garment services and agents for laundries and drycleaners.
 - h. Drug stores and proprietary stores.
 - i. Florists.
 - j. Fruit and vegetable markets.
 - k. Gift, novelty, and souvenir shops.
 - l. Hardware stores.
 - m. Hobby, toys, and games shops.

- n. Jewelry stores.
- o. Lock smith.
- p. Men's, women's, and children's apparel, shoes, and accessory stores.
- q. Sporting goods stores.
- r. Stationery stores.
- s. Tobacco and cigar stores.
- t. Used merchandise stores.

(3) Personal services and similar uses, including:

- a. Barber shops.
- b. Beauty shops.
- c. Shoe repair and shoeshine shops.

(d) *C-1—Accessory uses and structures*

- (1) Accessory uses and structures incidental to any permitted use.
- (2) Minimum accessory structure requirements: Accessory structures may be located in the rear or side yards only but shall not be located within a minimum yard.
- (3) Accessory buildings and uses customarily incidental to the permitted uses, provided that the square footage devoted to storage not to exceed 25 percent of the total building square footage.
- (4) For sale, for rent, or for lease signs in accordance with the sign regulations of this section.
- (5) Temporary storage pods are intended for a limited period of time and not for permanent storage.

(e) *C-1—Conditional uses.*

<i>Uses Subject to an Administrative Permit:</i>	<i>Subject to the requirements of Article IV—Administrative Permit Requirements:</i>
Administrative Permit Uses:	See sections 80-174 through 80-195
(1) Amateur radio antenna to exceed the district height.	See section 80-176. Allowable districts: All.
(2) Club.	See section 80-178. Allowable districts: O&I, C-1, C-2.
(3) Event, special indoor/outdoor (less than 75 persons).	See section 80-179. Allowable districts: O&I, C-1, C-2, DTMU, M-1, M-2, P&O, AG and residential districts in conjunction with an institutional use, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(4) Farmers market	See section 80-179.1. Allowable districts: O&I, DTMU, C-1, C-2, M-1, M-2, and P&O. Allowable in AG and residentially zoned districts only when the property is occupied by a church, school, lodge/retreat, farm, plant nursery, etc., existing as a conforming or a lawful non-conforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a nonconforming use.
(5) Golf course.	See section 80-180. Allowable districts: All.
(6) Home occupations.	See section 80-138. Allowable districts: All residential districts.

(7) Parking, off-site and shared.	See section 80-181. Allowable districts: O&I, DTMU, C-1, C-2.
<ul style="list-style-type: none"> • Whenever parking as required in article IX cannot be accomplished, shared parking in accordance with article IX may be approved via an administrative permit provided: <ul style="list-style-type: none"> a. If the off-site parking is committed for a specified period of time, the duration of the administrative permit shall be limited to the period of time stipulated therein. b. No more than 20 percent of the total parking requirement may be provided off-site via an administrative permit. c. The property must be located no more than 300 feet from the principal use with pedestrian access provided between the sites as may be required by the department of planning and zoning. 	
(8) Recreational court, private.	See section 80-183. Allowable districts: C-1, and C-2 M-2 with standards.
(9) Recreational court, public.	See section 80-183. Allowable districts: O&I, C-1, C-2, M-1, M-2, and P&O with standards.
(10) Revival tent.	See section 80-186. Allowable districts: O&I, C-1, C-2, and P&O with standards. In AG or R districts, a revival tent may be placed only on property occupied by an existing building used as a place of worship.
(11) Roadside produce stands.	See section 80-187. Allowable districts: C-1, C-2 (with standards), and accessory to institutional uses, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(12) Roadside vending.	See section 80-188. Allowable districts: C-1, C-2 (with standards), and accessory to institutional uses, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(13) Seasonal business use.	See section 80-189. Allowable districts: C-1, C-2, M-1 and M-2 with standards. Allowable in AG and residentially zoned districts only when the property is occupied by a church, school, lodge/retreat, farm, plant nursery, etc., existing as a conforming or a lawful nonconforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a nonconforming use.
(14) Swimming pool, private.	See section 80-190. Allowable districts: All except C-1, C-2.
(15) Swimming pool, public.	See section 80-191. Allowable districts: O&I, C-1, C-2, and P&O.
(16) Temporary classroom.	See section 80-192. Allowable districts: All.
(17) Temporary structures.	See section 80-193. Allowable districts: All, except emission inspection stations shall be permitted only in non-residential districts except AG.
(18) Utility substations (telephone, electric, or gas, etc.).	See section 80-194. Allowable districts: All with standards.
<i>Uses Subject to a Use Permit:</i>	<i>Subject to the requirements of Article IV—Use Permit Requirements:</i>

Use Permit Uses	See Sections 80-196 through 80-239
(1) Agricultural-related activities.	See section 80-197. Allowable districts: All with standards.
(2) Amateur radio antenna to exceed the administrative height.	See section 80-198. Allowable districts: All with standards.
(3) Amphitheaters.	See section 80-199. Allowable districts: AG, O&I, C-1, C-2.
(4) Antenna tower, and associated structure (radio, t.v., microwave broadcasting, etc.), to exceed the district height.	See section 80-200. Allowable districts: Residential districts, AG (see same heading in section 80-174, for other non-residential districts).
(5) Bed and breakfast.	See section 80-201. Allowable districts: C-1, C-2, and DTMU with standards.
(6) Cemetery and/or mausoleum (human or pet).	See section 80-202. Allowable districts: All except AG with standards.
(7) Child day care center.	See section 80-208. Allowable districts: R-1, R-2, R-3, O&I, and P&O with standards.
(8) Commercial amusement, outdoor.	See section 80-204. Allowable districts: C-1, M-1, M-2 with standards.
(9) Convalescent center/nursing home/hospice.	See section 80-206. Allowable districts: R-2, R-3, R-4, C-1, C-2, and M-1 with standards.
(10) Country inn.	See section 80-207. Allowable districts: C-1, and C-2 with standards.
(11) Driving range (not associated with a golf course).	See section 80-209. Allowable districts: O&I, C-1, C-2 and M-1 with standards.
(12) Event, indoor/outdoor (more than 75 persons).	See section 80-179. Allowable districts: O&I, C-1, C-2, DTM, M-1, M-2, P&O, AG and residential districts in conjunction with an institutional use, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(13) Massage therapy establishments.	See section 80-238 for locational standards.
(14) Mobile food truck.	See section 80-237. Allowable districts: O&I, C-1, C-2, DTMU, M-1, M-2, and P&O.
(15) Places of worship.	See section 80-203. Allowable districts: All.
(16) Personal care home/assisted living.	See section 80-224. Allowable districts: C-1, C-2, O&I.
(17) Portable sawmills.	See section 80-225. Allowable districts: All.
(18) Recreational fields.	See section 80-227. Allowable districts: All.
(19) School, private or special.	See section 80-230. Allowable districts: All.
(20) Small group home/shelter (18 and older).	See section 80-211. Allowable districts: 24-hour care R-2, R-3, R-4, C-1, C-2, and M-1 with standards.
(21) Medium group home/shelter (18 and older).	See section 80-212. Allowable districts: 24-hour care R-3, R-4, C-1, C-2, and M-1 with standards.
(22) Large group home/shelter (18 and older).	See section 80-213. Allowable districts: 24-hour care R-4, C-1, C-2, and M-1 with standards.
(23) Congregate group home/shelter (18 and older).	See section 80-214. Allowable districts: 24-hour care C-1, C-2, and M-1 with standards.
(24) Small group home (17 and younger).	See section 80-215. Allowable districts: 24-hour care R-2, R-3, R-4, C-1, C-2, and M-1 with standards.
(25) Medium group home (17 and younger).	See section 80-216. Allowable districts: 24-hour care R-3, R-4, C-1, C-2, and M-1 with standards.

(26) Large group residence (17 and younger).	See section 80-217. Allowable districts: 24-hour care R-4, C-1, C-2, and M-1 with standards.
(27) Congregate group home (17 and younger).	See section 80-218. Allowable districts: 24-hour care C-1, C-2, and M-1 with standards.
(28) Colleges, universities and trade schools, private.	See section 80-230. Allowable districts: C-1, C-2, DTMU, M-1, M-2, and O&I.
(29) Landscaping business, plant nursery, or garden center with indoor retail component.	See section 80-221. Allowable districts: C-1, C-2, DTMU with standards.
(30) Self-storage/multi.	See section 80-232. Allowable districts: C-1, and C-2 with standards.
(31) Senior housing.	See section 80-233. Allowable districts: All except M-1, M-2.
(32) Skywalks.	See section 80-234. Allowable districts: AG, O&I, C-1, C-2.
(33) Stadium (off-site) associated with a private school.	See section 80-235. Allowable districts: All.
(34) Swimming pool, private.	See section 80-190. Allowable districts: All except C-1, C-2.
(35) Temporary classroom.	See section 80-192. Allowable districts: All.
(36) Utility substations (telephone, electric, or gas, etc.).	See section 80-194. Allowable districts: All.

- (f) *C-1—Development standards.* Unless otherwise provided in this chapter, uses permitted in the C-1 zoning district shall conform to the following standards:

Minimum front yard setback	30 feet
Minimum side yard setback	None
Minimum rear yard setback	15 feet
Note: All C-1 uses abutting a residential district must maintain a side and rear yard of 25 feet with a minimum ten-foot landscaped buffer as specified in article X, or undisturbed natural buffer. No storage of equipment or vehicle parking is permitted in the side yard and/or rear yard.	
Minimum lot area	¼ acre (10,890 square feet)
Minimum width of lot frontage or width at building line	80 feet

- (1) A small box discount retail store must be separated from another small box discount retail store by a minimum distance of fifteen hundred (1,500) feet. The required separation distance must be measured in a straight route from the nearest point on the lot line of the property occupied by a small box discount retail store to the nearest point on a lot line of the other property occupied by a small box discount retail store. This subsection (1) shall not apply to the rebuilding and/or enlargement of an existing small box discount retail store. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a small box discount retail store.

- (g) *C-1—Building height and form.*

Maximum height	48 feet
Maximum lot coverage a. Including accessory structures.	80 percent

- (h) *C-1—Design standards.* Unless otherwise provided in this chapter, uses permitted in the C-1 district shall conform to the following design standards:
- (1) No building or structure shall exceed 3,200 square feet per floor.
 - (2) No off-street parking area shall contain more than ten parking spaces.
 - (3) Site plans must provide facilities for pedestrian and bicycle shoppers.
 - (4) No C-1 use shall be located in a neighborhood, which permits parking on both sides of the street unless off-street loading space is provided.
 - (5) Off-street parking shall be provided as specified in article IX.
 - (6) Buffers shall be provided as specified in article X.
- (i) *C-1—Other regulations.* The headings below contain provisions applicable to the C-1 Neighborhood Commercial Zoning District:

Chapter Number

Fire Codes Chapter 29

Manufactured and Mobile Homes Chapter 38

Solid Waste Chapter 47

Traffic and Vehicles Chapter 56

Building Regulations Chapter 62

Environment Chapter 65

Soil Erosion and Sedimentation Control Chapter 65

Stormwater Management Chapter 65

Stream Buffer Protection Chapter 65

Flood Damage Prevention Chapter 68

Land Development Regulations Chapter 71

Landscaping Chapter 74

Subdivisions Chapter 77

Zoning Chapter 80

Overlay Districts Chapter 80

Home Occupation Chapter 80

Fencing Chapter 80

Off-Street Parking Chapter 80

Use Permits Chapter 80

Non-Conforming Chapter 80

Appeals Chapter 80

Signs Chapter 80

(Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. of 10-28-2019(1))

Sec. 80-84. C-2—General Commercial Zoning District.

- (a) *C-2—Intent.* Regulations set forth in this section are the C-2 General Commercial Zoning District regulations. Article IV should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The C-2 general commercial district is to serve the retail and commercial needs of the regional community.
- (b) *C-2—Use regulations.* Within the C-2 district, land and structures shall be used in accordance with the standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by use permit shall be prohibited.
- (c) *C-2—Permitted uses.* Structures and land may be used for only the following purposes:
 - (1) Office and institutional services and similar uses, including:
 - a. Accident and health insurance carriers.
 - b. Adjustment and collection services.
 - c. Accounting, auditing, and bookkeeping services.
 - d. Advertising agencies.
 - e. Ambulance and emergency medical services.
 - f. Architectural services.
 - g. Bands, orchestras, actors, and other entertainers and entertainment groups.
 - h. Banking and financial institutions.
 - i. Business associations and consulting services.
 - j. Commercial art, photography and graphic design.
 - k. Communication services.
 - l. Computer repair, programming services and stores.
 - m. Employment agencies.
 - n. Engineering services.
 - o. Health services such as offices and clinics of doctor of medicine, dentists, doctors of osteopathy, chiropractors, optometrists, podiatrists, and other miscellaneous health practitioners.
 - p. Individual and family social services.
 - q. Job training and vocational rehabilitation services.
 - r. Libraries and museums.
 - s. Labor unions and similar labor organizations.
 - t. Libraries and museums.
 - u. offices.
 - v. Public relations services.
 - w. Surveying services.
 - x. Tax return preparation services.
 - y. Title abstract offices.
 - z. Travel agencies and tour operators.

(2) Retail services and similar uses, including:

- a. Armature rewinding shops.
- b. Auto and home supply stores.
- c. Automotive glass replacement shops.
- d. Drapery, curtain, and upholstery stores.
- e. Electrical and electronic repair shops.
- f. Furniture stores.
- g. Heating and air-conditioning services.
- h. Home furnishing stores.
- i. Household appliance stores.
- j. Liquor stores.
- k. Musical instrument stores.
- l. Outdoor advertising services.
- m. Optical stores.
- n. Pet shops and pet supply stores; pet grooming (no overnight stay).
- o. Photocopying and duplicating services.
- p. Plumbing services.
- q. Refrigeration and air-conditioning service and repair shops.
- r. Retail stores or shops.
- s. Security systems services.
- t. Tinsmithing shop associated with retail sales.
- u. Truck rental and leasing.
- v. Watch, clock, and jewelry repair.
- w. Welding repair.

(3) Recreational and similar uses, including:

- a. Amusement and recreation services.
- b. Batting cage.
- c. Bowling centers.
- d. Gymnasiums.
- e. Membership sports and recreation clubs.
- f. Billiards.
- g. Recreational vehicle dealers.
- h. Professional sports clubs and promoters.
- i. Skating rink.
- j. Utility trailer and recreational vehicle rental.

(4) Other uses, including:

- a. Apartments, above or behind commercial and office uses in the same building.
- b. Assembly halls.
- c. Automatic merchandising machine operators.
- d. Automobile dealers (new and/or used).
- e. Automotive exhaust system repair shops.
- f. Automotive parking lots, automotive specialty shops, garages, and general automobile repair except painting, body repair and overhaul of major components, parking lots, parking garages/decks.
- g. Automotive transmission repair shops.
- h. Automobile, boats, motorcycle dealers (new and/or used).
- i. Building cleaning and maintenance services.
- j. Car wash.
- k. Cleaning services.
- l. Disinfecting and pest control services.
- m. Equipment rental and leasing (except heavy construction equipment).
- n. Film studios and services allied to film production.
- o. Restaurants and eating establishments.
- p. Funeral services and homes.
- q. Garden machinery and equipment.
- r. Gasoline service stations (except truck stops).
- s. Grocery stores.
- t. Health club/spa.
- u. Bus transportation and other transit services.
- v. Local bus charter service; bus charter services.
- w. Lumber and other building materials dealers.
- x. Masonry, stone setting, and other stonework.
- y. Medical equipment rental and leasing.
- z. Recycling centers, collecting.
- aa. Rooming and boarding houses.
- bb. School buses and services.
- cc. Security brokers, dealers, and flotation companies.
- dd. Security and commodity exchanges, investment advice, and services allied with the exchange of securities or commodities.
- ee. Theaters, except drive-in motion picture theatres.
- ff. Hotels, provided that no guest room shall have direct access to the exterior of the building except through a main or central lobby; that the main or central lobby must have an area of at least 700

square feet; and that the main or central lobby must have a management employee on duty 24 hours per day and seven days per week.

gg. Banking and financial establishments such as federal reserve banks; central reserve depository institutions; national commercial banks; state commercial banks; commercial banks, not elsewhere classified; savings institutions (federally and not federally chartered); credit unions (federally and not federally chartered); branches and agencies of foreign banks; foreign trade and international banking institutions; non-deposit trust facilities; and functions related to depository banking.

(d) *C-2—Accessory uses and structures.*

- (1) Accessory uses and structures incidental to any permitted use.
- (2) Minimum accessory structure requirements: Accessory structures may be located in the rear or side yards only but shall not be located within a minimum yard.
- (3) Other use: Accessory structures shall not be located in the minimum front yard.
- (4) For sale, for rent, or for lease signs in accordance with the sign regulations of this section.
- (5) Temporary storage pods are intended for a limited period of time and not for permanent storage.

(e) *C-2—Conditional uses.*

Uses Subject to an Administrative Permit:	Subject to the requirements of Article IV—Administrative Permit Requirements:
Administrative Permit Uses:	See sections 80-174 through 80-195
(1) Alternative antenna support structure to exceed the district height.	See section 80-175. Allowable districts: C-2, M-1 and M-2 with standards.
(2) Amateur radio antenna to exceed the district height.	See section 80-176. Allowable districts: All.
(3) Antenna, tower, and associated structures (radio broadcasting, t.v. broadcasting, microwave broadcasting, etc.), to exceed the district height.	See section 80-177. Allowable districts: O&I, C-2, DTMU, M-1 and M-2 (see use permit, for use in residential and the AG district).
(4) Club.	See section 80-178. Allowable districts: O&I, C-1, C-2.
(5) Event, special indoor/outdoor (less than 75 persons).	See section 80-179. Allowable districts: O&I, C-1, C-2, DTMU, M-1, M-2, P&O, AG and residential districts in conjunction with an institutional use, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(6) Farmers market	See section 80-179.1. Allowable districts: O&I, DTMU, C-1, C-2, M-1, M-2, and P&O. Allowable in AG and residentially zoned districts only when the property is occupied by a church, school, lodge/retreat, farm, plant nursery, etc., existing as a conforming or a lawful non-conforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a nonconforming use.
(7) Golf course.	See section 80-180. Allowable districts: All.
(8) Home occupations.	See section 80-138. Allowable districts: All residential districts.
(9) Parking, off-site and shared.	See section 80-181. Allowable districts: O&I, DTMU, C-1, C-2.

<ul style="list-style-type: none"> • Whenever parking as required in article IX cannot be accomplished, shared parking in accordance with article IX may be approved via an administrative permit provided: <ul style="list-style-type: none"> a. If the off-site parking is committed for a specified period of time, the duration of the administrative permit shall be limited to the period of time stipulated therein. b. No more than 20 percent of the total parking requirement may be provided off-site via an administrative permit. c. The property must be located no more than 300 feet from the principal use with pedestrian access provided between the sites as may be required by the department of planning and zoning. 	
(10) Recreational court, private.	See section 80-183. Allowable districts: C-1, C-2 with standards.
(11) Recreational court, public.	See section 80-183. Allowable districts: O&I, C-1, C-2, M-1, M-2, and P&O with standards.
(12) Revival tent.	See section 80-186. Allowable districts: O&I, C-1, C-2, and P&O with standards. In AG or R districts, a revival tent may be placed only on property occupied by an existing building used as a place of worship.
(13) Roadside produce stands.	See section 80-190. Allowable districts: C-1, C-2, and accessory to institutional uses, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(14) Roadside vending.	See section 80-190. Allowable districts: C-1, C-2 and accessory to institutional uses, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(15) Seasonal business use.	See section 80-190. Allowable districts: C-1, C-2, M-1 and M-2. Allowable in AG and residentially zoned districts only when the property is occupied by a church, school, lodge/retreat, farm, plant nursery, etc., existing as a conforming or a lawful nonconforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a nonconforming use.
(16) Swimming pool, private.	See section 80-190. Allowable districts: All except C-1, C-2.
(17) Swimming pool, public.	See section 80-191. Allowable districts: O&I, C-1, C-2, and P&O.
(18) Temporary classroom.	See section 80-192. Allowable districts: All.
(19) Temporary structures.	See section 80-193. Allowable districts: All, except emission inspection stations shall be permitted only in non-residential districts except AG.
(20) Utility substations (telephone, electric, or gas, etc.).	See section 80-194. Allowable districts: All with standards.
(21) Veterinary clinic/hospital or kennel.	See section 80-195. Allowable districts: C-2 and M-1 with standards.
<i>Uses Subject to a Use Permit:</i>	<i>Subject to the requirements of Article IV—Use Permit Requirements:</i>
Use Permit Uses	See Sections 80-196 through 80-239

(1) Agricultural-related activities.	See section 80-197. Allowable districts: All with standards.
(2) Amateur radio antenna to exceed the administrative height.	See section 80-198. Allowable districts: All with standards.
(3) Amphitheaters.	See section 80-199. Allowable districts: AG, O&I, C-1, C-2.
(4) Antenna tower, and associated structure (radio, t.v., microwave broadcasting, etc.), to exceed the district height.	See section 80-200. Allowable districts: Residential districts, AG (see same heading in section 80-174, for other non-residential districts).
(5) Bed and breakfast.	See section 80-201. Allowable districts: C-1, C-2, and DTMU with standards.
(6) Cemetery and/or mausoleum (human or pet).	See section 80-202. Allowable districts: All except AG with standards.
(7) Child day care center.	See section 80-208. Allowable districts: R-1, R-2, R-3, O&I, and P&O with standards.
(8) Commercial amusement, outdoor.	See section 80-204. Allowable districts: C-1, M-1, M-2 with standards.
(9) Composting.	See section 80-205. Allowable districts: C-2 with standards.
(10) Convalescent center/nursing home/hospice.	See section 80-206. Allowable districts: R-2, R-3, R-4, C-1, C-2, and M-1 with standards.
(11) Country inn.	See section 80-207. Allowable districts: C-1, and C-2 with standards.
(12) Driving range (not associated with a golf course).	See section 80-209. Allowable districts: O&I, C-1, C-2 and M-1 with standards.
(13) Event, special indoor/outdoor (more than 75 persons).	See section 80-179. Allowable districts: O&I, C-1, C-2, DTM, M-1, M-2, P&O, AG and residential districts in conjunction with an institutional use, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(14) Kennel or outside animal facilities.	See section 80-219. Allowable districts: C-2 with standards.
(15) Massage therapy establishments.	See section 80-238 for locational standards.
(16) Mobile food truck.	See section 80-237. Allowable districts: O&I, C-1, C-2, DTMU, M-1, M-2, and P&O.
(17) Places of worship.	See section 80-203. Allowable districts: All.
(18) Personal care home/assisted living.	See section 80-224. Allowable districts: C-1, C-2, O&I.
(19) Portable sawmills.	See section 80-225. Allowable districts: All.
(20) Recreational fields.	See section 80-227. Allowable districts: All.
(21) School, private or special.	See section 80-230. Allowable districts: All.
(22) Small group home/shelter (18 and older).	See section 80-211. Allowable districts: 24-hour care R-2, R-3, R-4, C-1, C-2, and M-1 with standards.
(23) Medium group home/shelter (18 and older).	See section 80-212. Allowable districts: 24-hour care R-3, R-4, C-1, C-2, and M-1 with standards.
(24) Large group home/shelter (18 and older).	See section 80-213. Allowable districts: 24-hour care R-4, C-1, C-2, and M-1 with standards.
(25) Congregate group home/shelter (18 and older).	See section 80-214. Allowable districts: 24-hour care C-1, C-2, and M-1 with standards.
(26) Small group home (17 and younger).	See section 80-215. Allowable districts: 24-hour care R-2, R-3, R-4, C-1, C-2, and M-1 with standards.

(27) Medium group home (17 and younger).	See section 80-216. Allowable districts: 24-hour care R-3, R-4, C-1, C-2, and M-1 with standards.
(28) Large group residence (17 and younger).	See section 80-217. Allowable districts: 24-hour care R-4, C-1, C-2, and M-1 with standards.
(29) Congregate group home (17 and younger).	See section 80-218. Allowable districts: 24-hour care C-1, C-2, and M-1 with standards.
(30) Colleges, universities and trade schools, private.	See section 80-230. Allowable districts: C-1, C-2, DTMU, M-1, M-2, and O&I.
(31) Landscaping business, plant nursery, or garden center with indoor retail component.	See section 80-221. Allowable districts: C-1, C-2, and DTMU with standards.
(32) Self-storage/mini.	See section 80-231. Allowable districts: C-2 with standards.
(33) Self-storage/multi.	See section 80-232. Allowable districts: C-1, and C-2 with standards.
(34) Senior housing.	See section 80-233. Allowable districts: All except M-1, M-2.
(35) Skywalks.	See section 80-234. Allowable districts: AG, O&I, C-1, C-2.
(36) Stadium (off-site) associated with a private school.	See section 80-235. Allowable districts: All.
(37) Swimming pool, private.	See section 80-190. Allowable districts: All except C-1, C-2.
(38) Temporary classroom.	See section 80-192. Allowable districts: All.
(39) Utility substations (telephone, electric, or gas, etc.).	See section 80-194. Allowable districts: All.

- (f) *C-2—Development standards.* Unless otherwise provided in this chapter, uses permitted in the C-2 zoning district shall conform to the following standards:

Minimum front yard setback	35 feet
Minimum side yard setback	None
Minimum rear yard setback	15 feet
Note: All C-2 uses abutting a residential district must maintain a side and rear yard of 25 feet with a minimum ten-foot landscaped buffer as specified in article X, or undisturbed natural buffer. No storage of equipment or vehicle parking is permitted in the side yard and/or rear yard.	
Minimum lot area	½ acre (21,780 square feet)
Minimum width of lot frontage or width at building line	100 feet
All vehicle parking areas which abut a residential district shall be concealed using a ten-foot planted buffer or opaque screen.	

- (1) A small box discount retail store must be separated from another small box discount retail store by a minimum distance of fifteen hundred (1,500) feet. The required separation distance must be measured in a straight route from the nearest point on the lot line of the property occupied by a small box discount retail store to the nearest point on a lot line of the other property occupied by a small box discount retail store. This subsection (1) shall not apply to the rebuilding and/or enlargement of an existing small box discount retail store. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months

from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a small box discount retail store.

(g) *C-2—Building height and form.*

Maximum height	48 feet
Maximum lot coverage a. Including accessory structures.	50 percent

(h) *C-2—Design standards.* Unless otherwise provided in this chapter, uses permitted in the C-2 district shall conform to the following design standards:

- (1) All uses must be located on a collector street or larger.
- (2) All outside storage of materials and equipment must be completely screened from public view from adjacent properties and streets by an opaque screening device.
- (3) Site design must permit on-site maneuvering of all vehicles; no backing from the street shall be permitted.
- (4) Off-street parking shall be provided as specified in article IX.
- (5) Buffers shall be provided as specified in article X.

(i) *C-2—Other regulations.* The headings below contain provisions applicable to the C-2 General Commercial Zoning District:

Chapter Number

Fire Codes Chapter 29

Manufactured and Mobile Homes Chapter 38

Solid Waste Chapter 47

Traffic and Vehicles Chapter 56

Building Regulations Chapter 62

Environment Chapter 65

Soil Erosion and Sedimentation Control Chapter 65

Stormwater Management Chapter 65

Stream Buffer Protection Chapter 65

Flood Damage Prevention Chapter 68

Land Development Regulations Chapter 71

Landscaping Chapter 74

Subdivisions Chapter 77

Zoning Chapter 80

Overlay Districts Chapter 80

Home Occupation Chapter 80

Fencing Chapter 80

Off-Street Parking Chapter 80

Use Permits Chapter 80

Non-Conforming Chapter 80

Appeals Chapter 80

Signs Chapter 80

(Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. of 10-28-2019(1))

Sec. 80-85. M-1—Light Industrial Zoning District.

- (a) *M-1—Intent.* Regulations set forth in this section are the M-1 Light Industrial Zoning District regulations. Article IV should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The intent of this section, in establishing the M-1 district, is to provide areas within the city for the manufacture, storage, sale and distribution of goods and the conduct of related commercial and industrial activities.
- (b) *M-1—Use regulations.* Within the M-1 district, land and structures shall be used in accordance with the standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by use permit shall be prohibited.
- (c) *M-1—Permitted uses.* Any permitted use, provided that all manufacturing, processing, assembly and/or disassembly operations and all storage operations associated with such uses not specifically identified below shall be housed entirely within an enclosed building or buildings. All outside storage shall be enclosed by an opaque fence meeting the district height regulations.

Structures and land may be used for only the following purposes:

- (1) Agriculture and forestry.
- (2) Ambulance and emergency medical services.
- (3) Animal hospitals, kennels (boarding and breeding) and veterinary clinics.
 - a. All structures shall be located and activities conducted at 100 feet from any property zoned for residential purposes.
 - b. All animals shall be housed within an enclosed building and adequate sound and odor control shall be maintained.
- (4) Animal grooming shops.
 - a. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
- (5) Automobile and truck sales (including retail parts sales and/or tire store).
 - a. Such use shall not be permitted within 50 feet of any property used for a school, park, playground or hospital.
 - b. All activities shall be carried on entirely within an enclosed building.
 - c. Such use shall not be established on a lot which is adjacent to or directly across the street from any single-family residential district.
 - d. All outdoor storage must be in the rear of the principal structure and enclosed by an opaque fence no less than eight feet in height.
- (6) Automobile, trailer and boat sales/service.
 - a. Minimum one-acre lot size.
 - b. All vehicles shall be set back at least ten feet from the street right-of-way line.
 - c. Such use shall be located at least 50 feet from any properties zoned for residential purposes.
 - d. A solid fence or wall no less than eight feet in height shall be maintained to provide a visual screening between the residential and commercial properties.
- (7) Automobile repair (including paint and body).
 - a. Such use shall not be permitted within 50 feet of any property used for a school, park, playground or hospital.

- b. All activities shall be carried on entirely within an enclosed building.
 - c. Such use shall not be established on a lot which is adjacent to or directly across the street from any single-family residential district.
 - d. All outdoor storage must be in the rear of the principal structure and enclosed by an opaque fence no less than eight feet in height.
- (8) Automobile service station.
- a. All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
 - b. Canopies over fuel islands shall not encroach within 15 feet of any property line.
 - c. Minor automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.
 - d. No outside storage or engine/body dismantling is allowed.
 - e. All gasoline service stations shall be set back at least 1,000 feet from another gasoline service station on the same side of a street right-of-way as measured from property line to property line.
- (9) Automobile towing.
- a. All outside storage must be in rear of the principal structure and enclosed by opaque fence no less than eight feet in height.
- (10) Carnival, video, horseshow, shooting or athletic event.
- (11) Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like.
- a. All activities shall take place within an enclosed building.
 - b. No outside storage or engine/body dismantling is allowed.
- (12) Carwashes.
- (13) Commercial greenhouses or plant nursery.
- (14) Commercial recreation and entertainment facilities.
- (15) Cultural facilities. Art galleries, museums, legitimate theaters, libraries, and other uses similar in character to those listed.
- (16) Drive-in movie theater.
- a. The theater screen and all buildings shall be set back at least 50 feet from any property line.
 - b. Central loudspeakers are prohibited.
 - c. The theater screen shall not be visible from an interstate or arterial roadway.
- (17) Dwellings, residence for watchmen or caretaker employed on premises.
- (18) Eating establishments, including restaurants, drive-in restaurants and cafeterias.
- (19) Electric supply store.
- (20) Electric transformer station, gas regulator station and telephone exchange.
- (21) Farm equipment sales.
- (22) Fuel and ice dealers, manufacturers and wholesalers.
- (23) Food processing plants not to include slaughterhouses.

- (24) Home appliance repair and related service.
- (25) Jewelry repair.
- (26) Laundry and dry-cleaning pickup stations. Linen and diaper services, garment pressing, alteration and repair.
- (27) Light assembly and fabrication. No activity which produces liquid effluent, odor, fumes or dust which can be detected beyond the walls of the building is permitted.
- (28) Liquefied petroleum gas (bottled gas) dealers.
- (29) Lumber, hardware and other building material establishments.
 - a. All outdoor storage must be in the rear of the principal structure and enclosed by opaque fence no less than eight feet in height.
- (30) Manufacturing, wholesaling, repairing, compounding, assembly, processing, preparation, packaging of treatment articles, and the transportation of foods (smoking, curing and canning), components, products, clothing, machines and appliances and the like, where character of operations, emissions and by-products do not create adverse effects beyond the boundaries of the property.
- (31) Newspaper publishing facilities.
- (32) Noncommercial club or lodge.
- (33) Office.
- (34) Paint, glass and wallpaper stores.
- (35) Parks and places of amusement, recreation and assembly, including but not limited to golf courses, golf driving ranges, miniature golf courses and tennis courts.
- (36) Photoengraving, typesetting, electrotyping and stereotyping.
- (37) Plumbing and heating equipment dealers.
- (38) Printing, publishing and reproducing establishments. Bookbinding and related work.
- (39) Public buildings and public recreation facilities.
- (40) Radio and television broadcasting stations.
- (41) Railroad car classification yards and train truck yards.
- (42) Railroad stations for freight.
- (43) Research and experimental testing laboratories including medical and dental laboratories.
- (44) Retail/commercial.
 - a. A small box discount retail store must be separated from another small box discount retail store by a minimum distance of fifteen hundred (1,500) feet. The required separation distance must be measured in a straight route from the nearest point on the lot line of the property occupied by a small box discount retail store to the nearest point on a lot line of the other property occupied by a small box discount retail store. This subsection (1) shall not apply to the rebuilding and/or enlargement of an existing small box discount retail store. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a small box discount retail store.
- (45) Self-storage mini-warehouse facilities.
- (46) Taxi stands and dispatching agencies.

- (47) Truck terminals/truck stops.
- (48) Warehousing and storage.
- (49) Wholesale sales offices.
- (50) Wholesale trade and distribution establishments and warehousing facilities, including offices.
- (d) *M-1—Accessory uses.*
 - (1) *Accessory uses and structures.*
 - a. Accessory uses and structures incidental to any permitted use.
 - b. Minimum accessory structure requirements: Accessory structures may be located in the rear or side yards only but shall not be located within a minimum yard.
 - c. Other use: Accessory structures shall not be located in the minimum front yard.
 - d. For sale, for rent, or for lease signs in accordance with the sign regulations of this section.
 - e. Temporary storage pods are intended for a limited period of time and not for permanent storage.
 - (2) *Accessory uses and structures incidental to any legal permitted use, provided:*
 - a. Retail sales and services must be conducted and accessed wholly within the building(s) housing the use to which the activities are accessory.
- (e) *M-1—Conditional uses.*

<i>Uses Subject to an Administrative Permit:</i>	<i>Subject to the requirements of Article IV—Administrative Permit Requirements:</i>
Administrative Permit Uses:	See sections 80-174 through 80-195
(1) Alternative antenna support structure to exceed the district height.	See section 80-175. Allowable districts: C-2, M-1 and M-2 with standards.
(2) Amateur radio antenna to exceed the district height.	See section 80-176. Allowable districts: All.
(3) Antenna, tower, and associated structures (radio broadcasting, t.v. broadcasting, microwave broadcasting, etc.), to exceed the district height.	See section 80-177. Allowable districts: O&I, C-2, DTMU, M-1 and M-2 (see use permit, for use in residential and the AG district).
(4) Event, special indoor/outdoor (less than 75 persons).	See section 80-179. Allowable districts: O&I, C-1, C-2, DTMU, M-1, M-2, P&O, AG and residential districts in conjunction with an institutional use, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(5) Farmers market	See section 80-179.1. Allowable districts: O&I, DTMU, C-1, C-2, M-1, M-2, and P&O. Allowable in AG and residentially zoned districts only when the property is occupied by a church, school, lodge/retreat, farm, plant nursery, etc., existing as a conforming or a lawful non-conforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a nonconforming use.
(6) Golf course.	See section 80-180. Allowable districts: All.
(7) Home occupations.	See section 80-138. Allowable districts: All residential districts.
(8) Recreational court, public.	See section 80-183. Allowable districts: O&I, C-1, C-2, M-1, M-2, and P&O with standards.

(9) Seasonal business use.	See section 80-190. Allowable districts: C-1, C-2, M-1 and M-2. Allowable in AG and residentially zoned districts only when the property is occupied by a church, school, lodge/retreat, farm, plant nursery, etc., existing as a conforming or a lawful nonconforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a nonconforming use.
(10) Swimming pool, private.	See section 80-190. Allowable districts: All except C-1, C-2.
(11) Temporary classroom.	See section 80-192. Allowable districts: All.
(12) Temporary structures.	See section 80-193. Allowable districts: All, except emission inspection stations shall be permitted only in non-residential districts and except AG.
(13) Utility substations (telephone, electric, or gas, etc.).	See section 80-194. Allowable districts: All with standards.
(14) Veterinary clinic/hospital or kennel.	See section 80-195. Allowable districts: C-2 and M-1 with standards.
Uses Subject to a Use Permit:	Subject to the requirements of Article IV—Use Permit Requirements:
Use Permit Uses	See Sections 80-196 through 80-239
(1) Agricultural-related activities.	See section 80-197. Allowable districts: All with standards.
(2) Amateur radio antenna to exceed the administrative height.	See section 80-198. Allowable districts: All with standards.
(3) Antenna tower, and associated structure (radio, t.v., microwave broadcasting, etc.), to exceed the district height.	See section 80-200. Allowable districts: Residential districts, AG (see same heading in section 80-174, for other non-residential districts).
(4) Cemetery and/or mausoleum (human or pet).	See section 80-202. Allowable districts: All except AG with standards.
(5) Commercial amusement, outdoor.	See section 80-204. Allowable districts: C-1, M-1, and M-2 with standards.
(6) Convalescent center/nursing home/hospice.	See section 80-206. Allowable districts: R-2, R-3, R-4, C-1, C-2, and M-1 with standards.
(7) Country inn.	See section 80-207. Allowable districts: C-1, and C-2 with standards.
(8) Driving range (not associated with a golf course).	See section 80-209. Allowable districts: O&I, C-1, C-2 and M-1 with standards.
(9) Event, special indoor/outdoor (more than 75 persons).	See section 80-179. Allowable districts: O&I, C-1, C-2, DTM, M-1, M-2, P&O, AG and residential districts in conjunction with an institutional use, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(10) Lodge, retreat and/or campground.	See section 80-222. Allowable districts: AG, M-1 and M-2 with standards.
(11) Massage therapy establishments.	See section 80-238 for locational standards.
(12) Mobile food truck.	See section 80-237. Allowable districts: O&I, C-1, C-2, DTMU, M-1, M-2, and P&O.
(13) Places of worship.	See section 80-203. Allowable districts: All.
(14) Portable sawmills.	See section 80-225. Allowable districts: All.
(15) Recreational fields.	See section 80-227. Allowable districts: All.

(16) School, private or special.	See section 80-230. Allowable districts: All.
(17) Small group home/shelter (18 and older).	See section 80-211. Allowable districts: 24-hour care R-2, R-3, R-4, C-1, C-2, and M-1 with standards.
(18) Medium group home/shelter (18 and older).	See section 80-212. Allowable districts: 24-hour care R-3, R-4, C-1, C-2, and M-1 with standards.
(19) Large group home/shelter (18 and older).	See section 80-213. Allowable districts: 24-hour care R-4, C-1, C-2, and M-1 with standards.
(20) Congregate group home/shelter (18 and older).	See section 80-214. Allowable districts: 24-hour care C-1, C-2, and M-1 with standards.
(21) Small group home (17 and younger).	See section 80-215. Allowable districts: 24-hour care R-2, R-3, R-4, C-1, C-2, and M-1 with standards.
(22) Medium group home (17 and younger).	See section 80-216. Allowable districts: 24-hour care R-3, R-4, C-1, C-2, and M-1 with standards.
(23) Large group residence (17 and younger).	See section 80-217. Allowable districts: 24-hour care R-4, C-1, C-2, and M-1 with standards.
(24) Congregate group home (17 and younger).	See section 80-218. Allowable districts: 24-hour care C-1, C-2, and M-1 with standards.
(25) . Colleges, universities and trade schools, private.	See section 80-230. Allowable districts: C-1, C-2, DTMU, M-1, M-2, and O&I.
(26) Stadium (off-site) associated with a private school.	See section 80-235. Allowable districts: All.
(27) Swimming pool, private.	See section 80-190. Allowable districts: All except C-1, C-2.
(28) Temporary classroom.	See section 80-192. Allowable districts: All.
(29) Truck terminals/truck stops.	See section 80-239. Allowable districts: M-1 and M-2 with standards.
(30) Utility substations (telephone, electric, or gas, etc.).	See section 80-194. Allowable districts: All.

- (f) *M-1—Development standards.* Unless otherwise provided in this chapter, uses permitted in the M-1 zoning district shall conform to the following standards:

Minimum front yard setback	35 feet
Minimum side yard setback	20 feet
Minimum rear yard setback	30 feet
Note: All M-1 uses abutting a residential district must maintain a side and rear yard of 50 feet.	
Minimum lot area	1 acre (43,560 square feet)
Minimum width of lot frontage or width at building line	100 feet

- (g) *M-1—Building height and form.*

Maximum height (unless approved by the fire marshal)	48 feet
Maximum lot coverage including accessory structures.	60 percent

- (h) *M-1—Design standards.* Unless otherwise provided in this chapter, uses permitted in the M-1 district shall conform to the following design standards:

- (1) All uses must be located on a collector street or within an industrial park served by a collector.
 - (2) All outside storage of materials and equipment must be completely screened from public view from adjacent properties and streets by an opaque screening device.
 - (3) Site design must permit on-site maneuvering of all vehicles; no backing to or from the street shall be permitted.
 - (4) No use shall be permitted which produces an objectionable or offensive odor in such concentrations as to be readily perceptible at any point along the lot line of the property on which the use is located.
 - (5) The site shall be designed to accommodate adequate queuing and stacking of trucks on-site.
 - (6) Off-street parking shall be provided as specified in article IX.
 - (7) Buffers shall be provided as specified in article X.
- (i) *M-1—Other regulations.* The headings below contain provisions applicable to the M-1 Light Industrial Zoning District:

Chapter Number

Fire Codes Chapter 29

Manufactured and Mobile Homes Chapter 38

Solid Waste Chapter 47

Traffic and Vehicles Chapter 56

Building Regulations Chapter 62

Environment Chapter 65

Soil Erosion and Sedimentation Control Chapter 65

Stormwater Management Chapter 65

Stream Buffer Protection Chapter 65

Flood Damage Prevention Chapter 68

Land Development Regulations Chapter 71

Landscaping Chapter 74

Subdivisions Chapter 77

Zoning Chapter 80

Overlay Districts Chapter 80

Home Occupation Chapter 80

Fencing Chapter 80

Off-Street Parking Chapter 80

Use Permits Chapter 80

Non-Conforming Chapter 80

Appeals Chapter 80

Signs Chapter 80

(Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. No. 2014-12, § 1, 6-9-2014; Ord. No. 2016-08, § 1(Exh. A), 7-25-2016; Ord. of 10-28-2019(1))



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
AGENDA ITEM**

SUBJECT: TEXT AMENDMENT 2022-002TA SMALL BOX DISCOUNT RETAIL STORES IN THE HIGHWAY 29 OVERLAY DISTRICT

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
(X) ORDINANCE () RESOLUTION () OTHER

Submitted: 02/24/22

Work Session: N/A

City Council Meeting: 03/28/22

DEPARTMENT: Community Development, Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: () Yes (X) No

PURPOSE: For the Planning and Zoning Commission to make a recommendation to the Mayor and Council on amendments to Chapter 80 Zoning, Article II, 80-89 Highway 29 Overlay District, to add small box discount retail stores as a prohibited use within the boundaries of the overlay district and to add a definition for small box discount retail stores.

DISCUSSION: The Highway 29 Overlay District was adopted by the Mayor and Council in 2012. The purpose and intent of establishing the Highway 29 Overlay District are as follows:

1. To promote the development of a more dynamic, mixed-use district of appropriate scale and magnitude in the downtown city area
2. To build on the character that is uniquely Fairburn to have a thriving, compact historic downtown.
3. To balance the rights of private property owners with the city's desire to guide future development.
4. To ensure that new structures and developments are consistent with the vision and recommendations of the downtown city LCI plan (completed in 2009) with significant community involvement and input.
5. To design and arrange structures, buildings, and common spaces to create an inviting, walkable, human-scale environment.
6. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel.
7. To ensure a proportional relationship of surrounding buildings with respect to the general spacing of structures, building mass and scale, and street frontage by using techniques to achieve compatibility, such as:
 - a. Use of consistent setbacks from property lines;
 - b. Development of consistent sidewalks and a more active, interesting pedestrian environment;
 - c. Use of landscaping and lighting to unify district buildings and define space;
 - d. Use of compatible building materials to promote a design and building aesthetic compatible with the desired urban character; and
 - e. To implement the policies and objectives of the comprehensive plan and the zoning ordinance of the city within the Fairburn Overlay District.

Additionally, there are six goals identified in the recently adopted Downtown Master Plan. One of the goals is to encourage a diversity of residential, employment, shopping, and recreational opportunities in the study area with a focus on capitalizing on local business development.

To comply with the purpose and intent of the Highway 29 Overlay District and achieve the goals of the Downtown Master Plan, staff is recommending to prohibit small box discount retail stores in the overlay district. Currently, there are two small box discount retail stores within the city limits; one in the Highway 29 Overlay District and one Highway 74 Overlay District.

RECOMMENDED ACTION: For the Planning and Zoning Commission to recommend **APPROVAL** to the Mayor and Council for an amendment to Chapter 80 Zoning, Article II, 80-89 Highway 29 Overlay District, to add small box discount retail stores as a prohibited use within the boundaries of the overlay district and to add a definition for small box discount retail stores.

Attachment: Chapter 80 Zoning, Article II, 80-89 Highway 29 Overlay District - Mark-up

Sec. 80-89. Highway 29 Overlay Zoning District.

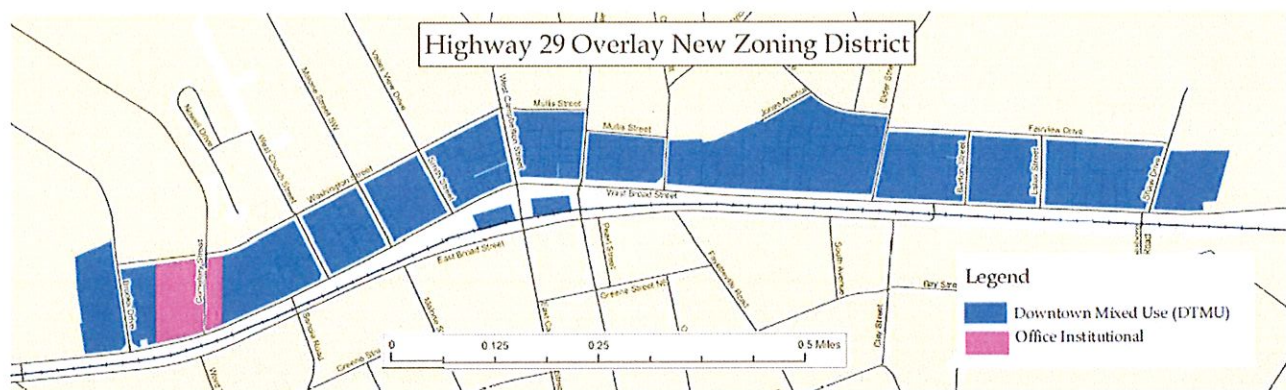
- (a) *Scope.* This article establishes standards and procedures that apply to any development, use, alteration, height, density, parking, common space, and building that lies, in whole or in part, within the Fairburn U.S. Highway 29 Overlay Zoning District, hereinafter referred to as the Fairburn overlay district. The Fairburn overlay district is based upon the urban design and development guidelines included in the downtown city livable centers initiative (LCI) study.

The LCI study calls for a community that incorporates higher density development in the downtown city area while providing a mix of commercial, office, recreation, and housing options. Also included in the LCI's goals is the improved mobility on the major corridors.

- (b) *Applicability.* This article applies to:

- (1) Every application for a building permit where one of the following conditions exist:
 - a. Changes resulting in complete demolition of a primary structure.
 - b. An increase in building footprint of 20 percent or more.
 - c. An increase in building square footage of 50 percent or more. The signage standards within this article apply to:
 1. Every sign permit application for the installation of a new sign.

The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the Fairburn overlay district. Below are the boundaries of the Highway 29 Overlay Zoning District.



Wherever the underlying zoning regulations are in conflict with the provisions of this overlay district, the regulations of this overlay district shall apply.

Non-conforming uses created by the adoption of the Fairburn overlay district shall be administered as per article V.

Appeals, exceptions and variances shall be administered as per article VI.

- (c) *Purpose and intent.* The purpose and intent of establishing the Fairburn overlay district is as follows:

- (1) To promote the development of a more dynamic, mixed-use district of appropriate scale and magnitude in the downtown city area.
- (2) To build on the character that is uniquely Fairburn to have a thriving, compact historic downtown.
- (3) To balance the rights of private property owners with the city's desire to guide future development.
- (4) To ensure that new structures and developments are consistent with the vision and recommendations of the downtown city LCI plan (completed in 2009) with significant community involvement and input.

- (5) To design and arrange structures, buildings, and common spaces to create an inviting, walkable, human-scale environment.
- (6) To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel.
- (7) To ensure a proportional relationship of surrounding buildings with respect to the general spacing of structures, building mass and scale, and street frontage by using techniques to achieve compatibility, such as:
 - a. Use of consistent setbacks from property lines;
 - b. Development of consistent sidewalks and a more active, interesting pedestrian environment;
 - c. Use of landscaping and lighting to unify district buildings and define space;
 - d. Use of compatible building materials to promote a design and building aesthetic compatible with the desired urban character; and
 - e. To implement the policies and objectives of the comprehensive plan and the zoning ordinance of the city within the Fairburn overlay district.

(d) *Definitions.*

Boarding and breeding kennels. Establishments where dogs or cats are boarded for compensation or where dogs or cats are bred or raised for sale purposes.

Extended stay motels. Any building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes for guests and contain kitchen facilities for food preparation including but not limited to such facilities as refrigerators, stoves, and ovens.

Heavy repair shop and trade shop. Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

Liquor stores. Any business selling general alcoholic beverages, also known as sale of distilled spirits or hard liquor, for off-premises consumption. Liquor store does not include a business selling only beer and/or wine for off-premises consumption.

Live-work units. Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Mixed-use. A building or groups of buildings under one ownership designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: Retail, office and/or service, and residential.

Multi-family residential. A dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, townhomes, flats and condominiums.

Salvage yards/junk yards. A parcel of land on which wastes or used secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials include but are not limited to: Scrap iron and other ferrous metals, paper; rags, rubber tires, bottles, discarded goods, machinery, or two or more inoperable motor vehicles.

Self-storage. A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses.

Sexually oriented business. See chapter 5, section 5 of part I.

Small box discount retail stores. A retail store with a floor area less than fifteen thousand square feet that primarily offers for sale an assortment of physical goods, products, or merchandise directly to the consumer,

including food or beverages for off-premises consumption, household products, personal grooming, and health products, and other consumer goods, with the majority of items being offered for sale at lower than the typical market price. Small box discount retail stores shall not include the following: pharmacy drug store or a convenience store attached to or collocated with a gas station.

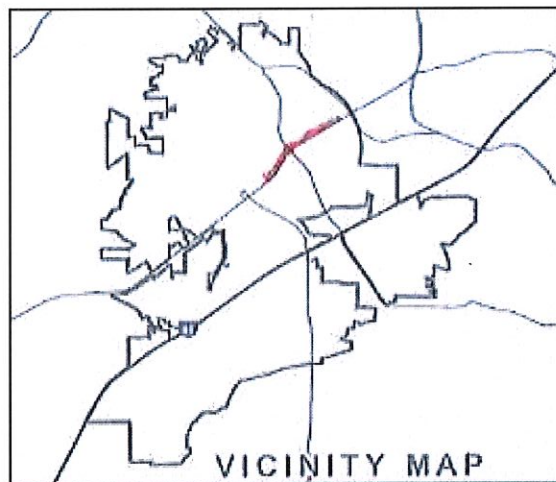
Title and pawn shops. An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

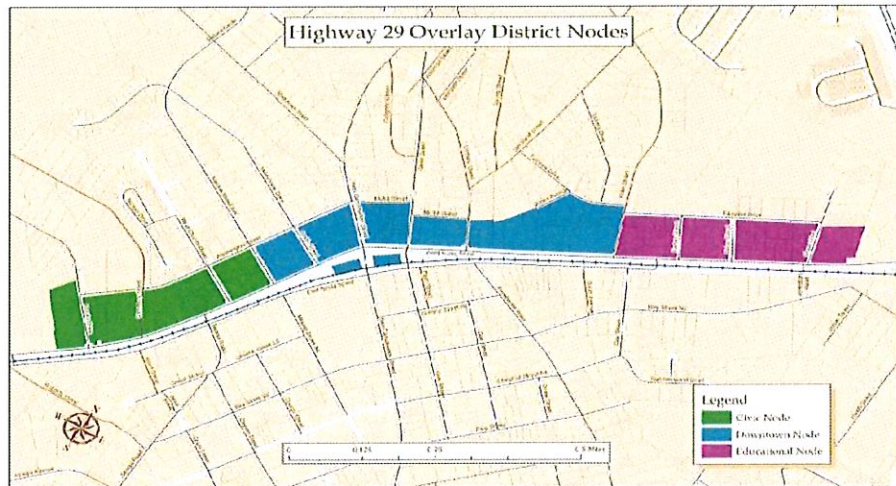
- (e) *District boundaries and map.* The boundaries and development categories of the Fairburn overlay district shall be established by a zoning map amendment adopted pursuant to this chapter which amendment shall be incorporated herein and made a part of this article. This map shall be incorporated by reference and shall be known as the official U.S. Highway 29 overlay district map.

The Fairburn overlay district shall be divided into three development categories:

- (1) *Educational node.* The intent of the educational node is to act as a gateway into the city from the north. Various educational institutions are collocated here to offer opportunities for shared facilities and infrastructure. A flexible mix of land uses is desired to better facilitate service commercial and residential uses in this area catering to the campus community as well as nearby residents.
- (2) *Downtown node.* The intent of the downtown node is to preserve the historic commercial heart of the city while encouraging a mixture of retail, entertainment, commercial, office and residential uses.
- (3) *Civic node.* The intent of the civic node is to be gateway into the downtown area from the south. It is expected that several of the civic uses currently spread throughout the city will eventually relocate to this node, creating an area of strong civic presence for the city.

The city director of planning or designee shall have the final authority to determine whether any property is located within the boundaries of the Fairburn overlay district.





(f) *Principal uses.* The following principal uses of land and structures shall be authorized within the Fairburn overlay district:

- (1) The Fairburn overlay district development may consist of any authorized use or combination of principal uses as authorized in the section below.
- (2) Sites may contain a mixture of uses. A single use category (commercial, residential, office/institutional, or civic) should occupy no more than 70 percent of the gross square footage of total building construction approved for the project.
- (3) In buildings with a mixture of residential and non-residential uses, non-residential uses must occupy the ground floor facing the public street.
- (4) For principal uses not to exceed a certain square footage per use, this applies to each use (or business) within a structure, not the structure itself.

Principal uses authorized in each node are:

- (1) *Educational node.*
 - a. Live-work units.
 - b. Multi-family residential units.
 - c. Institutional uses.
 - d. Governmental uses.
 - e. Mixed-use with ground floor retail, office and/or service, and residential and/or office located on upper stories.
 - f. Office uses—not to exceed 25,000 square feet per use.
 - g. Retail uses—not to exceed 45,000 square feet per use.
 - h. Food service establishments.
 - i. Professional service.
- (2) *Downtown node.*
 - a. Live-work units.
 - b. Multi-family residential units.

- c. Mixed-use with ground floor retail, office and/or service, and residential and/or office located on upper stories.
 - d. Governmental uses.
 - e. Office uses—Not to exceed 25,000 square feet per use.
 - f. Retail uses—Not to exceed 45,000 square feet per use.
 - g. Food service establishments.
 - h. Professional service.
- (3) *Civic node.*
- a. Live-work units.
 - b. Multi-family residential units.
 - c. Institutional uses.
 - d. Governmental uses.
 - e. Mixed-use with ground floor retail, office and/or service, and residential and/or office located on upper stories shall be allowed.
 - f. Office uses—not to exceed 25,000 square feet per use.
 - g. Retail uses—not to exceed 45,000 square feet per use.
 - h. Food service establishments.
 - i. Professional service.

Live-work units, which consist of buildings used jointly as dwellings and non-residential (work) purposes that are both permitted in the Fairburn overlay district. Live-work units shall meet all of the following standards:

- (1) Work uses shall be compatible with residential uses and shall not produce or create noise, smoke, vibrations, smells, electrical interferences, or fire hazards that would unreasonably interfere with residential uses. Permitted uses are:
- a. Accounting office;
 - b. Planning, engineering, or architectural office;
 - c. Financial services office;
 - d. Insurance office;
 - e. Legal office;
 - f. Counseling office;
 - g. Real estate office;
 - h. Information processing uses;
 - i. Tutorial/educational services;
 - j. Fine arts studios and/or galleries;
 - k. Photography studios;
 - l. Consulting services;
 - m. Food service establishments; and
 - n. Beauty salons.

- (2) The maximum number of employees on the premises shall be five, in addition to the occupants of the residential space.
- (3) The unit shall not accommodate more than seven customers/clients at a time.
- (4) The minimum size of the live-work unit shall be 1,200 square feet with at least one-third of the unit designated for residential space.

The following principal uses of land and structures shall be prohibited within the Fairburn overlay district:

- (1) Boarding and breeding kennels.
- (2) Storage yard for damaged or confiscated automobiles.
- (3) Tire re-treading and recapping.
- (4) Sexually oriented businesses. See chapter 5, section 5 of part I.
- (5) Automotive repair shops.
- (6) Extended stay motels.
- (7) New and used cars sales.
- (8) Title and pawn shops.
- (9) Liquor stores.
- (10) Night clubs.
- (11) Salvage yards/junk yards.
- (12) Self-service car wash and detailing.
- (13) Self-storage.
- (14) Fuel stations.
- (15) Heavy repair and trade shops.

(16) Small box discount retail stores

- (g) *Development standards.* The following requirements shall apply to all structures in the Fairburn overlay district:

- (1) *General site design requirements.*
 - a. For nonresidential uses, the primary ground floor entrance to all buildings shall be clearly visible from the street, shall face the street, and shall be unlocked during operating business hours.
 - b. Decorative fencing, where applicable, shall only be made of brick, stone, wood, wrought iron or similar material. Fencing in the front yard of any property shall not be higher than four feet. Fencing to the rear or side of a building shall not be higher than six feet.
 - c. No barbed wire, razor wire, chain-link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.
 - d. Gates and security arms shall be prohibited from crossing any public street or sidewalk.
 - e. All structures shall provide for underground utility access and connections, including pad-mounted transformers, at the rear of the building.
- (2) *Building setbacks and height.*

- a. The following requirements apply to all developments:

	Building Setbacks	Building Height
Educational Node	0—20 feet	1—4 stories
Downtown Node	0—10 feet	1—4 stories
Civic Node	0—10 feet	1—4 stories

- b. Single story buildings must include building features such as parapet walls or other appropriate architectural elements in order to achieve a minimum height of 16 feet.
- c. Single story buildings must be designed and constructed so as to allow additional stories.
- d. Side setbacks for parcels shall be determined by the underlying zoning.
- e. Parking structures that do not exceed 35 feet in height are allowed by right in this district.

Those exceeding 48 feet in height are subject to a conditional use permit per city zoning ordinance. All parking structures must be designed with materials and architectural features consistent with surrounding buildings.

(3) *Lot coverage and lot size.*

- a. Building setbacks and side setbacks standards of this article shall determine lot coverage. No minimum lot coverage or lot size standards from any other article or section shall apply to parcels within the Fairburn overlay district.

(4) *Development standards for live-work units.*

- a. All off-street parking shall be hidden behind or within individual units. Garages may not face the public street. Properties that were formerly single-family homes are exempt from this requirement.
- b. The front entrance to each unit shall be at grade opening directly onto the public sidewalk or a public space adjacent to the public sidewalk.

(5) *Development standards for commercial and mixed-use buildings.*

- a. Ground-floor commercial and retail uses shall have entrances at grade opening directly onto the public sidewalk or a public space adjacent to the public sidewalk.
- b. Canopies over retail and commercial entrances and/or windows shall be mounted a minimum of eight feet above the sidewalk.
- c. The size of leased commercial space shall vary within each development to allow for diversity of tenants. Individual commercial units shall not exceed the limits established in section 80-92.06.
- d. A minimum of 75 percent of the ground-floor façade of mixed-use and commercial buildings shall be clear and un-tinted, transparent glass. Single use developments and those uses where such window area is impractical or unfeasible are excluded from this minimum requirement.
- e. Pedestrian access shall be provided from all parking areas to the building entrance.

(6) *Development standards for multi-family and townhome buildings.*

- a. Ground-floor residential units that face the street shall have entrances with a stoop or porch between the sidewalk and the building façade no less than two feet above grade. A sidewalk shall connect all ground floor entrances to the public sidewalk.
- b. Setbacks for multifamily and townhome buildings shall contain only steps, front porches or stoops, balconies, or landscaping. Mechanical equipment and other building service items may not be located within the setback area between the public sidewalk and building.

(7) *Parking.*

- a. Required parking may be provided through a combination of off-street, on-street, or shared parking, provided that all required parking is located within 1,200 feet by travel route of the principal entrance of buildings which it is intended to serve. The minimum number of required parking spaces shall be as provided in section 80-336. These requirements do not apply to district parking areas provided by the city.
- b. All off-street parking, including surface lots and parking decks, shall be located behind or beside buildings. No parking shall be located between the sidewalk and the building face.
- c. Each development which provides automobile parking facilities shall provide bicycle parking facilities in adjacent parking structures, parking lots, the adjoining sidewalk or setback area. Nonresidential developments shall provide bicycle parking at a ratio of one bicycle parking space for every 20 vehicular spaces. Multifamily residential developments shall provide bicycle parking facilities at a minimum ratio of one bicycle parking space for every five multifamily units. No development shall have fewer than three bicycle parking spaces nor be required to exceed a maximum of 50 bicycle parking spaces.
- d. Off-street parking shall be screened from view from any public street by buildings and/or landscaping. Off-street parking may not be located between the sidewalk and the building face.
- e. Any portion of a parking deck that is adjacent to a public street shall be screened with retail on the ground floor. Any upper stories of a parking deck that are visible from a public street shall be clad with materials to reflect the design of the primary structure which it serves.
- f. No parking area may be used for the sale, repair, dismantling, service, or long-term storage of any vehicles or equipment.
- g. Curb cuts:
 - 1. The consolidation of curb cuts shall be encouraged where possible and new curb cuts shall be discouraged whenever appropriate, considering safe traffic flow, the objectives of this district, and access points needed for the proper functioning of the use.
 - 2. Location and spacing of curb cuts shall, at a minimum, meet the requirements of the state department of transportation driveway and encroachment control manual.
- h. Shared parking is encouraged in accordance with article VI, Administrative permits and use permits, section 80-181, Parking, off-site and shared.

- (h) *Architectural regulations.* In order to maintain a consistent character and accent the historic nature of the city's commercial core, the following architectural regulations shall apply to all uses and structures within the Fairburn overlay district:

New construction and renovations shall:

- (1) Maintain the original character of the façade of historic building.
- (2) Conform to the architectural character of the national register structures of the downtown area.
- (3) Reinforce the established horizontal lines of façades on the block. Restore or recreate the historic horizontal alignment of architectural features such as cornices, windowsills and parapets.

4. Cornice	9. Entrance
5. Upper Floor Window	10. Pier
	11. Bulkhead/Kickplate

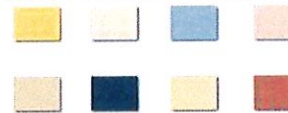
- (9) Maintain and/or restore kickplate below storefront windows where appropriate. Appropriate kickplate materials include painted wood, glazed tile, painted metal in muted tones or metal matte bronze finish.
- (10) Preserve primary façade elements (see graphic above) and high-quality building materials. If the original façade has been concealed, it shall be uncovered. If portions of the original building material must be replaced, duplicate the material used or use a similar material to the original. Use of "barn" wood or other boarded surfaces which are inconsistent with the original building design shall not be permitted. All building façades visible from the public street shall consist of wood, stone, brick or stucco.
- (11) Preserve and restore original ornamentation and details of the façade using photographic and other evidence.



Colonial Period historic color palette



Federal Period historic color palette



Gothic historic color palette



Greek Revival historic color palette



Italianate historic color palette



Late Victorian historic color palette

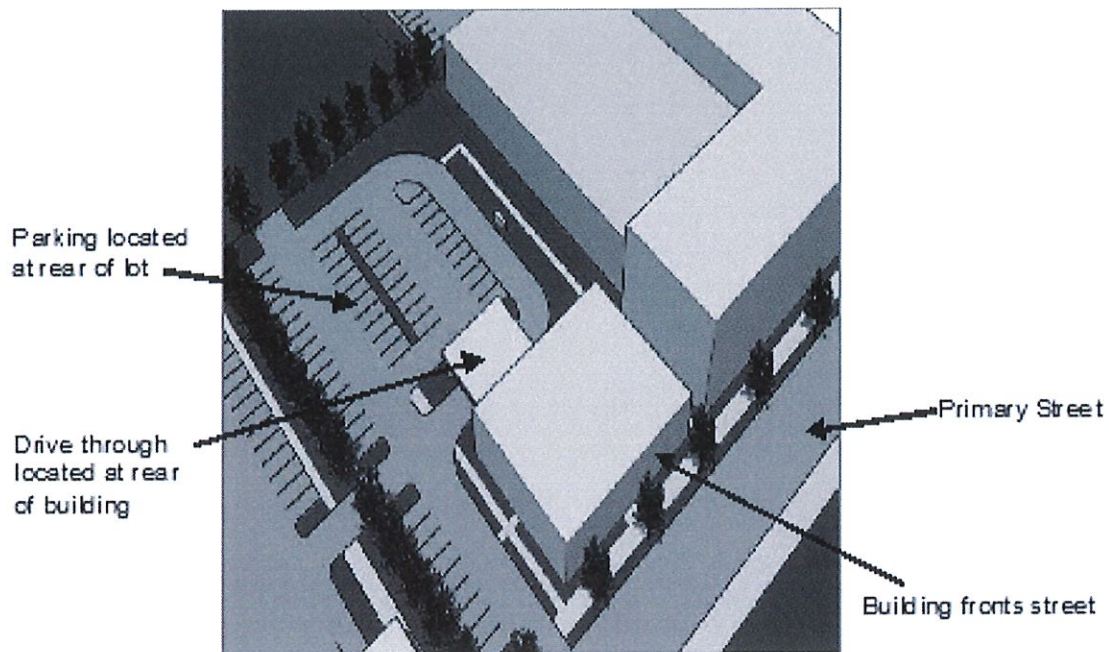


Queen Anne historic color palette



Sample paint color palette for overlay district area

- (12) Preserve the size and shape of upper story windows along street facing façades. Reopen any blocked upper story windows. Maintain the original spacing of windows. Window arrangements not in keeping with the city's historic character, such as gang windows, are not permitted.
- (13) Not make use of aluminum tube-type windows along any street facing façades. Solid vinyl windows are only permitted as long as the window has a minimum frame depth of 4½ inches, is a color other than pure white, and is fabricated to fit the original window opening size. Vinyl clad wood windows may be permitted as long as they are not pure white in color.
- (14) Preserve the original transom, if it exists. The transom shall be clear glass or shall be used for a sign or decorative panel.
- (15) Maintain and repair the original door or replace with a door of similar design and materials. Standard aluminum and glass commercial doors are permitted but the frames shall be painted in dark colors. Replacement doors shall be commercial type doors and shall not be of residential proportions or design.
- (16) Incorporate a building color scheme which visually links the building with others in the area. The colors chosen should relate to the established masonry tones within the downtown area. If brick or masonry is exposed, it shall not be painted. Existing buildings of painted brick shall be repainted and paint removal is not permitted unless approved under the Secretary of the Interior standards for rehabilitation of historic buildings.
- (17) Shall include exterior surfaces, when painted and visible from the public street, are done so in earth tones or colors consistent with the historic character of the city.
 - a. The following shall only be recommendations to follow to develop appropriate building color palettes. Three colors are sufficient to highlight any façade:
 1. *Base color:* Is that on the upper walls and piers flanking the storefront. This shall be natural masonry or painted to look as natural as possible.
 2. *Major trim:* Is the color that defines the decorative elements of the building, tying together the upper façade trim and the storefront. The trim color should complement the base color. Major trim elements include the building cornice, storefront cornice, window frames, sills and hoods, and storefront frame, columns, and bulkheads (kickplate).
 3. *Minor trim:* Should enhance the color scheme established by the base and major trim. Often a darker shade of the major trim is used to highlight the window sashes, doors, and selective cornice and bulkhead details.
- (18) Not include roof materials made of reflective surfaces, when visible from the public right-of-way.
- (19) Not make use of security bars and steel roll down doors or curtains which are visible from the public street.
- (20) Incorporate, when necessary, service bays for lanes of drive through restaurants designed so that the openings are not visible from a public street.



Sample design of drive-through restaurant. Building fronts the street and drive-through is located at the rear. Graphic is included for illustrative purposes only.

- (21) Not include temporary awnings.
- (22) Include, where appropriate, fabric, canvas, or metal standing-seam awnings. All other building materials must be of durable quality and shall be compatible with materials used in adjoining buildings.
 - a. *Landscaping requirements.* The following landscaping regulations shall apply to all uses within the Fairburn overlay district. Any development incorporating a mix of uses shall require the submittal of a landscape plan for approval, which shall include the following elements:
 1. A continuous landscape strip of not less than five feet in width shall be constructed along all public streets. The landscape strip in the front yard shall be planted with a row of street trees of at least three and one-half inches in caliper measured from three feet above finished ground level and planted not less than 30 feet on center.
 2. Ground cover shall also be provided in accordance with this section in order to protect tree roots and to prevent erosion. Ground cover shall consist of evergreen shrubs and groundcover plant material mulched with pine bark mulch, or other similar landscaping material to include mulch made from recycled materials.
 3. No tree shall be planted closer than two feet from the street or sidewalk, and no closer than five feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure. The property owner shall investigate all conflicts with utilities prior to planting. The landscape plan submitted to city staff must identify all existing and/or proposed underground and overhead utilities.
 4. All parking lots within the Fairburn overlay district shall be bounded by a ten-foot landscape strip along all outside edges. Of the remaining parking lot area, a minimum of ten percent shall be devoted to landscape islands.
 5. The following is a partial list of acceptable trees that can be planted along streets in the city. Trees and all other plantings shall be maintained in accordance with section 80-369.

- (i) October glory red maple.
- (ii) Sunset maple.
- (iii) Nuttall oak (*Quercus nuttalli*).
- (iv) Shumard oak (*Quercus shumardii*).
- (v) Willow oak.
- (vi) Zelkova serrata.
- (vii) Ginkgo (*Ginkgo biloba*).
- (viii) Trident maple (*Acer buergerianum*).
- (ix) Allee lacebark elm (*Ulmus parvifolia* emmer II).
- (x) Chalkbark Maple (*Acer leucoderme*).
- (xi) Georgia Oak (*Quercus falcata*).

- 6. Street trees shall be installed in a minimum planting area of four feet by eight feet. Tree-planting areas shall provide porous drainage systems that allow for drainage of the planting area.
- 7. All street trees and other trees and all ground cover required by this article shall be maintained in a healthy condition, and any trees or ground cover which die shall be replaced within the earliest possible planting season. Maintenance of all trees in this district shall comply with state department of transportation landscape standards (available at <http://mydocs.dot.ga.gov/info/gdotpubs/Publications/6755-9.pdf>).

(j) *Sidewalks.*

- (1) A public sidewalk shall be constructed along all public street frontages contiguous to all properties within the Fairburn overlay district. This sidewalk shall measure a minimum width of ten feet in the downtown node, and six feet in all other areas of the Fairburn overlay district.
- (2) Safe and convenient pedestrian pathways shall be provided from public sidewalks to each structure entrance, including pedestrian access routes to parking decks, through parking lots and between adjacent buildings within the same development. All such pathways shall be concrete and a minimum width of six feet.
- (3) When installed, benches, trash receptacles, and bike racks shall be placed adjacent to the sidewalk zone on all streets.

(k) *Common space requirements.*

- (1) A minimum of ten percent of the total lot area shall be designated as common space for each new mixed-use development. Common space areas may be transferred from one parcel to another within overall developments that remain under unified control of a single property owner or group of owners; but, must demonstrate interconnectedness of public areas.
- (2) Common spaces shall be at grade and surrounded by a mix of uses directly accessible from a public sidewalk and building entrances.
- (3) Common space that is provided as part of a new development shall include connectivity to any existing or planned nearby public amenity, including, but not limited to, trail networks, greenspace or park facility.
- (4) Common spaces may include any combination of the following: planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are

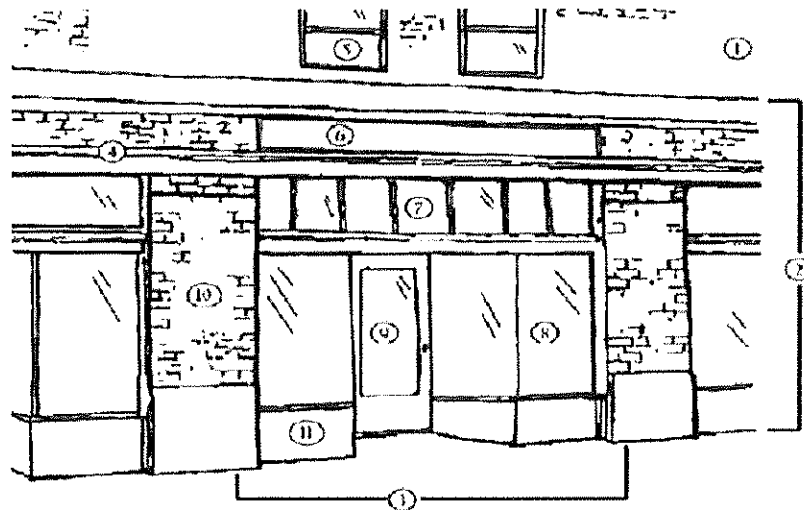
located on private property and accessible to the general public. On-street parking shall be permitted to count toward the ten percent common space requirement.

- (5) Private courtyards and other private outdoor amenities may be located at the interior of the block, behind buildings or on rooftops. Private courtyards and outdoor amenities shall not be counted toward the ten percent common space requirement.
- (6) All common space shall be fully implemented prior to issuance of a certificate of occupancy for the primary development.
- (7) Each applicant shall present as a part of the application for a building permit within the Fairburn overlay district a legal mechanism under which all land to be used for public space purposes shall be maintained and protected. Such legal mechanism may include deed restrictions, property owner associations, common areas held in common ownership or control, maintenance easements, or other legal mechanisms, provided that said legal mechanism shall be approved by the city attorney as assuring each of the following mandatory requirements:
 - a. That all subsequent property owners within said Fairburn overlay district be placed on notice of this development restriction through the deed records of the city;
 - b. That all public space held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the city;
 - c. That a legal mechanism exists for notice of deficiencies in maintenance of the public space held in common, correction of these deficiencies, and assessment and liens against the properties for the cost of the correction of these deficiencies by a third-party or the city;
 - d. When an applicant for a Fairburn overlay district chooses to utilize a property owners association in order to comply with the requirements of the subsection above, the applicant, in addition to meeting all of said requirements, shall provide for all of the following:
 1. Mandatory and automatic membership in the property owner's association as a requirement of property ownership;
 2. A fair and uniform method of assessment for dues, maintenance and related costs;
 3. Where appropriate, party wall maintenance and restoration in the event of damage or destruction; and
 4. Continued maintenance of public space held in common and liability through the use of liens or other means in the case of default.

(l) *Screening.*

- (1) All dumpsters shall be enclosed with a wall of equal or greater height on three sides, the material of which shall be similar to the material on the outside of the main building.
- (2) Dumpsters shall not be visible from the public street and shall be fenced or screened so as not to be visible from any adjoining residential district.
- (3) Loading docks shall not be located on the front of any building.
- (4) Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.
- (5) Loading and dumping activities located within 150 feet of a single-family residential property shall only be permitted to undertake said activities during normal business hours (7:00 a.m.—9:00 p.m.).
- (6) All service areas shall be screened from view from the street with buildings, landscaping, or decorative fencing.

- (7) Accessory mechanical systems and features including air and heating systems, solar collectors, satellite dishes, and telecommunications equipment shall not be visible from the public right-of-way.
 - (8) Chain-link fences shall not be visible from the public right-of-way, except those temporary uses specifically permitted by city code.
- (m) *Signage.* Unless otherwise noted in this subsection, the standards and procedures in article XII shall apply for all signs located within the Fairburn overlay district.



Permitted sign types: Proper placement and relationship to façade elements

Subject to review, approval and permitting, the following sign types shall be permitted in the Fairburn overlay district:

- (1) A-frame sandwich board sign.
- (2) Awning sign.
- (3) Monument sign.
- (4) Projecting sign.
- (5) Wall sign or signboard sign.
- (6) Storefront display window sign.

The following sign types shall be prohibited in the Fairburn overlay district:

- (1) Animated, flashing, rotating or blinking sign—with the exception of traditional barber pole.
- (2) Changeable copy sign (electronic or otherwise), with the exception of signs communicating only the time and/or temperature (see chapter 80, article 12).
- (3) Feather flag sign.
- (4) Pole/pylon sign.

The following materials shall be permitted to be used for signs in the Fairburn overlay district:

- (1) Brick or stone, as foundation for monument sign.
- (2) Canvas, for awning sign.

- (3) Metal, powder coated or painted.
- (4) Wood.
- (n) *Outdoor dining.*
 - (1) Decks or patios located on private property are not regulated or prohibited by this section.
 - (2) Restaurants may place tables outside their place of business. These tables must be placed adjacent to the front wall (and side wall, if applicable) of the building.
 - (3) Tables must not extend beyond the side property line of the restaurant or encroach upon the side building line of adjacent businesses.
 - (4) Dining tables must not be wider than three feet in diameter.
 - (5) A minimum of five feet of clear pedestrian access must be maintained on all sidewalks.
 - (6) Access to public stairways shall not be blocked. Tables and chairs must not interfere with any utilities or other facilities such as telephone poles, fire hydrants, signs, mailboxes, and benches located on the sidewalk or in the public right-of-way.
 - (7) Tables and chairs must not impinge on any required clear distances for maneuvering around entrances or exits. The outdoor dining area shall be accessible to disabled patrons and employees.
 - (8) Umbrellas must be of quality construction and must be designed to be secure during windy conditions. No portion of the umbrella may be lower than seven feet above the sidewalk.
- (o) *Lighting.*
 - (1) Street and pedestrian lights shall alternate along all sidewalks every 30 feet.
 - (2) All parking areas, walkways, vehicle entrances and service/loading areas shall provide area lighting sufficient to achieve a minimum of 1.5 footcandles of light as measured at grade or ground level and shall have a minimum ratio of the average to the minimum of 4:1 or less, and shall have a minimum vertical illuminance of 0.5 footcandles.
 - (3) Lighting fixtures in parking areas shall be located to assure adequate light levels without displacing planned trees. Light fixture placement shall be shown on landscape plans.
 - (4) Lighting fixture height, style, design and illumination levels shall be compatible with the building design and height and shall consider safety, function and aesthetics. Lighting fixtures installed along sidewalks shall be of pedestrian scale and shall not exceed 20 feet in height.



**Lighting fixtures help make an area safer
and easier to navigate for pedestrians and driver alike.**

- (5) Lighting may be used to illuminate buildings, landscaped medians/islands and grounds for safety purposes and to enhance appearance. The visual effects of such lighting shall be subtle.
- (6) Lighting attached to building exteriors to reflect upon building exteriors shall be consistent with the architectural style of the building.
- (7) Security lighting shall be shielded and shall focus on the side or rear entry door.
- (8) Specialty lighting on outdoor patios, terraces, walkways, and trees may be used to encourage nighttime use by pedestrians.
- (9) All outdoor lighting shall use full cut-off fixtures or IDA-approved fixture and be subject to review and approval during the site planning phase of the project.

(p) Outdoor display.

- (1) *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:

Access zone means that portion of the public sidewalk reserved for continuous unobstructed pedestrian traffic and ingress/egress to businesses and structures lining the public rights-of-way.

Amenity zone means that portion of public sidewalk for siting of municipal streetscape elements; such as street trees, street lights, benches, trash cans, sign posts, ashtrays, etc.; approved outside dining areas (as permitted by section 80-89, Highway 29 Overlay Zoning District); and designated special events or vending locations (as permitted by article IV, Administrative permits and use permits).

Appearance zone means that portion of the sidewalk as approved for downtown beautification or business enhancement, including planters and benches, product display, ashtrays, signs (as permitted by article XII, Sign regulations), and tables and chairs.

City means the City of Fairburn.

Director of planning means the city zoning administrator.

Obstacle means any object or item whether situated upon or hanging over the right-of-way, including but not limited to noticeable changes in grade or paving materials.

Outdoor display means the outdoor display of products actively available for rent or sale within the principle business facility. This definition does not include products in shipping boxes, crates, on pallets, or other shipping containers, or any construction equipment which shall be considered outdoor storage.

Public property means property owned, leased, or maintained by the city including but not limited to streets, byways or rights-of-way, sidewalks, parking lots, lots of record with or without structures, parks, and easements.

Sidewalk means that portion of the right-of-way improved for use by pedestrians located between the curb line or the edge of an improved roadway and the adjacent property line.

2. Use of public property.

- a. *Purpose of the public sidewalk.* Use of the public sidewalk for any purpose other than as a pedestrian right-of-way is a privilege, which the city may grant or deny to insure the primary purpose of the public rights-of-way for travel and to maintain the efficiency of the pedestrian path for both safety and convenience.

1. To provide for pedestrian clearance, an access zone shall be reserved at all times for continuous, unobstructed pedestrian traffic along the public sidewalk. This reserved zone

shall be a minimum of five feet in width as measured from the edge of the sidewalk closest to the street, running parallel to the roadway and as straight as possible, and not encroached upon even if this precludes other uses of the public sidewalk. Where less than five feet exists, all of the right-of-way shall be reserved for pedestrian clearance. A minimum of seven feet height clearance above grade for the access zone shall also remain unobstructed.

2. To provide for ingress/egress to businesses and structures lining the public rights-of-way, there shall also be reserved clear passages between the access zone and the curb. These passages shall be a minimum of five feet in width and perpendicular to the roadway and as direct as possible. In addition to corner passages at street intersections, each side of a city block shall have a minimum of two said passages spaced at least 50 feet apart as well as passages located at each property line.
- b. *Use of the appearance zone.* Wherever wide sidewalks exist within the Highway 29 Overlay Zoning District as provided by the current zoning ordinance, the city may designate an appearance zone and grant or deny the privilege of limited use of the zone to abutting businesses for downtown beautification or business enhancement, in accordance with the provisions of this article.
1. The appearance zone shall only be used for incidental or accessory purposes by an abutting business with a current business license; any use of the area by others shall constitute a type of vending or special event that must obtain proper permits through article IV, Administrative permits and use permits.
 2. The appearance zone for a business shall not exceed the width of the front wall of the abutting business nor extend onto the public sidewalk beyond a depth of 24 inches from the front wall of the business or the maximum depth remaining after observance of the access zone. For corner properties, the sidewalk area adjacent to the side wall of the business may also be considered for the establishment of an appearance zone.
 3. Placement of beautification or enhancement items. Planters, benches, and ashtrays deemed compatible in design and materials may be allowed in the appearance zone provided that these items are kept clean, attractive, sanitary, and in a structurally sound condition at all times. Vegetation must be maintained in a healthy and attractive condition at all times. No hanging baskets or artificial vegetation displays are permitted. All litter must be removed promptly, including cigarette butts.
 4. If the director of planning determines any object to be non-compliant with this section, said object is subject to immediate removal by the business.
- c. *Placement of merchandise for display, sale, and advertisement limited.* It shall be unlawful to place, for purposes of display, for the sale or advertisement of any property or merchandise whatsoever, upon the public sidewalks or parking spaces/lots of the city except as provided herein.
1. In accordance with subsections 80-89(p)(2)a. and b. above, wherever wide sidewalks exist within the Highway 29 Overlay Zoning District as provided by the current zoning ordinance, the appearance zone may also be utilized for product display provided:
 - (i) Placement of merchandise occurs only during business hours and all merchandise is removed at the close of business each day.
 - (ii) To reduce the added risk of product tipping into the access zone, no merchandise shall exceed or be stacked to exceed six feet in height and no shelving units that exceed four feet in height may be used. Tables may be used as long as they fit within the appearance zone.

- (iii) To reduce the added risk of product rolling into the access zone, all wheels shall be locked or chocked.
 - (iv) To reduce the added risk of product falling into the access zone, no merchandise shall be hung on the building or suspended from the building's awnings or canopies.
 - (v) No signs other than those signs as permitted within the official zoning ordinance, article XII, shall be used on public property; labels less than one-inch square shall not constitute signage.
 - (vi) All merchandise must be the merchandise of the business. The appearance zone for a specific business shall be used solely by that business for the display of its merchandise and shall not be leased, sold, or gifted to a third party for their use.
 - (vii) The business owner is responsible for ensuring that the merchandise and displays in the appearance zone are clean, well-kept and secure. The business owner is responsible for ensuring that the merchandise and displays will not cause harm to any pedestrians walking in the access zone.
2. If the director of planning determines any display, or portion thereof, to be non-compliant with this section, said display is subject to immediate removal. After the director of planning has determined that such display is non-compliant, he shall initiate proceedings to cause the removal. The director of planning shall prepare and issue a letter of determination to the owner of record and parties of interest of the building. The letter of determination shall contain, but not be limited to, the following information:
- (i) The street address of the building, structure or premises.
 - (ii) A statement indicating the display of merchandise is non-compliant with this section and must be removed or brought into compliance within 24 hours or, that the city has determined, for any reason, that the display must be completely removed within 24 hours, that the owner or occupant may file an appeal to the planning and zoning commission pursuant to section 80-255. Secondary variance/interpretation, and failure to appeal in the time specified will constitute a waiver of all rights to such appeal.
 - (iii) A statement advising that if the display is not removed or brought into compliance within the time specified, and an appeal is not filed, the director of planning may cause code enforcement to remove the display and all costs incurred will be charged against the business owner or the owner of record and the total cost to the city for removing the display shall be a special lien against the property and shall be placed upon the tax records of the city.
3. The letter of determination and all attachments thereto shall be served upon the business owner, owner of record, and any parties of interest designated in the initial application either personally or by certified mail, postage prepaid, return receipt requested. If addresses are not available on any person required to be served the letter of determination, the letter of determination addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. Failure of the director of planning to serve any person herein required to be served other than the owner of record shall not invalidate any proceedings hereunder nor shall it relieve any other person served from any obligation imposed on him. Service by certified mail as herein described shall be effective on the date the letter of determination was received as indicated on the return receipt. Proof of service of the letter of determination shall be by written declaration

indicating the date, time and manner in which service was made and signed by the person served on by the return receipt.

4. In addition, should the owner of record or interested parties give cause to receive a letter of determination for more than two offenses for the same violation during a period of 12 consecutive months, code enforcement may issue a citation to the owner of record or interested parties to appear before the municipal court of the city and there shall be no appeal for the third or subsequent offense occurring during a period of 12 consecutive months. The fines and penalties are as provided in subsection 5. below, however, the minimum fine for such additional citation shall not be less than \$150.00 and each subsequent citation within a twelve-month period shall be subject to an amount double the previously assessed fine up to \$1,000.00.
5. It shall be unlawful and a violation of this section to place merchandise or property, for purposes of display, sale or advertisement, upon any designated off-street parking associated with each business or upon any public parking space of the city.

d. *Permit approval procedure and requirements.*

1. An application for a permit to have outdoor display with the application fee as established by the city council shall be filed with the director of planning prior to any use or placement of any item upon public property.
2. The permit will be valid for one year.
3. Use of the appearance zone shall be in accordance with this section.
4. The director of planning at his reasonable discretion may require removal for any reason. Failure to remove items and cease use of public property shall result in the removal of such item(s) by the director of planning. The business shall be responsible for all expenses incurred by the city for the removal and storage of such items.
5. Except for actions arising out of the city's sole negligence, the business agrees to indemnify, defend, and hold harmless the city and all its officers, officials, representatives, agents, and employees, from any and all claims, liability, damages, or causes of action which may arise out of the businesses' or licensee's use of the appearance zone. The business is responsible for repair of any damage to public property or pedestrians caused by their use of the appearance zone.

e. *Compliance with subsection (p), outside display.* All businesses will be required to come into compliance with this subsection within 30 days after its adoption by mayor and city council.

(3) *Exceptions.* The provisions of this subsection (p), outside display, shall not be applicable to any licensed utility company doing business in the city; nor to the state highway department; nor to the water, sewage, gas and fire departments of the city; nor to any governmental agency.

(4) *Placement of printed advertising matter limited.*

- a. It shall be unlawful for any person distributing or causing to be distributed, circulars, handbills, papers or other printed advertising matter through the city, to throw into or place in any yard or mailbox, such items; said items may only be handed to an employee of a place of business. Only one of the items which such person may be distributing shall be placed in each business. It shall be unlawful for any person distributing or causing to be distributed circulars, or receiving such handbills, papers or other printed advertising through the city, to throw or scatter such materials upon any public property in the city.
- b. It shall be unlawful for any person to paste, print, nail, tack or otherwise fasten any card, banner, handbill, sign, poster, advertisement or notice of any kind, or cause such an action to be done, on

or upon any public property within the city, or upon any utility facility in a public right-of-way, or upon any private property without the written consent of the owner of such property.

- c. No person other than the owner or driver shall deposit any advertising matter in any motor vehicle or stick or otherwise fasten any advertising matter on any part of any motor vehicle.
5. *Penalty for violation of this subsection (p), outdoor display.* Except as otherwise provided, any person violating the provisions of this section (p), outdoor display, shall, upon conviction, be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding six months, or by a combination of such punishments. Each day any violation of any provision of this Code or of any such ordinance, resolution, rule, regulation or order shall continue shall constitute a separate offense. Code enforcement, or its designee, will issue citations for violations of this article to appear before the municipal court in the city. This article does not apply to special events or any type of vendor who obtains proper permits through article IV, Administrative permits and use permits.

(Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. No. 2013-28, § 1, 10-28-2013; Ord. No. 2014-03, § 1, 2-24-2014; Ord. No. 2014-04, § 1, 2-29-2014; Ord. No. 2015-15, § 1(Exh. A), 7-27-2015; Ord. No. 2015-28, § 1(Exh. A), 12-14-2015; Ord. of 10-28-2019(1))



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
AGENDA ITEM**

SUBJECT: TEXT AMENDMENT 2022-003TA SMALL BOX DISCOUNT RETAIL STORES AND SELF-STORAGE FACILITIES IN THE GEORGIA HIGHWAY 74 OVERLAY DISTRICT

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
(X) ORDINANCE () RESOLUTION () OTHER

Submitted: 02/24/22

Work Session: N/A

City Council Meeting: 03/28/22

DEPARTMENT: Community Development, Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: () Yes (X) No

PURPOSE: For the Planning and Zoning Commission to make a recommendation to the Mayor and Council on amendments to Chapter 80 Zoning, Article II, Section 80-90 Georgia Highway 74 Overlay District, to add self-storage facilities and small box discount retail stores as prohibited uses within the boundaries of the overlay district.

DISCUSSION: The Georgia Highway 74 Overlay District corridor is the southern gateway to the city and is expected to continue experiencing rapid commercial and residential growth. The regulations outlined in the Georgia Highway 74 Overlay District are intended to insure attractive development that will complement the area and promote a mixture of desirable uses rather than unwanted commercial sprawl. The ultimate goal is to regulate the use of land to attract and maintain development that will have a positive effect on the health, safety, and welfare of Fairburn citizens. The Georgia Highway 74 Overlay District includes design guidelines for appropriate building materials and architectural character and requirements for landscaping buffers, parking, underground utilities, open space reservation, and secondary road networks.

Currently, there is one small box discount retail store, and two self-storage facilities (one is currently under construction) within the Georgia Highway 74 Overlay District. To eliminate the proliferation of such uses, staff is recommending the prohibition of self-storage facilities and small box discount retail stores within the overlay district boundaries.

RECOMMENDED ACTION: For the Planning and Zoning Commission to recommend **APPROVAL** to the Mayor and Council for an amendment to Chapter 80 Zoning, Article II, 80-90 Georgia Highway 74 Overlay District, to add self-storage facilities and small box discount retail stores as prohibited uses within the boundaries of the overlay district.

Attachment: Chapter 80 Zoning, Article II, 80-90 Georgia Highway 74 Overlay District - Mark-up

Sec. 80-90. Georgia Highway 74 Overlay Zoning District.

- (a) *Scope.* The regulations set forth in this section or set forth elsewhere in this chapter when referring to this section are the regulations of the Georgia Highway 74 Overlay Zoning District.
- (b) *Findings and intent.*
 - (1) Georgia Highway 74, which serves as the southern gateway to the city is expected to continue experiencing rapid growth in residential, commercial, and industrial construction. Development of well over 1,000 acres of raw land is being driven by proximity to Atlanta and Hartsfield International Airport, as well as access to the interstate system.
 - (2) The regulations set forth in this section are intended to ensure attractive developments which are complimentary and will promote a mix of uses rather than the undesirable commercial sprawl which has plagued many communities and threatened the very character that attracted such development interests. These standards will reinforce and implement a land use plan that features residential, office, personal services, hospitality uses, and retail commercial uses along Georgia Highway 74.
 - (3) To this end, it is the city's goal to protect the aesthetics of the community, provide for safe travel through, and access to the area and safeguard the welfare of its residents, while encouraging development along the Georgia Highway 74 corridor.
- (c) *Boundary.* This district is intended as an overlay district regulating and allowing the establishment of uses within the configuration of the allowable Georgia Highway 74 Overlay Zoning District boundaries. Said boundary shall include any properties or portions thereof, located within 1,000 feet of the Georgia Highway 74 right-of-way, as it presently exists or may exist in the future. The underlying district shall continue as permitted uses. Standards set out in this section for site development and architectural design shall control over any underlying district regulations.
- (d) *Prohibited uses.* The following principal uses of land and structures shall be prohibited within the Georgia Highway 74 Overlay Zoning District:
 - (1) Storage yard for damaged or confiscated automobiles.
 - (2) Tire re-treading and recapping.
 - (3) Sexually oriented businesses. (See chapter 5, section 5 of part I, [of this Code.])
 - (4) Heavy repair shop and trade shop.
 - (5) Extended stay residential facilities, or other similar accommodations.
 - (6) Title and pawn shops.
 - (7) Night clubs.
 - (8) Salvage/storage/junk facility.
 - (9) Self storage facilities.
 - (10) Small box discount retail stores.
- (e) *Site development standards.* In order to establish and maintain the Georgia Highway 74 Overlay Zoning District as a quality area which will preserve the investments of all land owners and developers, as well as encourage both commercial and residential development within the city, all development within the Georgia Highway 74 Overlay Zoning District must comply with the following standards:
 - (1) The following schedule shall control land development as specified:
 - a. Retail and commercial services developments shall provide a landscaped buffer with a minimum horizontal dimension of 35 feet adjacent to the Highway 74 right-of-way. A buffer with a minimum horizontal dimension of 75 feet shall be provided where such developments are

proposed adjacent to property developed as, or planned as, office use. A 100-foot buffer shall be provided on retail and commercial services developments which adjoin property developed as, or planned as, residential use.

- b. Office development shall provide a landscaped buffer with a minimum horizontal dimension of 45 feet adjacent to the Georgia Highway 74 right-of-way. A buffer with a minimum horizontal dimension of 40 feet shall be provided on office developments which adjoin property developed as, or planned as, residential use.
 - c. Residential development shall provide a landscaped buffer with a minimum horizontal dimension of 45 feet adjacent to the Georgia Highway 74 right-of-way. Such buffers shall conform to the standards of section 80-335 and shall provide berms designed to achieve topographic variation.
- (2) The following schedule shall control building setbacks for all commercial construction:
- a. Front yard setback: 50 feet, 50 feet from each street right-of-way for corner lots.
 - b. Side yard setback: 20 feet.
 - c. Rear yard setback: 30 feet.
- (3) Off-street parking and loading shall be subject to the following:
- a. All retail and commercial uses shall provide a parking ratio of one space for every 200 square feet of enclosed retail floor area available to the public. One parking space shall be provided for every 1,000 square feet of floor area used for storage, assembly, warehousing or other purpose, provided that such areas are not available to the public. Such uses shall provide $4\frac{1}{2}$ parking spaces per 1,000 square feet to enclosed retail floor area available to the public, provided the establishments served by the parking spaces comprise a unified shopping center. All such off-street parking areas shall conform to the landscape standards provided in article IX of this chapter unless exceeded herein.
 - b. No loading areas shall be permitted between buildings and the Georgia Highway 74.
- (4) Site utilities serving the site shall be placed underground.
- (5) All development shall conform to section 80-372, Open space reservation.
- (6) Developers are encouraged to create secondary road networks through a system of density (lot coverage or building height) bonuses. Lot coverage ratios, inclusive of the building footprint and pavement for parking and driveways, shall not exceed 75 percent. Pavement comprising internal street networks shall be exempted provided such street networks channel traffic between developments along Georgia Highway 74 and are not directly linked to Georgia Highway 74.
- (7) Secondary road networks which provide a landscaped boulevard and are linked to adjoining properties shall entitle the property owner to a lot coverage bonus of ten percent.
- (8) Access to Georgia Highway 74 shall be limited to one driveway per existing parcel. A lot coverage bonus of ten percent shall be granted for consolidation of driveways currently permitted by state department of transportation.
- (9) Preservation of natural features shall encompass pedestrian amenities linked to adjoining properties. All development shall provide sidewalks linked to such amenities as well as adjoining properties.
- (10) On Georgia Highway 74, no new gasoline service stations shall be permitted within 1,000 feet of any other gasoline service station. All measurement of distances shall be along a straight route from the nearest point on any property line to the nearest point on any property line used as a gasoline service station. New gasoline service stations shall be located at a signalized intersection. This subsection (10) shall not apply to the rebuilding and/or enlargement of an existing gasoline service station. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the

demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a new gasoline service station.

- (11) On Georgia Highway 74, no new drive-through fast food restaurants shall be permitted within 1,500 feet of any other drive-through fast food restaurant, except where the gross floor area of a restaurant exceeds 4,000 square feet and at least 50 percent of the gross floor area is designated for a dining area. All measurement of distances shall be along a straight route from the nearest point on any property line to the nearest point on any property line used as a drive-through fast food restaurant. This subsection (11) shall not apply to the rebuilding and/or enlargement of an existing stand-alone drive-through fast food restaurant. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a new drive-through fast food restaurant.

- (f) *Architectural design standards.* In addition to the site development standards set forth in subsection (d) of this section, all construction within the Georgia Highway 74 Overlay Zoning District must comply with the following standards:

- (1) The following specifications shall control the use of building materials:

- a. Exterior wall materials shall consist of one or a combination of the following materials:
 1. Brick or autoclaved concrete substructure.
 2. Stone with either a weathered face or polished, fluted or broken face. No quarry faced stone shall be used.
 3. Masonry stucco on concrete.
 4. Concrete masonry. Units shall be those generally described by the national concrete masonry association as "customized architectural concrete masonry units" or shall be "split-faced" block with marble aggregate. No exposed concrete block shall be permitted on the exterior of any building within the sight line of a public street. Other exterior walls may be painted concrete block.
 5. Wood.
 6. Glass in combination with metal or similar, durable architectural materials.
 7. Limited use of standing seam metal is permitted in combination with the above materials.
- b. Inappropriate exterior materials and architectural elements. The following materials and elements are considered incompatible and inappropriate for primary and accessory structures and are prohibited:
 1. Plywood, cinderblock, unfinished poured concrete, unfaced concrete block and plastic or metal not closely resembling painted wood clapboard.
 2. Partial (less than three sides) mansard roofs, flat roofs (including a minimum pitch less than four in 12) without a pediment, long unarticulated roofs.
 3. Long, unarticulated or blank façades.
 4. Incongruity of architectural details or color contrasts resulting in a clearly disturbing appearance.
 5. Unscreened chain link or woven metal fences.
 6. Use of reflective materials as the main building material or texture.

7. Use of highly reflective glass.
 8. The use of exterior insulating finish system (EIFS), also identified by such manufacturer names as "Drivit," synthetic stucco and building materials.
- (2) The following guidelines shall control the architectural character:
- a. All front façades of the principal structure shall face and be parallel to the public right-of-way and consist of all brick construction. All windows, storefront, and fenestrations shall not be secured by way of burglar bars, steel roll-down shutters/curtains or obtrusive security products visible from a public right-of-way.
 - b. Side and rear elevations of all office buildings and restaurants shall be majority brick or stone construction and substantially consistent with the front building elevation. Exterior building façades shall provide visual relief every 80 to 120 feet via setbacks, parapet breaks or other architectural element. Canopies installed on the façade shall provide visual relief through a canopy break every 40 feet. All windows, storefront, and fenestrations shall not be secured by way of burglar bars, steel roll-down shutters/curtains or obtrusive security products visible from a public right-of-way.
 - c. All new construction on each lot shall be representative of a single architectural style. Combining different elements or styles on a single lot shall not be permitted in the Georgia Highway 74 Overlay Zoning District.
 - d. The form and pitch of the roof of new construction shall be substantially proportional to the chosen architectural style.
 - e. The height, scale, massing and fenestration of new construction shall be substantially proportional to the chosen architectural style.
- (3) Roof-mounted equipment. Roof-mounted equipment shall be located and/or screened to minimize visibility from public streets and surrounding properties.
- (4) Development shall be subject to architectural and site plan review. Applications for new construction, exterior alterations and expansion of existing structures shall be accompanied by scaled plans prepared by an architect, engineer or other appropriate professional. Such plans shall clearly depict the following:
- a. Building elevations through color rendering.
 - b. Proposed colors, materials and textures.
 - c. Location of all utility installations, including rooftop units.
 - d. Property signs, including location, size, height, color and material.

(Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. No. 2013-01, § 1, 2-11-2013; Ord. No. 2016-08, § 1(Exh. A), 7-25-2016; Ord. No. 18-TA-001(Amend.), § 1, 5-14-2018; Ord. of 10-28-2019(1))



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
AGENDA ITEM**

SUBJECT: TEXT AMENDMENT 2022-004TA RESTAURANTS, DRIVE-THROUGHS IN THE GEORGIA HIGHWAY 74 OVERLAY DISTRICT

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
(X) ORDINANCE () RESOLUTION () OTHER

Submitted: 02/24/22

Work Session: N/A

City Council Meeting: 03/28/22

DEPARTMENT: Community Development, Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: () Yes (X) No

PURPOSE: For the Planning and Zoning Commission to make a recommendation to the Mayor and Council on amendments to Chapter 80 Zoning, Article II, Section 80-90 Georgia Highway 74 Overlay District, to add an exception to allow restaurants with drive-throughs that have a minimum of 4,000 square feet of gross floor area and 50% of the gross floor area designated for a dining room.

DISCUSSION: The Georgia Highway 74 Overlay District was amended in October 2019 to add regulations to restrict the development of fast-food restaurants with drive-throughs within the district boundary. The ordinance requires new fast-food restaurants with drive-throughs to be separated by 1,500 feet. The distance is measured along a straight route from the nearest point on any property line to the nearest point on any property line used as a drive-through fast-food restaurant. The regulations do not apply to the rebuilding and/or enlargement of an existing stand-alone fast-food restaurant with a drive-through.

Due to the coronavirus pandemic, indoor dining declined due to consumers being wary of entering restaurants. Fast food and fast-casual restaurants have had to rethink the ways to serve their products to the consumer. Industry experts believe that drive-through dining will stay above pre-pandemic levels even after the decrease in the spread of COVID-19. Fast-food chains are making their drive-through lanes more efficient, while fast-casual restaurants are now adding drive-through lanes to their new developments. Therefore, staff is recommending an amendment to the ordinance to allow an exception for fast food restaurants with drive-through lanes as long as the gross floor area of the restaurant is at least 4,000 square feet and 50% of the gross floor area is designated for a dining area.

RECOMMENDED ACTION: For the Planning and Zoning Commission to recommend **APPROVAL** to the Mayor and Council for an amendment to Chapter 80 Zoning, Article II, 80-90 Georgia Highway 74 Overlay District, to add an exception to allow restaurants with drive-throughs that have a minimum of 4,000 square feet of gross floor area and 50% of the gross floor area designated for a dining room.

Attachment: Chapter 80 Zoning, Article II, 80-90 Georgia Highway 74 Overlay District - Mark-up

Sec. 80-90. Georgia Highway 74 Overlay Zoning District.

- (a) *Scope.* The regulations set forth in this section or set forth elsewhere in this chapter when referring to this section are the regulations of the Georgia Highway 74 Overlay Zoning District.
- (b) *Findings and intent.*
 - (1) Georgia Highway 74, which serves as the southern gateway to the city is expected to continue experiencing rapid growth in residential, commercial, and industrial construction. Development of well over 1,000 acres of raw land is being driven by proximity to Atlanta and Hartsfield International Airport, as well as access to the interstate system.
 - (2) The regulations set forth in this section are intended to ensure attractive developments which are complimentary and will promote a mix of uses rather than the undesirable commercial sprawl which has plagued many communities and threatened the very character that attracted such development interests. These standards will reinforce and implement a land use plan that features residential, office, personal services, hospitality uses, and retail commercial uses along Georgia Highway 74.
 - (3) To this end, it is the city's goal to protect the aesthetics of the community, provide for safe travel through, and access to the area and safeguard the welfare of its residents, while encouraging development along the Georgia Highway 74 corridor.
- (c) *Boundary.* This district is intended as an overlay district regulating and allowing the establishment of uses within the configuration of the allowable Georgia Highway 74 Overlay Zoning District boundaries. Said boundary shall include any properties or portions thereof, located within 1,000 feet of the Georgia Highway 74 right-of-way, as it presently exists or may exist in the future. The underlying district shall continue as permitted uses. Standards set out in this section for site development and architectural design shall control over any underlying district regulations.
- (d) *Prohibited uses.* The following principal uses of land and structures shall be prohibited within the Georgia Highway 74 Overlay Zoning District:
 - (1) Storage yard for damaged or confiscated automobiles.
 - (2) Tire re-treading and recapping.
 - (3) Sexually oriented businesses. (See chapter 5, section 5 of part I, [of this Code.])
 - (4) Heavy repair shop and trade shop.
 - (5) Extended stay residential facilities, or other similar accommodations.
 - (6) Title and pawn shops.
 - (7) Night clubs.
 - (8) Salvage/storage/junk facility.
 - (9) Self storage facilities.
 - (10) Small box discount retail stores.
- (e) *Site development standards.* In order to establish and maintain the Georgia Highway 74 Overlay Zoning District as a quality area which will preserve the investments of all land owners and developers, as well as encourage both commercial and residential development within the city, all development within the Georgia Highway 74 Overlay Zoning District must comply with the following standards:
 - (1) The following schedule shall control land development as specified:
 - a. Retail and commercial services developments shall provide a landscaped buffer with a minimum horizontal dimension of 35 feet adjacent to the Highway 74 right-of-way. A buffer with a minimum horizontal dimension of 75 feet shall be provided where such developments are

proposed adjacent to property developed as, or planned as, office use. A 100-foot buffer shall be provided on retail and commercial services developments which adjoin property developed as, or planned as, residential use.

- b. Office development shall provide a landscaped buffer with a minimum horizontal dimension of 45 feet adjacent to the Georgia Highway 74 right-of-way. A buffer with a minimum horizontal dimension of 40 feet shall be provided on office developments which adjoin property developed as, or planned as, residential use.
 - c. Residential development shall provide a landscaped buffer with a minimum horizontal dimension of 45 feet adjacent to the Georgia Highway 74 right-of-way. Such buffers shall conform to the standards of section 80-335 and shall provide berms designed to achieve topographic variation.
- (2) The following schedule shall control building setbacks for all commercial construction:
 - a. Front yard setback: 50 feet, 50 feet from each street right-of-way for corner lots.
 - b. Side yard setback: 20 feet.
 - c. Rear yard setback: 30 feet.
- (3) Off-street parking and loading shall be subject to the following:
 - a. All retail and commercial uses shall provide a parking ratio of one space for every 200 square feet of enclosed retail floor area available to the public. One parking space shall be provided for every 1,000 square feet of floor area used for storage, assembly, warehousing or other purpose, provided that such areas are not available to the public. Such uses shall provide $4\frac{1}{2}$ parking spaces per 1,000 square feet to enclosed retail floor area available to the public, provided the establishments served by the parking spaces comprise a unified shopping center. All such off-street parking areas shall conform to the landscape standards provided in article IX of this chapter unless exceeded herein.
 - b. No loading areas shall be permitted between buildings and the Georgia Highway 74.
- (4) Site utilities serving the site shall be placed underground.
- (5) All development shall conform to section 80-372, Open space reservation.
- (6) Developers are encouraged to create secondary road networks through a system of density (lot coverage or building height) bonuses. Lot coverage ratios, inclusive of the building footprint and pavement for parking and driveways, shall not exceed 75 percent. Pavement comprising internal street networks shall be exempted provided such street networks channel traffic between developments along Georgia Highway 74 and are not directly linked to Georgia Highway 74.
- (7) Secondary road networks which provide a landscaped boulevard and are linked to adjoining properties shall entitle the property owner to a lot coverage bonus of ten percent.
- (8) Access to Georgia Highway 74 shall be limited to one driveway per existing parcel. A lot coverage bonus of ten percent shall be granted for consolidation of driveways currently permitted by state department of transportation.
- (9) Preservation of natural features shall encompass pedestrian amenities linked to adjoining properties. All development shall provide sidewalks linked to such amenities as well as adjoining properties.
- (10) On Georgia Highway 74, no new gasoline service stations shall be permitted within 1,000 feet of any other gasoline service station. All measurement of distances shall be along a straight route from the nearest point on any property line to the nearest point on any property line used as a gasoline service station. New gasoline service stations shall be located at a signalized intersection. This subsection (10) shall not apply to the rebuilding and/or enlargement of an existing gasoline service station. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the

demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a new gasoline service station.

- (11) On Georgia Highway 74, no new drive-through fast food restaurants shall be permitted within 1,500 feet of any other drive-through fast food restaurant, **except where the gross floor area of a restaurant exceeds 4,000 square feet and at least 50 percent of the gross floor area is designated for a dining area.** All measurement of distances shall be along a straight route from the nearest point on any property line to the nearest point on any property line used as a drive-through fast food restaurant. This subsection (11) shall not apply to the rebuilding and/or enlargement of an existing stand-alone drive-through fast food restaurant. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a new drive-through fast food restaurant.

- (f) *Architectural design standards.* In addition to the site development standards set forth in subsection (d) of this section, all construction within the Georgia Highway 74 Overlay Zoning District must comply with the following standards:

- (1) The following specifications shall control the use of building materials:

- a. Exterior wall materials shall consist of one or a combination of the following materials:
 1. Brick or autoclaved concrete substructure.
 2. Stone with either a weathered face or polished, fluted or broken face. No quarry faced stone shall be used.
 3. Masonry stucco on concrete.
 4. Concrete masonry. Units shall be those generally described by the national concrete masonry association as "customized architectural concrete masonry units" or shall be "split-faced" block with marble aggregate. No exposed concrete block shall be permitted on the exterior of any building within the sight line of a public street. Other exterior walls may be painted concrete block.
 5. Wood.
 6. Glass in combination with metal or similar, durable architectural materials.
 7. Limited use of standing seam metal is permitted in combination with the above materials.
- b. Inappropriate exterior materials and architectural elements. The following materials and elements are considered incompatible and inappropriate for primary and accessory structures and are prohibited:
 1. Plywood, cinderblock, unfinished poured concrete, unfaced concrete block and plastic or metal not closely resembling painted wood clapboard.
 2. Partial (less than three sides) mansard roofs, flat roofs (including a minimum pitch less than four in 12) without a pediment, long unarticulated roofs.
 3. Long, unarticulated or blank façades.
 4. Incongruity of architectural details or color contrasts resulting in a clearly disturbing appearance.
 5. Unscreened chain link or woven metal fences.
 6. Use of reflective materials as the main building material or texture.

7. Use of highly reflective glass.
 8. The use of exterior insulating finish system (EIFS), also identified by such manufacturer names as "Drivit," synthetic stucco and building materials.
- (2) The following guidelines shall control the architectural character:
- a. All front façades of the principal structure shall face and be parallel to the public right-of-way and consist of all brick construction. All windows, storefront, and fenestrations shall not be secured by way of burglar bars, steel roll-down shutters/curtains or obtrusive security products visible from a public right-of-way.
 - b. Side and rear elevations of all office buildings and restaurants shall be majority brick or stone construction and substantially consistent with the front building elevation. Exterior building façades shall provide visual relief every 80 to 120 feet via setbacks, parapet breaks or other architectural element. Canopies installed on the façade shall provide visual relief through a canopy break every 40 feet. All windows, storefront, and fenestrations shall not be secured by way of burglar bars, steel roll-down shutters/curtains or obtrusive security products visible from a public right-of-way.
 - c. All new construction on each lot shall be representative of a single architectural style. Combining different elements or styles on a single lot shall not be permitted in the Georgia Highway 74 Overlay Zoning District.
 - d. The form and pitch of the roof of new construction shall be substantially proportional to the chosen architectural style.
 - e. The height, scale, massing and fenestration of new construction shall be substantially proportional to the chosen architectural style.
- (3) Roof-mounted equipment. Roof-mounted equipment shall be located and/or screened to minimize visibility from public streets and surrounding properties.
- (4) Development shall be subject to architectural and site plan review. Applications for new construction, exterior alterations and expansion of existing structures shall be accompanied by scaled plans prepared by an architect, engineer or other appropriate professional. Such plans shall clearly depict the following:
- a. Building elevations through color rendering.
 - b. Proposed colors, materials and textures.
 - c. Location of all utility installations, including rooftop units.
 - d. Property signs, including location, size, height, color and material.

(Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. No. 2013-01, § 1, 2-11-2013; Ord. No. 2016-08, § 1(Exh. A), 7-25-2016; Ord. No. 18-TA-001(Amend.) , § 1, 5-14-2018; Ord. of 10-28-2019(1))



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
AGENDA ITEM**

SUBJECT: TEXT AMENDMENT 2022-005TA DEFINITIONS

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
(X) ORDINANCE () RESOLUTION () OTHER

Submitted: 02/24/22

Work Session: N/A

City Council Meeting: 03/28/22

DEPARTMENT: Community Development, Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: () Yes (X) No

PURPOSE: For the Planning and Zoning Commission to make a recommendation to the Mayor and Council on amendments to Chapter 80 Zoning, Article XIV, Section 80-478 Definitions, to add a definition for small box discount retail store, modify the definition of a restaurant, drive-through, and move the definition section to Chapter 80, Article I, Section 80-9.

DISCUSSION: If the Mayor and Council approve the amendments 2022-001TA C-1 (Neighborhood Commercial), C-2 (General Commercial), and M-1 (Light Industrial), 2022-003TA Small Box Discount Retail Stores in the Georgia Highway 74 Overlay District, and 2022-004TA Georgia Highway 74 Overlay Restaurants, drive-through, a definition for small box discount retail store would need to be added to the zoning ordinance definitions. In addition, staff is recommending a modification to the definition for restaurant, drive-through. Adding a definition for small box discount retail stores and revising the definition for restaurant, drive-through would provide a more clear and accurate description of the type of retail stores and restaurants with drive-throughs that are allowed in the city.

Staff recently discovered that the zoning ordinance definition was mistakenly moved to Article XIV Regulations for Fences. The proper place for the zoning ordinance definitions is in Article 1 General. Therefore, staff is recommending to amend the ordinance to move the definition section from Article XIV Regulations for Fences to Article I General Section 80-9.

RECOMMENDED ACTION: For the Planning and Zoning Commission to recommend **APPROVAL** to the Mayor and Council for an amendment to Chapter 80 Zoning, Article XIV, Section 80-478 Definitions, to add a definition for small box discount retail store, modify the definition of a restaurant, drive-through, and move the definition section to Chapter 80, Article I, Section 80-9.

Attachment: Chapter 80 Zoning, Article I, 80-9 Definitions - Mark Up

~~Sec. 80-478. Definitions.~~ Sec. 80-9. Definitions

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

Access drive. A private road giving access from a public way to a building on abutting grounds.

Accessory outdoor dining area. Any area outside the gross floor area of the building or business where customers may be served, including but not limited to food or beverages, provided, however, that any attempt to enclose such outside area may be construed to have a parking requirement as required for inside seating.

Accessory use. A subordinate use which is customarily incidental to the principal use of a lot, and which is located on the same lot as a principal use.

Addition. A structure added to the original structure at some time after completion of the original structure.

Adjacent to interior line. A lot which has frontage on only one street and is located in between two lots.

Administrative permit. Any use authorized by an administrative permit shall be approved and permitted by the planning and zoning administrator whenever the proposed use complies fully with the requirements of the subject property's zoning district and standards.

Annexation. The incorporation of new land areas into the city limits.

Approved plan. A plan that has been given final approval by the appropriate authority.

Automobile service, major. Automobile repair services which generally require substantial replacement/repair of major components of an automobile. Examples of major automobile service include, but are not limited to, transmission repairs/replacement, paint and bodywork engine overhaul, and radiator repair.

Automobile service, minor. Automobile maintenance services which generally only require very brief adjustments and replacement of minor components. Examples of minor automobile service include but are not limited to, tune-up, oil change, lubrication, brake repair, air conditioning system services, muffler replacement, and alignment. Minor automobile parking shall be defined further as no overnight parking permitted.

Automobile service station. A building or premises where products necessary for automobile service or maintenance are sold, provided there is no storage of automobiles, and only minor services are rendered, and all repairs are performed indoors. An automobile service station is neither a repair garage nor a body shop.

Automobile service station pumps. Service station pumps and pump islands: Service station pumps and pump islands may occupy a required yard adjacent to a street, provided that no portion of such pump island shall be closer than 25 feet to any street intersection.

Basement. The level below a floor of a building with a minimum of one-half of the total wall area below grade. A basement is not a story. The term basement is synonymous with cellar.

Bed and breakfast inn. A residence in which the frequency and volume of visitors are incidental to the primary use as a private residence and where guest-rooms or cottages or cabins are made available for visitors for fewer than 14 consecutive days. Breakfast is the only meal served and is included in the charge for the room.

Bedroom. Any room in a dwelling designed and intended for sleeping, separable from other rooms by a door.

Berm. A planted earthen mound, usually linear in shape.

Block. An area of land bounded by streets or by a combination of streets and public land, railroad right-of-way, waterway or any other barrier to the continuity of development.

Boarding house. A dwelling in which meals, lodging, or both are furnished for compensation to more than two but not more than ten non-transient persons.

Brewpub. An accessory use to a permitted restaurant where distilled spirits, malt beverages or wines are licensed to sell and where beer or malt beverages are manufactured or brewed for consumption on the premise and solely in draft form.

Brownfields. A tract of land that has been developed for industrial purposes, the reuse of which is complicated by the presence or potential presence of contaminants.

Buffer, general. A buffer achieved with natural vegetation or revegetated. A portion of a tract which is permanently set aside to provide a perceived or actual visual (or horizontal spatial) separation between the use on the tract and abutting tracts through the use of natural vegetation or other means including replanting or the provision of supplemental plantings or other visual screening elements or noise attenuation devices. Buffers shall remain undisturbed except as required to implement landscape enhancement.

Buffer, replanted. A buffer that has been replanted or enhanced to provide a perceived or actual visual separation between the use on the tract and the abutting tracts to achieve a visual screening or noise attenuation device (noise barrier walls).

Buffer, state waters. An area along the course of any state waters to be maintained in an undisturbed and natural condition.

Buffer, undisturbed. A natural undisturbed portion of a lot, except for approved access and utility crossings, which is set aside to achieve a visual barrier between the use on the lot and adjacent lots and/or uses.

Buffer, zoning. A natural undisturbed portion of a lot, except for approved access and utility crossings, which is set aside to achieve a visual barrier between the use on the lot and adjacent lots and/or uses. A buffer is achieved with natural vegetation and must be replanted subject to the approval of the director of the department of planning and zoning or his/her designated agent(s) when sparsely vegetated. Clearing of undergrowth from a buffer is prohibited except when accomplished under the supervision of the director of the public works or his/her designated agent(s).

Buildable area. The portion of a parcel of land where a building may be located and shall contain enough square footage to meet the minimum required by the zoning district. That portion which is not located in the minimum setbacks, utility corridors, driveways, slopes to build streets, tree save areas, landscape strips, specimen tree areas, state water buffers, zoning buffers, wetlands, storm water and sanitary sewer easements.

Building. Any structure with a roof designed or built for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.

Building height. The average of two measurements of vertical distance from adjacent grade to the lowest and highest points of the roof of the highest story of a building.

Building line at lot width. A line within a lot along which the distance of the "lot width at building line" is measured; the front yard setback line.

Building permit. Written permission issued by the proper municipal authority for construction, repair or alteration of, or addition to, a structure.

Building setback line. A line formed by the front, side and rear lot lines, beyond which a building or any projection thereof, excluding uncovered steps, cannot extend.

Business services. Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as, advertising and mailing; building maintenance; employment services, management and consultant services, protective services; equipment rental and leasing; commercial research; development and testing; and personal supply services.

Canopy. A roof-like cover, excluding carports, that either projects from the wall of a building or is freestanding.

Canopy tree. Any self-supporting woody plant of a species that grows to an overall height of at least 40 feet, usually with one stem or trunk and many branches.

Car wash, accessory. A customarily incidental use of an attached or detached bay for cleaning vehicles.

Car wash, principal. A primary or main use which provides space for cleaning vehicles.

Care facilities.

- (1) *Assisted living facility.* A facility which provides short- and long-term care room and board on a 24-hour basis for residents requiring assistance with daily living activities (such as, but not limited to, dressing, grooming, bathing, housekeeping, transportation, etc.) due to health or age-related conditions. Limited on-site medical care, as well as transportation assistance for medical appointments is generally provided. Licensed by the state department of human resources.
- (2) *Convalescent center.* A domiciliary care is provided to convalescing, chronically or terminally ill persons who are provided with food, shelter and care and not meeting the test of family. Convalescent homes are primarily designed to provide a home-like environment while patients recover from long-term illnesses or medical procedures. This use shall not include hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. Licensed by the state department of human resources.
- (3) *Personal care home.* Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food services, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. Licensed by the state department of human resources.
- (4) *Nursing home/hospice care facilities.* Means a home for aged or ill persons in which three or more persons not of the immediate family are provided with food, shelter, and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment. Licensed by the state department of human resources.

Cemetery, human. The use of property as a burial place for human remains. Such a property may contain a mausoleum.

Cemetery, pet. The use of property as a burial place for the remains of pets. Such a property may contain a mausoleum.

Certificate of occupancy (CO). A document issued by the building official indicating that a building has been constructed in accordance with all codes and provisions of this chapter, or that a legal variance to the codes and provisions of this chapter has been granted.

Certificate of zoning compliance. A document issued by the zoning administrator or its designee stating that a use of a building and/or land conforms to all provisions of this chapter or that a legal variance to the provisions of this chapter has been granted.

Check casher. An individual, partnership, association, or corporation engaged in cashing checks, money orders, or other drafts for a fee. Such fee may be payable in cash, in the form of exchange of value in excess of regular retail value, in the form of mandatory purchase of goods or services by patrons on a regular basis, which shall mean the check casher conducts such services more than ten times in any calendar month, or in the form of the purchase catalog items or coupons or other items indicating the ability to receive goods, services, or catalog items.

Check cashing establishment. Any establishment licensed by the state pursuant to O.C.G.A. § 7-1-700 et seq.

Church, temple or place of worship. A facility in which persons regularly assemble for religious ceremonies. This shall include, on the same lot, accessory structures and uses such as minister and caretaker's residences, and other uses identified under the provisions for administrative and use permits.

Cistern. An artificial reservoir (as an underground tank) for storing liquids and especially water (as rainwater).

City. The City of Fairburn, Georgia.

City council, mayor, and council. The mayor and council of the city.

Clear cutting. The removal of all vegetation from a property, whether by cutting or other means, excluding stream buffer requirements.

Clinic. A use where medical examination and treatment is administered to persons on an outpatient basis. No patient shall be lodged on an overnight basis.

Club, lodge, retreat, campground. A building or facility allowed with an administrative or use permit which provides space, food, and/or lodging facilities for and operated for social, educational, or recreational purposes.

Clubhouse, general. A non-profit social, educational or recreational use normally involving community centers, public swimming pools and/or courts, civic clubhouses, lodge halls, fraternal organizations, country clubs and similar facilities.

Clubhouse, neighborhood. Any club operated for recreation and social purposes solely by the residents of a specific neighborhood or community.

Cluster districts. A development pattern and technique where structures or building sites are arranged in close proximity to one another in non-linear groups to allow for the maximum number of residences under current residential zoning and subdivisions. This type of development protects natural resources and is typically adjacent to permanently preserved common open space, to make efficient and visually aesthetic use of the natural features of the landscape and maximize visualization of permanently preserved open space.

Code enforcement officer. The individual designated by the city administrator whose duty it shall be to enforce the provisions of this chapter.

Community farming/gardens. Means an area of land managed and maintained by a group of individuals to grow and harvest food crops and or ornamental crops for personal use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Condominium. A type of ownership for attached or detached dwelling units, offices, or other space within a structure, as defined by the provision of O.C.G.A. title 44, chapter 3, article III (O.C.G.A. § 44-3-70 et seq.) in which each unit is independently owned and financed by the occupant, but in which all lands are owned in common on a proportional, undivided basis.

Cool roof. A cool roof is a reflective roof—A white or light-colored surface off of which sunlight will bounce, as opposed to a dark surface that absorbs the heat like a cast-iron skillet. The roofing material on a cool roof should also have a high emissivity, which means it easily releases heat.

Commissary. A licensed or permitted food service establishment that provides required services to a mobile food truck. A commissary may provide anything from a source for obtaining potable water and disposing of wastewater; storage for food and supplies; or cooking facilities to prepare the food for sale and consumption.

Country inn. A facility, with the owner or innkeepers residing on the premises, where guest rooms are made available for visitors for fewer than 30 consecutive days. A country inn is distinguished from a bed and breakfast category in that it serves both breakfast and lunch or dinner.

Courtyard. An open-air area, other than a yard, that is bounded by the walls of a building. Courtyards are used primarily for supplying pedestrian access, light, and air to the abutting building(s). Site furniture, lighting, and landscaping are appropriate for courtyards. Vehicular access allowed for unloading and loading only. No vehicular parking or vehicular storage is allowed.

Crematorium. A facility for the reduction of remains to ashes by incineration.

Cul-de-sac. A street having only one connection to another street, and is terminated by a vehicular turnaround.

Curb cut. An opening along the curb line of a public right-of-way through which vehicles may enter or exit the roadway. Curb cut applies to access regardless of the existence of curbing.

Cutoff. A luminaire light distribution where the emission does not exceed two and one-half percent of the lamp lumens at an angle of 90 degrees above nadir and does not exceed ten percent at a vertical angle of 80 degrees above nadir.

Cutoff fixture. A luminaire light distribution where the candela per 1,000 lamp lumens does not numerically exceed 25 (two and one-half percent) at or above a vertical angle of 90 degrees above nadir, and 100 (ten percent) at or above a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

DBH (diameter at breast height). The diameter of a tree measured at a point four and one-half feet above grade.

Day care center. Any establishment operated by an individual, partnership, society, agency, corporation, institution or group, and licensed by or registered with the state as a group day care home or day care center, which enrolls therein for pay, for supervision and care, at a minimum three or more children or adults. Such facility may provide supervision, care, education, recreation, and specialized programming but does not provide overnight accommodations.

- (1) *Adult day care facility.* Any facility, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service and one or more personal services for three or more adults who are not related to the owner or administrator by blood or marriage for a period of less than 24 hours per day.
- (2) *Child daycare center.* A use in which shelter, care, and supervision for three or more children under the age of 18 on a regular basis away from their residence for less than 24 hours a day. A child daycare facility may provide basic educational instruction. The term shall include nursery school, kindergarten, early learning center, play school, pre-school, and group day care home. Child daycare facilities shall be further differentiated by the following:
 - a. *Large.* A place operated by any person or group who receives therein for pay for supervision and care for fewer than 24 hours per day, without transfer of legal custody, 19 or more children under 18 years of age.
 - b. *Medium.* A place operated by any person or group who receives therein for pay for supervision and care for fewer than 24 hours per day, without transfer of legal custody, seven but not more than 18 children under 18 years of age.
 - c. *Small.* A private residence operated by any person who receives therein for pay for supervision and care for fewer than 24 hours per day, without transfer of legal custody, three but not more than six children under 18 years of age.

Deed restrictions or covenants. Private stipulations or legal restrictions assigned to the use of land, contained in the deed to the property or otherwise formally recorded.

Density. The number of dwelling units per acre. The standard for calculating gross density shall be the number of dwelling units divided by the entire acreage of the lot. Net density shall be based on the lot acreage minus the area comprising the network of streets and sidewalks together with any required reservation of open space.

Development of regional impact (DRI) study. A review by the Atlanta Regional Commission and the state regional transportation authority of large scale projects that are of sufficient size that they are likely to create impacts beyond the jurisdiction in which each project will be located.

Development standards. Dimensional measurements as specified in zoning districts relating to such standards as yard setbacks, lot area, lot frontage, lot width, height and floor area.

District. A geographic section of the city within which the zoning regulations are uniform.

Driveway. A private road giving access from a public way to a house, garage, or other building on abutting grounds.

Dumpster. A metal container designed for receiving, transporting, and dumping waste materials.

Dwelling. A building or portion thereof used exclusively for residential occupancy, including one-family, two-family (duplex) and multiple-family dwellings, but not hotels or boardinghouses and rooming houses.

Dwelling, accessory. A detached dwelling unit meeting the single-family development standards and having a floor area of a maximum 800 square feet or less on the same lot as a primary dwelling. Accessory dwelling units are distinct dwelling units with independent kitchen facilities.

Dwelling, multifamily. A building (land area) or portion thereof used exclusively for residential occupancy by three or more families living independent of each other and containing three or more dwelling units.

Dwelling unit. One or more rooms constructed with cooking, sleeping, and sanitary facilities designed for and limited to use as living quarters.

Easement. A grant or reservation by the owner of land for the use of such land by the others for a specific purpose or purposes by the public, the city, a corporation or other persons for specified purpose, and which must be included in the conveyance of land affected by such easement.

Environmentally adverse. Any use or activity which poses a potential or immediate threat to the environment and/or is physically harmful or destructive to living beings as described in the executive order 12898 regarding environmental justice.

Environmentally stressed community. A community exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

Erosion. The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice or gravity.

Extended stay residential facilities, or other similar accommodations. A building designed for occupancy of six or more guest rooms, and where more than five percent of the guest rooms located therein contain a fixed cooking appliance.

Family. Means one or more persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, or up to three unrelated persons, occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a rooming, boarding or lodging house, or a hotel.

Family day care home. A home occupation in which shelter, care, and supervision are provided for six or fewer persons on a regular basis. A family day care home may provide basic educational instruction.

Farm. A parcel of land which is used for the raising of animals (including fish) on a commercial basis, or non-commercial such as ranching, dairy farming, piggeries, poultry farming and fish farming; a facility for the business of boarding or renting horses to the public; or a site used for the raising or harvesting of agricultural crops such as wheat, field forage and other plant crops intended for food or fiber.

Fence. A structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, or rails.

Fixed cooking appliances. Includes a stove top burner, a hot plate that does not serve as an integral part of an appliance designed solely to produce coffee, a conventional oven, or any oven producing heat using resistance heating elements, induction heating, or infrared heating sources; provided, however, a microwave oven shall not be considered a fixed cooking appliance.

Flag lot. A lot where frontage to a public street is provided via a narrow strip of land forming a pole or stem to the buildable portion of the lot.

Flood lamp. A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

Floodplain. Any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown in the current land use plan (i.e., the regulatory flood).

Floor area. The floor area is the gross horizontal area of the several floors of a structure exclusive of carport, garage, basement, attic, open porches, and balconies. Only finished, conditioned living space can contribute to the minimum required floor area.

Frontage. The length of any one property line of a lot that abuts a public street right-of-way.

Future land use map. A map contained in the city comprehensive plan depicting the desired pattern of development by type of use. This map is referenced in all zoning decisions.

Garden center/landscaping business. A business whose primary operation is the sale and/or storage of seeds and organic and inorganic materials, which include but are not limited to trees, shrubs, flowers, and other plants for sale or transplanting, mulch, pine straw, and other organic products for landscaping purposes, and other limited related accessory products for gardening and/or landscaping and the storage and use of landscape vehicles with an approved use permit for landscaping business, plant nursery, or garden center with indoor retail component.

Golf course. A use of land for playing the game of golf. The term shall not include miniature golf, but may include a country club and a driving range as an accessory use.

Grade. The average elevation of the finished surface of the ground adjacent to the exterior walls of a building.

Green roof. The roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

Green space. Permanently protected land and water, including agricultural and forestry land that is in its undeveloped, natural state or that has been developed only to the extent consistent with, or is restored to be consistent with, one or more of the following goals:

- (1) Water quality protection for rivers, streams, and lakes;
- (2) Flood protection;
- (3) Wetlands protection;
- (4) Reduction of erosion through protection of steep slopes, areas with erodible soils, and stream banks;
- (5) Protection of riparian buffers and other areas that serve as natural habitat and corridors for native plant and animal species;
- (6) Scenic protection;
- (7) Protection of archaeological and historic resources;
- (8) Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, and similar outdoor activities; and
- (9) Connection of existing or planned areas contributing to the goals set out in this paragraph.

Greyfields. Economically obsolescent, outdated, failing, and/or under used real estate assets or land. The term was coined as a way to describe the sea of empty asphalt and "dead malls".

Gross acreage. The total acreage of a lot prior to making site improvements.

Group home for children. A dwelling unit or facility in which full time residential care is provided for children under the age of 17 as a single housekeeping unit. A group home must comply with applicable federal, state and local licensing requirements. A group home may not serve the purpose of, or as an alternative to, incarceration. A group home for children shall be further differentiated by the following:

- (1) *Small*. A facility where care is provided for two or three unrelated children under the age of 17.
- (2) *Medium*. A facility where care is provided for four to six unrelated children under the age of 17.
- (3) *Large*. A facility where care is provided for seven to 15 unrelated children under the age of 17.
- (4) *Congregate*. A facility where care is provided for 16 or more unrelated persons under the age of 17.

Group home/shelter. A state licensed 24-hour residential facility functioning as a single housekeeping unit for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation. Bedroom suites shall not include kitchen facilities. For purposes of this chapter, group home/shelter shall not include those facilities which exclusively care for children under the age of 17.

- (1) *Small*. A facility where care is provided for two or three unrelated adults over the age of 18.
- (2) *Medium*. A facility where care is provided for four to six unrelated adults over the age of 18.
- (3) *Large*. A facility where care is provided for seven to 15 unrelated adults over the age of 18.
- (4) *Congregate*. A facility where care is provided for 16 or more unrelated adults over the age of 18.

Halfway house. Any dwelling used as a residence by individuals on parole, probation, or serving a criminal sentence on condition of house arrest, for the purpose of rehabilitation of the individual while transitioning back into the community.

Hardship. The existence of extraordinary and exceptional conditions pertaining to the size, shape, or topography of a particular property, because of which the property cannot be developed in strict conformity with the provisions of this chapter.

Height. The distance from grade to the highest point of an object.

Historic period lighting. Commercial lighting with an architectural design from the late 19th and early 20th centuries.

Home occupation. A low intensity type business conducted within or administered from a portion of a dwelling (see section 80-138).

Hospital. The provisions of in-patient health care for people, including general medical and surgical services, psychiatric care, and specialty medical facilities. Outpatient facilities are normally included.

Hotel/motel. A building in which lodging and/or boarding is provided for fewer than 30 days. The term may include a restaurant in conjunction therewith and may also mean an inn.

Impervious surface. Mainly artificial structures, such as pavements (roads, sidewalks, driveways and parking lots) that are covered by impenetrable materials such as asphalt, concrete, brick, stone, and rooftops.

Improvement. Any manmade object that becomes part of, is placed upon, or is affixed to real estate.

Industrialized (modular) housing. A single-family dwelling unit manufactured in one or more sections in accordance with the Georgia Industrialized Building Act of 1982, as amended and the rules of the commissioner of the state department of community affairs issued pursuant thereto. An industrialized or modular housing unit is designed for placement on a permanent foundation and does not have a permanent chassis, axle, or wheels. In addition, it is placed on a permanent foundation and is not intended to be moved at a later date.

Inoperable vehicle. A motorized vehicle incapable of immediately being driven.

Junk facility. See salvage/storage/junk facility.

Junked vehicle. Any wrecked or inoperative vehicle which:

- (1) Does not bear a current license plate;
- (2) Has not been capable of operating under its own power for a period exceeding 30 days; or

(3) From which parts have been or are to be removed for reuse or sale.

Kennel. A use for the shelter of domestic animals where the shelter of these animals involves an exchange of revenue in which a business license is required. If the kennel is a non-business operation, its use shall be certified by the county animal control office.

Land development regulations. Standards to provide guidance and establish rules and regulations governing the development of lands within the corporate city limits.

Landfill, inert waste disposal. Disposal facility accepting only waste that will not or is not likely to cause production of leachate of environmental concern by placing an earth cover thereon. Such waste is limited to earth and earth-like products, concrete, cured asphalt, rocks, bricks, yard trash, stumps, limbs, and leaves. This definition excludes other types of industrial and demolition waste not specifically listed above. (Refer to the rules concerning solid waste management of the state department of natural resources, environmental protection division, as amended, for further definition.)

Landfill, solid waste disposal. A disposal facility accepting solid waste excluding hazardous waste disposed of by placing an earth cover thereon. Solid waste includes waste from domestic, agricultural, commercial, and industrial sources. (Refer to the rules concerning solid waste management of the state department of natural resources, environmental protection division, as amended, for further definition.)

Landscape strip. An area required by this resolution or by conditions of zoning which is reserved for the installation and/or maintenance of plant materials.

Large-scale retail/service commercial development. A retail/service commercial development with at least one large-scale retail structure but no more than four such structures whether freestanding or combined.

Large-scale retail/service commercial structure. An individual retail/service commercial structure that is 75,000 square feet or greater. This size threshold refers to an individual establishment and its associated outdoor areas used for display and storage.

Lawful use. Any use of lots or structure which is not in violation of any existing federal, state or local law, statute, regulation or ordinance.

LEED (leadership in energy and environmental design). Is an internationally recognized green building certification system, providing third-party verification that a building or community was designed and built using strategies intended to improve performance in metrics such as energy savings, water efficiency, CO 2 emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts.

Licensed cashier of checks (check cashing facility). Any individual, partnership, association, or corporation duly licensed by the department of banking and finance to engage in this type of business.

Licensee. A licensed cashier of checks, drafts, or money orders.

Livestock. Used to refer (singularly or plural) to a domesticated animal intentionally raised in an agricultural setting to produce commodities such as food or fiber, or for its labor. The term generally does not include poultry, or farmed fish.

Live-work units. Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. Maximum size of the live-work unit shall be 1,200 square feet with at least one-third of the unit designated for residential space.

Loading space. An area within the main building or on the same lot, which provides for the temporary parking of vehicles for loading or unloading of people, goods, and equipment.

Loft, residential. A dwelling in combination with any permitted use in a non-commercial zoning district provided the dwelling is located above the first floor, with direct access to the street or other public area; the dwelling has at least 800 square feet of usable floor area, and the dwelling meets all the requirements of the building and fire codes.

Long-term storage. A truck, trailer or vehicle parked in the same parking space continuously for a period of 30 days or more.

Lot. An unsubdivided parcel or portion of land occupied or intended to be occupied by a common use or occupied or intended to be occupied by a building or group of buildings devoted to a common use, together with the customary accessory buildings and uses and open spaces belonging to the same, which has both lot area and lot dimensions equal to or greater than the lot width and lot area requirements established by this chapter for the zoning district in which such tract of land is located and for the use purposed for the tract of land.

Lot, corner. A parcel of land bounded on two or more adjacent sides by street right-of-way lines

Lot coverage. The total horizontal ground area of a lot that is occupied by all buildings on the lot.

Lot, double frontage. A lot having frontage on two streets that do not intersect at any point along the lot, as distinguished from a corner lot.

Lot, flag. A lot to which access to the bulk of the lot area is by means of a narrow, private right-of-way or driveway.

Lot frontage. The horizontal distance of a lot adjacent to a street right-of-way.

Lot line. A boundary of a lot. The term "lot line" may also be referred to as a property line.

Lot line, front. A lot line which extends the entire length of an abutting street from intersecting property line to intersecting property line. The front lot line of a corner lot has two front lines.

Lot line, rear. The boundary of a lot which is most distant from, and is, or is most nearly parallel to the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot parallel to and at a maximum distance from the front lot line.

Lot line, side. A lot line which is not a rear or front lot line.

Lot of record. An individual lot or lot which is a part of a subdivision, the map of which has been recorded in the office of the clerk of superior court of the county; or a parcel of land the deed of which has been recorded in the office of the clerk of superior court of the county.

Lot, substandard. A lot having less than the minimum area required by the district in which it is located, provided the lot was of record as a legally created lot on the effective date of the ordinance.

Lot, unlawful. Any lot-of-record which, at the time of recordation in the official records of the clerk of superior court, did not comply with zoning and subdivision laws in effect at that time.

Lot width. The horizontal distance between side lot lines measured at the minimum front yard setback line.

Lots, multiple frontage. Any lot having a property line adjacent to more than one public street right-of-way or private street shall be deemed a multiple frontage lot. Any rear or side setback that also fronts on a public right-of-way or private street shall have a setback depth equal to the minimum front setback depth specified for the appropriate zoning district.

Manufactured (mobile) housing. A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the Federal Manufactured Home and Standards Act, 42 U.S.C. §§ 5401—5445. Said dwelling unit is transportable and is delivered to a site on wheels and then converted to a semi-stationary or stationary structure. As used herein, the terms "manufactured housing or mobile home" shall exclude any structure that falls under the definition of the term "industrialized housing".

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building used for advertising or identification.

Massing. Varying the massing of a building may be achieved by varying the surface planes of the building with porches, balconies, bay windows, and/or overhangs, and/or stepping-back the buildings from the second floor and above, and/or breaking up the roofline with different elements to create smaller compositions.

Maximum lot coverage. The percentage of the gross acreage of a lot that may be occupied by a structure or structures. In calculating maximum lot coverage, gross acreage shall not include floodplains or slopes in excess of 30 percent.

Medical related lodging. A use which provides temporary lodging for family members of a hospitalized patient.

Minimum building separation. A required space between any two buildings on the same lot that are used for multi-family or nonresidential purposes.

Miniwarehouse. A building or portion thereof used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for business or individuals. Miniwarehouse shall not include retail sale on the premises, commercial repair or other services, manufacturing or any other commercial use.

Mixed-use. A building or groups of buildings under one ownership designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: retail, office and institutional, and/or service, and residential.

Mobile food truck. A retail food establishment that reports to and operate from a commissary and is readily moveable. Said mobile food truck shall be a motorized wheeled vehicle which includes a self-contained kitchen where food is prepared or stored and from which food products are sold and dispensed.

Mobile home. Prefabricated homes built in factories, rather than on-site, and then taken to the place where they will be occupied. Being built on a permanently attached chassis with highway-grade wheels and tires, they are usually transported by being pulled behind a tractor-trailer over public roads to a home site.

Mobile home park. Use of property for two or more mobile homes for living purposes, and spaces or lots set aside and offered for use for mobile homes. Does not include mobile home sales lot.

Modification, administrative. An application requesting change to an approved condition of zoning or use permit, except for conditions that pertain to a change in use, increase in density, and/or increase in height.

Modification, zoning. An application to change approved zoning conditions on rezoning and use permits where it has been determined by the zoning administrator that the requested change involves a matter of significant public interest.

Modular building. A transportable, nonresidential building fabricated in an off-site facility for installation or assembly at a separate building site.

Modular home. A factory-fabricated, single-family dwelling built in one or more sections, designed for placement on a permanent foundation and not having a permanent chassis. A modular home is not a mobile home.

Multi-tenant. Two or more businesses that provide goods and/or services within separate structures located on the same site or within the same structure, that provides wall separation and private access for each business.

Nightclub. An establishment having a capacity of at least 100 persons, with all booths and tables unobstructed and open to view, dispensing alcoholic beverages and in which music, dancing or entertainment is conducted. All such establishments shall be equipped with air conditioning. The principal business of a nightclub shall be entertainment, and the serving of alcoholic beverages shall be incidental thereto.

Nonconforming (grandfathered) lot, use, or structure. A use, lot or structure that was nonconforming at the time of the adoption and does not now meet the minimum requirements of the district in which it is located. Also, a use, lot, or structure which has been made nonconforming by some city or state action. Any change or addition to a use, lot, or structure must comply with current provisions of this chapter.

Official zoning map. The most current map depicting the district designation of all lots in the city, controlling their use and development, as attested by the city clerk.

Off-premises. A location outside of the subject lot for a designated use.

Off-site. The location of a structure or use outside the lot-of-record of the subject development including the adjoining street or other right-of-way.

Off-street parking space. A paved, off-street area adequate for parking an automobile, with appropriately related access to a public street or alley and associated maneuvering room.

Office, temporary. A mobile, manufactured or other structure which is used as an office for real estate sales, on-site construction management and related functions. Requires an administrative permit under temporary structures.

On-premises. The individual lot-of-record on which the use is located.

On-site. The location of a structure or use within the confines of a property delineated by property lines or, if referenced in a zoning or use permit case, within the confines of the boundaries of the legal description filed with the petition.

Open space. A portion of a site which is permanently set aside for public or private use and will not be developed. The space may be used for passive or active recreation or may be reserved to protect or buffer natural areas. Open space may include wooded areas other than required landscape strips and buffers, pathways/walkways, fields, and sensitive environmental areas such as wetlands, etc. Detention facilities and platted residential lots shall not be included in open space calculations.

Outdoor display. The outdoor display of products actively available for rent or sale within the principle business facility. This definition does not include products in shipping boxes, crates, on pallets, or other shipping containers, or any construction equipment which shall be considered outdoor storage.

Outdoor storage. The outdoor storage of products, whether for sale, rent or processing for a period exceeding 24 hours. This definition includes any products on pallets, in shipping containers, in or on crates, any construction equipment, any goods, junk, material, merchandise, or vehicles.

Outparcel (spin-site). A portion of a larger parcel of land generally designed as a site for a separate structure and business from the larger tract. An outparcel may or may not be a subdivision of a larger parcel. To be recognized as an outparcel, the portion must be identified on a site plan approved for the larger parcel.

Owner. An individual, firm, association, syndicate, partnership, or corporation having sufficient vested legal property rights in the property for which they seek an action under this chapter.

Parcel. An area of land having one continuous boundary held by one owner and recorded with the clerk of the superior court of the county.

Park land. Land within or suitable for public parks; land for noncommercial park, recreation or open space purposes;

Parking lot. An area which is used for the parking of vehicle.

Parking space. An area designated for the parking of one vehicle on an all-weather surface. All residential development shall provide two spaces per dwelling unit.

Path. A cleared way for pedestrians and/or bicycles that may or may not be paved or otherwise improved.

Pavement. An area of brick, stone, concrete, or asphalt placed on the surface of land sufficient for vehicular use, and that portion of a street right-of-way having an improved surface.

Pawn shop. A business that lends money at interest on personal property deposited with the lender until redeemed.

Permitted use. An activity conducted on a lot that is among those activities allowed as a matter of right under the zoning district of this chapter in which the lot is located, subject to the applicable regulations of the district.

Personal services. Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

Pervious lot paving. Pervious paving materials include pervious interlocking concrete paving blocks, concrete grid pavers, perforated brick pavers, and compacted gravel. It is used to reduce the imperviousness of firm surfaces such as patios, walkways, driveways, fire lanes, and parking areas, for the purpose of reducing surface runoff and increasing infiltration.

Plant nursery. Any land used to raise trees, shrubs, flowers and other plants for sale or transplanting, but not including the retail sale of any related garden supplies such as chemical fertilizer, tools and other similar goods and/or equipment. See garden center/landscaping business for retail component.

Plat, final. The permanent plan documenting the approved subdivision of land as defined in the city subdivision regulations, indicating the proposed layout of the subdivision, together with all site improvements.

Plat, preliminary. An initial plan for the subdivision of land as defined in the city subdivision regulations, indicating the proposed layout of the subdivision.

Porch. A roofed open structure projecting from the exterior wall of a building and having at least 70 percent of the total area of the vertical planes forming its perimeter unobstructed in any manner except by insect screening between floor and ceiling.

Principal use. The primary activity on a lot distinguished from a secondary or accessory use.

Property. When used in conjunction with an application for rezoning, an area of land composed of less than one lot, or of accumulations of one or more lots, or parts thereof.

Protected zone. All lands that fall outside the buildable area of a parcel, all areas of a parcel required to remain in open space, all areas required as landscape strips and/or buffers (including zoning buffers, state water buffers and tributary buffers) and all tree save areas according to the provisions of the Fairburn zoning ordinance, conditions of zoning, use permit or variance approval, and/or the tree protection, landscaping and maintenance ordinance.

Public art/creative placemaking. Works of art in public places (usually outside and accessible to all) can take form in various sizes and scales and can be temporary or permanent. Public art/creative placemaking can include murals, sculpture, memorials, integrated architectural or landscape architectural work, community art, digital new media, and performances and festivals. Public art/creative placemaking can be integrated into community revitalization work by placing arts and culture at the table with land-use, transportation, economic development, education, housing, infrastructure and public safety strategies.

Public notice. Information conveyed to the general population concerning any provision of this chapter or its application to real property in the city of the city appearing on affected property or in a paper of general circulation. Such notices are used primarily to announce the time, place, and nature of a hearing during which city officials will publicly debate such matters.

Rain barrel. A barrel used as a cistern to hold rainwater. A rain barrel catches and stores runoff rainwater from the roof which can be used to water the lawn or garden.

Rain gardens. A planted depression that allows rainwater runoff from impervious urban areas like roofs, driveways, walkways, parking lots, and compacted lawn areas the opportunity to be absorbed. This reduces rain runoff by allowing stormwater to soak into the ground.

Recreational court, private. An improved area designed and intended for the playing of a game or event such as basketball or tennis, and which serves a single-family dwelling(s), duplex dwellings and/or multi-family dwellings, or combinations of dwelling types, including such improved areas which are owned and/or controlled by a neighborhood or similar organization. A basketball goal adjoining a driveway of typical residential driveway dimensions shall not constitute a recreational court.

Recreational court, public. An improved area designed and intended for the playing of a game or event such as basketball or tennis, and is operated as a business or as a club unless such club is a neighborhood club or similar organization identified under recreational court, private.

Recreational facilities. Includes parks, recreation areas, golf courses, playgrounds, recreation centers (indoor and outdoor), playing fields, and other similar uses or facilities.

Recreational vehicle. A vehicle used for leisure time activities and as a dwelling unit while traveling. Examples include a camper, a motor home, and a travel trailer.

Recycling center, collecting. Any facility utilized for the purpose of collecting materials to be recycled including, but not limited to, plastics, glass, paper, and aluminum materials.

Recycling center, processing. Any facility utilized for the purpose of collecting, sorting, and processing materials to be recycled including, but not limited to, plastics, glass, paper, and aluminum materials. A recycling center is not to be considered a landfill.

Rehabilitation center. Shall include rehabilitation centers for persons with alcohol, drug abuse or other dependency problems or mentally or physically handicapped persons.

Relocated residential structure. A dwelling which has been removed from one location for relocation to another lot.

Repair garage, truck, and heavy equipment. A use which may provide a full-range of repairs and services including major overhauls on trucks and heavy equipment. Includes paint and body shops.

Resident. Any person who is a member of the family residing in the dwelling unit, takes substantially all of his overnight lodging at the dwelling unit, stores substantially all his personal belongings in the dwelling unit, and uses the address of the premises as his address for legal purposes such as voter registration, and payment of personal property taxes.

Residential use dwelling. Any building or portion thereof where one actually lives or has his home; a place of human habitation.

Restaurant. A food service use which involves the preparation and serving of food to seated patrons. A cafeteria shall also be considered a restaurant. The restaurant seating area must be at least 40 percent of the gross square footage of the restaurant facility. Seating space located outside of the main structure (i.e. patios, decks, etc.) shall not be included in calculating the seating space.

Restaurant, drive-through. An establishment that **allows customers to order and pick up food and/or beverages through a window, in a designated lane, while remaining in their vehicles serves food and/or beverages directly to customers in motor vehicle serves food and/or beverages**, regardless of whether it also serves food and/or beverages to customers who are not in motor vehicles, for consumption on or off the premises. **Restaurant with curbside ordering and pickup of food and/or beverage is not considered a drive-through restaurant.**

Restaurant, fast food. Fast food establishments, refer to buildings used for the preparation and sale of ready-to-eat food. Fast food restaurants are characterized by a limited menu of food prepared quickly (often within a few minutes), and sometimes cooked in bulk in advance and kept hot, with minimal table service. Fast food restaurants often serve hamburgers, french fries, pizza, hot dogs, chicken, sub sandwiches, tacos, ice cream, coffee, milkshakes, etc.

Retail or service establishments. An establishment that sells services or goods to meet the everyday needs of the community. Such establishments may include grocery stores, hardware stores, clothing stores, furniture stores, restaurants, hotels, watch repair establishments, barber shops, and other such local establishments. Retail or service establishments may sell goods as an incidental service when necessary. Retail or service establishments may sell products as a secondary service to the primary business activity.

Retail use. A business whose primary purpose is the sale of merchandise to consumers.

Right-of-way. An area of land specifically designated for use as a public street or sidewalk; utility, railroad, interstate or transmission corridor; landscaping and street furnishings; or other public purpose.

Roadside produce stand. A use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or prepared packaged meats for sale from a vehicle or a temporary structure. The consumption of food on-site is prohibited.

Roadside vending. The sale of merchandise such as clothing, crafts, household item, firewood, etc., from a temporary table or cart.

Rooming house. A residential use other than a hotel or motel in which lodging may be provided to non-household members for periods of 30 days or longer, and which does not include the provision of meals.

Rural. Rural applies to sparsely settled or agricultural country areas that are not urbanized.

Salvage/storage/junk facility. Any use involving the storage or disassembly of wrecked or junked automobiles, trucks or other vehicles; vehicular impound lots; storage, bailing or otherwise dealing in scrap irons or other metals, used paper, used cloth, plumbing fixtures, appliances, brick, wood or other building materials; and the storage or accumulation outside of a storage building of used vehicle tires or tire carcasses which cannot be reclaimed for their original use. Such uses are storage and/or salvage facilities whether or not all or part of such operations is conducted inside or outside a building or as principal or accessory uses. State approval is required for all sites utilized for reclamation and/or disposal of toxic and/or hazardous waste.

Satellite dish. A round, parabolic antenna designed to receive signals from orbiting satellites. Noncommercial dish antennas are defined as being less than four meters in diameter. *Scale.*

- (1) Refers to the relationship of the size of a building to neighboring buildings and of a building to a site. In general, the scale of new construction should relate to the majority of surrounding buildings.
- (2) A linear scale, also called a bar scale, scale bar, graphic scale, or graphical scale, is a means of visually showing the scale of a map, nautical chart, engineering drawing, or architectural drawing.

Schools, colleges, and universities. Any educational facility established under the laws of the state (and usually regulated in matters of detail by local authorities), in the various districts, counties, or towns, maintained at the public expense by taxation, and open, usually without charge, to all residents of the city, town or other district; private schools which have students regularly attending classes and which teach subjects commonly taught in these schools of this state; any educational facility operated by a private organization or local county, or state that provides training or education beyond and in addition to that training received in grades kindergarten to twelfth, including but not limited to, trade, business and vocational schools; any institution of higher learning, consisting of an assemblage of colleges united under one corporate organization or government, affording instruction in the arts and sciences and the learned professions, and conferring degrees.

School, private. An educational use having a curriculum at least equal to a public school, but not operated by the county board of education.

School, special. An educational use devoted to special education including the training of gifted, learning disabled, mentally and/or physically handicapped persons, but not operated by the county board of education.

Screen. A fence, wall, hedge, landscaping, earthen berm, buffer area, or any combination of these that is designed to provide a visual and/or physical barrier.

Seasonal business use. A primary use involving the sale of items related to calendar holidays, such as Christmas trees, Halloween pumpkins, etc., which may be conducted outside.

Senior housing. A single family or multi-family development intended for, operated for and designed to accommodate residents 55 years of age and older. Senior housing communities are designed for seniors to live on their own, but with the security and conveniences of community living. Some provide communal dining rooms and planned recreational activities (congregate living or retirement communities), while others provide housing with only minimal amenities or services.

Service station. A use which provides for the sale of motor vehicle fuels and automotive accessories, and which may provide minor repair and maintenance services. A service station shall be limited to four or fewer bays excluding no more than one attached or detached bay for washing cars.

Setbacks. See building setbacks.

Sexually oriented business. An adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a semi-nude model studio, a sexual device shop, or a sexual encounter center.

Shopping center. A group of commercial establishments planned, developed, and managed as a unit with individual vendors housed in one building that provides customer access, amenities, and protection from the elements and features common, on-site parking.

Sidewalk. Any portion of a street between the curbline and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Sign. Any surface, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, reading matter, material, fabric, device, fixture, placard, structure, object, three dimensional object, or display which bears lettered, numbered, pictorial, or sculptured matter, designed to convey information visually, advertise, announce the purpose of, identify the purpose of a person, or entity, to draw attention, or to communicate information of any kind to the public and which is exposed to public view (excluding those objects which qualify as "architectural enhancement" pursuant to the city's art and architectural advisory committee ordinance, Code sections 80-451 through 80-456). For the purpose of this article, the term "sign" shall not include those devices located entirely within a building or structure, unless such devices are considered window signs; additionally the term "sign" shall include all structural members used to erect or mount same, and any company colors, trademarks, service marks, brand names, logos, symbols, or roof shapes, which are generally used by the company in the design of its buildings, and are generally used, or identified, as trade styles or other identifying marks or symbols of the company's business.

Site plan, conceptual. A detailed plan for one or more lots drawn to scale depicting the proposed and existing conditions based on a certified boundary survey.

Site plan, final. The construction plan that identifies the details of the proposed development to include approved conceptual site plan and other information to include erosion control plans and details, sediment/detention pond details, sewer and drainage plan, tree protection plan, water and sanitary sewer layout, and construction details.

Small box retail store. A retail store with a floor area less than fifteen thousand square feet that primarily offers for sale an assortment of physical goods, products, or merchandise directly to the consumer, including food or beverages for off-premises consumption, household products, personal grooming, and health products, and other consumer goods, with the majority of items being offered for sale at lower than the typical market price. Small box discount retail stores shall not include the following: pharmacy drug store or a convenience store attached to or collocated with a gas station.

Solar power. The conversion of sunlight into electricity, either directly using photovoltaics (PV) (able to generate a current or voltage when exposed to visible light or other electromagnetic radiation), or indirectly using concentrated solar power (CSP) (the use of mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, onto a small area).

Special event. An event or happening organized by any person or organization which will generate or invite considerable public participation and/or spectators for a particular and limited purpose of time, including, but not limited to, special sales and service promotions, car shows, arts and crafts shows, horse shows, carnivals, festivals, exhibitions, circuses, fairs, show houses and tours of homes for charity. Special events are not limited to those events conducted on the public streets but may occur entirely on private property. Special events may be for profit or nonprofit. Events which will occur in the public right-of-way, such as roadway foot races, fundraising walks, bike-a-thons, parades, etc. are subject to the approval of the city police department.

Stadium. A large open or enclosed structure used for sports and other major events and partly or completely surrounded by tiers of seats for spectators.

Story. A portion of a building between the surface of any floor and the floor or space above it, excluding basements and attics.

Story, half. A heated and finished area below a roof, one or more of the vertical walls of which are less than normal ceiling height for the building.

Street. A public way for vehicle traffic that provides the primary means of access to abutting properties.

Street trees. Any tree whose trunk is located 50 percent or more within the land lying between property lines on either side of all public streets, boulevards, and alleys including public easements.

Structural alteration. Any change in the supporting member of a structure, such as foundations, bearing walls or bearing partitions, columns, beams, girders, or any substantial change in the roof or exterior walls.

Structure. Any object constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground.

Structure, accessory. A subordinate or secondary structure, customarily incidental to a principal structure or use and located on the same lot. Examples of accessory structures in single-family dwelling districts include outbuildings, such as, tool sheds, woodsheds, workshops, outdoor kitchens, pool houses, gazebos, guest houses, storage sheds, temporary storage pods, detached garages and detached carports, etc. Fences and retaining walls are not considered accessory structures. Driveways, surface parking lots, patios, and similar paved surfaces are not considered accessory structures.

Structure, principal. The primary building on a lot as distinguished from a secondary or accessory structure.

Subdivision. The division of land into three or more lots. A development consisting of subdivided lots.

Subordinate/incidental. Of lesser order or importance. Uses which are incidental to a permitted use as long as the incidental or subordinate use does not undercut the plain intent of the zoning.

Surface, all weather. Any surface treatment, including gravel, which is applied to and maintained so as to prevent erosion, and to limit vehicle wheels from making direct contact with soil, sod or mud; and which effectively prevents the depositing of soil, sod or mud onto streets from areas required to be so treated.

Sustainable. Development that meets the needs of the present without compromising the ability of future generations to meet their needs.

Swimming pool, private. A recreation facility designed and intended for water contact activities which serves a single-family dwelling(s), duplex dwellings and/or multi-family dwellings, or combinations of dwelling types, including pools which are owned and/or controlled by a neighborhood club or similar organization.

Swimming pool, public. A recreation facility designed and intended water contact activities which are operated as a business or as a club unless such club is associated with a neighborhood club or similar organization.

Tasting room. An outlet operated for the distribution and sale of wine by providing complimentary samples of such wine to the public and for the sale of such wine at retail.

Temporary storage pod. An accessory structure on a lot used for storage for less than three months. It is not intended for permanent storage. Such structure is used primarily for storage of building materials, household goods, personal items and other materials for use on a limited basis on residential, commercial or industrial property. Examples of temporary storage pods include portable storage units (PODS) and self-storage containers.

Transfer station. A facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

Travel trailers. Used primarily as temporary or vacation homes and is equipped for use (while traveling) as a dwelling.

Truck or motor freight terminal, service facility. An establishment engaged in transporting goods or commodities for another business enterprise, including the parking and repair of the motor vehicles used in providing such service.

Truck stop. A commercial establishment that provides fuel, parking, and sometimes food, primarily used for trucks, usually located on or near an interstate or state highways.

Truck terminal. A primary use of property where trucks/trailers are temporarily stored, maintained or based. Trucks/trailers shall have current registration and license plates with decal.

Use permit. A permit approved by the city council, pursuant to a public hearing, which authorizes a use which must meet certain standards which exceed the requirements of the district as a whole.

Used or occupied. Means and shall be construed to include the words "intended, arranged, or designed to be used or occupied". *Variance.*

- (1) *Administrative minor variance.* A variance to the minimum district yard requirements of not more than one foot, granted administratively by zoning director.
- (2) *Concurrent variance.* A concurrent variance from any standards of this chapter which shall be filed simultaneously with rezoning, use permit or zoning modification requests on the same property based on the conceptual plan submitted.
- (3) *Minor variance.* An application requesting deviation from the minimum yard requirements, not to exceed ten percent of the dimensional requirements.
- (4) *Primary variance.* A request for a variance from any zoning ordinance provision that is not being handled as a minor, administrative minor or concurrent variance and shall be heard and decided by the planning and zoning commission in accordance with article VI of this chapter.
- (5) *Secondary variance.* An appeal of a decision and/or action of the zoning administrator authorized to hear a variance request or interpretation of this chapter.

Vehicle, junk, or salvage. Any automobile, truck or other vehicle which is missing one of the following:

- (1) Current registration;
- (2) License plate with current decal;
- (3) Proof of liability insurance;
- (4) Drive train component for more than 30 days.

Veterinary clinic/hospital. A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Waste. Material that are discarded, disposed of, or no longer usable.

Waste disposal boundary. The limit of all waste disposal areas, appurtenances, and ancillary activities (including but not limited to internal access roads and drainage control devices).

Waste, hazardous. See state department of natural resources definition.

Waste, solid. See state department of natural resources definition.

Yard:

- (1) *Front.* An unoccupied area extending the full width of the lot located between the front lot line and the front yard setback line. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- (2) *Rear.* An unoccupied area extending the full width of the lot located between the rear lot line and the rear yard setback line.
- (3) *Side.* An unoccupied area bounded by the side yard setback line, the side lot line and the front and rear yards.

Zoning conditions. Requirements placed on property by the city council at the time of approval of a rezoning and/or use permit.

Zoning district. A specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

Zoning map. The "zoning district maps" of the city.

(Ord. No. 2008-10Z, exh. A, §§ 2.01, 2.02, 8-25-2008; Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. No. 2013-18, § 1(Exh. A), 9-9-2013; Ord. No. 2013-25, § 1, 10-14-2013; Ord. No. 2013-26, § 1, 10-14-2013; Ord. No. 2014-01, § 1, 2-14-2014; Ord. No. 2014-09, 6-9-2014; Ord. of 5-22-2017(1); Ord. of 10-28-2019(1))



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
AGENDA ITEM**

SUBJECT: TEXT AMENDMENT 2022-006TA R-4 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
(X) ORDINANCE () RESOLUTION () OTHER

Submitted: 02/24/22

Work Session: N/A

City Council Meeting: 03/28/22

DEPARTMENT: Community Development, Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: () Yes (X) No

PURPOSE: For the Planning and Zoning Commission to make a recommendation to the Mayor and Council on amendments to Chapter 80 Zoning, Article II, Section 80-75 R-4 (Single-family Residential) zoning district, to modify the minimum front yard setback, minimum rear yard setback, minimum lot area, and minimum lot width.

DISCUSSION: Staff is recommending a modification to the development standards for the R-4 (Single-family Residential) zoning district. The modification includes increasing the minimum front yard setback from 15 feet to 25 feet, the front yard setback along a collector road from 25 feet to 35 feet, reducing the minimum rear yard setback from 25 feet to 20 feet, increasing the minimum lot area from 0.11 acre /5,000 square feet to 1/3 acre/10,890 square feet, and minimum lot width from 50 feet to 75 feet. The above-mentioned modifications to the R-4 development regulations will encourage reasonable residential developments that will promote stable neighborhoods, desirable living environments, and appealing housing products.

RECOMMENDED ACTION: For the Planning and Zoning Commission to recommend **APPROVAL** to the Mayor and Council for an amendment to Chapter 80 Zoning, Article II, Section 80-75 R-4 (Single-family Residential) zoning district, to amend the minimum front yard setback, minimum rear yard setback, minimum lot area, and minimum lot width.

Attachment: Chapter 80 Zoning, Article II, Section 80-75 R-4 (Single-family Residential) - Mark-up

Sec. 80-75. R-4—Single-family Residential Zoning District.

- (a) *R-4—Intent.* Regulations set forth in this section are the R-4 Single-family Residential Zoning District regulations. Article IV should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The R-4 district is intended to provide land areas devoted to high density residential uses on small lots. The district also provides for closely related uses. Land areas zoned R-4 are further intended to provide a transition between low- and high-density dwelling areas or between low density dwelling areas and non-residential areas.
- (b) *R-4—Use regulations.* Within the R-4 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.
- (c) *R-4—Permitted uses.* Structures and land may be used for only the following purposes:
- (1) Accessory dwelling unit.
 - (2) Communications/utilities.
 - (3) Institutional uses: Public, private and parochial schools, religious facilities.
 - (4) Non-profit recreational uses: Public or private playgrounds, parks, golf courses and lakes.
 - (5) Single-family dwelling.
- (d) *R-4—Accessory uses and structures.*
- (1) Accessory uses and structures incidental to any permitted use.
 - (2) Carports/garages.
 - (3) For sale, for rent, or for lease signs in accordance with the sign regulations of this section.
 - (4) Temporary storage pods are intended for a limited period of time and not for permanent storage.
- (e) *R-4—Conditional uses.*

<i>Uses Subject to an Administrative Permit:</i>	<i>Subject to the requirements of Article IV—Administrative Permit Requirements:</i>
Administrative Permit Uses:	See sections 80-174 through 80-195
(1) Event, special indoor/outdoor.	Allowable districts: All (less than 75 persons).
(2) Golf course.	See section 80-180. Allowable districts: All.
(3) Home occupations.	See section 80-138. Allowable districts: All residential districts.
(4) Recreational court, private.	See section 80-182. Allowable districts: All except C-1, C-2.
(5) Relocated residential structure.	See section 80-183. Allowable districts: R-1, R-2, R-3, R-4, R-CT, RM 12, RM-36.
(6) Swimming pool, private.	See section 80-190. Allowable districts: All except C-1, C-2.
(7) Temporary classroom.	See section 80-192. Allowable districts: All.
(8) Temporary structures.	See section 80-193. Allowable districts: All except emission inspection stations shall be permitted only in non-residential districts except AG.

(9) Utility substations (telephone, electric, or gas, etc.)	See section 80-194. Allowable districts: All.
<i>Uses Subject to a Use Permit:</i>	Subject to the requirements of Article IV—Use Permit Requirements:
Use Permit Uses	See Sections 80-196 through 80-239
(1) Agricultural-related activities.	See section 80-197. Allowable districts: All.
(2) Amateur radio antenna to exceed the administrative height.	See section 80-198. Allowable districts: All.
(3) Antenna tower, and associated structure (radio, t.v., microwave broadcasting, etc.), to exceed the district height.	See section 80-200. Allowable districts: Residential districts, AG (see same heading in section 80-174, for other non-residential districts).
(5) Cemetery and/or mausoleum (human or pet).	See section 80-202. Allowable districts: All except AG.
(6) Convalescent center/nursing home/hospice.	See section 80-206. Allowable districts: R-2, AG, R-3, R-4, C-1, C-2, O&I, M-1.
(8) Event, special indoor/outdoor.	See sections 80-179. Allowable districts: All (more than 75 persons).
(9) Group homes/shelters.	See sections 80-211 through 80-218; group homes located within subdivision area are required to provide written approval from authorized homeowner association(s).
(10) Massage therapy establishments.	See section 80-238. Allowable districts: All.
(11) Places of worship.	See section 80-203. Allowable districts: All.
(12) Portable sawmills.	See section 80-225. Allowable districts: All.
(13) Recreational fields.	See section 80-225. Allowable districts: All.
(14) School, private or special.	See section 80-230. Allowable districts: All.
(15) Senior housing.	See section 80-233. Allowable districts: All except M-1, M-2.
(16) Stadium (off-site) associated with a private school.	See section 80-235. Allowable districts: All.

- (f) *R-4—Development standards.* Unless otherwise provided in this chapter, uses permitted in the R-4 zoning district shall conform to the following standards:

Minimum front yard setback	15 feet 25 feet
Minimum front yard setback a. Along any street larger than a collector street	25 feet 35 feet
Minimum side yard setback a. Adjacent to interior line	10 feet
Minimum rear yard setback	25 feet 20 feet
Minimum lot area	0.11 acre 1/3 acre (5,000 square feet) (10,890 square feet)
Minimum lot width	50 feet 75 feet

- (g) *R-4—Building height and form.*

Maximum height	48 feet
Maximum lot coverage	55 percent
Minimum heated floor (minimum living area)	1,400 feet

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- (h) *R-4—Design standards.* Unless otherwise provided in this chapter, uses permitted in the R-4 district shall conform to the following design standards:
- (1) Accessory structures may be located in the rear or side yards only but not be located within a setback. Habitable accessory structures must be constructed with materials similar as those of the principal structure.
 - (2) Off-street parking shall be provided as specified in article IX.
 - (3) Buffers shall be provided as specified in article X.

Figure 80-75a. R-4: Typical Lot Pattern

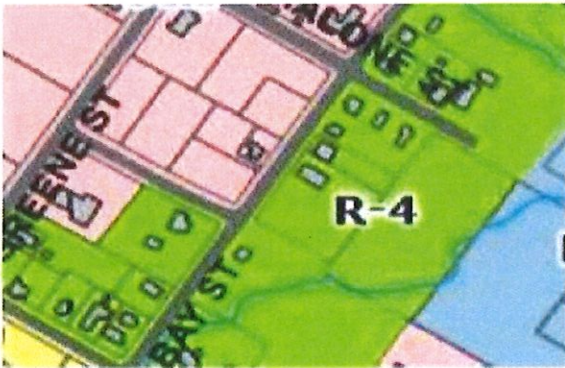
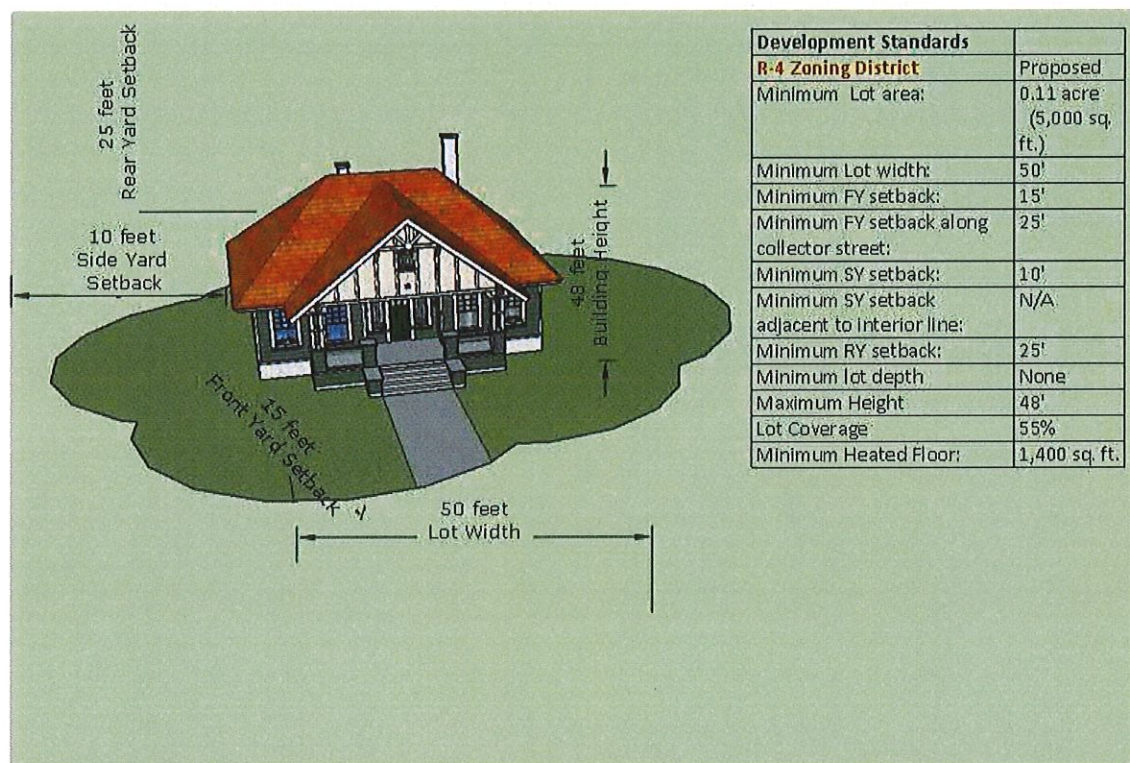


Figure 80-75b. R-4: Typical Building Form



Figure 80-75c. R-4: Typical Building/Lot Configuration



- (i) *R-4—Other regulations.* The headings below contain provisions applicable to uses allowed in the R-4 Single-family Residential Zoning District:

*Chapter
Number*

Fire CodesChapter 29

Manufactured and Mobile HomesChapter 38

Solid WasteChapter 47

Traffic and VehiclesChapter 56

Building RegulationsChapter 62

EnvironmentChapter 65

Soil Erosion and Sedimentation ControlChapter 65

Stormwater ManagementChapter 65

Stream Buffer ProtectionChapter 65

Flood Damage PreventionChapter 68

Land Development RegulationsChapter 71

LandscapingChapter 74

SubdivisionsChapter 77

ZoningChapter 80

Overlay DistrictsChapter 80

Home OccupationChapter 80

FencingChapter 80

Off-Street ParkingChapter 80

Use PermitsChapter 80

Non-ConformingChapter 80

AppealsChapter 80

SignsChapter 80

(Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. No. 2013-20, § 1(Exh. A), 9-9-2013; Ord. No. 2013-20, § 1(Exh. A), 9-9-2013; Ord. No. 2017-05, § 1(Exh. A), 5-22-2017; Ord. of 10-28-2019(1))