(2) Having a record of having such an impairment; or

(3) Being regarded as having such an impairment.

However, the term "handicapped" shall not include persons who currently use illegal controlled substances, persons who have been convicted of the illegal manufacture or distribution or controlled substances, sex offenders, and juvenile offenders or persons with or without disabilities who present a direct threat to the persons or property of others.

b. Livestock, nondomestic and wild animals, and poultry means animals, nondomestic and wild animals, and species of the avian family which are or may be raised for the purpose of providing food or transportation, or being resold or bred, excluding only dogs, cats, rabbits, fish, pet mice, hamsters, gerbils, parrots and parakeets.

1. Such animals shall only be permitted on a lot containing not less than two acres.
2. All buildings used for animals shall be set back not less than 200 feet from any property line.
3. All animals shall be maintained at least 25 feet from any residential property line.
4. Except in the RR district, there shall be not less than 5,000 square feet of fenced lot area not covered by the principal structure for each animal, unless the property is a bona fide farm.
5. These rules are effective with respect to new construction, not existing uses.
6. In the case of nondomestic or wild animals, all state and federal requirements must be met and a special land use permit must be obtained.

c. Riding stable means a building for the shelter and feeding of domestic animals, especially horses.

1. Such stable shall be established on a lot having an area of not less than ten acres.
2. Any structure shall be located at least 200 feet from any property line.
3. All animals shall be maintained at least 100 feet from any property line.

(3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

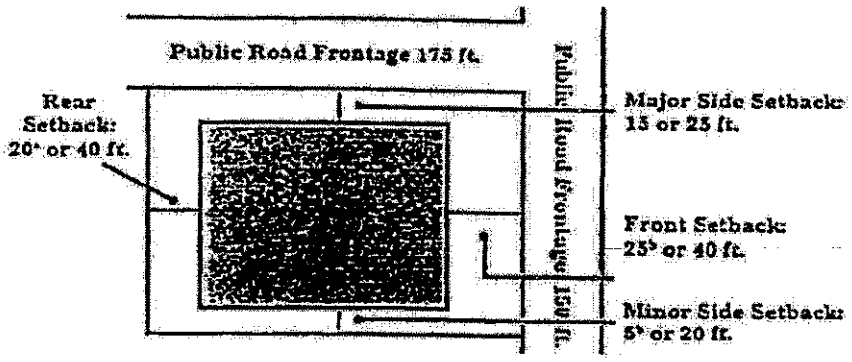
Customary home occupations.
Executive golf courses.
Golf courses, 18-hole regulation, public and private.
Golf courses, par 3.
In-home day care.
Private parks SLUP required.
Single-family dwelling units (attached).
Single-family dwelling units (detached).
Temporary uses (as defined in this Ordinance).
Two-family dwelling units.

(4) Lot size and setback requirements. Lot size and setback requirements are as follows:

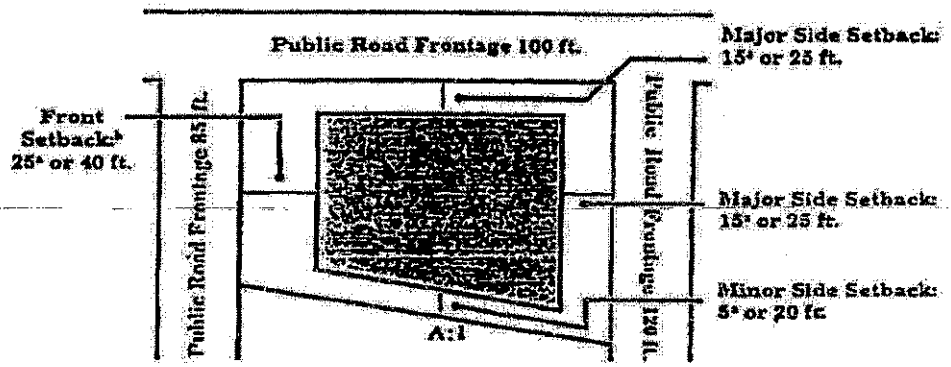
a. Minimum lot size: 20,000 square feet.
b. Minimum lot width at front setback line: 75 feet; cul-de-sac, 50 feet.
c. Minimum public road frontage: 75 feet; cul-de-sac, 50 feet.
d. Minimum building setbacks: As shown and applied in the following diagram:

MINIMUM BUILDING SETBACK REQUIREMENTS FOR RD DISTRICT

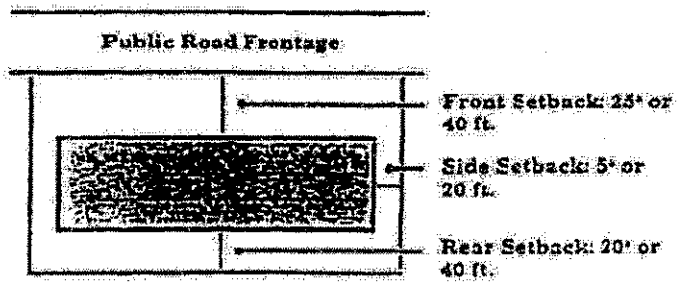
Note: All setbacks shall be measured from future right-of-way.



Example for Property with two (2) Public Road Frontages



Example for Property with three (3) Public Road Frontages



Example for Property with one (1) Public Road Frontage

Notes:

a Distance if interior portion of development.

b Property with shorter amount of road frontage will be the front setback for determining other setbacks (major side, side, rear).

c If structure fronts a major side setback, major side setback shall be 35 feet.

(5) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an RD district which abuts a more restrictive residentially zoned property shall have a minimum ten-foot landscaped screening buffer adjacent to all residential property. The buffer shall be subject to approval by city staff. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

a. Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:

1. Screening to enhance aesthetic appeal;
2. Control or direction of vehicular and pedestrian movement;
3. Reduction of glare;
4. Buffering of noise; and
5. Establishment of privacy.

b. Standards. Buffers or berms shall be required when an RD district is located adjacent to a more restrictive residential district. A minimum ten-foot buffer is required.

1. Buffers. Landscape buffers are subject to review and approval by city staff in accordance with the following standards:

i. Plantings are to be a mix of evergreen trees and shrubs.
ii. Species are to be ecologically compatible to the site and appropriate for the design situation.
iii. Unless public safety concerns dictate otherwise, a buffer should maximize a visual barrier to a height of six feet within two years of planting.
iv. Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
v. Fencing or walls shall be a minimum of six feet in height (fence to be located on exterior of buffer) as approved by city staff.
vi. Trees included in buffer plantings may be counted toward site density calculations as required by City of Austell subject to review and approval of city staff.
vii. Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
viii. When topography and existing conditions allow, the required ten-foot buffer should be an undisturbed buffer.
ix. Any appeals from a determination by city staff shall be to the board of variance and zoning appeals.

2. Berms. Berms are subject to review and approval by city staff in accordance with the following standards:

i. Berms shall be utilized when consistent with surrounding property features.

ii. Berms shall be stabilized.
iii. Berms shall be constructed to be consistent with natural or proposed drainage patterns.
iv. Berms shall be regularly maintained by the property owner.

(6) Floodplain and wetlands preservation requirements. Subject to the conditions set forth in the City of Austell Floodplain Management and Prevention Ordinance.

(7) Building and structure requirements. Maximum building height is 35 feet.

(8) Parking requirements. See section 22-172 for paved parking specifications.

(9) Lighting requirements. Any project permitted within the RD district which proposes any outdoor lighting must have approval from the Building Official or his/her designee.

(10) Special exception uses. See section 22-171 for requirements for special exception uses. Special exception uses for the RD district are the uses listed as follows:

a. Any other facility for the disposal of the dead.
b. Cemeteries.
c. Churches, chapels, temples, synagogues and other places of worship.
d. Mausoleums
e. Club or lodge, private.
f. Private schools of general and special education.

(11) Use limitations.

a. There shall be a maximum of four units per acre.

b. Where single family dwelling units are proposed to be constructed in area zoned RD, the minimum house size shall be 1,000 square feet and the minimum lot size for an individual attached unit shall be 12,500 square feet.

c. Architectural style and design shall be compatible with or upgrade the existing neighborhood.

d. No outside storage is permitted, excluding firewood and lawn furnishings.

e. Maximum impervious surface shall not exceed 35 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. In the event that this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the Building Official or his/her designee, so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer: public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences.
Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to.

Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

(12) Accessory buildings, structures, uses and decks.

a. Any accessory building or structure in excess of 400 square feet of gross space shall be located to the rear of the primary structure and at least 50 feet from any property line. Any accessory building or structure less than 400 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. Any accessory building or structure which exceeds 400 square feet of gross space must have the approval of the Building Official or his/her designee as to the location, architectural design and size prior to commencing construction. The Building Official or his/her designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 144 gross square feet shall be required to submit for plan review through the community affairs department or receive approval from the director of the community affairs or his/her designee. Accessory structure plans must be accompanied by a signed affidavit from the property owner stating that such structure will not be used for a dwelling or commercial gain.

b. Accessory buildings, structures, uses and decks shall be subject to the following conditions unless otherwise defined as in subsection (12)a. of this Code section:

1. Maximum height is two stories or 35 feet, when located within building setbacks or at least 100 foot from a property line, otherwise maximum height is one story.

2. Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses and playgrounds.

3. All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.

4. The rear of the principal building shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the Building Official or his/her designee.

6. Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. No garage or accessory building, structure, use or deck less than 144 gross square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

c. Antennas and satellite dishes shall meet the requirements set forth in section 22-174.

d. Incidental storage is permitted, provided that the material stored is incidental to the permitted use, as determined by the Building Official or his/her designee, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

e. Neighborhood recreation centers, amenities and swimming pools are subject to the following:

1. Site plans must be approved by the Building Official or his/her designee to ensure compliance with all applicable laws and provisions of this chapter. The facility should be designed to include a detailed landscape plan that provides adequate screening of the facility which creates a visual and sound buffer for adjacent properties. The landscape plan shall be drawn to scale and shall include plant identification by common name. The facility shall be designed to accommodate no more than those residing within two adjoining residential developments except in those cases where a variance is obtained as in other cases.

2. Buildings and structures established in connection with such use shall be set back not less than 100 feet from any property line.

i. Upon written consent of all owners of property within 100 feet of the building or structure, the setback may be reduced to 50 feet from any exterior property line of the subdivision within which the use is located. Additionally, a detailed landscape plan must be submitted to and approved by the Building Official or his/her designee.

ii. The setback may be reduced to 20 feet from an interior property line of the property on which the use is located if a ten-foot landscaped buffer is provided along the property line and a six-foot solid wood or masonry fence is erected and maintained along the line so as to provide a visual and noise screen for adjacent property; provided, however, the setback after reduction shall not be less than 100 feet from an exterior property line unless also reduced in accordance with subsection (12)d.2.i of this section. Such landscaped buffer shall be shown on the landscaping plan specified in subsection (12)d.1 of this section and must be approved by the Building Official or his/her designee.

iii. When a property line is on a natural waterway, a property line setback may be waived provided a written waiver is obtained from the Building Official or his/her designee.

3. Swimming pools must comply with all applicable ordinances and must have necessary approvals from the health department and the City of Austell.

4. Outdoor activity shall cease by 11:00 p.m.

5. Lighting shall be established in such a way that values or quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, the use of environmental or cutoff type fixtures only is permissible. If lighting is to be established in a recreation area adjacent to an existing or proposed Cobb County or Austell public road, a lighting plan must be submitted and approved by the Mayor and Council to ensure that no light is cast upon the roadway and that no adverse impact will be created as a result of the lighting.

6. No residence or structures shall be built upon any adjacent lot within the development within which the facility is located until construction of the recreation area has commenced to the extent that buyers of adjacent property will be aware of where the recreation area will be located.

7. Parking requirements are as follows:

i. A minimum of twenty (20) spaces shall be provided for amenities which include a swim facility or swim/tennis facility with up to four (4) courts. Additional spaces at the minimum of four (4) spaces per court shall be provided for each court over four (4) in number. A minimum of ten (10) spaces for every two (2) courts shall be provided for amenities which include tennis courts only.

ii. In addition to the requirement 12 d. 7. i. above, a minimum of five (5) spaces for each fifty (50) residents, or pro-rated share thereof, over one hundred (100) shall be provided.

iii. Parking spaces shall be paved and striped according to section 22-172, as it now exists or may hereafter be amended. No parking shall be allowed within a front yard setback.

8. No park, playground, tennis court, basketball court, or as the like shall be allowed to be constructed unless the following criteria are met, except those recreational improvements included in a site plan approved by the Mayor and Council:

i. The adjacent property owners shall be in favor of the proposed recreational improvement.

ii. Sixty percent of the subdivision, if located in a subdivision shall be in favor of the proposed park.

iii. Approval has been received by Mayor and Council.

Sec. 22-133. RA-6 single-family attached/detached residential district.
The regulations for the RA-6 single-family attached/detached residential district are as follows:

(1) Purpose and intent. The RA-6 district is established to provide locations for the development of affordable single-family detached or attached residential dwelling units, including the combination of duplexes, triplexes and quadraplexes. The dwelling units are to be designed so as to be placed on an individual lot attached to another dwelling unit or on an adjoining lot where the units will be attached by a common party wall. This residential use is designed to be located within or on the edge of properties delineated for any residential categories as defined and shown on the City of Austell Comprehensive Plan: A Policy Guide, adopted July 2, 2007. When residentially compatible institutional and recreational uses are developed within the RA-6 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

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

a. Group home A dwelling unit, operated by an affiliate of a National, Regional, State or County Organization with a philanthropic mission, shared by four or fewer persons, excluding resident staff, who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education and participation in community activities, under a structured and scheduled plan that must be provided to the City, for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential under the direction and guidance of a designated managing caregiver, designated as such by the affiliate organization, who must be a resident of the group home and available by telephone on a 24 hour basis in case of complaints. A copy of the home rules shall be provided to the City as well as (if applicable) evidence of active enforcement under the Georgia Association of Recovery Residence standards. The schedule of activities may be verified via periodic inspection by Community Affairs staff. The term "group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, a work release facility for convicts or ex-convicts, a home for the detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in the custody of the state, or other housing facilities serving as an alternative to incarceration. The term "group home" shall also not allow the use of the dwelling as an apartment or duplex. A group home shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. § 16-6-4 or individuals required to register as sex offenders in pursuant to O.C.G.A. § 42-1-12. A group home may include a home for the handicapped. As used in this subsection, the term "handicapped" shall mean:

(1) Having a physical or mental impairment that substantially limits one or more of such person's major life activities.

(2) Having a record of having such an impairment; or

(3) Being regarded as having such an impairment.

However, the term "handicapped" shall not include persons who currently use illegal controlled substances, persons who have been convicted of the illegal manufacture or distribution or controlled substances, sex offenders, and juvenile offenders or persons with or without disabilities who present a direct threat to the persons or property of others.

b. Livestock, nondomestic, and wild animals and poultry means animals, nondomestic, and wild animals and species of the aviary family which are or may be raised for the purpose of providing food, transportation or being resold or bred, excluding only dogs, cats, rabbits, fish, pet mice, hamsters, gerbils, parrots and parakeets.

1. Such animals shall only be permitted on a lot containing not less than two acres.
2. All buildings used for animals shall be set back not less than 200 feet from any property line.
3. All animals shall be maintained at least 25 feet from any residential property line.
4. Except in the RR district, there shall be not less than 5,000 square feet of fenced lot area not covered by the principal structure for each animal, unless the property is a bona fide farm.
5. These rules are effective with respect to new construction, not existing uses.
6. In the case of nondomestic or wild animals, all state and federal requirements must be met and a special land use permit is required.

c. Riding stable means a building for the shelter and feeding of domestic animals, especially horses.

1. Such stable shall be established on a lot having an area of not less than ten acres.
2. Any structure shall be located at least 200 feet from any property line.
3. All animals shall be maintained at least 100 feet from any property line.

(3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

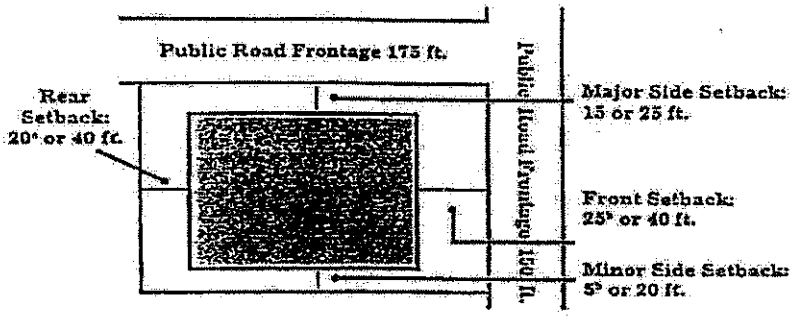
Customary home occupations.
Executive golf courses.
Golf courses, 18-hole regulation, public and private.
Golf courses, par 3.
In-home day care.
Livestock, nondomestic and wild animals and poultry.
Private parks SLUP required.
Radio, television and other communication towers and antennae subject to section 22-173.
Riding stables.
Single-family dwelling units (detached).
Temporary uses (as defined in this Ordinance).

(4) Lot size and setback requirements. Lot size and setback requirements are as follows:

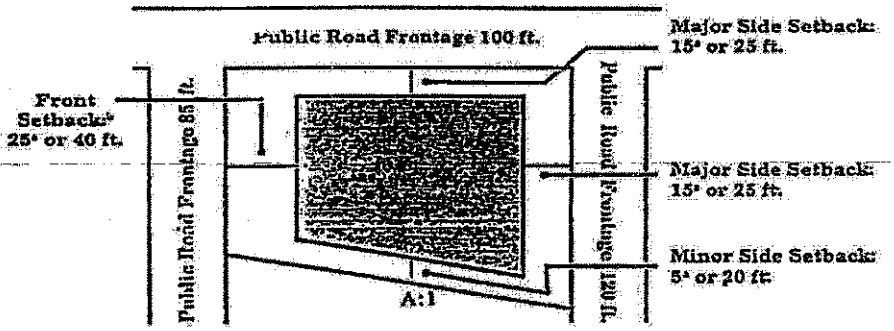
a. Minimum lot size: 5,500 square feet.
b. Minimum lot width at front setback line: 70 feet; cul-de-sac or interior lot, 50 feet.
c. Minimum width between dwellings: 15 feet.

d. Minimum public road frontage: 75 feet; cul-de-sac, 35 feet; 50 feet minimum public road frontage if interior to development.
e. Minimum building setbacks: as shown and applied in the following diagram:

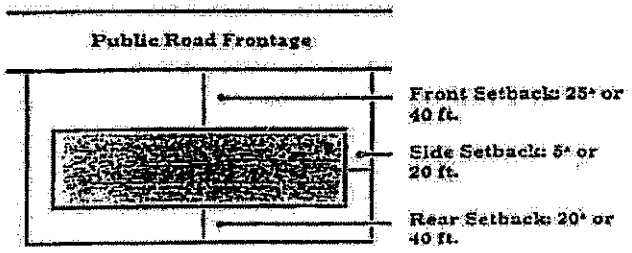
MINIMUM BUILDING SETBACK REQUIREMENTS FOR RA-6 DISTRICT
Note: All setbacks shall be measured from future right-of-way.



Example for Property with two (2) Public Road Frontages



Example for Property with three (3) Public Road Frontages



Example for Property with one (1) Public Road Frontage

Notes:
a If public road frontage is along an arterial or collector roadway, a 50-foot front setback shall be required.
b Distance if interior portion of development.
c Property with shorter amount of road frontage will be the front setback for determining other setbacks (major side, side, rear).
d If the structure fronts a major side setback, the major side setback shall be 35 feet.

(5) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an RA-6 district which abuts a more restrictive, residentially zoned property shall have a minimum ten-foot landscaped screening buffer adjacent to all residential property, such buffer subject to approval by city staff. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and/or access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated, undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

a. Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:

1. Screening to enhance aesthetic appeal;
2. Control or direction of vehicular and pedestrian movement;
3. Reduction of glare;
4. Buffering of noise; and
5. Establishment of privacy.

b. Landscape buffers. Landscape buffers are subject to review and approval by city staff in accordance with the following standards:

1. Plantings are to be a mix of evergreen trees and shrubs;
2. Species are to be ecologically compatible to the site and appropriate for design situation;
3. Unless public safety concerns dictate otherwise, buffer should maximize visual barrier to height of six feet within two years of planting;
4. Minimum height of plant materials at installation is to be five feet for trees and two feet for shrubs;
5. Fencing or walls are to be minimum six feet in height (fence to be located on exterior of buffer) as approved by city staff;
6. Trees included in buffer plantings may be counted toward site density calculations as required by the City of Austell subject to review and approval of city staff;
7. Buffers shall be regularly maintained by the property owners to ensure that the objectives and standards set out in this section are met;
8. When topography and existing conditions allow, the required ten-foot buffer should be an undisturbed buffer; and
9. Any appeals from a determination by city staff shall be to the board of variance and zoning appeals.

c. Berms. Berms are subject to review and approval by city staff in accordance with the following standards:

1. Berms shall be utilized when consistent with surrounding property features;
2. Berms shall be stabilized;
3. Berms shall be constructed to be consistent with natural or proposed drainage patterns; and

4. Berms shall be regularly maintained by the property owner.

(6) Floodplain/wetlands preservation requirements. Subject to the conditions set forth in the City of Austell Floodplain Management and Prevention Ordinance.

(7) Building and structure requirements. Maximum building height is 35 feet.

(8) Parking requirements. See section 22-172 for paved parking specifications.

(9) Lighting requirements. Any project permitted within the RA-6 district which proposes any outdoor lighting must have approval from the Building Official or his/her designee.

(10) Special exception uses. See section 22-171 for requirements for special exception uses. Special exception uses for the RA-6 district are the uses listed as follows:

a. Any other facility for the disposal of the dead.
b. Cemeteries.
c. Churches, chapels, temples, synagogues and other places of worship.
d. Mausoleums
e. Club or lodge, private.
f. Private schools of general and special education.

(11) Use limitations.

a. There shall be a maximum of 6 units per acre; however, the overall density of a development may be reduced due to topography, drainage, deforestation or sediment and erosion concerns.

b. Where single-family dwelling units are proposed to be constructed in areas zoned RA-6, the minimum house size shall be 950 square feet and the minimum lot size for an individual lot shall be 5,500 square feet. All setbacks shall be as set forth in this section.

c. Architectural style and design shall be compatible with or upgrade the existing neighborhood.

d. Maximum acreage is 20 acres.

e. No sale of goods or products shall be permitted except if accessory to customary home occupation, land use permit, special land use permit or special exception use.

f. No adult entertainment uses are permitted.

g. No materials, equipment or business vehicles may be stored or parked on the premises, except that one business vehicle (the carrying and/or towing capacity of which shall not exceed one and one-half tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of home occupation.

h. All uses are subject to Subdivision Regulations of Austell, Georgia as may be amended from time to time.

i. No outside storage is permitted, excluding firewood and lawn furnishings.

j. Maximum impervious surface shall not exceed 30 percent.

k. Pools and outbuildings permitted as accessory structures within the RA-6 zoning district must have a site plan approved by the BOC.
Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and/or access drives may be allowed through, over or across a landscaped buffer. Any such buffer must be approved pursuant to an original site plan or site plan modification.

(12) Accessory buildings, structures, uses and decks.

a. Any accessory building or structure in excess of 400 square feet of gross space shall be located to the rear of the primary structure and at least 50 feet from any property line. Any accessory building or structure less than 400 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. Any accessory building or structure which exceeds 400 square feet of gross space must have the approval of the Building Official or his/her designee as to the location, architectural design and size prior to commencing construction. The Building Official or his/her designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 144 gross square feet shall be required to submit for plan review through the community affairs department or receive approval from the director of the community affairs or his/her designee. Accessory structure plans must be accompanied by a signed affidavit from the property owner stating that such structure will not be used for a dwelling or commercial gain.

b. Accessory buildings, structures, uses and decks shall be subject to the following conditions unless otherwise defined as in subsection (12)a. of this Code section:

1. Maximum height is two stories or 35 feet, when located within building setbacks or at least 100 foot from a property line, otherwise maximum height is one story.

2. Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses and playgrounds.

3. All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.

4. The rear of the principal building shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the Building Official or his/her designee.

6. Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. No garage or accessory building, structure, use or deck less than 144 gross square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

c. Antennae and satellite dishes shall meet the requirements set forth in section 22-174, pertaining to standards for antennae, satellite television antennae and dishes.

d. Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Building Official or his/her designee, and stored completely within a portion of the enclosed, principal structure permitted within the district or within a permitted accessory structure.

e. Neighborhood recreation centers, amenities and swimming pools, subject to the following:

1. Site plans must be approved by the Building Official or his/her designee to ensure compliance with all applicable laws and provisions of this chapter. The facility should be designed to include a detailed landscape plan that provides adequate screening of the facility which creates a visual and sound buffer for adjacent properties. The landscape plan shall be drawn to scale and shall include plant identification by common name. The facility shall be designed to accommodate no more than those residing within two adjoining residential developments except in those cases where a variance is obtained as in other cases.

2. Buildings and structures established in connection with such use shall be set back not less than 100 feet from any property line.

i. Upon written consent of all owners of property within 100 feet of the building or structure, the setback may be reduced to 50 feet from any exterior property line of the subdivision within

which the use is located. Additionally, a detailed landscape plan must be submitted to and approved by the Building Official or his/her designee.

ii. The setback may be reduced to 20 feet from an interior property line of the property on which the use is located if a ten-foot landscaped buffer is provided along such property line and a six-foot solid wood or masonry fence is erected and maintained along such line so as to provide a visual and noise screen for adjacent property; provided, however, the setback after reduction shall not be less than 100 feet from an exterior property line unless also reduced in accordance with subsection (12)d.2.i of this section. Such landscaped buffer shall be shown on the landscaping plan specified in subsection (12)d.1 of this section and must be approved by the Building Official or his/her designee.

iii. When a property line is on a natural waterway, a property line setback may be waived provided written waiver is obtained from the Building Official or his/her designee.

3. Swimming pools must comply with all applicable ordinances and must have necessary approvals from the health department and the City of Austell.

4. Outdoor activity shall cease by 11:00 p.m.

5. Lighting shall be established in such a way that values or quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, the use of environmental or cut-off type fixtures only are permissible. If lighting is to be established in a recreation area adjacent to an existing or proposed Cobb County or Austell public road, a lighting plan must be submitted and approved by the Mayor and Council to ensure no light is cast upon the roadway, and no adverse impact will be created as a result of the lighting.

6. No residence or structures shall be built upon any adjacent lot within the development within which the facility is located until construction of the recreation area has commenced to the extent that buyers of adjacent property will be aware of where the recreation area will be located.

7. Parking requirements are as follows:

i. A minimum of twenty (20) spaces shall be provided for amenities which include a swim facility or swim/tennis facility with up to four (4) courts. Additional spaces at the minimum of four (4) spaces per court shall be provided for each court over four (4) in number. A minimum of ten (10) spaces for every two (2) courts shall be provided for amenities which include tennis courts only.

ii. In addition to the requirement 12 d. 7. i. above, a minimum of five (5) spaces for each fifty (50) residents, or pro-rated share thereof, over one hundred (100) shall be provided.

iii. Parking spaces shall be paved and striped according to section 22-172, as it now exists or may hereafter be amended. No parking shall be allowed within a front yard setback.

8. No park, playground, tennis court, basketball court, or as the like shall be allowed to be constructed unless the following criteria are met, except those recreational improvements included in a site plan approved by the Mayor and Council:

i. The adjacent property owners shall be in favor of the proposed recreational improvement.

ii. Sixty percent of the subdivision, if located in a subdivision shall be in favor of the proposed park.

iii. Approval has been received by Mayor and Council.

Sec. 22-134. RM-8 residential multifamily district.
The regulations for RM-8 residential multifamily district are as follows:

(1) Purpose and intent. The RM-8 district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses which are within properties delineated for medium and high density residential categories as defined and shown on the City of Austell Comprehensive Plan: A Policy Guide, adopted July 2, 2007. When residentially compatible institutional and recreational uses are developed within the RM-8 district, they should be designed and built to ensure intensity and density compatibility with adjacent multifamily detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

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

a. Group home A dwelling unit, operated by an affiliate of a National, Regional, State or County Organization with a philanthropic mission, shared by four or fewer persons, excluding resident staff, who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education and participation in community activities, under a structured and scheduled plan that must be provided to the City, for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential under the direction and guidance of a designated managing caregiver, designated as such by the affiliate organization, who must be a resident of the group home and available by telephone on a 24 hour basis in case of complaints. A copy of the home rules shall be provided to the City as well as (if applicable) evidence of active enforcement under the Georgia Association of Recovery Residence standards. The schedule of activities may be verified via periodic inspection by Community Affairs staff. The term "group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, a work release facility for convicts or ex-convicts, a home for the detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in the custody of the state, or other housing facilities serving as an alternative to incarceration. The term "group home" shall also not allow the use of the dwelling as an apartment or duplex. A group home shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. § 16-6-4 or individuals required to register as sex offenders in pursuant to O.C.G.A. § 42-1-12. A group home may include a home for the handicapped. As used in this subsection, the term "handicapped" shall mean:

(1) Having a physical or mental impairment that substantially limits one or more of such person's major life activities.
(2) Having a record of having such an impairment; or
(3) Being regarded as having such an impairment.

However, the term "handicapped" shall not include persons who currently use illegal controlled substances, persons who have been convicted of the illegal manufacture or distribution or controlled substances, sex offenders, and juvenile offenders or persons with or without disabilities who present a direct threat to the persons or property of others.

b. Livestock, nondomestic, and wild animals and poultry means animals, nondomestic, and wild animals and species of the aviary family which are or may be raised for the purpose of providing food, transportation or being resold or bred, excluding only dogs, cats, rabbits, fish, pet mice, hamsters, gerbils, parrots and parakeets.

1. Such animals shall only be permitted on a lot containing not less than two acres.
2. All buildings used for animals shall be set back not less than 200 feet from any property line.
3. All animals shall be maintained at least 25 feet from any residential property line.
4. Except in the RR district, there shall be not less than 5,000 square feet of fenced lot area not covered by the principal structure for each animal, unless the property is a bona fide farm.
5. These rules are effective with respect to new construction, not existing uses.
6. In the case of nondomestic or wild animals, all state and federal requirements must be met and a special land use permit is required.

c. Riding stable means a building for the shelter and feeding of domestic animals, especially horses.

1. Such stable shall be established on a lot having an area of not less than ten acres.
2. Any structure shall be located at least 200 feet from any property line.
3. All animals shall be maintained at least 100 feet from any property line.

(3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

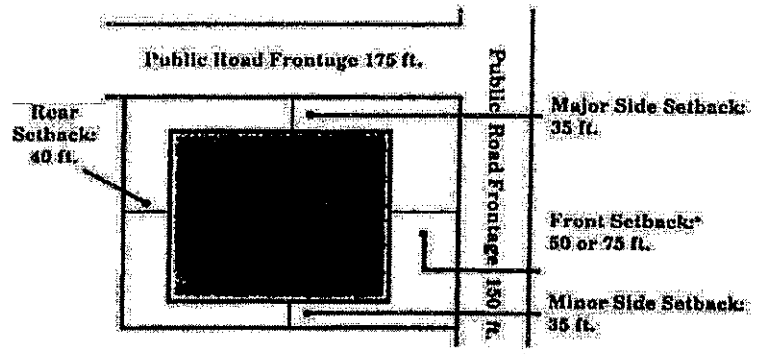
Condominiums.
Customary home occupations.
Executive golf courses.
Fraternity and sorority houses and residence halls.
Fruit trees, nuts and vegetables.
Golf courses, 18-hole regulation, public and private.
Golf courses, par 3.
In-home day care.
Livestock, nondomestic and wild animals, and poultry.
Multifamily dwelling units.
Nonprofit (seasonal use) fishing lakes.
Private parks SLUP required.
Radio, television and other communication towers and antennas subject to section 22-173.
Riding stables.
Single-family dwelling units (attached), not to exceed six units to the acre.
Single-family dwelling units (detached), not to exceed six units to the acre.
Temporary uses (as defined in this Ordinance).

(4) Lot size and setback requirements. Lot size and setback requirements are as follows:

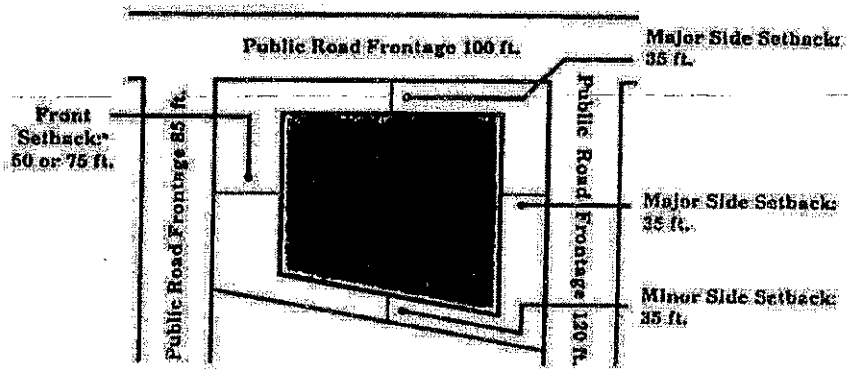
a. Minimum tract size: 80,000 square feet.
b. Minimum lot width at front setback line: 75 feet.
c. Minimum public road frontage: 75 feet.
d. Minimum building setbacks: As shown and applied in the following diagram:

MINIMUM BUILDING SETBACK REQUIREMENTS FOR RM-8 DISTRICT
Note: All setbacks shall be measured from future right-of-way.

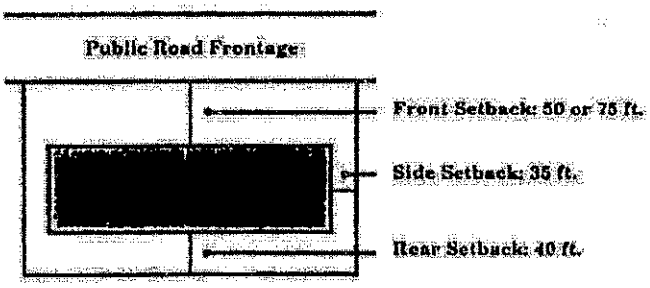
RM-8



Example for Property with two (2) Public Road Frontages



Example for Property with three (3) Public Road Frontages



Example for Property with one (1) Public Road Frontage

Notes:
a Property with shorter amount of road frontage will be the front setback for determining other setbacks (major side, side, rear).

(5) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an RM-8 district which abuts a more restrictive residentially zoned property shall have a minimum 25-foot landscaped screening buffer adjacent to all residential property. The buffer shall be subject to approval by city staff. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

a. Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:

1. Screening to enhance aesthetic appeal;
2. Control or direction of vehicular and pedestrian movement;
3. Reduction of glare;
4. Buffering of noise; and
5. Establishment of privacy.

b. Buffers. Landscape buffers are subject to review and approval by city staff in accordance with the following standards:

1. Plantings are to be a mix of evergreen trees and shrubs.
2. Species are to be ecologically compatible to the site and appropriate for the design situation.
3. Unless public safety concerns dictate otherwise, a buffer should maximize a visual barrier to a height of six feet within two years of planting.
4. Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
5. Fencing or walls are to be a minimum of six feet in height (fence to be located on exterior of buffer) as approved by city staff.
6. Trees included in buffer plantings may be counted toward site density calculations as required by the City of Austell subject to review and approval of city staff.
7. Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
8. When topography and existing conditions allow, the required 25-foot buffer should be an undisturbed buffer.
9. Any appeals from a determination by city staff shall be to the board of variance and zoning appeals.

c. Berms. Berms are subject to review and approval by city staff in accordance with the following standards:

1. Berms shall be utilized when consistent with surrounding property features.
2. Berms shall be stabilized.
3. Berms shall be constructed to be consistent with natural or proposed drainage patterns.
4. Berms shall be regularly maintained by the property owner.

(6) Floodplain and wetlands preservation requirements. Subject to the conditions set forth in the City of Austell Floodplain Management and Prevention Ordinance.

(7) Building and structure requirements. Maximum building height is 35 feet. Buildings within the RM-8 district may be split level, three and four stories in height.

(8) Parking requirements. See section 22-172 for paved parking specifications.

(9) Lighting requirements. Any project permitted within the RM-8 district which proposes any outdoor lighting must have a city department of transportation approval from the Building Official or his/her designee.

(10) Special exception uses. See section 22-171 for requirements for special exception uses. Special exception uses for the RM-8 district are the uses listed as follows:

a. Any other facility for the disposal of the dead.
b. Cemeteries.
c. Churches, chapels, temples, synagogues and other places of worship.
d. Mausoleums
e. Club or lodge, private.
f. Private schools of general and special education.

(11) Use limitations.

a. There shall be a maximum of eight units per acre; however, the overall density of a development may be reduced due to topography, drainage, deforestation or sediment and erosion concerns.

b. Where single-family dwelling units are proposed to be constructed in areas zoned RM-8, the minimum house size shall be 950 square feet and the minimum lot size for individual lots shall be 5,500 square feet. Setbacks applicable to the R-10 zoning district (for detached residences) set forth in this chapter shall apply.

c. Maximum acreage is 40 acres.

d. Density calculations for projects developed within the RM-8 district shall not include in excess of 50 percent of flood plain area present on the property. Flood plain area included in such density calculations shall not be counted toward any other project unless the original project was not developed. In such instance, only such amounts of flood plain area not utilized in the previously approved project shall be eligible for inclusion in another project.

e. No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.

f. No adult entertainment uses are permitted.

g. No materials, equipment or business vehicles may be stored or parked on the premises, except that one business vehicle, the carrying or towing capacity of which shall not exceed 1 1/2 tons, used exclusively by the resident may be parked in a carport, garage, or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of the home occupation.

h. All uses are subject to the Subdivision Regulations of Austell, Georgia or as may be amended from time to time.

i. Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.

j. No outside storage is permitted, excluding firewood and lawn furnishings.

k. Maximum impervious surface shall not exceed 25 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. In the event that this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the Building Official or his/her designee, so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer: public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences.
Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

(12) Accessory buildings, structures, uses and decks. Any accessory building or structure which exceeds 400 square feet of gross space must have the approval of the Building Official or his/her designee as to the location, architectural design and size prior to commencing construction. The Building Official or his/her designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 144 gross square feet shall be required to submit for plan review through the community affairs department or receive approval from the director of the community affairs or his/her designee. Accessory structure plans must be accompanied by a signed affidavit from the property owner stating that such structure will not be used for a dwelling or commercial gain. When single-family detached dwellings are developed in areas zoned RM-8, any accessory building or structure in excess of 400 square feet of gross space shall be located to the rear of the primary structure and at least 50 feet from any property line. Any accessory building or structure less than 400 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. No garage or accessory building, structure, use or deck less than 144 gross

square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

a. Accessory buildings, structures, uses or decks shall be subject to the following conditions:

1. Maximum height is two stories or 35 feet.

2. Accessory uses shall include garbage dumpsters, designated recycling collection locations, clubhouses and recreation centers, amenities, swimming pools and tennis courts, antennas and satellite dishes, heating and air conditioning units, jacuzzis, playhouses and playgrounds subject to the following conditions:

i. Such uses must be located within building setbacks.

ii. No ground-based antenna or satellite dish shall exceed 35 feet in height without compliance with the standards in section 22-173.

iii. No accessory building, structure, use or deck shall be built until construction of the principal building has commenced.

iv. Outdoor activities shall cease by 11:00 p.m. within clubhouse and recreation centers and swimming pools and tennis courts.

3. Such buildings, structures, uses or decks shall be located on the same lot as the principal use to which the building, structure, use or deck is accessory.

b. Antennas and satellite dishes shall meet the requirements set forth in section 22-174.

c. Incidental storage is permitted, provided that the material stored is incidental to the permitted use, as determined by the Building Official or his/her designee, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

d. Where single family dwelling units are proposed to be constructed in areas zoned RM-8, neighborhood recreation centers, amenities, swimming pools and tennis courts are subject to the following:

1. Site plans must be approved by the Building Official or his/her designee to ensure compliance with all applicable laws and provisions of this chapter. The facility should be designed to include a detailed landscape plan that provides adequate screening of the facility which creates a visual and sound buffer for adjacent properties. The landscape plan shall be drawn to scale and shall include plant identification by common name. The facility shall be

designed to accommodate no more than those residing within two adjoining residential developments except in those cases where a variance is obtained as in other cases.

2. Buildings and structures established in connection with such use shall be set back not less than 100 feet from any property line.

i. Upon written consent of all owners of property within 100 feet of the building or structure, the setback may be reduced to 50 feet from any exterior property line of the subdivision within which the use is located. Additionally, a detailed landscape plan must be submitted to and approved by the Building Official or his/her designee.

ii. The setback may be reduced to 20 feet from an interior property line of the property on which the use is located if a ten-foot landscaped buffer is provided along such property line and a six-foot solid wood or masonry fence is erected and maintained along such line so as to provide a visual and noise screen for adjacent property; provided, however, the setback after reduction shall not be less than 100 feet from an exterior property line unless also reduced in accordance with subsection (12)d.2.i of this section. Such landscaped buffer shall be shown on the landscaping plan specified in subsection (12)d.1 of this section and must be approved by the Building Official or his/her designee.

iii. When a property line is on a natural waterway, a property line setback may be waived provided written waiver is obtained from the Building Official or his/her designee.

3. Swimming pools must comply with all applicable ordinances and must have necessary approvals from the health department and the City of Austell.

4. Outdoor activity shall cease by 11:00 p.m.

5. Lighting shall be established in such a way that values or quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, the use of environmental or cut-off type fixtures only are permissible. If lighting is to be established in a recreation area adjacent to an existing or proposed Cobb County or Austell public road, a lighting plan must be submitted and approved by the Mayor and Council to ensure no light is cast upon the roadway, and no adverse impact will be created as a result of the lighting.

6. No residence or structures shall be built upon any adjacent lot within the development within which the facility is located until construction of the recreation area has commenced to the extent that buyers of adjacent property will be aware of where the recreation area will be located.

7. Parking requirements are as follows:

i. A minimum of twenty (20) spaces shall be provided for amenities which include a swim facility or swim/tennis facility with up to four (4) courts. Additional spaces at the minimum of four (4) spaces per court shall be provided for each court over four (4) in number. A minimum of

ten (10) spaces for every two (2) courts shall be provided for amenities which include tennis courts only.

ii. In addition to the requirement 12 7.d. i. above, a minimum of five (5) spaces for each fifty (50) residents, or pro-rated share thereof, over one hundred (100) shall be provided.

iii. Parking spaces shall be paved and striped according to section 22-172, as it now exists or may hereafter be amended. No parking shall be allowed within a front yard setback.

8. No park, playground, tennis court, basketball court, or as the like shall be allowed to be constructed unless the following criteria are met, except those recreational improvements included in a site plan approved by the Mayor and Council:

i. The adjacent property owners shall be in favor of the proposed recreational improvement.

ii. Sixty percent of the subdivision, if located in a subdivision shall be in favor of the proposed park.

iii. Approval has been received by Mayor and Council.

Sec. 22-135. FST fee simple townhouse residential district.
The regulations for the FST fee simple townhouse residential district are as follows:

(1) Purpose and intent. The FST district is established to provide locations for affordable attached residential dwelling units (six or eight units per acre) or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for medium and high density residential categories as defined and shown on the City of Austell Comprehensive Plan: A Policy Guide, adopted July 2, 2007. When residentially compatible institutional and recreational uses are developed within the FST district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

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

a. Group home A dwelling unit, operated by an affiliate of a National, Regional, State or County Organization with a philanthropic mission, shared by four or fewer persons, excluding resident staff, who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education and participation in community activities, under a structured and scheduled plan that must be provided to the City, for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential under the direction and guidance of a designated managing caregiver, designated as such by the affiliate organization, who must be a resident of the group home and available by telephone on a 24 hour basis in case of complaints. A copy of the home rules shall be provided to the City as well as (if applicable) evidence of active enforcement under the Georgia Association of Recovery Residence standards. The schedule of activities may be verified via periodic inspection by Community Affairs staff. The term "group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, a work release facility for convicts or ex-convicts, a home for the detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in the custody of the state, or other housing facilities serving as an alternative to incarceration. The term "group home" shall also not allow the use of the dwelling as an apartment or duplex. A group home shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. § 16-6-4 or individuals required to register as sex offenders in pursuant to O.C.G.A. § 42-1-12. A group home may include a home for the handicapped. As used in this subsection, the term "handicapped" shall mean:

(1) Having a physical or mental impairment that substantially limits one or more of such person's major life activities.
(2) Having a record of having such an impairment; or
(3) Being regarded as having such an impairment.

However, the term "handicapped" shall not include persons who currently use illegal controlled substances, persons who have been convicted of the illegal manufacture or distribution or controlled substances, sex offenders, and juvenile offenders or persons with or without disabilities who present a direct threat to the persons or property of others.

b. Livestock, nondomestic, and wild animals and poultry means animals, nondomestic, and wild animals and species of the aviary family which are or may be raised for the purpose of providing food, transportation or being resold or bred, excluding only dogs, cats, rabbits, fish, pet mice, hamsters, gerbils, parrots and parakeets.

1. Such animals shall only be permitted on a lot containing not less than two acres.
2. All buildings used for animals shall be set back not less than 200 feet from any property line.
3. All animals shall be maintained at least 25 feet from any residential property line.
4. Except in the RR district, there shall be not less than 5,000 square feet of fenced lot area not covered by the principal structure for each animal, unless the property is a bona fide farm.
5. These rules are effective with respect to new construction, not existing uses.
6. In the case of nondomestic or wild animals, all state and federal requirements must be met and a special land use permit is required.

c. Riding stable means a building for the shelter and feeding of domestic animals, especially horses.

1. Such stable shall be established on a lot having an area of not less than ten acres.
2. Any structure shall be located at least 200 feet from any property line.
3. All animals shall be maintained at least 100 feet from any property line.

(3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

Customary home occupations.
Executive golf courses.
Golf courses, 18-hole regulation, public and private.
Golf courses, par 3.
In-home day care.
Livestock, nondomestic and wild animals, and poultry.
Nonprofit (seasonal use) fishing lakes.
Private parks SLUP required.
Radio, television, other communication towers and antennas, subject to section 22-173.
Riding stables.
Temporary uses (as defined in this Ordinance).
Townhouse dwelling units (attached).

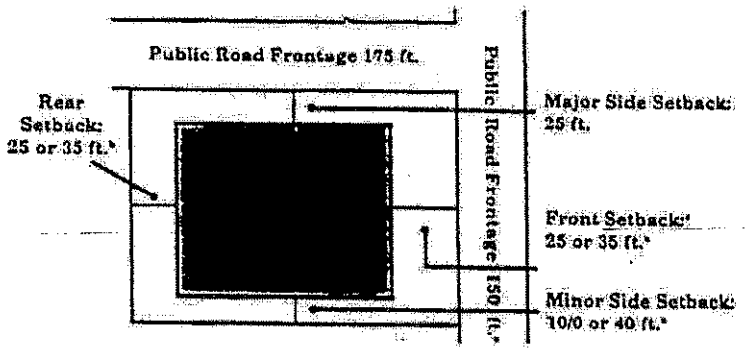
(4) Lot size and setback requirements. Lot size and setback requirements are as follows:
a. Minimum tract size: 80,000 square feet.
b. Minimum lot width at front setback line: 20 feet; 30 feet for lot with end unit.
c. Minimum public road frontage: 20 feet.

d. Minimum building setbacks: As shown and applied in the following diagram:

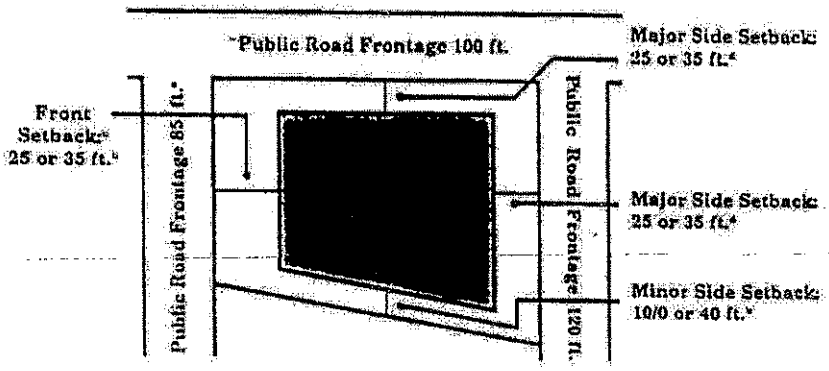
MINIMUM BUILDING SETBACK REQUIREMENTS FOR FST DISTRICT

Note: All setbacks shall be measured from future right-of-way.

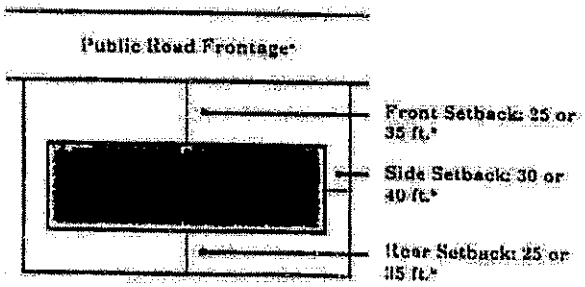
FST



Example for Property with two (2) Public Road Frontages



Example for Property with three (3) Public Road Frontages



Example for Property with one (1) Public Road Frontage

Notes:

a If public road frontage is along an arterial or collector roadway, a 50-foot front setback shall be required.

b Distance of interior portion of development. If attached units, minor side setback can be zero feet. Maximum of six units attached. Ten feet required between unattached units.

c Property with shorter amount of road frontage will be the front setback for determining other setbacks (major side, side, rear).

d If structure fronts a major side setback, major side setback shall be 35 feet.

(5) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an FST district which abuts a more restrictive residentially zoned property shall have a minimum ten-foot landscaped screening buffer adjacent to all residential property. The buffer shall be subject to approval by city staff. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

a. Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:

1. Screening to enhance aesthetic appeal;
2. Control or direction of vehicular and pedestrian movement;
3. Reduction of glare;
4. Buffering of noise; and
5. Establishment of privacy.

b. Standards. Buffers and berms shall be required when an FST district is located adjacent to a residential district; a minimum ten-foot buffer is required.

1. Buffers. Landscape buffers are subject to review and approval by city staff in accordance with the following standards:

i. Plantings are to be a mix of evergreen trees and shrubs.
ii. Species are to be ecologically compatible to the site and appropriate for the design situation.
iii. Unless public safety concerns dictate otherwise, a buffer should maximize a visual barrier to a height of six feet within two years of planting.
iv. Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
v. Fencing or walls are to be a minimum of six feet in height (fence to be located on exterior of buffer) as approved by city staff.
vi. Trees included in buffer plantings may be counted toward site density calculations as required by the City of Austell subject to review and approval of city staff.
vii. Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
viii. When topography and existing conditions allow, the required ten-foot buffer should be an undisturbed buffer.
ix. Any appeals from a determination by city staff shall be to the board of variance and zoning appeals.

2. Berms. Berms are subject to review and approval by city staff in accordance with the following standards:

i. Berms shall be utilized when consistent with surrounding property features.

ii. Berms shall be stabilized.
iii. Berms shall be constructed to be consistent with natural or proposed drainage patterns.
iv. Berms shall be regularly maintained by the property owner.

(6) Floodplain and wetlands preservation requirements. Subject to the conditions set forth in the City of Austell Floodplain Management and Prevention Ordinance.

(7) Building and structure requirements. Maximum building height is 35 feet.

(8) Parking requirements. See section 22-172 for paved parking specifications.

(9) Lighting requirements. Any project permitted within the FST district which proposes any outdoor lighting must have approval from the Building Official or his/her designee.

(10) Special exception uses. See section 22-171 for requirements for special exception uses. Special exception uses for the FST district are the uses listed as follows:

a. Any other facility for the disposal of the dead.
b. Cemeteries.
c. Churches, chapels, temples, synagogues and other places of worship.
d. Mausoleums
e. Club or lodge, private.
f. Private schools of general and special education.

(11) Use limitations.

a. There shall be a maximum of 8 units per acre.

b. Architectural style and design are to be compatible with or upgrade the existing neighborhood.

c. Maximum acreage is 20 acres.

d. No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.

e. No adult entertainment uses are permitted.

f. No materials, equipment or business vehicles may be stored or parked on the premises, except that one business vehicle (the carrying and/or towing capacity shall not exceed one and one-half tons), used exclusively by the resident may be parked in a carport, garage, or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of the home occupation.

g. All uses are subject to the Subdivision Regulations of Austell, Georgia or as may be amended from time to time.

h. No outside storage is permitted, excluding firewood and lawn furnishings.

i. Maximum impervious surface shall not exceed 30 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. In the event that this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the Building Official or his/her designee, so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer: public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences.
Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

(12) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 400 square feet of gross space shall be located to the rear of the primary structure and at least 50 feet from any property line. Any accessory building or structure which exceeds 400 square feet of gross space must have the approval of the Building Official or his/her designee as to the location, architectural design and size prior to commencing construction. The Building Official or his/her designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 144 gross square feet shall be required to submit for plan review through the community affairs department or receive approval from the director of the community affairs or his/her designee. Accessory structure plans must be accompanied by a signed affidavit from the property owner stating that such structure will not be used for a dwelling or commercial gain.

a. Accessory buildings, structures, uses and decks shall be subject to the following conditions:

1. Maximum height is two stories or 35 feet.
2. Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses and playgrounds.
3. All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.
4. The rear of the principal building shall be where the main portion of the building ends without consideration of wings.
5. Architectural style and design shall be approved by the Building Official or his/her designee.
6. Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.

7. No accessory building, structure, use or deck shall be built until construction of the principal building has commenced.
8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.
9. Any accessory building or structure less than 650 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. No garage or accessory building, structure, use or deck less than 144 gross square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

b. Antennas and satellite dishes shall meet the requirements set forth in section 22-174.

c. Incidental storage is permitted, provided that the material stored is incidental to the permitted use, as determined by the Building Official or his/her designee, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

d. Neighborhood recreation centers, amenities and swimming pools are subject to the following:

1. Site plans must be approved by the Building Official or his/her designee to ensure compliance with all applicable laws and provisions of this chapter. The facility should be designed to include a detailed landscape plan that provides adequate screening of the facility which creates a visual and sound buffer for adjacent properties. The landscape plan shall be drawn to scale and shall include plant identification by common name. The facility shall be designed to accommodate no more than those residing within two adjoining residential developments except in those cases where a variance is obtained as in other cases.

2. Buildings and structures established in connection with such use shall be set back not less than 100 feet from any property line.

i. Upon written consent of all owners of property within 100 feet of the building or structure, the setback may be reduced to 50 feet from any exterior property line of the subdivision within which the use is located. Additionally, a detailed landscape plan must be submitted to and approved by the Building Official or his/her designee.

ii. The setback may be reduced to 20 feet from an interior property line of the property on which the use is located if a ten-foot landscaped buffer is provided along the property line and a six-foot solid wood or masonry fence is erected and maintained along the line so as to provide a visual and noise screen for adjacent property; provided, however, the setback after reduction shall not be less than 100 feet from an exterior property line unless also reduced in accordance with subsection (12)d.2.i of this section. Such landscaped buffer shall be shown on the landscaping plan specified in subsection (12)d.1 of this section and must be approved by the Building Official or his/her designee.

iii. When a property line is on a natural waterway, a property line setback may be waived provided a written waiver is obtained from the Building Official or his/her designee.

3. Swimming pools must comply with all applicable ordinances and must have necessary approvals from the health department and City of Austell.

4. Outdoor activity shall cease by 11:00 p.m.

5. Lighting shall be established in such a way that values or quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, the use of environmental or cutoff type fixtures only is permissible. If lighting is to be established in a recreation area adjacent to an existing or proposed Cobb County or Austell public road, a lighting plan must be submitted and approved by the Mayor and Council to ensure no that light is cast upon the roadway and that no adverse impact will be created as a result of the lighting.

6. No residence or structures shall be built upon any adjacent lot within the development within which the facility is located until construction of the recreation area has commenced to the extent that buyers of adjacent property will be aware of where the recreation area will be located.

7. Parking requirements are as follows:

i. A minimum of twenty (20) spaces shall be provided for amenities which include a swim facility or swim/tennis facility with up to four (4) courts. Additional spaces at the minimum of four (4) spaces per court shall be provided for each court over four (4) in number. A minimum of ten (10) spaces for every two (2) courts shall be provided for amenities which include tennis courts only.

ii. In addition to the requirement 12 d.7. i. above, a minimum of five (5) spaces for each fifty (50) residents, or pro-rated share thereof, over one hundred (100) shall be provided.

iii. Parking spaces shall be paved and striped according to section 22-172, as it now exists or may hereafter be amended. No parking shall be allowed within a front yard setback.

8. No park, playground, tennis court, basketball court, or as the like shall be allowed to be constructed unless the following criteria are met, except those recreational improvements included in a site plan approved by the Mayor and Council:

i. The adjacent property owners shall be in favor of the proposed recreational improvement.

ii. Sixty percent of the subdivision, if located in a subdivision shall be in favor of the proposed park.

iii. Approval has been received by Mayor and Council.

Sec. 22-136. RM-12 residential multifamily district.

The regulations for the RM-12 residential multifamily district are as follows:

(1) Purpose and intent. The RM-12 district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses which are within properties delineated for high density residential and regional activity center categories as defined and shown on the City of Austell Comprehensive Plan: A Policy Guide, adopted July 2, 2007. When residentially compatible institutional and recreational uses are developed within the RM-12 district, they should be designed and built to ensure intensity and density compatibility with adjacent multifamily detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

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

a. Group home A dwelling unit, operated by an affiliate of a National, Regional, State or County Organization with a philanthropic mission, shared by four or fewer persons, excluding resident staff, who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education and participation in community activities, under a structured and scheduled plan that must be provided to the City, for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential under the direction and guidance of a designated managing caregiver, designated as such by the affiliate organization, who must be a resident of the group home and available by telephone on a 24 hour basis in case of complaints. A copy of the home rules shall be provided to the City as well as (if applicable) evidence of active enforcement under the Georgia Association of Recovery Residence standards. The schedule of activities may be verified via periodic inspection by Community Affairs staff. The term "group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, a work release facility for convicts or ex-convicts, a home for the detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in the custody of the state, or other housing facilities serving as an alternative to incarceration. The term "group home" shall also not allow the use of the dwelling as an apartment or duplex. A group home shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. § 16-6-4 or individuals required to register as sex offenders in pursuant to O.C.G.A. § 42-1-12. A group home may include a home for the handicapped. As used in this subsection, the term "handicapped" shall mean:

(1) Having a physical or mental impairment that substantially limits one or more of such person's major life activities.

(2) Having a record of having such an impairment; or

(3) Being regarded as having such an impairment.

However, the term "handicapped" shall not include persons who currently use illegal controlled substances, persons who have been convicted of the illegal manufacture or distribution or controlled substances, sex offenders, and juvenile offenders or persons with or without disabilities who present a direct threat to the persons or property of others.

b. Livestock, nondomestic, and wild animals and poultry means animals, nondomestic, and wild animals and species of the aviary family which are or may be raised for the purpose of providing food, transportation or being resold or bred, excluding only dogs, cats, rabbits, fish, pet mice, hamsters, gerbils, parrots and parakeets.

1. Such animals shall only be permitted on a lot containing not less than two acres.
2. All buildings used for animals shall be set back not less than 200 feet from any property line.
3. All animals shall be maintained at least 25 feet from any residential property line.
4. Except in the RR district, there shall be not less than 5,000 square feet of fenced lot area not covered by the principal structure for each animal, unless the property is a bona fide farm.
5. These rules are effective with respect to new construction, not existing uses.
6. In the case of nondomestic or wild animals, all state and federal requirements must be met and a special land use permit is required.

c. Riding stable means a building for the shelter and feeding of domestic animals, especially horses.

1. Such stable shall be established on a lot having an area of not less than ten acres.
2. Any structure shall be located at least 200 feet from any property line.
3. All animals shall be maintained at least 100 feet from any property line.

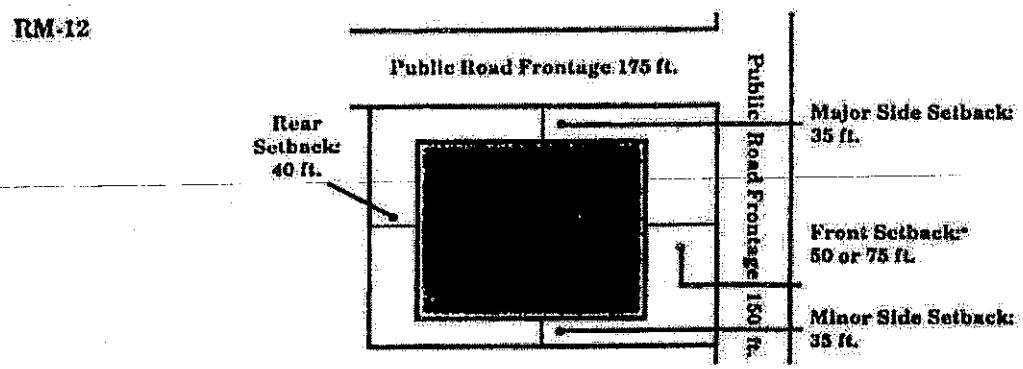
(3) Permitted uses. Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

Condominiums.
Customary home occupations.
Executive golf courses (see section 134-270).
Fraternity and sorority houses and residence halls.
Golf courses, 18-hole regulation, public and private (see section 134-270).
Golf courses, par 3 (see section 134-270).
In-home day care.
Multifamily dwelling units.
Private parks SLUP required.
Riding stables.
Single-family dwelling units (attached), not to exceed six units to the acre.
Single-family dwelling units (detached), not to exceed six units to the acre.
Temporary uses (as defined in this Ordinance).

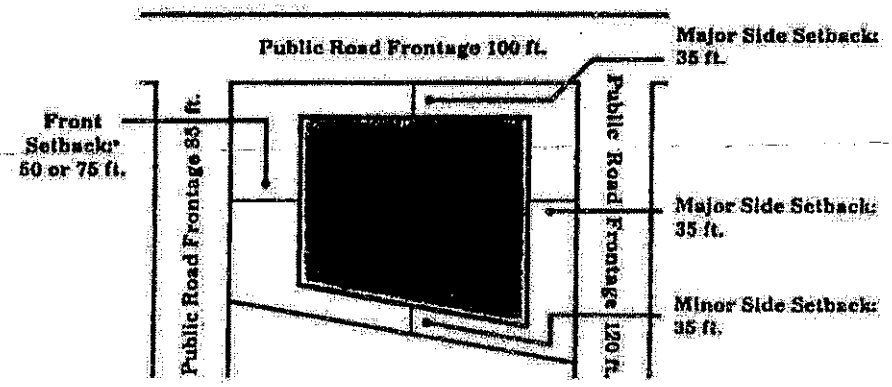
(4) Lot size and setback requirements. Lot size and setback requirements are as follows:
a. Minimum tract size: 80,000 square feet.
b. Minimum lot width at front setback line: 75 feet.

c. Minimum public road frontage: 75 feet.
d. Minimum building setbacks: As shown and applied in the following diagram:

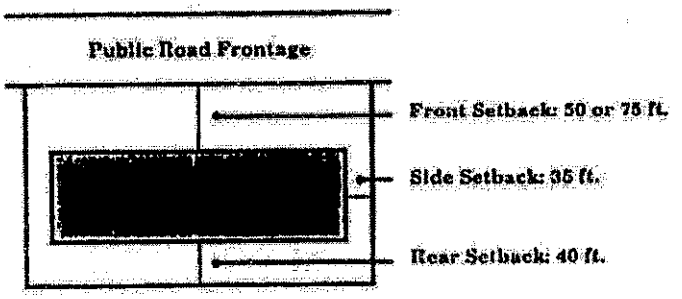
MINIMUM BUILDING SETBACK REQUIREMENTS FOR RM-12 DISTRICT
Note: All setbacks shall be measured from future right-of-way.



Example for Property with two (2) Public Road Frontages



Example for Property with three (3) Public Road Frontages



Example for Property with one (1) Public Road Frontage

Notes:
a Property with shorter amount of road frontage will be the front setback for determining other setbacks (major side, side, rear).
b If structure fronts a major side setback, major side setback shall be 35 feet.

(5) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an RM-12 district which abuts a more restrictive residentially zoned property shall have a minimum 25-foot landscaped screening buffer adjacent to all residential property. The buffer shall be subject to approval by city staff. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

a. Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:

1. Screening to enhance aesthetic appeal;
2. Control or direction of vehicular and pedestrian movement;
3. Reduction of glare; and
4. Buffering of noise.

b. Standards. Buffers or berms shall be required when an RM-12 district is located adjacent to a more restrictive residential district; a minimum 25-foot buffer is required.

1. Buffers. Landscape buffers are subject to review and approval by city staff in accordance with the following standards:

i. Plantings are to be a mix of evergreen trees and shrubs.
ii. Species are to be ecologically compatible to the site and appropriate for the design situation.
iii. Unless public safety concerns dictate otherwise, a buffer should maximize a visual barrier to a height of six feet within two years of planting.
iv. Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
v. Fencing or walls are to be a minimum of six feet in height (fence to be located on exterior of buffer) as approved by city staff.
vi. Trees included in buffer plantings may be counted toward site density calculations as required by the City of Austell subject to review and approval of city staff.
vii. Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
viii. When topography and existing conditions allow, the required 25-foot buffer should be an undisturbed buffer.
ix. Any appeals from a determination by city staff shall be to the board of variance and zoning appeals.

2. Berms. Berms are subject to review and approval by city staff in accordance with the following standards:

i. Berms shall be utilized when consistent with surrounding property features.
ii. Berms shall be stabilized.

iii. Berms shall be constructed to be consistent with natural or proposed drainage patterns.
iv. Berms shall be regularly maintained by the property owner.

(6) Floodplain and wetlands preservation requirements. Subject to the conditions set forth in the City of Austell Floodplain Management and Prevention Ordinance.

(7) Building and structure requirements. Maximum building height is 35 feet. Buildings within the RM-12 district may be split level, three and four stories in height.

(8) Parking requirements. See section 22-172 for paved parking specifications.

(9) Lighting requirements. Any project permitted within the RM-12 district which proposes any outdoor lighting must have approval from the Building Official or his/her designee.

(10) Special exception uses. See section 22-171 for requirements for special exception uses. Special exception uses for the RM-12 district are the uses listed as follows:

a. Any other facility for the disposal of the dead.
b. Cemeteries.
c. Churches, chapels, temples, synagogues and other places of worship.
d. Mausoleums
e. Club or lodge, private.
f. Private schools of general and special education.

(11) Use limitations.

a. There shall be a maximum of 12 units per acre; however, the overall density of a development may be reduced due to topography, drainage, deforestation or sediment and erosion concerns.

b. Where single-family dwelling units are proposed to be constructed in areas zoned RM-12, the minimum house size shall be 950 square feet and the minimum lot size for individual lots shall be 6,500 square feet. Setbacks applicable to the RA-6 zoning district (for detached residences) set forth in this chapter shall apply.

c. Maximum acreage is 40 acres.

d. Density calculations for projects developed within the RM-12 District shall not include in excess of 50 percent of any flood plain area present on the property. Flood plain area included in such density calculation shall not be counted toward any other project unless the original project was not developed (which included said flood plain calculation).

e. No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.

f. No adult entertainment uses are permitted.

g. No materials, equipment or business vehicles may be stored or parked on the premises, except that one business vehicle (the carrying and/or towing capacity of which shall not exceed one and one-half tons) used exclusively by the resident may be parked in a carport, garage, or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of the home occupation.

h. All uses are subject to the Subdivision Regulations of the City of Austell, Georgia or as may be amended from time to time.

i. Any food or beverage served within an accessory clubhouse shall be limited to residents and their guests.

j. No outside storage is permitted, excluding firewood and lawn furnishings.

k. Maximum impervious surface shall not exceed 35 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. In the event that this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the Building Official or his/her designee, so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer: public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences.
Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

(12) Accessory buildings, structures, uses and decks. Any accessory building or structure which exceeds 400 square feet of gross space must have the approval of the Building Official or his/her designee as to the location, architectural design and size prior to commencing construction. The Building Official or his/her designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 144 gross square feet shall be required to submit for plan review through the community affairs department or receive approval from the director of the community affairs or his/her designee. Accessory structure plans must be accompanied by a signed affidavit from the property owner stating that such structure will not be used for a dwelling or commercial gain. When single-family detached dwellings are developed in areas zoned RM-12, any accessory building or structure in excess of 400 square feet of gross space shall be located to the rear of the primary structure and at least 50 feet from any property line. Any accessory building or structure less than 400 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. No garage or accessory building, structure, use or deck less than 144 gross

square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

a. Accessory buildings, structures, uses or decks shall be subject to the following conditions:

1. Maximum height is two stories or 35 feet.

2. Accessory uses shall include garbage dumpsters, clubhouse and recreation centers, amenities, swimming pools and tennis courts, antennas and satellite dishes, heating and air conditioning units, jacuzzis, playhouses and playgrounds subject to the following conditions:

i. Uses must be located within building setbacks.

ii. No ground-based antenna or satellite dish shall exceed 35 feet in height without compliance with standards in section 22-173.

iii. No accessory building, structure, use or deck shall be built until construction of the principal building has commenced.

iv. Outdoor activities shall cease by 11:00 p.m. within clubhouse and recreation centers and swimming pools and tennis courts.

3. Such buildings, structures, uses or decks shall be located on the same lot as the principal use to which the building, structure, use or deck is accessory.

b. Antennas and satellite dishes shall meet the requirements set forth in section 22-174.

c. Incidental storage is permitted, provided that the material stored is incidental to the permitted use, as determined by the Building Official or his/her designee, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

d. Multifamily or apartment projects, neighborhood recreation centers, amenities, swimming pools and tennis courts must be located with applicable building setbacks. Where single-family dwelling units are proposed to be constructed in areas zoned RM-12, neighborhood recreation centers, amenities, swimming pools and tennis courts are subject to the following:

1. Site plans must be approved by the Building Official or his/her designee to ensure compliance with all applicable laws and provisions of this chapter. The facility should be designed to include a detailed landscape plan that provides adequate screening of the facility which creates a visual and sound buffer for adjacent properties. The landscape plan shall be drawn to scale and shall include plant identification by common name. The facility shall be

designed to accommodate no more than those residing within two adjoining residential developments except in those cases where a variance is obtained as in other cases.

2. Buildings and structures established in connection with such use shall be set back not less than 100 feet from any property line.

i. Upon written consent of all owners of property within 100 feet of the building or structure, the setback may be reduced to 50 feet from any exterior property line of the subdivision within which the use is located. Additionally, a detailed landscape plan must be submitted to and approved by the Building Official or his/her designee.

ii. The setback may be reduced to 20 feet from an interior property line of the property on which the use is located if a ten-foot landscaped buffer is provided along the property line and a six-foot solid wood or masonry fence is erected and maintained along the line so as to provide a visual and noise screen for adjacent property; provided, however, the setback after reduction shall not be less than 100 feet from an exterior property line unless also reduced in accordance with subsection (12)d.2.i of this section. Such landscaped buffer shall be shown on the landscaping plan specified in subsection (12)d.1 of this section and must be approved by the Building Official or his/her designee.

iii. When a property line is on a natural waterway, a property line setback may be waived provided a written waiver is obtained from the Building Official or his/her designee.

3. Swimming pools must comply with all applicable ordinances and must have necessary approvals from the health department and City of Austell.

4. Outdoor activity shall cease by 11:00 p.m.

5. Lighting shall be established in such a way that values or quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, the use of environmental or cutoff type fixtures only is permissible. If lighting is to be established in a recreation area adjacent to an existing or proposed Cobb County or Austell public road, a lighting plan must be submitted and approved by the Mayor and Council to ensure no that light is cast upon the roadway and that no adverse impact will be created as a result of the lighting.

6. No residence or structures shall be built upon any adjacent lot within the development within which the facility is located until construction of the recreation area has commenced to the extent that buyers of adjacent property will be aware of where the recreation area will be located.

7. Parking requirements are as follows:

i. A minimum of twenty (20) spaces shall be provided for amenities which include a swim facility or swim/tennis facility with up to four (4) courts. Additional spaces at the minimum of four (4) spaces per court shall be provided for each court over four (4) in number. A minimum of

ten (10) spaces for every two (2) courts shall be provided for amenities which include tennis courts only.

ii. In addition to the requirement 12 d.7. i. above, a minimum of five (5) spaces for each fifty (50) residents, or pro-rated share thereof, over one hundred (100) shall be provided.

iii. Parking spaces shall be paved and striped according to section 22-172, as it now exists or may hereafter be amended. No parking shall be allowed within a front yard setback.

8. No park, playground, tennis court, basketball court, or as the like shall be allowed to be constructed unless the following criteria are met, except those recreational improvements included in a site plan approved by the Mayor and Council:

i. The adjacent property owners shall be in favor of the proposed recreational improvement.

ii. Sixty percent of the subdivision, if located in a subdivision shall be in favor of the proposed park.

iii. Approval has been received by Mayor and Council.

Sec. 22-137. MHP mobile home park district.

(a) Purpose and intent . The MHP district is established to provide locations for mobile home parks which eliminate or minimize certain conditions associated with mobile homes. The Mayor and Council finds that it is necessary to restrict the location of mobile homes in order to: preserve land for low density, single family dwellings; protect property values; guard against increased crime; guard against traffic congestion; maintain aesthetics; regulate population density; prevent waste and sewage problems; regulate housing stock; and attempt to address concerns regarding wind vulnerability. No new application for MHP mobile home park zoning will be accepted by the Mayor and Council effective January 1, 2011.

(b) Standards. The regulations for the MHP mobile home park district are as follows:

(1) Conditions of operation. Each mobile home park shall provide the following minimum facilities on the site for the common use of all trailer occupants:

a. Drives. Paved drives at least 20 feet wide shall be provided to each trailer space and to laundry or other service buildings and recreation areas.

b. Refuse collection facilities. One refuse collection station shall be provided for each 20 families or fraction thereof, not more than 200 feet from any trailer served, and shall be conveniently located for collection. If individual refuse containers are used on the trailer site, these containers must be submerged in the ground with only the top portion extending above the ground level. In lieu of a submerged unit, stands may be provided to hold the cans and screen the cans from conspicuous view.

c. Underground utility lines. Utility lines shall be underground unless the plans approved by the Mayor and Council indicate certain specific lines above the ground.

d. Landscaping. Each mobile home park shall be landscaped with shade trees and exterior screen planting.

e. Recreation area. At least ten percent of the gross land area shall be set aside for recreational use. No such area shall be less than one-half acre.

(2) Improvements to trailers; patios.

a. No permanent additions of any kind shall be built onto or become a part of any trailer unit.

b. The owner of the mobile home park shall install a concrete patio at least four inches thick, with minimum dimensions of 20 feet by eight feet, within each trailer space.

(3) Required lot area.

a. No mobile home park shall be constructed or maintained on a lot or tract which has an average width of less than 400 feet or a total area of less than ten acres.

b. Each trailer space shall be at least 50 feet in width and shall be a minimum of 4,000 square feet in area. In cul-de-sac or curved street design, the width of the trailer space shall be at least 50 feet at the location of the mobile home unit.

c. Each trailer space shall be defined by a marker at each corner.

(4) Yard requirements. No trailer shall be located within:

a. Ten feet of its individual lot line.

b. Forty feet from any exterior boundary of the mobile home park.

(5) Buffer strip requirements. A buffer strip at least 25 feet wide shall be located adjacent to each exterior property line of the mobile home park and not be included within any individual trailer lot. This buffer strip shall be increased to a width of 50 feet when located adjacent to property zoned for single-family dwellings or duplexes. This strip shall be densely planted with evergreen shrubs and trees.

(6) Off-street parking. A paved driveway, connecting to the interior drive, shall be provided on each trailer site, sufficient in length and width to serve as two off-street parking spaces.

(7) Sewerage and water supply. Central sewage disposal facilities must be used and there shall be no individual septic tanks in areas zoned for the uses provided in this section, and public water supply shall be used and there shall be no private wells allowed under the uses in this zone.

(8) Use limitations.

a. No outside storage is permitted, excluding firewood and lawn furnishings.

b. Maximum density of 6 units to the acre.

c. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

(9) Floodplain and wetlands preservation requirements. Subject to the conditions set forth in the City of Austell Floodplain Management and Prevention Ordinance.

(10) Each mobile home must consist of one or more rooms which are arranged, designed or used as living quarters for one family (as defined in section 22-1) and two or fewer persons who are not family members.

a. A mobile home may be occupied only by a family and up to two persons who are not family members.

b. A mobile home shall have an interior bathroom and complete kitchen facilities, permanently installed.

c. A mobile home shall have at least 250 square feet of total square footage (as determined in the records maintained by the Cobb County Tax Assessor) per each adult occupant.

d. A travel trailer, recreational vehicle or the like does not constitute a mobile home for the purposes of this code section.

e. No more than one vehicle per 250 square feet of total square footage may be parked regularly overnight at or within the paved parking area as required in item (6). "Regularly" means a majority of nights in any 7-day period.

Sec. 22-138. O&I office and institutional district.
The regulations for the O&I office and institutional district are as follows:

(1) Purpose and intent. The O&I district is established to provide locations for nonretail commercial uses such as offices and financial institutions, which are on properties delineated within or on the edge of a neighborhood activity center and or a community activity center as defined and shown on the City of Austell Comprehensive Plan: A Policy Guide, adopted July 2, 2007. The office and institutional district is designed primarily to provide for four-story and smaller office developments, office uses, motels, hotels, banking and professional offices that complement and provide step-down nodal zoning away from more intensive commercial uses and otherwise to implement the stated purpose of this chapter.

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

a. Accessory retail uses means retail sales and services accessory to the operation of an office building or institutional use, motel, hotel or high-rise apartment development, conducted wholly within the building housing the use to which such activities are accessory, provided that the floor space used or to be used for such secondary uses shall be limited to a total of 25 square feet per dwelling unit in a high-rise apartment development or 25 square feet per room in a hotel or motel, or ten percent of the net floor area in an office building or institutional use, and provided that:

1. Every public entrance to such a use shall be from a lobby, hallway or other interior portion of the primary use structure;
2. No show window, advertising or display shall be visible from the exterior of the primary use structure; and
3. No merchandise shall be stored or displayed outside of the primary use structure.

However, the requirements of subsections 1 and 2 of this subsection shall not apply to restaurants and cafeterias secondary to a hotel or motel and office building or institutional use; these secondary uses may be located in a structure other than the primary use structure. The following secondary uses are permitted: athletic and health clubs, barbershops, beauty shops, laundry and dry cleaning pickup and distribution stations and other similar personal service establishments; drugstores; bookstores; florists; convenience food stores; gift shops; cafeterias and restaurants; private clubs; laundry facilities for the convenience of residents; and newsstands.

b. Clinic. A medical or dental clinic is an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall include laboratory facilities in conjunction with normal clinic services.

c. Community fair means a festival or fair such as the North Georgia State Fair conducted wholly within public areas owned by a local government, provided that any activity is conducted at least 200 feet from any property line. Any event shall not exceed 21 days.

d. Designated recycling collection locations means metal or heavy duty plastic containers designed for short-term holding of pre-bagged recyclable items such as tin, aluminum, glass and

paper (no perishable or food items allowed) for scheduled minimum monthly pickup, with no on-premises sorting. The center must be maintained in a safe, clean, neat and sanitary fashion and shall not encompass an area larger than 280 square feet.

1. Such location shall be visually screened and maintained.
2. Such location shall be within the building setbacks unless otherwise approved by the Building Official or his/her designee due to topography, safety, internal traffic flow, site distance or other site-related circumstances not created by the property owner.

e. Group home A dwelling unit, operated by an affiliate of a National, Regional, State or County Organization with a philanthropic mission, shared by four or fewer persons, excluding resident staff, who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education and participation in community activities, under a structured and scheduled plan that must be provided to the City, for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential under the direction and guidance of a designated managing caregiver, designated as such by the affiliate organization, who must be a resident of the group home and available by telephone on a 24 hour basis in case of complaints. A copy of the home rules shall be provided to the City as well as (if applicable) evidence of active enforcement under the Georgia Association of Recovery Residence standards. The schedule of activities may be verified via periodic inspection by Community Affairs staff. The term "group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, a work release facility for convicts or ex-convicts, a home for the detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in the custody of the state, or other housing facilities serving as an alternative to incarceration. The term "group home" shall also not allow the use of the dwelling as an apartment or duplex. A group home shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. § 16-6-4 or individuals required to register as sex offenders in pursuant to O.C.G.A. § 42-1-12. A group home may include a home for the handicapped. As used in this subsection, the term "handicapped" shall mean:

(1) Having a physical or mental impairment that substantially limits one or more of such person's major life activities.

(2) Having a record of having such an impairment; or

(3) Being regarded as having such an impairment.

However, the term "handicapped" shall not include persons who currently use illegal controlled substances, persons who have been convicted of the illegal manufacture or distribution or controlled substances, sex offenders, and juvenile offenders or persons with or without disabilities who present a direct threat to the persons or property of others.

f. Professional office means a structure wherein services are performed involving predominately administrative, professional or clerical operations such as the following: law, doctor, optician, audiologist, accounting, tax preparation, real estate, stockbroker, architect, engineer, manufacturer representative, professional counselor, dentist, investigative services,

photographer, insurance, contractor, land surveyor, telephone sales, political/campaign, veterinarian or travel bureau.

(3) Permitted uses. Permitted uses are as follows:

Accessory retail sales and services.
Ambulance services, if accessory to hospitals or funeral homes.
Animal hospitals.
Athletic and health clubs.
Automotive parking lots or garages.
Banks and financial institutions with drive-in establishments or automated transfer machines.
Clinics.
Clubs or lodges (noncommercial).
Colleges and universities, including but not limited to research and training facilities (private).
Community fairs.
Designated recycling collection locations.
Executive golf courses.
Fraternity and sorority houses and residence halls, if within 1,000 feet of a college or university.
Funeral homes.
Golf Courses (Par 3).
Golf Courses (18-hole regulation; public and private).
Hospitals.
In-home day care.
Medical and dental laboratories, provided that no chemicals are manufactured on-site.
Nonprofit (seasonal use) fishing lakes.
Nursery schools and child care centers.
Pain clinic and pain management clinic

1. No onsite dispensing of any prescription medications or controlled substances.
2. One parking space per 200 gross square-feet of building.
3. Hours of operation to be established by Mayor and Council, considering the operational hours of surrounding businesses.
4. Signage and lighting plan to be approved by city staff.
5. Special Land Use Permit as provided by Section 22-17.
6. The maximum length of approval for this use is 12 months.

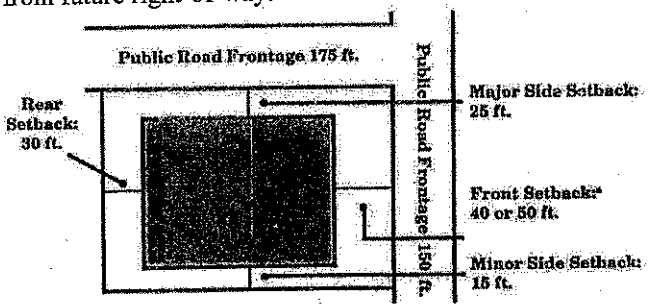
Offices not elsewhere classified.
Parking for vehicles.
Private parks.
Professional offices.
Radio and television stations.
Radio, television and other commercial towers and antennas subject to section 22-173.
Rest homes, personal care homes and convalescent homes.
Temporary uses (as defined in this Ordinance).
Tutoring and learning centers (see Article I Sec. 22-1)

(4) Lot size and setback requirements. Lot size and setback requirements are as follows:
a. Minimum lot size: 20,000 square feet.

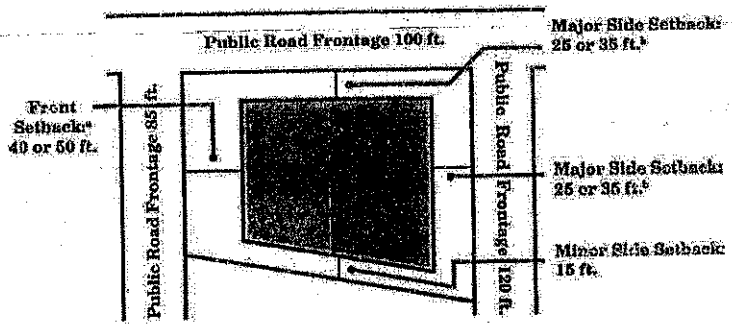
b. Minimum lot width at front setback line: 60 feet.
c. Minimum public road frontage: 50 feet.
d. Minimum building setbacks: As shown and applied in the following diagram:

MINIMUM BUILDING SETBACK REQUIREMENTS FOR O&I DISTRICT
Note: All setbacks shall be measured from future right-of-way.

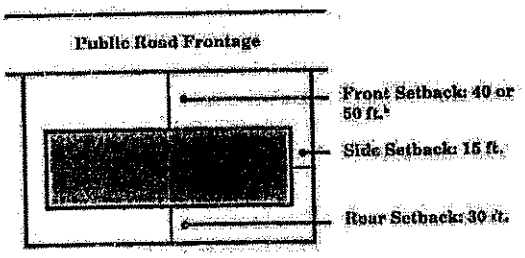
OI



Example for Property with two (2) Public Road Frontages



Example for Property with three (3) Public Road Frontages



Example for Property with one (1) Public Road Frontage

Notes:
a Property with shorter amount of road frontage will be the front setback for determining other setbacks (major side, side, rear).
b If structure fronts a major side setback, major side setback shall be 35 feet.

(5) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an O&I district which abuts a residentially zoned property shall have a minimum 20-foot landscaped screening buffer. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

a. Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:

1. Screening to enhance aesthetic appeal;
2. Control or direction of vehicular and pedestrian movement;
3. Reduction of glare;
4. Buffering of noise; and
5. Establishment of privacy.

b. Standards. Buffers and berms shall be required when an O&I district is located within or adjacent to a residential district; a minimum 20-foot buffer is required.

1. Buffers. Landscape buffers are subject to review and approval by the city staff in accordance with the following standards:

i. Plantings are to be a mix of evergreen trees and shrubs.
ii. Species are to be ecologically compatible to the site and appropriate for the design situation.
iii. Unless public safety concerns dictate otherwise, buffer should provide a 100 percent visual barrier to a height of six feet within two years of planting.
iv. Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
v. Fencing or walls are to be a minimum of six feet in height (fence to be located on exterior of buffer) as approved by city staff.
vi. Trees included in buffer plantings may be counted toward site density calculations as required by the City of Austell subject to review and approval of city staff.
vii. Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
viii. When topography and existing conditions allow, the required 20-foot buffer should be an undisturbed buffer.
ix. Any appeals from a determination by the city staff shall be to the board of variance and zoning appeals.

2. Berms. Berms are subject to review and approval by the city staff in accordance with the following standards:

i. Berms shall be utilized when consistent with surrounding property features.
ii. Berms shall be stabilized.

iii. Berms shall be constructed to be consistent with natural or proposed drainage patterns.
iv. Berms shall be regularly maintained by the property owner.

(6) Floodplain and wetlands preservation requirements. Subject to the conditions set forth in the City of Austell Floodplain Management and Prevention Ordinance.

(7) Building and structure requirements. Maximum building height is 50 feet, with no more than four stories.

(8) Parking requirements. See section 22-172 for paved parking specifications.

(9) Lighting requirements. Any project permitted within the O&I district which proposes a lighted facility must have approval from the Building Official or his/her designee.

(10) Special exception uses. See section 22-171 for requirements for special exception uses. Special exception uses for the O&I district are the uses listed as follows:

a. Any other facility for the disposal of the dead.
b. Cemeteries.
c. Churches, chapels, temples, synagogues and other places of worship.
d. Mausoleums
e. Club or lodge, private.
f. Private schools of general and special education.

(11) Use limitations.

a. Maximum floor area ratio is 0.75 for office uses and 0.25 for retail uses (accessory).

b. All structures located within an O&I district shall be appropriately scaled in relation to the transitional nature of the immediate area.

c. All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.

d. No outside storage is permitted. Within the O&I district, outside storage shall not include commercial vehicles.

e. No adult entertainment uses are permitted.

f. No drive-in eating or drinking establishments are permitted.

g. No uses that emit noxious odors, fumes or sounds are permitted.

h. No outside runs are permitted with any veterinary office use permitted within this district.

i. Maximum impervious surfaces 70%.

j. No loading docks or facilities may be located in the front of any primary structure.
Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

(12) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 400 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 144 square feet of gross space must have the approval of the Building Official or his/her designee as to the location, architectural design and size prior to commencing construction. The Building Official or his/her designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 144 gross square feet shall be required to submit for plan review through the community affairs department or receive approval from the director of the community affairs or his/her designee. Accessory structure plans must be accompanied by a signed affidavit from the property owner stating that such structure will not be used for a dwelling or commercial gain.
Permitted accessory structures and uses are as follows:

a. Accessory retail sales and service.

b. Accessory storage buildings, to include parking garages, subject to the following conditions:

1. Maximum height is two stories, not to exceed 35 feet.
2. Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
3. No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
4. On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
5. When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
6. When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
7. Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.

c. Antennas and satellite dishes, which shall meet the requirements set forth in section 22-174.

d. Freestanding parking garages, subject to the following conditions:

1. Maximum height: 50 feet.
2. When abutting any residential property line, freestanding parking garages shall not be located within any required buffers.
3. When abutting any other nonresidential district, no freestanding garage shall be located closer than five feet to a side or rear lot line.

e. Heating and air conditioning units, subject to the following conditions:

1. When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
2. When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
3. Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
4. No ground-based heating and air conditioning unit shall exceed 35 feet in height.

f. Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Building Official or his/her designee, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Sec. 22-139. OS office/service district.
The regulations for the OS office/service district are as follows:

(1) Purpose and intent. The OS district is established to provide locations for office and business distribution/service facilities, and assembly processes which do not emit noise, vibration, smoke, gas, fumes, odors or radiation and are located entirely within an enclosed building which do not involve manufacturing or fabrication of any product. No principal retail sales are allowed unless specified in this section. These uses are allowed on properties delineated within a RAC category, ICA category or an industrial category as defined and shown on the Austell Comprehensive Plan: A Policy Guide, adopted July 2, 2007.

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

a. Clinic. A medical or dental clinic is an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall include laboratory facilities in conjunction with normal clinic services.

b. Community fair means a festival or fair such as the North Georgia State Fair conducted wholly within public areas owned by a local government, provided that any activity is conducted at least 200 feet from any property line. Any event shall not exceed 21 days.

c. Designated recycling collection locations means metal or heavy duty plastic containers designed for short-term holding of pre-bagged recyclable items such as tin, aluminum, glass and paper (no perishable or food items allowed) for scheduled minimum monthly pickup, with no on-premises sorting. The center must be maintained in a safe, clean, neat and sanitary fashion and shall not encompass an area larger than 280 square feet.

1. Such location shall be visually screened and maintained.
2. Such location shall be within the building setbacks unless otherwise approved by the Building Official or his/her designee due to topography, safety, internal traffic flow, site distance or other site-related circumstances not created by the property owner.

d. Group home A dwelling unit, operated by an affiliate of a National, Regional, State or County Organization with a philanthropic mission, shared by four or fewer persons, excluding resident staff, who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education and participation in community activities, under a structured and scheduled plan that must be provided to the City, for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential under the direction and guidance of a designated managing caregiver, designated as such by the affiliate organization, who must be a resident of the group home and available by telephone on a 24 hour basis in case of complaints. A copy of the home rules shall be provided to the City as well as (if applicable) evidence of active enforcement under the Georgia Association of Recovery Residence standards. The schedule of

activities may be verified via periodic inspection by Community Affairs staff. The term "group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, a work release facility for convicts or ex-convicts, a home for the detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in the custody of the state, or other housing facilities serving as an alternative to incarceration. The term "group home" shall also not allow the use of the dwelling as an apartment or duplex. A group home shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. § 16-6-4 or individuals required to register as sex offenders in pursuant to O.C.G.A. § 42-1-12. A group home may include a home for the handicapped. As used in this subsection, the term "handicapped" shall mean:

(1) Having a physical or mental impairment that substantially limits one or more of such person's major life activities.

(2) Having a record of having such an impairment; or

(3) Being regarded as having such an impairment.

However, the term "handicapped" shall not include persons who currently use illegal controlled substances, persons who have been convicted of the illegal manufacture or distribution or controlled substances, sex offenders, and juvenile offenders or persons with or without disabilities who present a direct threat to the persons or property of others.

e. Office service and supply establishments means wholesale and retail commercial establishments that sell, service and supply small office equipment and supplies, such as stores that offer sales of copiers, facsimile machines, typewriters, ribbons, transcribers, dictation equipment, tape, staplers and other general office equipment.

(3) Permitted uses. Permitted uses are as follows:

Athletic and health clubs.
Automotive parking lots or garages.
Bus stations.
Clinics.
Clubs or lodges (noncommercial).
Colleges and universities (private), including but not limited to research and training facilities.
Community fairs.
Corporate or administrative offices for any permitted uses within this district.
Designated recycling collection locations.
Executive golf course.
Golf course (Par 3).
Golf course (18-hole regulation; public and private).
Helicopter landing areas, provided that the area is fenced.
In-home day care.
Medical and dental laboratories, provided that no chemicals are manufactured on-site.
Nonprofit (seasonal use) fishing lakes.
Office service and supply establishments.

Outdoor golf driving ranges.
Parking for vehicles.
Photography studios.
Printing, publishing and lithography establishments.
Private parks.
Pro shops (accessory to driving ranges/golf courses).
Radio and television stations.
Radio, television and other communication towers and antennas, subject to section 22-173.
Recreation grounds other than tennis courts and golf courses.
Rest homes, personal care homes and convalescent homes.
Studios and supplies.
Temporary uses.
Vocational schools (commercial).
Wholesale trade and distribution facilities.
Wholesale trade offices in conjunction with office showrooms, display and other facilities generally accessible to the public, provided that no more than 50 percent of the total gross floor area will be used for storage.

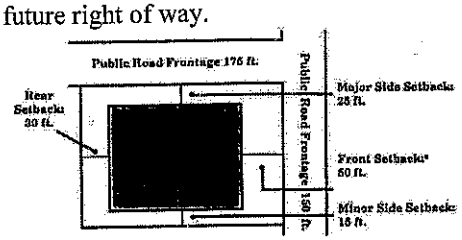
(4) Lot size and setback requirements. Lot size and setback requirements are as follows:

a. Minimum lot size: 40,000 square feet.
b. Minimum lot width at front setback line: 75 feet.
c. Minimum public road frontage: 50 feet.
d. Minimum building setbacks: As shown and applied in the following diagram:

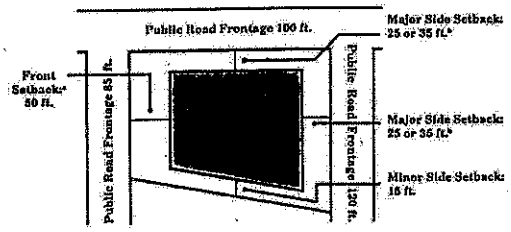
MINIMUM BUILDING SETBACK REQUIREMENTS FOR OS DISTRICT

Note: All setbacks shall be measured from future right of way.

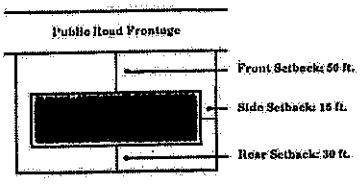
OS



Example for Property with two (2) Public Road Frontages



Example for Property with three (3) Public Road Frontages



Example for Property with one (1) Public Road Frontage

Notes:
a Property with shorter amount of road frontage will be the front setback for determining other setbacks (major side, side, rear).
b If structure fronts a major side setback, major side setback shall be 35 feet.

(5) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an OS district which abuts a residentially zoned property shall have a minimum 30-foot landscaped screening buffer adjacent to all residentially zoned property. The buffer shall be subject to approval by city staff. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

a. Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:

1. Screening to enhance aesthetic appeal;
2. Control or direction of vehicular and pedestrian movement;
3. Reduction of glare;
4. Buffering of noise; and
5. Establishment of privacy.

b. Buffers. Landscape buffers are subject to review and approval by city staff in accordance with the following standards:

1. Plantings are to be a mix of evergreen trees and shrubs.
2. Species are to be ecologically compatible to the site and appropriate for the design situation.
3. Unless public safety concerns dictate otherwise, a buffer should maximize a visual barrier to a height of six feet within two years of planting.
4. Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
5. Fencing or walls are to be a minimum of six feet in height as approved by city staff.
6. Trees included in buffer plantings may be counted toward site density calculations as required by the City of Austell subject to review and approval of city staff.
7. Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
8. When topography and existing conditions allow, the required 30-foot buffer should be an undisturbed buffer.
9. Any appeals from a determination by city staff shall be to the board of variance and zoning appeals.

c. Berms. Berms are subject to review and approval by city staff in accordance with the following standards:

1. Berms shall be utilized when consistent with surrounding property features.

2. Berms shall be stabilized.
3. Where possible, berms shall be constructed to be consistent with natural or proposed drainage patterns.
4. Berms shall be regularly maintained by the property owner.

(6) Floodplain and wetlands preservation requirements. Subject to the conditions set forth in the City of Austell Floodplain Management and Prevention Ordinance.

(7) Building and structure requirements. Maximum building height is 50 feet, with no more than four stories.

(8) Parking requirements. See section 22-172 for paved parking specifications.

(9) Lighting requirements. Any project permitted within the OS district which proposes a lighted facility must have approval by the Building Official or his/her designee.

(10) Special exception uses. See section 22-171 for requirements for special exception uses. Special exception uses for the OS district are the uses listed as follows:

a. Any other facility for the disposal of the dead.
b. Cemeteries.
c. Churches, chapels, temples, synagogues and other places of worship.
d. Mausoleums
e. Club or lodge, private.
f. Private schools of general and special education.

(11) Use limitations.

a. Maximum floor area ratio of 0.75 for office use and 0.25 for retail use (accessory).

b. All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.

c. No adult entertainment uses are permitted.

d. No drive-in establishments are permitted.

e. No uses that emit noxious odors, fumes or sounds are permitted.

f. No outside storage.

g. No bulk warehousing.

h. Maximum impervious surfaces 70%.
Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to.

Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

(12) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 400 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 144 square feet of gross space must have the approval of the Building Official or his/her designee as to the location, architectural design and size prior to commencing construction. The Building Official or his/her designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as forth in this section. All accessory buildings, structures and uses in excess of 144 gross square feet shall be required to submit for plan review through the community affairs department or receive approval from the director of the community affairs department or his/her designee. Accessory structure plans must be accompanied by a signed affidavit from the property owner stating that such structure will not be used for a dwelling or commercial gain. Permitted accessory structures and uses are as follows:

a. Accessory storage buildings, subject to the following conditions:

1. Maximum height is two stories, not to exceed 35 feet.

2. Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.

3. No accessory building shall be constructed upon a lot until construction of the principal building has commenced.

4. On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.

5. When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.

6. When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.

7. Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.

b. Antennas and satellite dishes, which shall meet the requirements set forth in section 22-174.

c. Freestanding parking garages, subject to the following conditions:

1. Maximum height: 50 feet.
2. When abutting any residential property line, freestanding parking garages shall not be located within any required buffers.

3. When abutting any other nonresidential district, no freestanding garage shall be located closer than five feet to a side or rear lot line.

d. Heating and air conditioning units, subject to the following conditions:

1. When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.

2. When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.

3. Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.

4. No ground-based heating and air conditioning unit shall exceed 35 feet in height.

e. Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Building Official or his/her designee, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Sec. 22-140. NS neighborhood shopping district.

The regulations for the NS neighborhood shopping district are as follows:

(1) Purpose and intent. The NS district is established to provide locations for retail commercial and services uses which are designed and oriented to serve two to four neighborhoods and are located in areas delineated within a neighborhood activity center or community activity center as defined and shown on the Austell Comprehensive Plan: A Policy Guide, adopted July 2, 2007.

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

a. Clinic. A medical or dental clinic is an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall include laboratory facilities in conjunction with normal clinic services.

b. Community fair means a festival or fair such as the North Georgia State Fair conducted wholly within public areas owned by a local government, provided that any activity is conducted at least 200 feet from any property line. Any event shall not exceed 21 days.

c. Designated recycling collection locations means metal or heavy duty plastic containers designed for short-term holding of pre-bagged recyclable items such as tin, aluminum, glass and paper (no perishable or food items allowed) for scheduled minimum monthly pickup, with no on-premises sorting. The center must be maintained in a safe, clean, neat and sanitary fashion and shall not encompass an area larger than 280 square feet.

1. Such location shall be visually screened and maintained.
2. Such location shall be within the building setbacks unless otherwise approved by the Building Official or his/her designee due to topography, safety, internal traffic flow, site distance or other site-related circumstances not created by the property owner.

d. Group home A dwelling unit, operated by an affiliate of a National, Regional, State or County Organization with a philanthropic mission, shared by four or fewer persons, excluding resident staff, who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education and participation in community activities, under a structured and scheduled plan that must be provided to the City, for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential under the direction and guidance of a designated managing caregiver, designated as such by the affiliate organization, who must be a resident of the group home and available by telephone on a 24 hour basis in case of complaints. A copy of the home rules shall be provided to the City as well as (if applicable) evidence of active enforcement under the Georgia Association of Recovery Residence standards. The schedule of activities may be verified via periodic inspection by Community Affairs staff. The term "group

home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, a work release facility for convicts or ex-convicts, a home for the detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in the custody of the state, or other housing facilities serving as an alternative to incarceration. The term "group home" shall also not allow the use of the dwelling as an apartment or duplex. A group home shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. § 16-6-4 or individuals required to register as sex offenders in pursuant to O.C.G.A. § 42-1-12. A group home may include a home for the handicapped. As used in this subsection, the term "handicapped" shall mean:

(1) Having a physical or mental impairment that substantially limits one or more of such person's major life activities.

(2) Having a record of having such an impairment; or

(3) Being regarded as having such an impairment.

However, the term "handicapped" shall not include persons who currently use illegal controlled substances, persons who have been convicted of the illegal manufacture or distribution or controlled substances, sex offenders, and juvenile offenders or persons with or without disabilities who present a direct threat to the persons or property of others.

e. Neighborhood retail uses means commonly found low scale and low intensity retail uses, with square footages not to exceed 6,000 square feet unless noted in this subsection, that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as but not limited to the following: auto parts store, antique shop, appliance store (home use), bakery, barbershop or beauty shop, beverage shop, bookstore (but not including adult bookstores), bridal shop, camera shop, china and pottery store, clothing store, dance studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drugstore or hardware store (provided that the gross floor area does not exceed 20,000 square feet total), dry goods store, florist, furniture store, gifts and stationery store, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, shoe repair shop, shoe store, sporting goods store, supermarket or grocery (provided that the gross floor area does not exceed 70,000 square feet), tailor shop, toy store, variety shop or video store.

f. Nonautomotive repair uses means commonly found low intensity repair shops such as jewelry, camera, home appliance, television and videocassette recorder repair shops.

g. Office service and supply establishments means wholesale and retail commercial establishments that sell, service and supply small office equipment and supplies, such as stores that offer sales of copiers, facsimile machines, typewriters, ribbons, transcribers, dictation equipment, tape, staplers and other general office equipment.

h. Professional office means a structure wherein services are performed involving predominately administrative, professional or clerical operations such as the following: law, doctor, optician, audiologist, accounting, tax preparation, real estate, stockbroker, architect,

engineer, manufacturer representative, professional counselor, dentist, investigative services, photographer, insurance, contractor, land surveyor, telephone sales, political/campaign, veterinarian or travel bureau.

(3) Permitted uses. Permitted uses are as follows:

Ambulance services, if accessory to hospitals or funeral homes.
Animal hospitals.
Athletic and health clubs.
Automotive parking lots or garages.
Banks and financial institutions with drive-in establishment or automated transfer machines.
Billiards and pool halls, subject to City of Austell Code of Ordinances.
Bus stations.
Carwashes.
Clinics.
Clubs or lodges (noncommercial).
Colleges and universities (private), including but not limited to research and training facilities.
Commercial greenhouses and plant nurseries, provided that all goods stored outside shall be stored in a designated area.
Commercial recreation restaurants.
Community fairs.
Designated recycling collection locations.
Eating and drinking establishments, including drive-in fast food restaurants.
Emissions and inspection stations. (No temporary buildings/tents to be utilized after July 1, 2009.)
Executive golf courses.
Farm and garden supply stores.
Fraternity and sorority houses and residence halls.
Funeral homes.
Golf courses, 18-hole regulation, public and private.
Golf courses, par 3.
Helicopter landing areas, provided that the area is fenced.
Hospitals.
In-home day care.
Laundry and dry cleaning pickup establishments.
Medical and dental laboratories, provided that no chemicals are manufactured on-site.
Neighborhood retail uses.
Nonautomotive repair service establishments.
Nonprofit (seasonal use) fishing lakes.
Nursery schools and child day care centers.
Office service and supply establishments.
Offices not elsewhere classified.
Parking for vehicles.
Photography studios.
Printing, publishing and lithography establishments, provided that no more than 50 percent of the total gross floor area will be used for storage.

Private parks.
Pro shops, if accessory to driving ranges or golf courses.
Professional offices.
Radio and television stations.
Radio, television and other communication towers and antennas, subject to section 22-173.
Recreation grounds other than tennis courts and golf courses.
Rest homes, personal care homes and convalescent homes.
Temporary uses.
Theaters.
Tutoring and learning centers (see Article I Sec. 22-1)

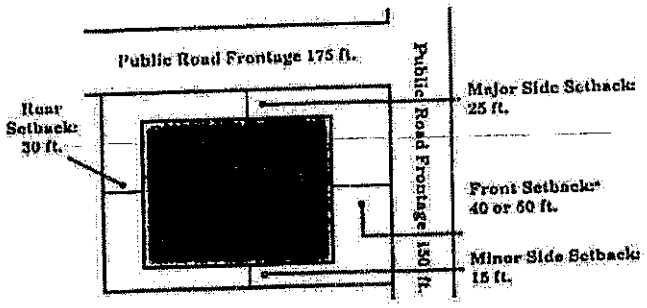
(4) Lot size and setback requirements. Lot size and setback requirements are as follows:

a. Minimum lot size: 20,000 square feet.
b. Minimum lot width at front setback line: 60 feet.
c. Minimum public road frontage: 50 feet.
d. Minimum building setbacks: As shown and applied in the following diagram:

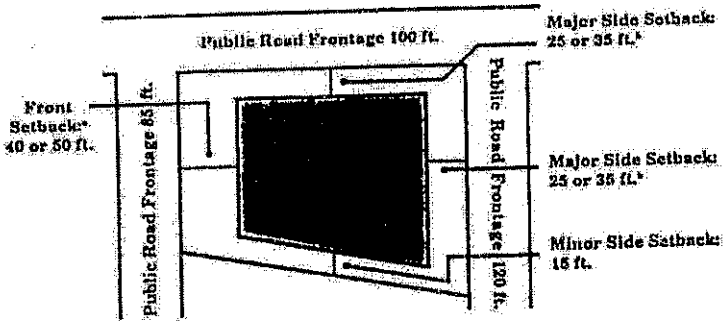
MINIMUM BUILDING SETBACK REQUIREMENTS FOR NS DISTRICT

Note: All setbacks shall be measured from future right-of-way.

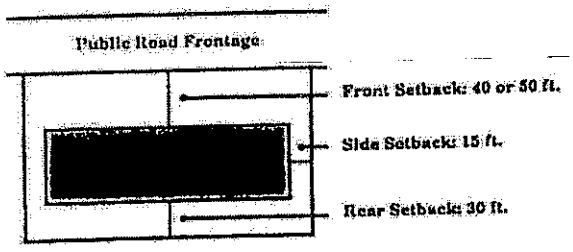
NS



Example for Property with two (2) Public Road Frontages



Example for Property with three (3) Public Road Frontages



Example for Property with one (1) Public Road Frontage

Notes:
a Property with shorter amount of road frontage will be the front setback for determining other setbacks (major side, side, rear).
b If structure fronts a major side setback, major side setback shall be 35 feet.

(5) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within an NS district which abuts a residentially zoned property shall have a 35-foot landscaped screening buffer adjacent to all residentially zoned property. The buffer shall be subject to approval by city staff. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

a. Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:

1. Screening to enhance aesthetic appeal;
2. Control or direction of vehicular and pedestrian movement;
3. Reduction of glare;
4. Buffering of noise; and
5. Establishment of privacy.

b. Buffers. Landscape buffers are subject to review and approval by city staff in accordance with the following standards:

1. Plantings are to be a mix of evergreen trees and shrubs.
2. Species are to be ecologically compatible to the site and appropriate for the design situation.
3. Unless public safety concerns dictate otherwise, a buffer should provide a 100 percent visual barrier to a height of six feet within two years of planting.
4. Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
5. Fencing or walls are to be a minimum of six feet in height as approved by city staff.
6. Trees included in buffer plantings may be counted toward site density calculations as required by the City of Austell subject to review and approval of city staff.
7. Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
8. When topography and existing conditions allow, the required 35-foot buffer should be an undisturbed buffer.
9. Any appeals from a determination by city staff shall be to the board of variance and zoning appeals.

c. Berms. Berms are subject to review and approval by city staff in accordance with the following standards:

1. Berms shall be utilized when consistent with surrounding property features.

2. Berms shall be stabilized.
3. Where possible, berms shall be constructed to be consistent with natural or proposed drainage patterns.
4. Berms shall be regularly maintained by the property owner.

(6) Floodplain and wetlands preservation requirements. Subject to the conditions set forth in the City of Austell Floodplain Management and Prevention Ordinance.

(7) Building and structure requirements. Maximum building height is 50 feet, with no more than 4 stories.

(8) Parking requirements. See section 22-172 for paved parking specifications.

(9) Lighting requirements. Any project permitted within the NS district which proposes a lighted facility must have approval by the Building Official or his/her designee.

(10) Special exception uses. See section 22-171 for requirements for special exception uses. Special exception uses for the NS district are the uses listed as follows:

a. Any other facility for the disposal of the dead.
b. Cemeteries.
c. Churches, chapels, temples, synagogues and other places of worship.
d. Mausoleums
e. Club or lodge, private.
f. Private schools of general and special education.
g. Hotel.

(11) Use limitations.

a. Maximum floor area ratio is 0.5 for office uses and 0.25 for retail uses.

b. All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.

c. No outside storage is permitted. Within the NS district outside storage shall not include commercial vehicles or plants and shrubs.

d. Any emission or automotive inspection station shall be located within a permanent facility. (No temporary buildings/tents are to be utilized after July 1, 2009.)

e. No uses that emit noxious odors, fumes or sounds are permitted.

f. No adult entertainment uses are permitted.

g. Outdoor displays of merchandise: Where permitted those displays such as garden centers, home building supplies, hardware stores, general merchandise and the like, not including

landscape nurseries, automotive sales and rentals or heavy equipment sales and rentals, shall be subject to the following additional requirements:

1. The area displaying the merchandise shall be ancillary to the primary retail business on site.
2. The location of outdoor displays must be shown on a site/construction plan approved by the Building Official or his/her designee.
3. Outdoor displays located in areas between the building(s) and a public street or roadway shall not be located outside the required building setbacks.
4. The areas displaying the merchandise must be screened from any adjoining residential use or district compliant to an approved landscape plan.
5. Areas for outdoor display may not be located within any required buffers.
6. Outdoor displays may be allowed in front of the building(s) but must not block sidewalks or parking areas. Outdoor displays may not impede vehicular or pedestrian traffic, compliant with Americans with Disabilities Act (ADA). At a minimum, a five-foot pedestrian access shall be provided.
7. Any temporary or seasonal sales conducted within parking spaces can be done so only within parking spaces above and beyond the required minimum for the entire retail center.
8. Due to safety concerns, no permanent or temporary display of merchandise shall be allowed on or adjacent to any gasoline pump island(s) or under a canopy covering any gasoline pump island(s).

h. Maximum impervious surfaces 70%.

i. No loading docks or facilities may be located in the front of any primary structure.

Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

(12) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 400 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 144 square feet of gross space must have the approval of the Building Official or his/her designee as to the location, architectural design and size prior to commencing construction. The Building Official or his/her designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 144 gross square feet shall be required to submit for plan review through the community affairs department or receive approval from the director of the community affairs department or his/her designee. Accessory structure plans must be accompanied by a signed affidavit from the property owner stating that such structure will not be used for a dwelling or commercial gain. Permitted accessory structures and uses are as follows:

a. Accessory storage buildings, to include parking garages, subject to the following conditions:

1. Maximum height is two stories, not to exceed 35 feet.
2. Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
3. No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
4. On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
5. When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
6. When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
7. Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.

b. Antennas and satellite dishes, which shall meet the requirements set forth in section 22-174.

c. Carwashes are accessory to convenience food stores with self-service fuel.

d. Heating and air conditioning units, subject to the following conditions:

1. When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
2. When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
3. Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
4. No ground-based heating and air conditioning unit shall exceed 35 feet in height.

e. Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Building Official or his/her designee, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Sec. 22-141. PSC planned shopping center district.

(1) Purpose and intent. The PSC district is established to provide locations for retail commercial and service uses which are designed and oriented to serve several neighborhoods making up a community. Projects developed within the PSC zoning district should be done as compact, unified centers. Projects developed within the PSC zoning district should occupy a quadrant of an intersection, with ingress and egress only from a major collector street or state highway, within an area delineated within a community activity center as defined and shown on the Austell Comprehensive Plan: A Policy Guide, adopted July 2, 2007.

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

a. Clinic. A medical or dental clinic is an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall include laboratory facilities in conjunction with normal clinic services.

b. Community fair means a festival or fair such as the North Georgia State Fair conducted wholly within public areas owned by a local government, provided that any activity is conducted at least 200 feet from any property line. Any event shall not exceed 21 days.

c. Convenience food store with self-service fuel sales means any retail establishment offering for sale automotive fuels, prepackaged food products, beverages, household items and other goods commonly associated with such establishments. There shall be no automotive repairs done on-site.

d. Designated recycling collection locations means metal or heavy duty plastic containers designed for short-term holding of pre-bagged recyclable items such as tin, aluminum, glass and paper (no perishable or food items allowed) for scheduled minimum monthly pickup, with no on-premises sorting. The center must be maintained in a safe, clean, neat and sanitary fashion and shall not encompass an area larger than 280 square feet.

1. Such location shall be visually screened and maintained.
2. Such location shall be within the building setbacks unless otherwise approved by the Building Official or his/her designee due to topography, safety, internal traffic flow, site distance or other site-related circumstances not created by the property owner.

e. Group home A dwelling unit, operated by an affiliate of a National, Regional, State or County Organization with a philanthropic mission, shared by four or fewer persons, excluding resident staff, who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education and participation in community activities, under a structured and scheduled plan that must be provided to the City, for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential under the direction and guidance of a designated managing caregiver, designated as such by the affiliate organization, who must be a resident of

the group home and available by telephone on a 24 hour basis in case of complaints. A copy of the home rules shall be provided to the City as well as (if applicable) evidence of active enforcement under the Georgia Association of Recovery Residence standards. The schedule of activities may be verified via periodic inspection by Community Affairs staff. The term "group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, a work release facility for convicts or ex-convicts, a home for the detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in the custody of the state, or other housing facilities serving as an alternative to incarceration. The term "group home" shall also not allow the use of the dwelling as an apartment or duplex. A group home shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. § 16-6-4 or individuals required to register as sex offenders in pursuant to O.C.G.A. § 42-1-12. A group home may include a home for the handicapped. As used in this subsection, the term "handicapped" shall mean:

(1) Having a physical or mental impairment that substantially limits one or more of such person's major life activities.

(2) Having a record of having such an impairment; or

(3) Being regarded as having such an impairment.

However, the term "handicapped" shall not include persons who currently use illegal controlled substances, persons who have been convicted of the illegal manufacture or distribution or controlled substances, sex offenders, and juvenile offenders or persons with or without disabilities who present a direct threat to the persons or property of others.

f. Light automotive repair establishment means an indoor repair establishment (no outside storage or work) for performing light auto and small truck repair (under one ton) such as brake repair, oil changes, lubrication, transmission repair, installation of belts and hoses, inspections and the like.

g. Nonautomotive repair uses means commonly found low intensity repair shops such as jewelry, camera, home appliance, television and videocassette recorder repair shops.

h. Neighborhood retail use means commonly found low scale and low intensity retail uses, with square footages not to exceed 6,000 square feet unless noted in this subsection, that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as but not limited to the following: auto parts store, antique shop, appliance store (home use), bakery, barbershop or beauty shop, beverage shop, bookstore (but not including adult bookstores), bridal shop, camera shop, china and pottery store, clothing store, dance studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drugstore or hardware store (provided that the gross floor area does not exceed 20,000 square feet total), dry goods store, florist, furniture store, gifts and stationery store, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, shoe repair shop, shoe store, sporting goods store, supermarket or grocery (provided that the gross floor area does not exceed 70,000 square feet), tailor shop, toy store, variety shop or video store.

i. Office service and supply establishments means wholesale and retail commercial establishments that sell, service and supply small office equipment and supplies, such as stores that offer sales of copiers, facsimile machines, typewriters, ribbons, transcribers, dictation equipment, tape, staplers and other general office equipment.

j. Professional offices means a structure wherein services are performed involving predominately administrative, professional or clerical operations such as the following: law, doctor, optician, audiologist, accounting, tax preparation, real estate, stockbroker, architect, engineer, manufacturer representative, professional counselor, dentist, investigative services, photographer, insurance, contractor, land surveyor, telephone sales, political/campaign, veterinarian or travel bureau.

(3) Permitted uses. Permitted uses are as follows:

Ambulance services, if accessory to hospitals or funeral homes.
Animal hospitals.
Arcades.
Athletic and health clubs.
Automotive parking lots or garages.
Banks or financial institutions with drive-in establishment or automated transfer machines.
Billiards and pool halls, subject to the City of Austell Code of Ordinances.
Building materials stores.
Bus stations.
Carwashes.
Clinics.
Clubs or lodges (noncommercial).
Colleges and universities (private), including but not limited to research and training facilities.
Commercial greenhouses and plant nurseries, provided that all goods stored outside shall be stored in a designated area.
Commercial indoor recreation uses.
Commercial outdoor recreation uses.
Community fairs.
Community retail uses.
Convenience food stores with self-service fuel sales, provided that the building shall not exceed 3,000 square feet in gross floor area and that no automotive repairs shall be done on-site.
Cultural facilities.
Designated recycling collection locations.
Eating and drinking establishments, including drive-in fast food restaurants.
Emissions or inspections stations. (No temporary buildings/tents to be utilized after July 1, 2009.)
Executive golf course.
Exterminating facilities (insect or rodent).
Farm and garden supply stores.
Film developing and printing facilities.
Fraternity and sorority houses/residence halls.

Full service gasoline stations.
Funeral homes.
Golf course (Par 3)
Golf course (18-hole regulation; public or private).
Helicopter landing areas, provided that the area is fenced.
Hospitals.
In-home day care.
Laundry and dry cleaning pickup establishments.
Light automotive repair establishments.
Medical and dental laboratories, provided that no chemicals are manufactured on-site.
Neighborhood retail uses.
Nonautomotive repair service establishments.
Non-profit (seasonal use) fishing lakes.
Nursery schools and child day care centers.
Office service and supply establishments.
Offices not elsewhere classified.
Other consumer goods and services.
Other service establishments.
Parking for vehicles.
Photography studios.
Printing, publishing and lithography establishments, provided that no more than 50 percent of the total gross floor area will be used for storage.
Private parks.
Pro shops, if accessory to driving ranges or golf courses.
Professional offices.
Radio and television stations.
Radio, television and other communication towers and antennas, subject to section 22-173.
Recreation grounds other than tennis courts and golf courses.
Rest homes, personal care homes and convalescent homes.
Reupholstery and furniture repair establishments.
Self-service laundry facilities.
Studios and supplies, provided that no more than 50 percent of the total gross floor area will be used for storage.
Temporary uses.
Theaters.
Tutoring and learning centers (see Article I Sec. 22-1)

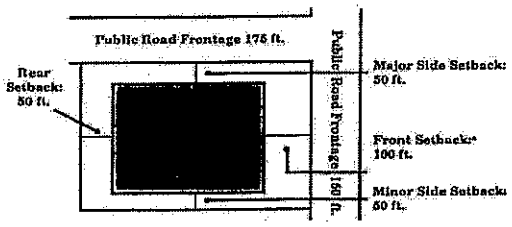
(4) Lot size and setback requirements. Lot size and setback requirements are as follows:

a. Minimum lot size: 200,000 square feet.
b. Minimum lot width at front setback line: 200 feet.
c. Minimum public road frontage: 100 feet.
d. Minimum building setbacks: As shown and applied in the following diagram:

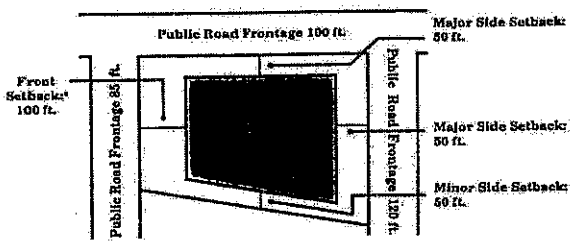
MINIMUM BUILDING SETBACK REQUIREMENTS FOR PSC DISTRICT

Note: All setbacks shall be measured from future right-of-way.

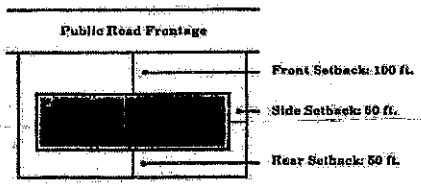
PSC



Example for Property with two (2) Public Road Frontages



Example for Property with three (3) Public Road Frontages



Example for Property with one (1) Public Road Frontage

Notes:

a Property with shorter amount of road frontage will be the front setback for determining other setbacks (major side, side, rear).

b If structure fronts a major side setback, major side setback shall be 35 feet.

(5) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within a PSC district which abuts residentially zoned property shall have a 40-foot landscaped screening buffer adjacent to all residentially zoned property. The buffer shall be subject to approval by city staff. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

a. Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:

1. Screening to enhance aesthetic appeal;
2. Control or direction of vehicular and pedestrian movement;
3. Reduction of glare;

4. Buffering of noise; and
5. Establishment of privacy.

b. Buffers. Landscape buffers are subject to review and approval by city staff in accordance with the following standards:

1. Plantings are to be a mix of evergreen trees and shrubs.
2. Species are to be ecologically compatible to the site and appropriate for the design situation.
3. Unless public safety concerns dictate otherwise, a buffer should maximize a visual barrier to a height of six feet within two years of planting.
4. Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
5. Fencing or walls are to be a minimum of six feet in height as approved by city staff.
6. Trees included in buffer plantings may be counted toward site density calculations as required by the City of Austell subject to review and approval of city staff.
7. Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
8. When topography and existing conditions allow, the required 40-foot buffer should be an undisturbed buffer.
9. Any appeals from a determination by city staff shall be to the board of variance and zoning appeals.

c. Berms. Berms are subject to review and approval by city staff in accordance with the following standards:

1. Berms shall be utilized when consistent with surrounding property features.
2. Berms shall be stabilized.
3. Where possible, berms shall be constructed to be consistent with natural or proposed drainage patterns.
4. Berms shall be regularly maintained by the property owner.

(6) Floodplain and wetlands preservation requirements. Subject to the conditions set forth in the City of Austell Floodplain Management and Prevention Ordinance.

(7) Building and structure requirements. Maximum building height is 50 feet, with no more than 4 stories.

(8) Parking requirements. See section 22-172 for paved parking specifications.

(9) Lighting requirements. Any project permitted within the PSC district which proposes a lighted facility must have approval by the Building Official or his/her designee.

(10) Special exception uses. See section 22-171 for requirements for special exception uses. Special exception uses for the PSC district are the uses listed as follows:

a. Any other facility for the disposal of the dead.
b. Cemeteries.
c. Churches, chapels, temples, synagogues and other places of worship.

d. Mausoleums
e. Club or lodge, private.
f. Private schools of general and special education.
g. Hotel.

(11) Use limitations. The PSC development shall meet at the minimum the following:

a. The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features.

b. The development shall not adversely affect developed or undeveloped neighboring properties.

c. Water, sewerage, highway and school facilities shall be adequate for the proposed development, or there shall be a definite proposal for making them so.

d. Maximum floor area ratio is 0.5 for office uses and 0.25 for retail uses.

e. Minimum acreage is five acres.

f. All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.

g. All of the land in a PSC development shall be owned initially by an individual, corporation, partnership or some other legal entity. Individual properties in a PSC development may be sold after a final plat has been duly recorded with the properties subject to private deed covenants that ensure the continuance of the PSC development as originally approved.

h. Any emission or automotive inspection station shall be located within a permanent facility. (No temporary buildings/tents are to be utilized after July 1, 2009.)

i. No uses that emit noxious odors, fumes or sounds are permitted.

j. The side yard setbacks may be waived except along the exterior boundaries of the development.

k. No adult entertainment uses are permitted.

l. A PSC development shall have ingress and egress only on a major or collector street or state highway.

m. Outdoor displays of merchandise: Where permitted those displays such as garden centers, home building supplies, hardware stores, general merchandise and the like, not including landscape nurseries, automotive sales and rentals or heavy equipment sales and rentals, shall be subject to the following additional requirements:

1. The area displaying the merchandise shall be ancillary to the primary retail business on site.
2. The location of outdoor displays must be shown on a site/construction plan approved by the Building Official or his/her designee.
3. Outdoor displays located in areas between the building(s) and a public street or roadway shall not be located outside the required building setbacks.
4. The areas displaying the merchandise must be screened from any adjoining residential use or district compliant to an approved landscape plan.
5. Areas for outdoor display may not be located within any required buffers.
6. Outdoor displays may be allowed in front of the building(s) but must not block sidewalks or parking areas. Outdoor displays may not impede vehicular or pedestrian traffic, compliant with Americans with Disabilities Act (ADA). At a minimum, a five-foot pedestrian access shall be provided.
7. Any temporary or seasonal sales conducted within parking spaces can be done so only within parking spaces above and beyond the required minimum for the entire retail center.
8. Due to safety concerns, no permanent or temporary display of merchandise shall be allowed on or adjacent to any gasoline pump island(s) or under a canopy covering any gasoline pump island(s).

n. Maximum impervious surfaces 70%.

o. No loading docks or facilities may be located in the front of any primary structure.

p. All PSC zoning districts shall be site plan specific. Any vacant properties zoned PSC must have a site plan approved by the Mayor and Council.
Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

(12) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 400 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 144 square feet of gross space must have the approval of the Building Official or his/her designee as to the location, architectural design and size prior to commencing construction. The Building Official or his/her designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 144 gross square feet shall be required to submit for plan review through the community affairs department or receive approval from the director of the community affairs department or his designee. Accessory structure plans must be accompanied by a signed affidavit from the property owner stating that such structure will not be used for a dwelling or commercial gain. Permitted accessory structures and uses are as follows:

a. Accessory storage buildings, to include parking garages, subject to the following conditions:

1. Maximum height is two stories, not to exceed 35 feet.
2. Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
3. No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
4. On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
5. When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
6. When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
7. Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.

b. Antennas and satellite dishes, which shall meet the requirements set forth in section 22-174.

c. Carwashes are accessory to convenience food stores with self-service fuel.

d. Freestanding parking garages, subject to the following conditions:

1. Maximum height is 50 feet, with no more than four stories.
2. When abutting any residential property line, freestanding parking garages shall not be located within any required buffers.
3. When abutting any other nonresidential district, no freestanding garage shall be located closer than five feet to a side or rear lot line.

e. Heating and air conditioning units, subject to the following conditions:

1. When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
2. When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
3. Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
4. No ground-based heating and air conditioning unit shall exceed 35 feet in height.

f. Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Building Official or his/her designee, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Sec. 22-142. CBD central business district.

The regulations for the CBD central business district are as follows:

(1) Purpose and intent.

a. The CBD is established to provide locations for limited vehicular and pedestrian oriented businesses which are characteristic of the City's central businesses as defined and shown on the Austell Comprehensive Plan: A Policy Guide adopted July 2, 2007

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

a. Clinic. A medical or dental clinic is an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall include laboratory facilities in conjunction with normal clinic services.

b. Community fair means a festival or fair such as the North Georgia State Fair conducted wholly within public areas owned by a local government, provided that any activity is conducted at least 200 feet from any property line. Any event shall not exceed 21 days.

c. Community retail uses means commonly found low-scale and low intensity retail uses that offer basic services and frequently purchased goods to the immediate surrounding residential areas such as: auto parts store, antique shop, appliance store (home use), bakery, barber and beauty shops, beverage shop, bookstore (but not including adult bookstore), bridal shop, camera shop, china and pottery store, clothing store, dance studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drug store, dry goods store, florist, furniture store, gifts and stationary store, hardware store, jewelry store, manicurist shop, meat market/ butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, shoe repair shop, shoe store, sporting goods store, supermarket or grocery, tailor shop, toy store, variety shop, and video stores.

d. Convenience food store with self-service fuel sales means any retail establishment offering for sale automotive fuels, prepackaged food products, beverages, household items and other goods commonly associated with such establishments. There shall be no automotive repairs done on-site.

e. Designated recycling collection locations means metal or heavy duty plastic containers designed for short-term holding of pre-bagged recyclable items such as tin, aluminum, glass and paper (no perishable or food items allowed) for scheduled minimum monthly pickup, with no on-premises sorting. The center must be maintained in a safe, clean, neat and sanitary fashion and shall not encompass an area larger than 280 square feet.

1. Such location shall be visually screened and maintained.
2. Such location shall be within the building setbacks unless otherwise approved by the Building Official or his/her designee due to topography, safety, internal traffic flow, site distance or other site-related circumstances not created by the property owner.

f. Group Home A dwelling unit, operated by an affiliate of a National, Regional, State or County Organization with a philanthropic mission, shared by four or fewer persons, excluding resident staff, who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education and participation in community activities, under a structured and scheduled plan that must be provided to the City, for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential under the direction and guidance of a designated managing caregiver, designated as such by the affiliate organization, who must be a resident of the group home and available by telephone on a 24 hour basis in case of complaints. A copy of the home rules shall be provided to the City as well as (if applicable) evidence of active enforcement under the Georgia Association of Recovery Residence standards. The schedule of activities may be verified via periodic inspection by Community Affairs staff. The term "group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, a work release facility for convicts or ex-convicts, a home for the detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in the custody of the state, or other housing facilities serving as an alternative to incarceration. The term "group home" shall also not allow the use of the dwelling as an apartment or duplex. A group home shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. § 16-6-4 or individuals required to register as sex offenders in pursuant to O.C.G.A. § 42-1-12. A group home may include a home for the handicapped. As used in this subsection, the term "handicapped" shall mean:

(1) Having a physical or mental impairment that substantially limits one or more of such person's major life activities.

(2) Having a record of having such an impairment; or

(3) Being regarded as having such an impairment.

However, the term "handicapped" shall not include persons who currently use illegal controlled substances, persons who have been convicted of the illegal manufacture or distribution or controlled substances, sex offenders, and juvenile offenders or persons with or without disabilities who present a direct threat to the persons or property of others.

g. Light automotive repair establishment means an indoor repair establishment (no outside storage or work) for performing light auto and small truck repair (under one ton) such as brake repair, oil changes, lubrication, transmission repair, installation of belts and hoses, inspections and the like.

h. Nonautomotive repair uses means commonly found low intensity repair shops such as jewelry, camera, home appliance, television and videocassette recorder repair shops.

i. Office service and supply establishments means wholesale and retail commercial establishments that sell, service and supply small office equipment and supplies, such as stores that offer sales of copiers, facsimile machines, typewriters, ribbons, transcribers, dictation equipment, tape, staplers and other general office equipment.

j. Professional offices means a structure wherein services are performed involving predominately administrative, professional or clerical operations such as the following: law, doctor, optician, audiologist, accounting, tax preparation, real estate, stockbroker, architect, engineer, manufacturer representative, professional counselor, dentist, investigative services, photographer, insurance, contractor, land surveyor, telephone sales, political/campaign, veterinarian or travel bureau.

(3) Permitted uses. Permitted uses are as follows:

Animal hospitals.
Athletic and health clubs.
Automotive parking lots or garages. SLU?
Banks or financial institutions with drive-in establishment or automated transfer machines.
Clinics.
Clubs or lodges (noncommercial).
Commercial greenhouses and plant nurseries, provided that all goods stored outside shall be stored in a designated area.
Community fairs.
Community retail uses.
Cultural facilities.
Designated recycling collection locations.
Eating and drinking establishments, including drive-in fast food restaurants.
Exterminating facilities (insect or rodent).
Film developing and printing facilities.
Full service gasoline stations.
Funeral homes.
Laundry and dry cleaning pickup establishments.
Medical and dental laboratories, provided that no chemicals are manufactured on-site.
Nonautomotive repair service establishments.
Nursery schools and child day care centers.
Office service and supply establishments.
Offices not elsewhere classified.
Other consumer goods and services.
Other service establishments.
Photography studios.
Printing, publishing and lithography establishments, provided that no more than 50 percent of the total gross floor area will be used for storage.
Private parks.
Professional offices.
Recreation grounds other than tennis courts and golf courses.
Self-service laundry facilities.
Studios and supplies, provided that no more than 50 percent of the total gross floor area will be used for storage.
Temporary uses.
Theaters.

Tutoring and learning centers (see Article I Sec. 22-1)

(4) Lot size and setback requirements. Lot size and setback requirements are as follows:

a. Minimum lot size: 2,500 square feet.
b. Minimum lot width at front setback line: 25 feet.
c. Minimum public road frontage: 25 feet.

(5) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within a CBD district which abuts residentially zoned property shall have a 15-foot landscaped screening buffer adjacent to all residentially zoned property. The buffer shall be subject to approval by city staff. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

a. Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:

1. Screening to enhance aesthetic appeal;
2. Control or direction of vehicular and pedestrian movement;
3. Reduction of glare;
4. Buffering of noise; and
5. Establishment of privacy.

b. Buffers. Landscape buffers are subject to review and approval by city staff in accordance with the following standards:

1. Plantings are to be a mix of evergreen trees and shrubs.
2. Species are to be ecologically compatible to the site and appropriate for the design situation.
3. Unless public safety concerns dictate otherwise, a buffer should maximize a visual barrier to a height of six feet within two years of planting.
4. Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
5. Fencing or walls are to be a minimum of six feet in height as approved by city staff.
6. Trees included in buffer plantings may be counted toward site density calculations as required by the City of Austell subject to review and approval of city staff.
7. Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
8. When topography and existing conditions allow, the required 15-foot buffer should be an undisturbed buffer.
9. Any appeals from a determination by city staff shall be to the board of variance and zoning appeals.

c. Berms. Berms are subject to review and approval by city staff in accordance with the following standards:

1. Berms shall be utilized when consistent with surrounding property features.
2. Berms shall be stabilized.

3. Where possible, berms shall be constructed to be consistent with natural or proposed drainage patterns.
4. Berms shall be regularly maintained by the property owner.

(6) Floodplain and wetlands preservation requirements. Subject to the conditions set forth in the City of Austell Floodplain Management and Prevention Ordinance.

(7) Building and structure requirements. Maximum building height is 50 feet, with no more than 4 stories.

(8) Parking requirements. See section 22-172 for paved parking specifications. It should be noted that there are no parking spaces within the CBD except for the following:

a. On new construction, development or redevelopment which exceeds 10,000 square feet the number of parking spaces will be calculated on the square footage of the building. Exempt are those properties directly facing Broad Street.

(9) Lighting requirements. Any project permitted within the CBD district which proposes a lighted facility must have approval by the Building Official or his/her designee.

(10) Special exception uses. There are no Special exception uses for the CBD district.

(11) Use limitations. The CBD development shall meet at the minimum the following:

a. All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.

b. No uses that emit noxious odors, fumes or sounds are permitted.

c. No adult entertainment uses are permitted.

d. Outdoor displays of merchandise: Where permitted those displays such as garden centers, home building supplies, hardware stores, general merchandise and the like, not including landscape nurseries, automotive sales and rentals or heavy equipment sales and rentals, shall be subject to the following additional requirements:

1. The area displaying the merchandise shall be ancillary to the primary retail business on site.
2. The location of outdoor displays must be shown on a site/construction plan approved by the Building Official or his/her designee.
3. Outdoor displays shall not be located in areas between the building(s) and a public street or roadway.
4. The areas displaying the merchandise must be screened from any adjoining residential use or district compliant to an approved landscape plan.
5. Areas for outdoor display may not be located within any required buffers.
6. Temporary/Seasonal outdoor displays/sales may be allowed in front of the building(s) but must not block sidewalks or parking areas.

i. Outdoor displays may not impede vehicular or pedestrian traffic, compliant with Americans with Disabilities Act (ADA).

ii. At a minimum, a five-foot pedestrian access shall be provided.

iii. Temporary or Seasonal outdoor displays/sales events not to exceed seven days.

iv. Sales events may be conducted the last week of the month during the months of March, June, September and December.

7. No more than five percent of the total store inventory may be displayed outside.

8. Those businesses located in the CBD may conduct a sidewalk or liquidation sale during the last week of the month during the months of March, June, September and December not to last more than 7 days.

9. Due to safety concerns, no permanent or temporary display of merchandise shall be allowed on or adjacent to any gasoline pump island(s) or under a canopy covering any gasoline pump island(s).

Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

(12) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 144 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 144 square feet of gross space must have the approval of the Building Official or his/her designee as to the location, architectural design and size prior to commencing construction. The Building Official or his/her designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 144 gross square feet shall be required to submit for plan review through the community affairs department or receive approval from the director of the community affairs department or his designee. Accessory structure plans must be accompanied by a signed affidavit from the property owner stating that such structure will not be used for a dwelling or commercial gain. Permitted accessory structures and uses are as follows:

a. Accessory storage buildings, to include parking garages, subject to the following conditions:

1. Maximum height is two stories, not to exceed 35 feet.

2. Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.

3. No accessory building shall be constructed upon a lot until construction of the principal building has commenced.

4. On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
5. When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
6. When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
7. Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.

b. Antennas and satellite dishes, which shall meet the requirements set forth in section 22-174.

c. Freestanding parking garages, subject to the following conditions:

1. Maximum height is 50 feet, with no more than four stories.
2. When abutting any residential property line, freestanding parking garages shall not be located within any required buffers.
3. When abutting any other nonresidential district, no freestanding garage shall be located closer than five feet to a side or rear lot line.

d. Heating and air conditioning units, subject to the following conditions:

1. When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
2. When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
3. Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
4. No ground-based heating and air conditioning unit shall exceed 35 feet in height.

e. Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Building Official or his/her designee, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

Sec. 22-143. GC general commercial district.

The regulations for the GC general commercial district are as follows:

(1) Purpose and intent.

a. The GC district is established to provide locations for retail commercial and service uses which are oriented toward automotive businesses, are land intensive with a need for major road access and visibility, and are located in areas delineated within a community activity center as defined and shown on the Austell Comprehensive Plan: A Policy Guide, adopted July 2, 2007.

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

a. Adult entertainment establishments. See Standards for Adult Entertainment Establishments for definitions which apply to all adult entertainment establishments.

b. Arcade means a building or part of a building in which five or more pinball machines, video games, other children's rides or other similar player-operated amusement devices are maintained, not including a commercial recreation restaurant.

c. Amusement center means any freestanding, privately owned and operated commercial recreational area containing an assortment of rides, games, arcades, attractions, water slides, and tracks for amusement vehicles.

d. Automotive paint and body repair shop means an establishment for restoring auto bodies, painting or refinishing, with all activities carried on entirely within an enclosed building.

e. Clinic. A medical or dental clinic is an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall include laboratory facilities in conjunction with normal clinic services.

f. Community fair means a festival or fair such as the North Georgia State Fair conducted wholly within public areas owned by a local government, provided that any activity is conducted at least 200 feet from any property line. Any event shall not exceed 21 days.

g. Convenience food store with self-service fuel sales means any retail establishment offering for sale automotive fuels, prepackaged food products, beverages, household items and other goods commonly associated with such establishments. There shall be no automotive repairs done on-site.

h. Designated recycling collection location means metal or heavy duty plastic containers designed for short-term holding of pre-bagged recyclable items such as tin, aluminum, glass and paper (no perishable or food items allowed) for scheduled minimum monthly pickup, with no on-premises sorting. The center must be maintained in a safe, clean, neat and sanitary fashion and shall not encompass an area larger than 280 square feet.

1. Such location shall be visually screened and maintained.
2. Such location shall be within the building setbacks unless otherwise approved by the Building Official or his/her designee due to topography, safety, internal traffic flow, site distance or other site-related circumstances not created by the property owner.

i. Group home A dwelling unit, operated by an affiliate of a National, Regional, State or County Organization with a philanthropic mission, shared by four or fewer persons, excluding resident staff, who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education and participation in community activities, under a structured and scheduled plan that must be provided to the City, for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential under the direction and guidance of a designated managing caregiver, designated as such by the affiliate organization, who must be a resident of the group home and available by telephone on a 24 hour basis in case of complaints. A copy of the home rules shall be provided to the City as well as (if applicable) evidence of active enforcement under the Georgia Association of Recovery Residence standards. The schedule of activities may be verified via periodic inspection by Community Affairs staff. The term "group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, a work release facility for convicts or ex-convicts, a home for the detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in the custody of the state, or other housing facilities serving as an alternative to incarceration. The term "group home" shall also not allow the use of the dwelling as an apartment or duplex. A group home shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. § 16-6-4 or individuals required to register as sex offenders in pursuant to O.C.G.A. § 42-1-12. A group home may include a home for the handicapped. As used in this subsection, the term "handicapped" shall mean:

(1) Having a physical or mental impairment that substantially limits one or more of such person's major life activities.
(2) Having a record of having such an impairment; or
(3) Being regarded as having such an impairment.

However, the term "handicapped" shall not include persons who currently use illegal controlled substances, persons who have been convicted of the illegal manufacture or distribution or controlled substances, sex offenders, and juvenile offenders or persons with or without disabilities who present a direct threat to the persons or property of others.

j. Heavy automotive repair establishment means an indoor repair establishment for performing automotive and truck repair, including engine and transmission overhauls.

k. Light automotive repair establishment means an indoor repair establishment (no outside storage) for performing light auto and small truck repair (under one ton) such as brake repair, oil changes, lubrication, transmission repair, installation of belts and hoses, inspections and the like.

l. Neighborhood retail use means commonly found low scale and low intensity retail uses, with square footages not to exceed 6,000 square feet unless noted in this subsection, that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as but not limited to the following: auto parts store, antique shop, appliance store (home use), bakery, barbershop or beauty shop, beverage shop, bookstore (but not including adult bookstores), bridal shop, camera shop, china and pottery store, clothing store, dance studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drugstore or hardware store (provided that the gross floor area does not exceed 20,000 square feet total), dry goods store, florist, furniture store, gifts and stationery store, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, shoe repair shop, shoe store, sporting goods store, supermarket or grocery (provided that the gross floor area does not exceed 70,000 square feet), tailor shop, toy store, variety shop or video store.

m. Nonautomotive repair uses means commonly found low intensity repair shops such as jewelry, camera, home appliance, television and videocassette recorder repair shops.

n. Office service and supply establishments means wholesale and retail commercial establishments that sell, service and supply small office equipment and supplies, such as stores that offer sales of copiers, facsimile machines, typewriters, ribbons, transcribers, dictation equipment, tape, staplers and other general office equipment.

o. Professional office means a structure wherein services are performed involving predominately administrative, professional or clerical operations such as the following: law, doctor, optician, audiologist, accounting, tax preparation, real estate, stockbroker, architect, engineer, manufacturer representative, professional counselor, dentist, investigative services, photographer, insurance, contractor, land surveyor, telephone sales, political/campaign, veterinarian or travel bureau.

(3) Permitted uses. Permitted uses are as follows:

Ambulance services, if accessory to a hospital or funeral home.
Amphitheaters.
Animal hospitals.
Arcades.
Assembly halls.
Athletic and health clubs.
Automobile, truck and trailer lease and rental facilities (principal or accessory).
Automotive paint and body repair shops.
Automotive parking lots or garages.
Automotive upholstery shops.
Banks and financial institutions with drive-in establishment or automated transfer machines.
Billiards and pool halls, subject to City of Austell Code of Ordinances.
Boat sales and service establishments.
Building materials stores.
Bus stations.

Carwashes.
Clinics.
Clubs or lodges (noncommercial).
Colleges and universities (private), including but not limited to research and training facilities.
Commercial greenhouses and plant nurseries, provided that all goods stored outside shall be stored in a designated area.
Commercial indoor recreation uses.
Commercial outdoor recreation uses.
Commercial recreation restaurants.
Community fairs.
Community retail uses.
Convenience food stores with self-service fuel sales, provided that the building shall not exceed 3,000 square feet in gross floor area and that no automotive repairs shall be done on-site.
Corporate or administrative offices for any permitted uses.
Cultural facilities.
Designated recycling collection locations.
Eating and drinking establishments, including drive-in fast food restaurants.
Emissions or inspection stations. (No temporary buildings/tents to be utilized after July 1, 2009.)
Executive golf courses.
Exterminating facilities (insect or rodent).
Farm and garden supply stores.
Farm equipment stores and repair establishments.
Farmers' markets (fully enclosed).
Film developing and printing facilities.
Fraternity and sorority residence halls.
Full service gasoline stations provided that said facility shall not be located adjacent to a residential zoning district.
Funeral homes.
Golf courses, 18-hole regulation, public and private.
Golf courses, par 3.
Helicopter landing areas, provided that the area is fenced.
Hospitals.
In-home day care.
Laundry and dry cleaning pickup establishments.
Light automotive repair establishments.
Medical and dental laboratories, provided that no chemicals are manufactured on-site.
Motorcycle, all-terrain vehicle (ATV) and three-wheel vehicle sales and service facilities.
Neighborhood retail uses.
Nightclubs.
Nonautomotive repair service establishments.
Nursery schools and child day care centers.
Office service and supply establishments.
Offices not elsewhere classified.
Other consumer goods and services.
Other service establishments.
Outdoor golf driving ranges.

Pain clinic and pain management clinic

1. No onsite dispensing of any prescription medications or controlled substances.
2. One parking space per 200 gross square-feet of building.
3. Hours of operation to be established by Mayor and Council, considering the operational hours of surrounding businesses.
4. Signage and lighting plan to be approved by city staff.
5. Special Land Use Permit as provided by Section 22-17
6. The maximum length of approval for this use is 12 months.

Parking for vehicles.
Photography studios.
Printing, publishing and lithography establishments, provided that no more than 50 percent of the total gross floor area will be used for storage.
Private parks.
Pro shops, if accessory to driving ranges or golf courses.
Professional offices.
Radio and television stations.
Radio, television and other communication towers and antennas subject to section 22-173.
Recreation grounds other than tennis courts and golf courses.
Rest homes, personal care homes and convalescent homes.
Reupholstery and furniture repair establishments.
Self-service laundry facilities.
Shelters (homeless).
Studios and supplies, provided that no more than 50 percent of the total gross floor area will be used for storage.
Taxi stands and taxi dispatching agencies.
Temporary uses.
Theaters.
Tutoring and learning centers (see Article I Sec. 22-1)
Tire retreading and recapping facilities for small equipment.
Vending machine sales, service, rental or repair establishments.
Zoos.

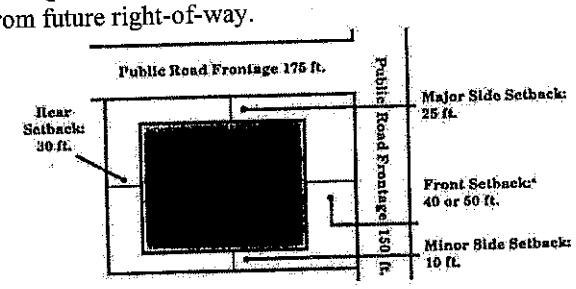
(4) Lot size and setback requirements. Lot size and setback requirements are as follows:

a. Minimum lot size: 20,000 square feet.
b. Minimum lot width at front setback line: 60 feet.
c. Minimum public road frontage: 50 feet.
d. Minimum building setbacks: As shown and applied in the following diagram:

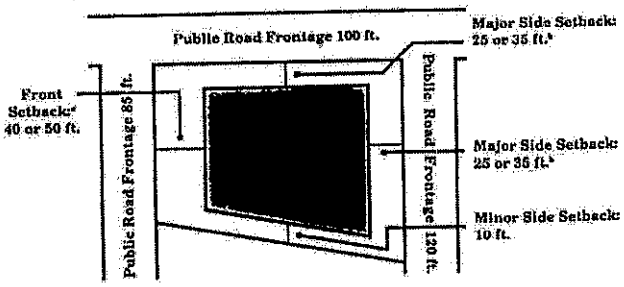
MINIMUM BUILDING SETBACK REQUIREMENTS FOR GC DISTRICT

Note: All setbacks shall be measured from future right-of-way.

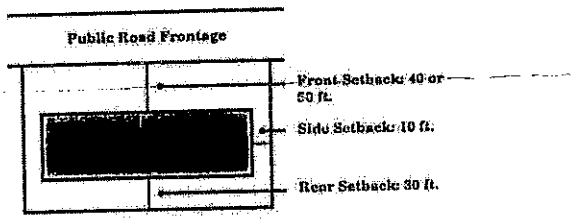
GC



Example for Property with two (2) Public Road Frontages



Example for Property with three (3) Public Road Frontages



Example for Property with one (1) Public Road Frontage

Notes:

a Property with shorter amount of road frontage will be the front setback for determining other setbacks (major side, side, rear).

b If structure fronts a major side setback, major side setback shall be 35 feet.

(5) Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any property within a GC district which abuts residentially zoned property shall have a 40-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to the city landscape architect's approval. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

a. Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:

1. Screening to enhance aesthetic appeal;

2. Control or direction of vehicular and pedestrian movement;
3. Reduction of glare;
4. Buffering of noise; and
5. Establishment of privacy.

b. Standards. Buffers or berms shall be required when a GC district is located adjacent to a residential district; a minimum 40-foot buffer is required.

1. Buffers. Landscape buffers are subject to review and approval by city staff in accordance with the following standards:

i. Plantings are to be a mix of evergreen trees and shrubs.
ii. Species are to be ecologically compatible to the site and appropriate for the design situation.
iii. Unless public safety concerns dictate otherwise, a buffer should provide a 100 percent visual barrier to a height of six feet within two years of planting.
iv. Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
v. Fencing or walls are to be a minimum of six feet in height as approved by city staff.
vi. Trees included in buffer plantings may be counted toward site density calculations as required by the City of Austell subject to review and approval of city staff.
vii. Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
viii. When topography and existing conditions allow, the required 40-foot buffer should be an undisturbed buffer.
ix. Any appeals from a determination by city staff shall be to the board of variance and zoning appeals.

2. Berms. Berms are subject to review and approval by city staff in accordance with the following standards:

i. Berms shall be utilized when consistent with surrounding property features.
ii. Berms shall be stabilized.
iii. Where possible, berms shall be constructed to be consistent with natural drainage patterns.
iv. Berms shall be regularly maintained by the property owner.

(6) Floodplain and wetlands preservation requirements. Subject to the conditions set forth in the City of Austell Floodplain Management and Prevention Ordinance.

(7) Building and structure requirements. Maximum building height is 50 feet, with no more than four stories.

(8) Parking requirements. See section 22-172 for paved parking specifications.

(9) Lighting requirements. Any project permitted within the GC district which proposes a lighted facility must have approval by the Building Official or his/her designee.

(10) Special exception uses. See section 22-171 for requirements for special exception uses. Special exception uses for the GC district are the uses listed as follows:

a. Any other facility for the disposal of the dead.
b. Cemeteries.
c. Churches, chapels, temples, synagogues and other places of worship.
d. Mausoleums
e. Club or lodge, private.
f. Private schools of general and special education.
g. Flea markets, provided that the applicant meets the requirements of the City of Austell Code of Ordinances.
h. Automobile and truck sales and service facilities.
i. Adult entertainment establishments.
j. Amusement centers.
k. Coliseums, stadiums and convention centers (privately owned).
l. Crematories, human and animal.
m. Drive-in theatres.
n. Hotel.

(11) Use limitations.

a. Maximum floor area ratio is 0.5 for office uses and 0.25 for retail uses.

b. All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.

c. Any emission or automotive inspection station shall be located within a permanent facility. (No temporary buildings/tents are to be utilized after July 1, 2009.)

d. No uses that emit noxious odors, fumes or sounds are permitted.

e. Outdoor displays of merchandise: Where permitted those displays such as garden centers, home building supplies, hardware stores, general merchandise and the like, not including landscape nurseries, automotive sales and rentals or heavy equipment sales and rentals, shall be subject to the following additional requirements:

1. The area displaying the merchandise shall be ancillary to the primary retail business on site.
2. The location of outdoor displays must be shown on a site/construction plan approved by the Building Official or his/her designee.
3. Outdoor displays located in areas between the building(s) and a public street or roadway shall not be located outside the required building setbacks.
4. The areas displaying the merchandise must be screened from any adjoining residential use or district compliant to an approved landscape plan.
5. Areas for outdoor display may not be located within any required buffers.
6. Outdoor displays may be allowed in front of the building(s) but must not block sidewalks or parking areas. Outdoor displays may not impede vehicular or pedestrian traffic, compliant with

Americans with Disabilities Act (ADA). At a minimum, a five-foot pedestrian access shall be provided.
7. Any temporary or seasonal sales conducted within parking spaces can be done so only within parking spaces above and beyond the required minimum for the entire retail center.
8. Due to safety concerns, no permanent or temporary display of merchandise shall be allowed on or adjacent to any gasoline pump island(s) or under a canopy covering any gasoline pump island(s).

f. Maximum impervious surfaces 70%.

g. No loading docks or facilities may be located in the front of any primary structure. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

(12) Accessory buildings, structures, uses and decks. Any accessory building or structure in excess of 400 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 144 square feet of gross space must have the approval of the Building Official or his/her designee as to the location, architectural design and size prior to commencing construction. The Building Official or his/her designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 144 gross square feet shall be required to submit for plan review through the community affairs department or receive approval from the director of the community affairs department or his designee. Accessory structure plans must be accompanied by a signed affidavit from the property owner stating that such structure will not be used for a dwelling or commercial gain. Permitted accessory structures and uses are as follows:

a. Accessory storage buildings, to include parking garages, subject to the following conditions:

1. Maximum height is two stories, not to exceed 35 feet.
2. Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
3. No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
4. On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
5. When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.

6. When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
7. Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.

b. Antennas and satellite dishes, which shall meet the requirements set forth in section 22-174.

c. Carwashes are accessory to convenience food stores with self-service fuel.

d. Freestanding parking garages, subject to the following conditions:

1. Maximum height is 50 feet, with no more than four stories.
2. When abutting any residential property line, freestanding parking garages shall not be located within any required buffers.
3. When abutting any other nonresidential district, no freestanding garage shall be located closer than five feet to a side or rear lot line.

e. Heating and air conditioning units, subject to the following conditions:

1. When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
2. When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
3. Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
4. No ground-based heating and air conditioning unit shall exceed 35 feet in height.

f. Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the Building Official or his/her designee, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

(13) Architectural Requirements. It is the intent of the City of Austell to promote sustainable economic development within our commercial districts. The City of Austell Community Affairs Department has set architectural guidelines utilizing a "smart-growth" based strategy plan. Architectural harmony is a significant factor in an economic revitalization plan.

a. Application & Review Process

1. These architectural requirements shall apply to all developments within the City of Austell General Commercial zoning district as well as any accessory structures related to those developments. Compliance with the architectural requirements is required in addition to the