underlying zoning regulations found within the City of Austell Comprehensive Zoning Ordinance.

2. Redevelopment, refacing, exterior remodels and additions to existing buildings and development sites shall also comply with the provisions of these requirements.

3. The Community Affairs Department Director will review all development applications within the General Commercial zoning district for compliance with these requirements.

b. Building Materials.

1. Primary Building Material (required)- The primary building material (excluding:windows; display windows; doors; roofing; fascia or soffit materials) constituting a minimum of sixty (60) percent of the façade shall be either:

i. brick;
ii. stone (e.g. natural/cultured, limestone, marble, or granite);
iii. split-face block; or,
iv. architectural concrete, if the surface is designed to simulate brick or stone.

2. Prohibited exterior Building Materials- the following building materials shall be prohibited:

i. vinyl siding;
ii. smooth-faced gray concrete block;
iii. painted or stained concrete (including concrete block);
iv. metal siding; or
v. plastic.

c. Building Shape and Façade Treatment.

1. Base, Body, and Cap.

(i) The composition of the building shall include a clearly recognizable base, body, and cap along the entire length of the façade.
(ii) A recognizable base shall consist of a minimum of nine (9) percent of the vertical height of the building wall and shall be constructed of a masonry material.
(iii) A recognizable cap shall consist of a minimum of seven (7) percent of the vertical height of the building wall and shall be designed with multiple 3-dimensional decorative layers.

2. Variation in Shape.

1. Building walls shall consist of a building bay or structural building system that is a maximum of thirty (30) feet in width. Bays shall be visually established by architectural features such as columns, ribs, pilasters or piers, changes in plane, no less than twelve (12) inches in width and four (4) inches in depth or an equivalent element that subdivides the wall into human scale proportions.

d. Animating Features.

1. Building walls shall be subdivided and proportioned using a variety of features such as windows, entrances, arcades, arbors, awnings, trellises, friezes or alternate architectural detail that defines human scale, along no less than sixty (60) percent of the lineal length of the façade.

2. Windows and glass doors shall be provided on a minimum of two (2) building facades based on highest levels of pedestrian traffic and vehicular visibility as follows:

i. Ground level (first ten (10) feet measured vertically at street level) of commercial uses under twenty-five thousand (25,000) square feet of gross main floor area: forty (40) percent minimum surface area.
ii. Ground level (first ten (10) feet measured vertically at street level) of commercial uses over twenty-five thousand (25,000) square feet of gross main floor area: twenty (20) percent minimum surface area.
iii. Ground level (first ten (10) feet measured vertically at street level) of office and institutional uses: twenty (20) percent minimum surface area.
iv. Upper levels of all uses: fifteen (15) percent minimum surface area.
v. Ground floor windows shall be traditional storefront style (e.g. floor/base to ceiling) and generally vertical in orientation.

e. Human Scale Design Elements.

Façades shall incorporate a minimum of two (2) continuous or repeating details refined to the scale of twelve (12) inches or less within the first fifteen (15) feet of the building facade, measured vertically from grade (e.g. quoins, change in brick pattern/belt course, decorative light fixtures, trim or molding, medallions, or sign frieze).

f. Colors.

The number of colors used to create interest in the building architecture shall be limited to no more than three (3) discernable colors or ranges of complementary hues. The primary color shall constitute a minimum of sixty (60) percent of the façade (excluding: windows; display windows; doors; roofing; fascia or soffit materials).

g. Texture.

Interest shall be added to a building façade though the use of a combination of rough, smooth, striated, or other surface textures on the primary building material or through the use of secondary building materials which vary in texture from the primary building material.

h. Roof Treatment.

1. Rooflines shall vary in height, material, treatment, direction, etc. and shall not extend in a continuous plane for more than fifty (50) feet.

2. All sides of parapet walls visible from public view shall be finished to match the primary façade and shall extend an appropriate depth that is proportionate with the building size.

i. Façade Modulation.

For buildings greater than twenty five thousand (25,000) square feet of gross main floor area, any wall exceeding one hundred (100) feet in length shall include at least one (1) change in wall plane, such as projections or recesses, having a depth of at least three (3) percent of the entire length of the façade and extending at least twenty (20) percent of the entire length of the façade.

j. Shopping Centers

All buildings located in a shopping center shall utilize and repeat selected architectural design requirements which are in harmony with area developments and other recent developments within the City of Austell. A Master Architecture Plan shall be required for all shopping centers to promote consistency among buildings within a development and enhance compatibility of design and appearance requirements. A Master Architecture Plan shall be filed and approved prior to the erection, location, or placement of any building for such shopping center.

k. Single Use Sites

All buildings located on a single use site shall utilize selected design and appearance elements which are in harmony with area developments and other recent developments within the City of Austell.

l. Building Orientation.

1. Shopping Centers – all buildings shall be designed and oriented with a front façade toward any customer parking area, courtyard, or to the public street frontage of the shopping center. In the case of two or more public street frontages, a similar finished façade treatment shall be applied to each façade oriented toward a public street frontage. All buildings shall be oriented to each other in a similar pattern to create a unified site design and layout.

2. Single Use Sites – all buildings shall be oriented with the front façade toward the public street frontage of the site. In the case of two or more public street frontages, a similar finished façade treatment shall be applied to each façade oriented toward a public street frontage.

m. Fencing.

All fencing located between a front lot line and the front line of the primary building shall be ornamental fencing. All fencing located along a side or rear lot line shall be black vinyl coated chain link or ornamental fencing.

n. Variance from Architectural and Site Design Requirements.

In order to avoid undue hardship and to expedite the development approval process for Commercial developments within the City of Austell, Alternate Compliance with any of the Architectural and Site Design Requirements contained in this ordinance, may be heard and determined in connection with a site plan review by the Director of Community Affairs; however, Variances may only be granted upon making the following findings:

1. Alternate Compliance with the Architectural and Site Design Requirements contained in the proposed development represents the use of (building materials, building shape and façade treatment, building orientation, signs, landscaping, lighting or open space) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;

2. The proposed development will be compatible with and will enhance the use or value of area properties;

3. The proposed development is consistent with the intent of the Comprehensive Plan; and,

4. The proposed development is consistent with the intent and purpose of the Comprehensive Zoning Ordinance.

All findings specified above for the granting of Variance from the Architectural and Site Design Requirements shall be reduced to writing and signed by the Director and retained as a part of the permanent record of the determination.

Sec. 22-144. LI light industrial district.

The regulations for the LI light industrial district are as follows:

(1) Purpose and intent. The LI district is established to provide locations for light industrial uses such as low intensity automobile repair and service, animal care facilities, commercial greenhouses, livestock, poultry, business distribution centers, warehousing and storage, and transportation terminals, which are on properties delineated within or on the perimeter of an industrial compatible and industrial category as defined and shown on the Austell Comprehensive Plan: A Policy Guide, adopted July 2, 2007. When located on the perimeter of an industrial node, the LI district should provide for uses that are low in intensity and scale such as to ensure compatibility with surrounding properties.

(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 sales and service means retail sales of products and services related to the principal use located wholly within limited areas of any primary permitted structure. The area devoted for such sales and service shall not exceed 25 percent of the gross floor area of such primary principal structure.

b. 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.

c. Light manufacturing establishment means an establishment for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products; however, the manufacturing and production of any product which emits noxious noise, odor or fumes, bulk storage of flammable materials for resale, and other heavy manufacturing uses listed herein, shall not be permitted.

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

Accessory retail sales and services.
Ambulance services.
Animal hospitals.
Appliance repair (major).
Assembly halls.
Automobile, truck and trailer lease or rental facilities (principal or accessory use).

Automotive paint shops and body repair shops. Such uses shall not be established on lots which are either adjacent to or directly across the street from any residential districts.
Automotive parking lots and garages.
Automotive repair and maintenance facilities.
Automotive upholstery shops.
Aviation airports (private).
Boat sales and service facilities.
Breeding and boarding kennels.
Building materials stores.
Bus stations.
Bus stations for freight.
Carwashes.
Clinics.
Clubs or lodges (noncommercial).
Colleges and universities (private), including research and training facilities.
Commercial greenhouses and plant nurseries.
Community fairs.
Contractors (general, heavy or special).
Corporate or administrative offices for any permitted uses within this district.
Dairies.
Designated recycling collection locations.
Dry cleaning plants.
Electrical supply stores.
Emissions and inspection stations. (No temporary buildings/tents to be utilized after July 1, 2009.)
Executive golf courses.
Farm and garden supply stores.
Farm equipment stores and repair facilities.
Farmers' markets (fully enclosed).
Fuel and ice dealers.
Full service gasoline stations.
Funeral homes.
Golf courses, 18-hole regulation, public and private.
Golf courses, par 3.
Heavy automotive repair services and trade shops.
Helicopter landing areas, provided that the area is fenced.
In-home day care.
Laundry and dry cleaning pickup stations.
Light automotive repair facilities.
Light manufacturing establishments.
Linen and diaper services.
Livestock, nondomestic and wild animals, and poultry.
Livestock sales pavilions.
Medical and dental laboratories (with no limitations except that such uses must have required federal and state permits).
Motorcycle, all-terrain vehicle (ATV) and three-wheel vehicle sales and service facilities.

Newspaper publishing facilities.
Nonautomotive repair service establishments.
Office service and supply establishments.
Other service establishments.
Outdoor golf driving ranges.
Parking for vehicles.
Plumbing and heating equipment dealers.
Poultry hatcheries.
Printing, publishing and lithography establishments.
Pro shops, if accessory to driving ranges or 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.
Research and development centers.
Research testing laboratories.
Reupholstery and furniture repair establishments.
Self-service storage facilities (subject to 22-179).
Shelters (homeless).
Signs and outdoor advertising facilities.
Taxi stands and taxi dispatching agencies.
Telephone business offices.
Temporary uses.
Trailer salesrooms and sales lots.
Transportation equipment storage and maintenance facilities.
Utility facilities (private).
Vending machine sales, service, rental or repair establishments.
Vocational schools (commercial).
Warehouse and storage facilities.
Wholesale sales offices.
Wholesale trade and distribution facilities.
Wholesale trade offices in conjunction with office showrooms.

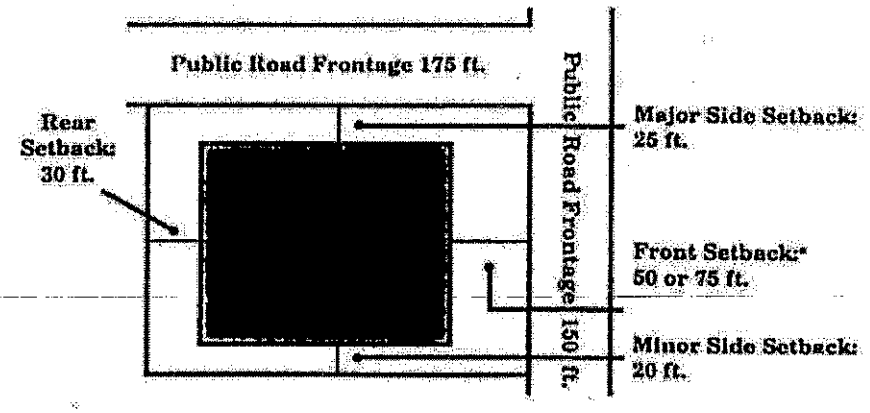
(4) Lot size and setback requirements. Lot size and setback requirements are as follows:

a. Minimum lot area: 40,000 square feet.
b. Minimum lot width at front setback line: 100 feet.
c. Minimum public road frontage: 50 feet.
d. Minimum building setbacks: As shown and applied in the following diagram:

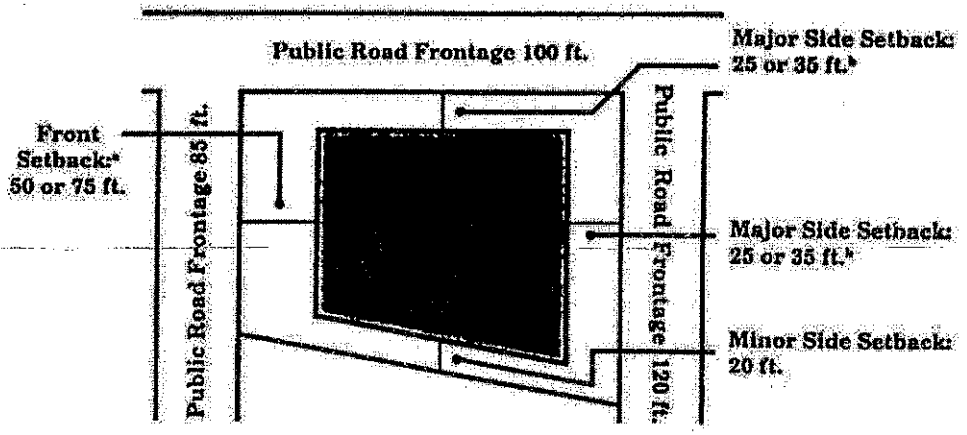
MINIMUM BUILDING SETBACK REQUIREMENTS FOR LI DISTRICT

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

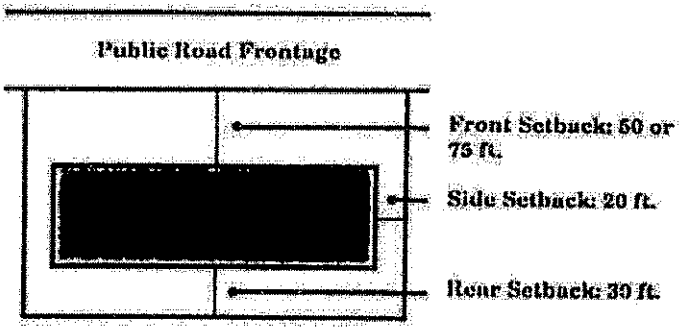
LI



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 LI district which abuts residentially zoned property shall have a minimum 50-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 LI district is located within or adjacent to a residential district. The minimum buffer shall be 50 feet and the maximum buffer shall be 75 feet.

1. Buffers. Landscape buffers are subject to review and approval by the city arborist or city landscape architect 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 the city landscape architect or city arborist.
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 50-foot buffer should be an undisturbed buffer.
ix. Any appeals from a determination by the city landscape architect or city arborist shall be to the board of variance and zoning appeals.

2. Berms. Berms are subject to review and approval by the city landscape architect or city arborist 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 four stories or 50 feet.

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

(9) Lighting requirements. Any project permitted within the LI 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 LI 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. Automobile and truck sales and service facilities.
h. Sawmills- tree service (temporary fire wood sales & wood service).

(11) Special exception uses for industrial areas only. The following uses, with the proper scrutiny and conditions, may or may not be considered as special exception uses within the LI district, only if they are within properties delineated as industrial or industrial-compatible as defined and shown on the Austell Comprehensive Plan: A Policy Guide, adopted July 2, 2007. Any special exception use for industrial areas only shall adhere to the landscape buffer and screening requirements in subsection (5) of this section and the lighting requirements in subsection (9) of this section.

a. Amusement centers.
b. Crematories, human or animal.
c. Drive-in theaters.

(12) Use limitations.

a. Maximum floor area ratio is 0.75 for office uses.

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

c. Any outside storage shall be set back a minimum of 35 feet from any public right-of-way. In other cases, the setbacks as required for accessory buildings, structures, uses and decks shall apply.

d. No drive-in establishments are permitted.

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

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

g. 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.

(13) 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 100 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.
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. 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.

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. Outdoor displays of merchandise shall not be seen from any public right-of-way, residential zoned area, or any open space area accessible to the public. All displayed items shall be screened by solid fences, walls, buildings, landscaping, or by any combination of screening elements, which comply with the requirements of this ordinance.

Sec. 22-145. HI heavy industrial district.

The regulations for the HI heavy industrial district are as follows:

(1) Purpose and intent. The HI district is established to provide locations for heavy industrial uses such as intensive automobile repair and service, heavy manufacturing, chemical manufacturing and storage, petroleum or petrochemical storage, and warehousing and storage, which are on properties delineated within an industrial category as defined and shown on the Austell Comprehensive Plan: A Policy Guide, adopted July 2, 2007. When located on the perimeter of an industrial node, the HI district should provide for uses that are lower in intensity and scale such as to ensure compatibility with surrounding properties.

(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. 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.

b. Ancillary retail sales means retail sale of goods and services which is secondary in nature to the primary industrial use of the property in so much that the goods for sale have been produced on-site or are in storage at the site for planned distribution to other areas. The ancillary retail sale of goods shall only be conducted as part of the permitted industrial use and shall not be a freestanding business.

c. 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.

d. Automotive salvage and wrecking yard means an establishment used for the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

e. Automotive storage yards and wrecker service (damaged and confiscated vehicles) means an establishment used for the short-term storage of damaged or confiscated vehicles.

f. Biomedical waste disposal facility means a facility engineered and designed for the collection or transfer of biomedical waste products such as used gauze, syringes, needles, bandages, test tubes and surgical wastes from a collector vehicle to a larger transport vehicle to another destination for incineration.

g. 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.

h. 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.

i. 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.

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

k. Heavy manufacturing establishment means manufacturing establishments, other than those classified as light manufacturing, including those involving the conversion of raw materials into usable finished products, provided that manufacturing that will generate liquid waste from the manufacturing process or air pollutants shall comply with antipollution standards established by the state and county. This use shall also allow incidental on-site sale of manufactured materials only.

l. Landfill (private) means a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of the operating day.

m. 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.

n. Light manufacturing establishment means an establishment for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing or repair of materials, goods or products; however, the manufacturing and production of any product which emits noxious noise, odor or fumes, bulk storage of flammable materials for resale, and other heavy manufacturing uses listed in this section shall not be permitted. This use shall also allow incidental on-site sale of manufactured materials only.

o. Mining means a process involving the removal or extraction of dirt, sand, soil, rock, gravel, minerals, petroleum, natural gas or other natural resources.

p. 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.

q. Recycling center means a center or location designed for sorting or collection of recyclables from designated recycling collection locations and other private entity sources.

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

Ambulance services.
Ambulance services, if accessory to hospitals or funeral homes.
Animal hospitals.
Assembly halls.
Automobile, truck and trailer lease and rental facilities (principal and accessory uses).
Automotive paint and body repair shops. Such uses shall not be established upon a lot which is either adjacent to or directly across the street from any residential district.
Automotive parking lots or garages.
Automotive repair and maintenance facilities.
Automotive upholstery shops.
Aviation airports (private).
Boat sales and service.
Breeding and boarding kennels.
Building materials stores.
Bus stations.
Bus stations for freight.
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.
Community fairs.
Contractors (general, heavy or special).
Corporate or administrative offices for any permitted uses within this district.
Dairies.
Designated recycling collection locations.
Dry cleaning plants.
Electrical supply stores.
Emissions and inspections stations. (No temporary buildings/tents to be utilized after June 30, 1998.)
Executive golf courses.
Farm equipment stores and repair establishments.
Fuel and ice dealers.
Full service gasoline stations.
Golf courses, 18-hole regulation, public and private.
Golf courses, par 3.
Heavy automotive repair establishments.

Heavy repair service and trade shops.
Helicopter landing areas.
In-home day care.
Laundry and dry cleaning pickup establishments.
Laundry and dry cleaning establishments (work done on site).
Light automotive repair establishments.
Light manufacturing establishments.
Linen and diaper services.
Livestock, nondomestic and wild animals, and poultry.
Machine shops.
Medical and dental laboratories (with no limitations other than state and federal regulations).
Newspaper publishing facilities.
Nonautomotive repair service establishments.
Office service and supply establishments.
Outdoor golf driving ranges.
Parking for vehicles.
Plumbing or heating equipment dealers.
Printing, publishing and lithography establishments.
Private parks.
Pro shops, if accessory to driving ranges or 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.
Research and development centers.
Research testing laboratories.
Reupholstery and furniture repair establishments.
Self-service storage facilities (subject to 22-179).
Shelters (homeless).
Signs and outdoor advertising facilities.
Taxi stands and taxi dispatching agencies.
Temporary uses.
Trailer salesrooms and sales lots.
Transportation equipment storage and maintenance facilities.
Utility facilities (private).
Vocational schools (commercial).
Warehouse and storage facilities.
Wholesale sales offices.
Wholesale trade and distribution facilities, including packing of wholesale commodities for distribution, subject to the following:

1. Unless in a district in which manufacturing is permitted, no fabricating of goods to be sold shall be permitted.
2. Unless in a district in which heavy manufacturing is permitted, no wholesaling activity shall be permitted which processes the goods handled in a manner that produces liquid or solid waste or noise, odor, fumes or dust which can be detected beyond the walls of the building in which such wholesaling activity is housed.

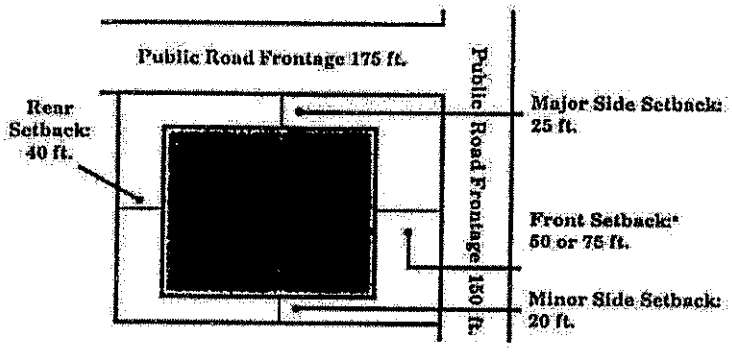
Wholesale trade offices in conjunction with office showrooms.

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

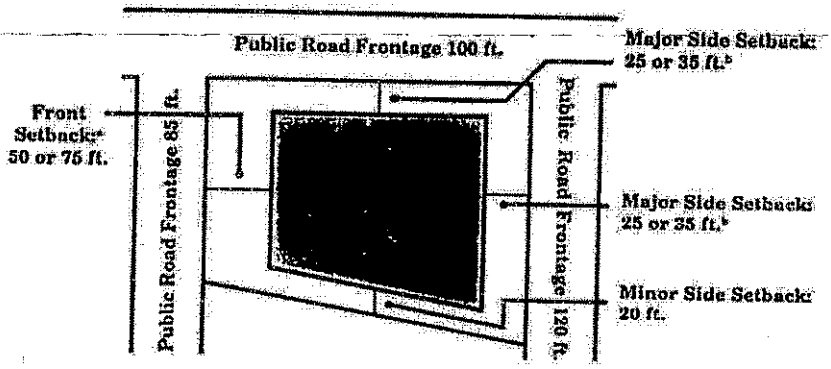
a. Minimum lot size: 40,000 square feet.
b. Minimum lot width at front setback line: 150 feet.
c. Minimum public road frontage: 50 feet.
d. Minimum building setbacks: as shown and applied in the following diagram:

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

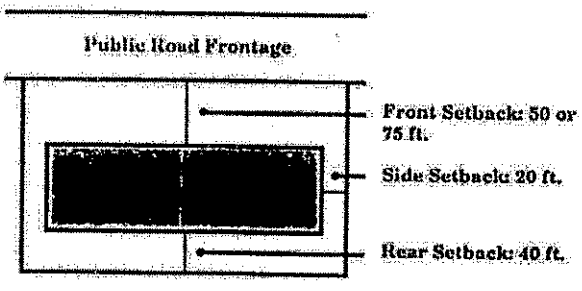
HI



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 HI district which abuts a residentially zoned property shall have a 50-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to city staff'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 landscape 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 50-foot buffer should be an undisturbed buffer.
9. Any appeals from a determination by the 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 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 HI 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 HI 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. Sawmills- tree service (temporary fire wood sales & wood service).

(11) Special exception uses for industrial areas only. The following uses, with the proper scrutiny and conditions, may be considered as special exception uses within the HI district, only if they are within properties delineated as industrial as defined and shown on the Austell Comprehensive Plan: A Policy Guide, adopted July 2, 2007. Any special exception use for industrial areas only shall adhere to the landscape buffer and screening requirements in subsection (5) of this section and the lighting requirements in subsection (9) of this section.

a. Amusement centers.
b. Asphalt plants or concrete plants.
c. Automobile salvage and wrecking yards.
d. Automobile storage yards and wrecker services for damaged or confiscated vehicles.
e. Coliseums, stadiums. and convention centers (privately owned).
f. Crematories, human or animal.
g. Drive-in theaters.
h. Heavy manufacturing establishments.
i. Mining.
j. Petroleum or bulk storage facilities or chemical plants or storage facilities.
k. Private landfills, composting centers or recycling centers.
l. Outdoor commercial racing (motorcycle, automobile, truck, tractor and motorized vehicles)

(12) Use limitations.

a. Maximum floor area ratio is 0.5 for office uses and 0.75 for industrial uses.

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

c. No uses that exceed state and federal guidelines for allowable emissions and discharge of effluents into the air, water and soil are permitted.

d. No uses that create unabated noise creating a nuisance as defined under state law are permitted.

e. If potentially hazardous materials or chemicals are used on the premises or pollutants result from the operation under this section, a spill containment plan shall be approved by city staff.

f. Maximum impervious surfaces70%.
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.

(13) 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 100 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 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. 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.

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. Outdoor displays of merchandise shall not be seen from any public right-of-way, residential zoned area, or any open space area accessible to the public. All displayed items shall be screened by solid fences, walls, buildings, landscaping, or by any combination of screening elements, which comply with the requirements of this ordinance.

Sec. 22-145. MUOD mixed use overlay district.

The regulations for the MUOD mixed use overlay district are as follows:

(1) Purpose and intent.

a. The MUOD is established to encourage, protect and enhance the pedestrian environment; encourage additional street level activity; reduce automobile trips; create a sense of community; provide for the efficient use of land and services; reduce urban sprawl; promote a smart growth based approach to development; and allow for mix of land uses which strengthens opportunities for economic growth.

(2) Applicability.

a. The MUOD may only be implemented within specific geographic areas or developed corridors within the City of Austell as designated by the Mayor and Council.

b. Existing conditions of zoning which apply to MUOD properties shall remain in effect. Where such conditions conflict with any requirement of this section, the more restrictive requirement shall take precedence. Notwithstanding the above, the Mayor and Council may modify or dissolve pre-existing conditions of zoning upon official designation of the Overlay District.

c. The MUOD encourages the mixing of uses both horizontally and vertically. Uses subject to approval of a Special Land Use Permit in the underlying district shall continue to require approval of said permit.

(3) Mixed Use Overlay District Review.

a. Site plan with architectural rendering required with application for MUOD designation.

All MUOD projects shall be governed by an approved site plan. The site plan shall be submitted, reviewed and approved by the Building Official or his/her designee. Upon approval of the MUOD application by the Building Official two public hearings will be held in accordance with the requirements as set forth for a rezoning application.

(4) 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. Block means an area of land bounded (surrounded on all sides by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

b. Block width means the distance as measured along rear property lines between intersecting streets.

c. Building frontage means the length of any side of a building which fronts on a public street, measured in a straight line parallel with the abutting street.

d. 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.

e Connectivity means the level or extent to which one or more land uses and parcels within the development have direct accommodations for both vehicles and pedestrians to travel between or among those land uses, and direct vehicular and pedestrian connections with compatible land uses on abutting properties. Direct accommodations for vehicles means that there is one or more alley, road, or driveway connection between the uses on the development site and among compatible uses on abutting sites (parcels), so that a vehicle can exit one development and enter the other development (i.e. cross property lines) without exiting onto a public street that provides principal access to the developments.

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. 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.

h. 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.

i. 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.

j. Display window means a window or opening in the exterior wall of any portion of a building used for business purposes, through which merchandise, services, or businesses are displayed or advertised and visible from the ground or sidewalk level.

k. 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.

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

m. 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.

n. 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.

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

Animal hospitals.
Athletic and health clubs.
Automotive parking lots or garages.
Banks or financial institutions without drive-in establishment.
Clinics.
Clubs or lodges (noncommercial).
Community fairs.
Community retail uses.
Cultural facilities.
Designated recycling collection locations.
Eating and drinking establishments, excluding drive-in fast food restaurants.
Exterminating facilities (insect or rodent).
Film developing and printing facilities.
Full service gasoline stations.
Laundry and dry cleaning pickup only establishments.
Medical and dental laboratories, provided that no chemicals are manufactured on-site.
Multi-family dwelling units.
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.
Single family dwelling units.
Studios and supplies, provided that no more than 50 percent of the total gross floor area will be used for storage.
Temporary uses.
Theaters.
Townhouses.
Tutoring and learning centers (see Article I Sec. 22-1)

(6) Density, Building Height, and Minimum Project Size.

Residential density shall be based upon gross project acreage, and may be developed up to a maximum of 32 units per acre. Maximum building height shall be governed by the underlying zoning district. The Mayor and Council may reduce maximum project density and/or establish increased building heights on a case-by-case basis at the time an Overlay District is established.

MUOD projects shall contain a minimum of 5 contiguous acres of land area; except those areas of redevelopment as approved by the Building Official or his/her designee, or within the CBD. A single use may occupy no more than 70% of the gross site acreage (exclusive of required common area).

(7) Development Requirements.

a. Single-Family Detached on Individual Lots.

1. Minimum lot area: No minimum, except that each building envelope shall contain at least 1,000 square feet outside the 100-year floodplain elevation.
2. Minimum lot width: The minimum lot width of all building lots shall be at least 40 feet.
3. Minimum Road Frontage per lot: 40 feet. Exception: Road frontage may be reduced to 20 feet for lots with frontage upon cul-de-sac turnarounds.
4. Minimum front yard (from streets interior to the development): 5 feet.
5. Minimum side yard: 5 feet per side (single-family detached); or 10ft. one side/ 0 ft. opposite side (zero lot-line). Note: (zero lot-line will require 8-ft. access/ maintenance easement on the adjoining lot.)
6. Minimum rear yard: 5 feet.
7. Where the adjacent to a required buffer, the minimum required side or rear yard setback(s) shall increase an additional 5 feet for every 10 foot incremental increase in building height above 35 feet.
8. Sodded yards: All grassed areas shall be sodded.
9. Minimum Garage required: Two-car garage.
10. The required garage and off-street parking must be located to the rear of at least 50% of all dwelling units. Where garages are front entry, the garage façade shall be recessed a minimum of 4 additional feet from the building line.
11. All new or relocated utilities shall be placed underground.

b. Single-Family Attached on Individual Lots:

1. Minimum lot area: None
2. Minimum lot width: 18 feet.
3. Minimum Road Frontage per lot: 0 feet.
4. Minimum front yard (from streets interior to the development): 0 feet.
5. Minimum side yard: 5 feet on non- attached side.
6. Minimum rear yard: 5 feet.
7. Where adjacent to a required buffer, the minimum required side or rear yard setback(s) shall increase an additional 5 feet for every 10 foot incremental increase in building height above 35 feet.

8. Sodded yards: All grassed areas shall be sodded.
9. Minimum garage required: One-car garage.
10. The required garage and off-street parking must be located to the rear of at least 50% of all dwelling units.
11. Firewalls: A minimum of a two-hour rated firewall shall be required between each attached dwelling unit. A four-hour rated firewall shall be required between every fourth attached dwelling unit. Firewalls shall be constructed in accordance with the applicable building codes of the City of Austell.
12. All new or relocated utilities shall be placed underground.

c. Residential/Business Dwellings:
1. Minimum lot area: None
2. Minimum unit width: 18 feet.
3. Minimum Road Frontage per lot: 0 feet.
4. Minimum front yard (from street interior to the development): 0 feet.
5. Minimum side yard: 0 feet on non-attached side.
6. Minimum rear yard: 0 feet.
7. Where adjacent to a required buffer, the minimum required side or rear yard setback(s) shall increase an additional 5 feet for every 10 foot incremental increase in building height above 35 feet.
8. Sodded yards: All grassed areas shall be sodded.
9. Minimum garage required: one-car garage.
10. The required garage and off-street parking must be located to the rear of at least 50% of all dwelling units.
11. The businesses shall have direct entry from the street frontage sidewalk.
12. All new or relocated utilities shall be placed underground.
13. Dumpsters must be screened on all sides by a minimum six-foot high brick or masonry wall with access via an opaque metal gate.

d. Multifamily Residences:
1. Minimum lot area: None
2. Minimum lot width: None.
3. Minimum Road Frontage: 40 feet.
4. Minimum front yard: 0 feet.
5. Maximum front yard: 15 feet, except when common area is provided between the street and building.
6. Minimum side yard: 0 feet.
7. Minimum rear yard: 0 feet.
8. Where adjacent to a required buffer, the minimum required side or rear yard setback(s) shall increase an additional 5 feet for every 10 foot incremental increase in building height above 35 feet.
9. Minimum building height: 2 floors/stories.
10. Sodded yards: All grassed areas shall be sodded.
11. Parking shall be provided in designated lots/decks subject to review and approval of city staff.
12. All new or relocated utilities shall be placed underground.

13. Dumpsters must be screened on all sides by a minimum six-foot high brick or masonry wall with access via an opaque metal gate.

e. Commercial/Office/Residences:

1. Minimum lot area: None
2. Minimum lot width: None.
3. Minimum Road Frontage: 40 feet.
4. Minimum front yard: 0 feet.
5. Maximum front yard: 15 feet, except when common area is provided between the street and building.
6. Minimum side yard: 0 feet.
7. Minimum rear yard: 0 feet.
8. Where adjacent to a required buffer, the minimum required side or rear yard setback(s) shall increase an additional 5 feet for every 10 foot incremental increase in building height above 35 feet.
9. Sodded yards: All grassed areas shall be sodded.
10. Dwellings may be constructed on floors/stories above first floor non-residential uses.
11. All new or relocated utilities shall be placed underground.
12. Dumpsters must be screened on all sides by a minimum six-foot high brick or masonry wall with access via an opaque metal gate.

(8) Common Area. Common area shall be provided according to the following standards:

a. At least 20% of the gross project acreage (excluding 100-year floodplain and wetland areas) shall be designated on a recorded plat as permanent common area for the use of the residents and visitors to the development.

b. Sidewalks and associated amenities may be credited toward common area calculations, if the sidewalk is constructed at a width of 8-feet or greater and the streetscape is enhanced with decorative, commercial quality street furniture, fountains, planters, public seating and/or similar improvements (subject to review of streetscape design by the Building Official or his/her designee).

c. Landscaped strips along internal or external streets may be credited toward common area calculations, if the landscaped strip is constructed at a continuous width of 25-feet or greater.

d. Wetland and floodplain areas shall be preserved in their natural state except for the installation of required detention facilities and stormwater BMPs.

e. Stormwater facilities may be located within common area, if designed and improved as an amenity, subject to review and approval of city staff.

f. Common areas shall be distributed throughout the project to proved linkages, amenities and visual appeal for the development. Final common area design shall include provisions of at least one centrally located public gathering area (with related amenities and improvements) in the form of a town green, amphitheater, landscaped plaza, or similar approved element.

g. Common Area Ownership. Common areas, stormwater facilities, floodplain and wetland areas shall be owned in fee-simple by a mandatory property owner's association or approved entity which administers a reciprocal access and maintenance agreement for the project; or other entity approved in advance by the Mayor and Council during their normal course of business. The developer shall record the deed to the common area prior to, or concurrent with, the recording of the first final subdivision plat or certificate of occupancy. An access easement following the alignment of future public streets is acceptable. However, "pocket parks" or "greens" may be deeded concurrent with the unit or phase of the final subdivision plat of which it is a part.

h. Property Owner's Association. The property owner's association bylaws or covenants, at a minimum, shall contain the following provisions:

1. Governance of the association by the Georgia Property Owner's Association Act (OCGA Section 44-3-220 et seq.) or a successor to that Act that grants lien rights to the association for maintenance expenses and tax obligations.
2. Responsibility for maintenance of common areas.
3. Responsibility for insurance and taxes.
4. Automatic compulsory membership of all property owners and subsequent lot purchasers and their successors; and compulsory assessments.
5. Conditions and timing of transferring control of the association from the developer to the property owners.
6. Guarantee that the association will not be dissolved without the advance approval the Mayor and Council.
7. Restrict the time of deliveries to commercial businesses and dumpster pick-up to between 7:00 am and 9:00 pm.

i. Maintenance. The property owner's association, or other entity approved in advance by the Mayor and Council shall be responsible for the continuous maintenance of buffers, common areas and recreation areas.

(9) Landscape buffer and screening requirements.

a. A naturally vegetated, undisturbed buffer, replanted where sparsely vegetated and supplemented by an 8' high solid opaque wall or fence along the interior of the buffer, shall be provided adjacent to external residential properties. Where adjacent properties are zoned or developed for single-family residential uses a buffer or 75 feet in width shall be provided, and where adjacent properties are zoned or developed for fee-simple townhouse/condominium uses a buffer of 50 feet in width shall be provided. These minimum buffer widths may be adjusted by Mayor and Council at the time an Overlay District is established. Buffers shall not be required adjacent to adjoining property zoned for or developed as office, institutional, commercial, industrial or multifamily uses.

b. The development shall comply with the requirements of the buffer requirements, landscape requirements and the City of Austell Tree Ordinance with the following exceptions:

1. Buffers shall not be required between nonresidential uses and residential uses internal to the mixed-use development.

2. The 10 foot wide landscape strip shall only be required on the external roadways, and planted with approved understory trees.
3. All required parking lot trees shall be native straight-trunked hardwood shade trees.
4. Projects with the mixed-use development project shall provide, at a minimum, 20 tree density units per acre for the entire development.
5. Street trees shall be required along both sides of all internal and external streets spaced every 50 feet on center. Each tree shall be a minimum 4 inch caliper at time of planting and shall be a native straight- trunked hardwood shade tree species or similar tree suitable to this region.

c. Above ground planters may not be used to fulfill tree planting or tree density requirements.

(10) Parking. Parking for single-family detached or attached uses shall be on a per lot basis. Parking for both multi-family and non-residential uses may be provided through a combination of on-street parking and off-street parking in surface parking lots and above and/or below ground parking structures.

a. Parking spaces shall be as required by section 22-172 of the City of Austell Zoning Ordinance.

b. Parking for non-residential or multifamily uses may be granted a 20% reduction in required parking when parking is shared between adjacent uses within the project. An additional 10% reduction may be administratively approved by the Building Official or his/her designee. Final parking design plans shall be subject to review and approval of city staff.

c. Up to 50% of multifamily and non-residential parking may be provided by on-street parking spaces internal to the development. Designated on-street parking spaces shall not be allowed on external streets.

d. Parking structures must be designed so that the only opening at street level are those to accommodate vehicle entrances and pedestrian access to the structure, as follows:
1. Any openings for ventilations, service or emergency access located on the first floor level in the building façade must be decorative and must be an integral part of the overall building design.
2. The balance of the street frontage of a parking structure must be either occupied retail/office space or designed to screen the parking areas utilizing decorative elements such as grill-work, brick, louvers, or a vegetative screen.
3. Deck floors located above the first floor level of a parking structure must be screened form view from the street utilizing decorative elements such as grill-work, brick or louvers (minimum 42" in height). In no instance will cabling alone be sufficient to meet this screening requirement.

e. Off-street parking areas shall be screened from adjacent roadways and sidewalks by an opaque decorative fence or wall, berm or vegetative screen at least 30 inches in height. Fence or wall shall be of similar design and materials to the surrounding buildings. Screening shall be installed between the parking area and the sidewalks. Perpendicular driveway crossings and pedestrian paths are allowed through the screening.

f. When the overlay district fall within the district designated as CBD the parking requirements of that district will be enacted.

(11) Signage. A unified signage plan, submitted for approval by the Building Official or his/her designee, shall govern all signage within the development. Signs and the amount of signage shall be subject to the requirements of the City of Austell Sign Ordinance with the following exceptions:

a. Oversized signs shall be prohibited.
b. Ground signs shall be limited to monument-type signs. Base and sign structures shall be constructed of materials such as brick, stone, stucco, wood or metal consistent with the architecture and exterior treatment of the building.

c. Blinking, exposed neon, portable, inflatable and temporary signage shall be prohibited.

d. Internally illuminated wall signs may not be located within 150 feet of adjacent property developed for single, family residential uses.

(12) Street/Pedestrian Lighting and Street Furniture.

a. Streetlights utilizing decorative fixtures and poles shall be provided along all internal streets and along all public rights-of-way. Streetlights shall be staggered, 150 feet on center, along both sides of the street. Pedestrian scale lighting shall be provided every 50 feet along both sides of the street. The lamps of streetlights shall be directed down and capped. Pedestrian lighting shall utilize fixtures designed to accommodate a shielding plate.

b. Decorative, commercial-quality bike racks, benches, and trash receptacles shall be provided throughout the development in accordance with the approved pedestrian access plan.

(13) Architectrual Design. Architectural design of all buildings shall comply with the following:

a. For single-family detached residences: front facades shall have architectural treatments of brick, stone, stucco or wood shake. The balance of each elevation may be wood, wood shake or fiber-cement siding.

b. For attached townhouses and residential/ business dwellings: front facades shall have architectural treatments of brick, stone or stucco. The balance of each elevation may be wood, wood shake or fiber-cement siding.

c. For multi-family residential buildings: architectural treatments of each building elevation shall be a minimum 50% brick, stone or stucco. The balance of each elevation may be wood, wood shake, or fiber-cement siding.

d. For non-residential and mixed use buildings: architectural treatments shall be of glass and/or brick, stone or stucco. Tilt-up or pre-cast concrete, wood, wood shake, fiber-cement siding or

architectural metal may be used subject to review and approval of the Building Official or his/her designee.

Additionally:

1. In order to encourage and complement street level pedestrian activity, the street level façade of non-residential buildings facing public or private streets shall incorporate varying edifice details such as trellises, windows or recessed panels suggestive of windows, door or colonnade openings, or storefronts every 20-30 linear feet.
2. Contrasting accent colors of any wall, awning or other feature (other than a neutral color) shall be limited to no more than 15% of the total area for any single façade.
3. Metal or portable buildings shall be prohibited.
4. Buildings shall incorporate live plant material growing immediately in front of or on the buildings.
5. Non-residential buildings of less than 5,000 square feet of gross floor area shall be designed with pitched roofs, minimum pitch of 4:12. Portions of the roof structure may be flat to accommodate vents, mechanical systems or similar appurtenances, if adequately screened subject to review and approval of the Building Official or his/her designee.
6. Roofing materials for pitched or mansard roofs shall be limited to the following:
    - Metal standing seam of red, green or silver in color.
    - Tile, slate or stone.
    - Wood shake.
    - Architectural shingles with slate, tile or metal appearance.
7. Parapets of flat roofed buildings shall be articulated to provide visual diversity. Parapets shall include articulations or architectural features at least every 100 linear foot. The minimum height of articulations or features shall be one foot, and may be provided in height offset or façade projections such as porticoes or towers. The rear of parapet articulations visible from the street level view (within 300 feet) shall be finished to match the exterior architectural treatment.
8. Design of flat-roofed buildings shall include minimum one-foot deep cornices, extending along the entire front of the building and the sides of the building for a depth of at least ten feet.
9. Building design shall include a minimum one-foot high contrasting base, extending along the entire front of buildings and the sides of buildings for a depth of at least ten feet.
10. All mechanical, HVAC and like systems shall be screened from street level view (within 300 feet) on all sides by an opaque wall or fence of brick, stucco, split faced block or wood.
11. Accessories provided such as railings, benches, trash receptacles and/or bicycle racks shall be of commercial quality, and complement the building design and style.

(14) Building plans shall be subject to review and approval of the Building Official or his/her designee. Designs which are inconsistent with these minimum performance guidelines may be denied. The approved plan must be on file with the office of the Building Official before building permits will be issued.

Secs. 22-147--22-160. Reserved.

ARTICLE IV. DISTRICT REGULATIONS

Sec. 22-121. Summary of bulk regulations.

TABLE INSET:

District	Designation	Min. Lot Area	Min./Max Acreage Required	Units per Acre/ Max. FAR	Min. Floor Area (sq. ft.)	Min. Lot Width at Front Setback	Minimum Front Yard Setback 1			Major Side Yard 2	Min. Side Yard 3	Min. Rear Yard 4	Max. Coverage (%)	Max. Height
							Arterial	Collector	Local					
Rural Residential	RR	40,000 sq. ft.	N/A	1.0	1,050	100 ft.	50 ft.	50 ft.	50 ft.	25 or 35 ft.	25 ft.	35 ft.	25%	35 ft.
Single-Family Detached:														
2 acres	R-80	80,000 sq. ft.	N/A	0.5.	1,800	75/50* ft.	60 ft.	60 ft.	60 ft.	25 or 35 ft.	25 ft.	50 ft.	25%	35 ft.
1 acre	R-40	40,000 sq. ft.	N/A	1.0	1,800	75/50* ft.	50 ft.	50 ft.	45 ft.	25 or 35 ft.	15 ft.	40 ft.	25%	35 ft.
3/4 acre	R-30	30,000 sq. ft.	N/A	1.1	1,800	75/50* ft.	50 ft.	50 ft.	45 ft.	25 or 35 ft.	12 ft.	40 ft.	25%	35 ft.
1/2 acre	R-20	20,000 sq. ft.	N/A	1.75	1,800	75/50* ft.	40 ft.	40 ft.	35 ft.	25 or 35 ft.	10 ft.	35 ft.	35%	35 ft.
1/3 acre	R-15	15,000 sq. ft.	N/A	2.1	1,800	75/50* ft.	40 ft.	40 ft.	35 ft.	25 or 35 ft.	10 ft.	30 ft.	35%	35 ft.
¼ acre	R-10	10,000 sq. ft	N/A	3.5	1,600	75/50* ft.	40 ft.	40 ft.	40/25** ft.	15 or 25 ft.	20†/ or 5** ft.	40†/ or 20** ft.	30%	35 ft.
Single-Family, Attached or Detached: (If single-family residences are attached, there must be thirty (30) feet between end units														
Cluster Residential	RA-6	5,500 sq. ft.	80,000 sq. ft./20 ac.	6.	950	70/50* ft.	50 ft.	50 ft.	40/25** ft.	20 or 35 ft.	35†/ 5** ft.	40†/ 30** ft.	30%	35 ft.
Other Residential														
Residential Duplex	RD	20,000 sq. ft.	N/A	4.	700/unit	75/50* ft.	50 ft.	50 ft.	35 ft.	25 or 35 ft.	35†/ 10** ft.	35† or 25** ft.	35%	2 stories 35 ft.
Multiple-Family (8 units per acre)	Rm-8	80,000 sq. ft.	N/A	8	1,600 2,750 3,900 E 450	75 ft.	75 ft.	50 ft.	50 ft.	35 ft.	35 ft.	40 ft.	25%	2 storie 35 ft.
Fee Simple Townhouse; Maximum 6 units per row	FST	80,000 sq. ft.	20 acres	10	1BR-900 2BR-1,000	20/End Unit 30 ft.	50 ft.	50 ft.	35 or 25** ft.	25 or 35 ft.	40†/10**/0‡ ft.	35† or 25** ft.	30%	2 1/2 stories 35 ft.
Multiple-Family (12 units per acre)	RM-12	80,000 sq. ft.	N/A	12	1,600 2,750 3,900 E 450	75 ft.	75 ft.	50 ft.	50 ft.	35 ft.	35 ft.	40 ft.	35%	2 1/2stories 35 ft.
Mobile Home Park	MHP	See District Regulations												

District	Designation	Min. Lot Area	Min./Max Acreage Required	Units per Acre/ Max. FAR	Min. Floor Area (sq. ft.)	Min. Lot Width at Front Setback	Minimum Front Yard Setback 1			Major Side Yard 2	Min. Side Yard 3	Min. Rear Yard 4	Max. Coverage (%)	Max. Height
							Arterial	Collector	Local					
Residential Senior Living (nonsupportive)	RSL	See District Regulations												
Office/Services	OS	40,000 sq.	N/A	N/A	N/A	75 ft.	50 ft.	50 ft.	50 ft.	25 or 35 ft.	15 ft.	30 ft.	N/A	4 stories
Office/Institutional	OI	20,000 sq. ft.	N/A	N/A	N/A	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	15 ft.	30 ft.	N/A	4 stories
Neighborhood Shopping	NS	20,000 sq. ft.	N/A	N/A	N/A	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	15 ft.	30 ft.	N/A	35 ft.
Planned Shopping Center	PSC	200,000 sq. ft.	5 ac./N/A	N/A	N/A	200 ft.	100 ft.	100 ft.	--	50 ft.	50 ft.	50 ft.	N/A	75 ft.
General Commercial	GC	20,000 sq. ft.	N/A	N/A	N/A	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	10 ft.	30 ft.	N/A	4 stories
Central Business District	CBD	2,500 sp ft.	N/A	N/A	N/A	25 ft.	0 ft.	0 ft.	0 ft.	15 ft.	0 ft.	20 ft.	N/A	4 stories
Industrial														
Light Industrial	LI	40,000 sq. ft.	N/A			100 ft.	75 ft.	50 ft.	50 ft.	25 or 35 ft.	20 ft.	30 ft.		4 stories
Heavy Industrial	HI	40,000 sq. ft.	N/A			150 ft.	75 ft.	50 ft.	50 ft.	25 or 35 ft.	20 ft.	40 ft.		4 stories

Explanation of Symbols

* Distance required fronting cul-de-sac

** Distance if interior portion of development (interior shall be considered the portion which does not abut an exterior property boundary)

† Distance if not interior portion of development

‡ Attached units

Notes:

1. Minimum front yard setback is measured from the future public right-of-way (see diagrams within each district for specific setback requirements)
2. Major side yard setback is measured from the future public right-of-way (see diagrams within each district for specific setback applications)
3. See diagrams within each district for specific setback applications.
4. See diagrams within each district for specific setback applications.

ARTICLE V. SUPPLEMENTAL REGULATIONS

Sec. 22-161. Building permit requirements.

(1) Purpose and intent.

(a) To promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the International Building Codes.

(b) To acquire information on the type, size, and location of all buildings and structures constructed, deconstructed, remodeled, removed, or demolished;

(c) To exercise jurisdiction over the construction and inspection of new buildings, as well as additions that increase the physical dimensions of dwellings and commercial buildings, alterations to building structure or alterations to a building's heating, ventilating air conditioning, electrical or plumbing system;

(d) To provide plan review and on-site inspection performed by persons designated by the Building Official and

(e) To establish and collect fees to defray the cost thereof

(2) Building Official

There is hereby created the position of Building Official, who shall administer and enforce this ordinance. The Building Official also has the following duties:

(a) Issuing of building permits and certificates of occupancy in accordance with all provisions of this ordinance.

(b) Making field inspections to determine that the building or structure being constructed, reconstructed or structurally altered or used is being pursued in accordance with the site plan for which a building permit has been issued.

(c) Making field inspections to insure compliance of existing buildings, uses, and structures to provisions of this ordinance.

(d) Insuring that all construction has been completed in accordance with all applicable city code requirements prior to allowing occupancy.

(e) Enforcing provisions of this ordinance through legal or other appropriate means to ensure compliance.

(f) Administer consent variances with minor set back changes.

(g) Issue Temporary Land Use Permits for construction or education mobile units. The Temporary Land Use Permit shall not exceed the time limits as set forth in this ordinance.

(3) Building permits required.

Prior to commencing any of the following work, the owner or agent shall obtain a valid permit from the City of Austell for the following:

(a) Construction of new building, including 1 and 2 family dwellings, garages, storage sheds, etc.

(b) Additions that increase the physical dimensions of a building, including decks.

(c) Alterations to the building structure, or an alteration to the building's heating, electrical or plumbing systems, except where exempted below. Restoration or repair of an installation to its previous code-compliant condition as determined by the Building Official.

(d) Water heater replacements shall require a permit if the plumbing, venting, electrical or gas supply systems are altered and for all gas fueled water heaters.

(e) Electrical service modifications.

(4) Exemptions from permit requirement

(a) Buildings or structures owned by the City of Austell; however this exemption is not intended to imply The City of Austell is not required to follow all other provisions of this ordinance, The City of Austell Development Regulations, The City of Austell Floodplain Management and Prevention Ordinance or any other state or federal regulations.

(b) The restoration or repair of building equipment, such as furnaces, central air conditions, water heaters, and similar mechanical equipment (except electric service) without the alteration of , or addition to, the building or structure.

(c) Minor repairs performed for maintenance or replacement purposes in an existing building which does not involve the structural portions of the building or structure, or which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protections and which does not increase a given occupancy or use, for example window and door replacement if it does not affect structure.

(d) Re-siding, re-roofing and finishing interior surfaces, and installation of cabinetry.

(e) Fences or other similar like enclosures.
(f) Portable buildings, or buildings less than 144 square feet, as long as they are not placed upon a permanent slab or foundation.

(5) Application for building permit

All application for building permits shall be made to the Building Official. Any permit for new construction applied for shall be accompanied by five sets of complete plans, drawn to scale, which shall have been prepared an architect or engineer whose state registration is current and valid, and whose seal shall be affixed to the plan submitted. Such plans shall include the following:

(a) The actual shape and dimensions of the lot to be built upon.

(b) The sizes and locations on the lot of any existing buildings.

(c) The shape, size, height, use and the location on the lot of the building or structure proposed to be built.

(d) Such other information as may be necessary to provide for the enforcement of the provisions of this ordinance.

(6) Building permit fees.

The building permit fee shall be determined from time to time pursuant to resolution adopted by the Mayor and Council.

(7) Duration of permit validity.

A building permit for the purpose of remodeling or an addition to an existing structure shall be valid for a period of 6 months. A building permit for the purpose of new construction shall be valid for a period of 1 year. The building permits will expire at the end of the validity date whether work has been completed or not at which time the permit will be required to be renewed for work to continue.

(8) Certificate of occupancy required. A certificate of occupancy issued by the Building Official is required in advance of the use or occupancy of the following:

(a) Any lot or a change or extension in the use thereof.

(b) A building hereafter erected or a change in the use of an existing building.

(c) Any nonconforming use that is existing at the time of the enactment of this ordinance or an amendment thereto or that is changed, extended, altered or rebuilt thereafter, the certificate of occupancy shall state specifically herein the nonconforming use fails to meet the provision of this ordinance.

(d) Nothing contained herein shall require a user to comply with minimum setback or side yard requirements for use of an existing building.

A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a building permit and shall be issued within 10 days after the erection or structural alterations of such building or part thereof, shall have been completed in conformity with the provisions of this ordinance. A certificate of occupancy shall not be issued unless the lot, building, or structure, or use thereof complies with all the provisions of this ordinance. If the certificate of occupancy is denied, the Building Official shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Building Official and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

(9) Penalties for violation.

Any person, firm or corporation found in violation of Article V section 22- 161 subsection (3) shall be charged an increased permit fee of twice the original permit cost. Any person, firm or corporation who is violation of any part of section 22-161 may also be subject to the penalties as set forth in Article I section 22-1.

(10) Remedies.

In any case in which any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land that is or is proposed to be used in violation of the provisions of this ordinance or amendments thereto, the Building Official or other appropriate city authority or any adjacent or other property owner who would be damaged by such violation may, in addition to other remedies and after due notice to the owner of said violation, institute injunction, abatement, or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

Sec. 22-162. Classification of streets.
For the purpose of this chapter, all of the streets, roads and highways in the city are classified as arterial, major and minor collector and local streets and state highways.

Sec. 22-163. Vision clearance at intersections.
In all zoning districts, no fence, wall, structure, shrubbery or other obstruction to vision between the heights of three feet and 15 feet, except utility poles, light or street sign standards or tree trunks, shall be permitted within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads.

Sec. 22-164. Reserved

Sec. 22-165. Nonresidential access not to cross residential property.
No nonresidential access shall cross residentially zoned property unless part of a Mixed Use project that has been approved on the site plan.

Sec. 22-166. Setbacks for gasoline pumps and canopies.
Within any zoning district which allows for gasoline pumps and canopies (attached or detached) covering the pumps, pumps and canopies shall be set back at least 15 feet from the future right-of-way. Any permanent building, whether or not attached to a canopy, must be located within the required building setbacks. Within any zoning district which allows for freestanding carwashes, canopies that cover any vehicles being washed on site must be permitted (thru both the site plan review and structural review process and subject to the landscape enhancement strip provisions contained in 22-182) as a permanent structure requiring a footing or foundation to which the canopy is structurally attached, capable of supporting a pre-designed load withstanding wind and other natural forces as may be further defined in this chapter, including wind and other natural forces as may be further defined in this chapter, including structural calculations as prepared and certified by a professional designer licensed to practice in the State of Georgia and as distinguished from a temporary canopy or tent and the like (temporary canopies or tents are prohibited). When permitted, these canopies must be at least 15 feet from the future right of way. Canopies originally constructed to cover gasoline pumps may be utilized as canopies covering vehicles being washed on site, provided that they shall be set back at least 15 feet from the future right of way. Canopies, whether permitted as a permanent structure or pre-existing as described above, may not be used for signage purposes.

Sec. 22-167. General development standards.

(a) *Prerequisites for moving building.* No dwelling unit or other permanent structure shall be moved within or into the city unless, when relocated, it meets all requirements of this chapter and requirements of the City of Austell Code of Ordinances and is approved by the Mayor and Council.

(b) *Height of fences and walls.* No fence or freestanding wall other than a retaining wall shall be more than eight feet in height, or be constructed in a public right-of-way or future street right-of-way. If a fence is adjacent to a public road right-of-way and within the required setback in a residential district such fence shall not exceed six feet in height and shall further meet the

requirements set forth in section 22-163. The required height limitation (which includes posts and ornaments on top of fence) must be met on both sides of fence, and measured from the existing grade upon which it is erected.

(c) *Open space.* Open space area required to be established by this chapter shall be permanently maintained as open space and appropriately landscaped with trees, shrubs, flowers, grass, stones, rocks or other landscaping materials. Such areas may not be used for vehicular access, parking or similar uses except as otherwise permitted in this chapter.

(d) *Required fences to be completed prior to occupancy.* When this chapter requires a fence to be constructed, such fence shall be completed prior to occupancy of the primary use structure.

(e) *Site plan preparation.* Site plans and other development plans required to be submitted under the provisions of this chapter shall be prepared only by those currently registered for such work in accordance with applicable state law. No plans for structures shall be prepared by other than a currently state-registered engineer.

(f) *Compliance with other regulations.* Any development sought to be constructed or built under the existing zoning requirements shall meet or exceed all applicable development codes and regulations of the city, the state and federal law, as amended from time to time, including but not limited to the Subdivision Regulations for the City of Austell, the Floodplain Management and Prevention ordinance of the city, and the City of Austell Sign Ordinance.

(g) *Footings survey.*

(1) On any development, prior to obtaining a building permit, the developer or builder must file a copy of a current plat and survey of the property signed by a registered land surveyor providing such information as shall be required from the City of Austell.

(2) Prior to commencing pouring of footings, it shall be the responsibility of the builder or developer to accurately and clearly flag all pin corner boundaries prior to the conduct of any footings inspection. Should the developer or builder desire to place the footing within five feet of the applicable building setback line, then the builder or developer shall provide a footings (foundation) survey signed by a registered land surveyor showing the footing location and the outer perimeter of the proposed structure. The failure to provide such a footing survey shall be a primary consideration in whether or not the board of variance and zoning appeals may dispose of a variance application.

(h) *Compliance with Americans with Disabilities Act.* Assurances of compliance with the Americans with Disabilities Act (ADA), including the ADA as it may be amended from time to time, will be given to the city by all development applicants.

(i) *Outdoor displays of merchandise.* Where outdoor displays of merchandise are permitted as part of a retail or service establishment (as distinguished from a sales, contractor or supply operation dealing in material or merchandise that is intended for storage or display outdoors) in any nonresidential zoning district, the following minimum requirements shall apply:

(1)The area displaying the merchandise shall be limited to an area no greater than 20 percent of the total lot area.

(2)The location of the outdoor display of merchandise must be shown on a plan approved by the zoning division manager or his/her designee.

(3)The area displaying the merchandise must be screened from any contiguous residentially zoned property.

(4)The area displaying the merchandise may not be located within any required buffers.

(5)The area displaying may be within designated parking spaces, if the spaces are above and beyond the minimum required.

(6)The area displaying merchandise shall not impede vehicular traffic within the site, nor shall it prohibit or disrupt traffic entering or exiting the site from or to public rights-of-way, nor shall it impede adequate site distance to vehicles entering or exiting the site to or from public rights-of-way.

(7)The area displaying the merchandise shall not impede pedestrian traffic within the site, particularly any sidewalks or pedestrian areas designed in accordance with the Americans with Disabilities Act (ADA).

(8)These requirements shall apply to peddlers as defined and regulated in sections of the City of Austell Code.

(j) *Limitation on utility meters in certain residential zoning districts.* Single-family residential zoning districts shall be limited to a maximum one (1) gas meter and one (1) electrical meter per lot. This requirement shall apply to the R-80, RR, R-40, R-30, R-20, R-15, R-10, PUD, RA-6 and MHP zoning districts. Additionally, this requirement shall apply to the RSL, RM-8 and RM-12 zoning districts when developed for single-family detached uses. Application may be made to the Board of Variance and Zoning Appeals for a variance to allow more than one electrical or gas meter per lot.

Sec. 22-168. Determination of unclassified uses

Purpose; intent

In the event an applicant wishes to use property for a use which is not specifically identified under inherent uses, or uses allowed from the approval of a special land use permit, and where such use is not specifically prohibited from the district, the following provisions shall apply:

(1) The applicant shall submit to the community affairs director a written request for a determination of the unclassified use.

a. The director shall review the request as submitted and determine if the proposed use is of a similar character to the district in which it is proposed.
b. If the director determines that the use is of a similar character and meets the intent of the uses permitted inherently within the district, then the applicant shall apply for a special land use permit subject to approval in the normal manner.

(2) If the director is unable to make the determination within 14 days or the applicant chooses to appeal the director's decision, the following procedure shall apply:

a. The director shall submit to the planning and zoning board and city attorney a written request for a determination of the unclassified use at the next regularly scheduled planning and zoning board meeting.
b. The planning and zoning board and city attorney shall review the request as submitted and determine if the proposed use is of a similar character to the district in which it is proposed.

c. If the planning and zoning board and city attorney determine that the use is of a similar character and meets the intent of the uses permitted inherently within the district, they shall instruct the director to allow said use.

d. In the event the planning and zoning board and city attorney determine the proposed use in the district is consistent with the character and intent of a special land use permit inherently within the district, then the applicant shall apply for a special land use permit subject to approval in the normal manner.

(3) In no event shall the provisions of this article be used to allow an incompatible use or a use specifically prohibited by this ordinance within a certain zoning district.

(4) Once a use has been allowed or disallowed by the planning and zoning board and or director, it shall then be considered classified under the appropriate category in the district.

Sec. 22-169. Lighting plan.

(a) Lighting plans shall be drawn to scale and shall show the location of all proposed lights and nearby city roads and adjacent properties and the following information:

(1) Arrangement of all poles (with dimensions);
(2) Height of all poles;
(3) Number of luminaries per pole;
(4) Mounting heights of luminaries;
(5) Wattage of proposed lights;
(6) Mounting angle of fixtures; and
(7) Lamp source to be used.

(b) A picture of the light to be utilized must be attached to the final plans. Care must be exercised to control any stray light that might trespass upon adjacent properties and roadways.

(c) All required parking spaces must be adequately lit during non-daylight hours.

(d) These are minimum requirements, based on the City of Austell Street Lighting Ordinance or as may be amended from time to time.

Sec. 22-170. Golf courses.
Standards and requirements for golf courses are as follows:

(1) *Definitions.*
a. *Ancillary sales* means the sale of food, beverages, sports apparel and accessories, and those items traditionally sold within a pro shop or clubhouse.

b. *Clubhouse* means a structure providing ancillary uses and sales. Such structure shall be in proportion to the overall golf facilities.

c. *Driving range (outdoor)* means a tract of land as an accessory use dedicated to driving of golf balls off tees into a designated landing area. An additional five acres, above and beyond the required acreage for the golf course, shall be required where the driving range is internal to the golf course. Buffering, netting and setbacks shall not be required when the range is internal.

d. *Executive golf course* means a tract of land not less than 65 acres in size dedicated for playing an 18-hole game of golf, which is open to the general public or for private club use. The par shall not be less than 58 from the men's tees as governed by the United States Golf Association. Further, the golf course shall not measure less than 4,000 yards from the men's tees as governed by the United States Golf Association.

e. *Par 3 golf course* means a tract of land not less than 40 acres in size dedicated for playing an 18-hole game of golf, which is open to the general public or for private club use. The par shall not be less than 27 for nine holes or 54 for 18 holes from the men's tees as governed by the United States Golf Association. Further, the golf course shall not measure less than 1,750 or greater than 3,500 yards, respectively.

f. *Private golf course* means a tract of land not less than 115 acres in size dedicated for playing the game of golf, which is open to the private club's membership and their guests and for special events. The par shall not be less than 68 from the men's tees as governed by the United States Golf Association. Further, the golf course shall not measure less than 5,500 yards from the men's tees as governed by the United States Golf Association.

g. *Pro shop* means an ancillary structure or area provided for sale or supply of equipment associated with the primary permitted or accessory use.

h. *Public golf course* and *semipublic golf course* mean a tract of land not less than 125 acres in size dedicated for playing an 18-hole game of golf, which is open to the general public for play. The par shall not be less than 70 from the men's tees as governed by the United States Golf Association. Further, the golf course shall not measure less than 6,000 yards from the men's tees as governed by the United States Golf Association.

i. *Regulation public nine-hole course* means a tract of land not less than 65 acres in size dedicated for playing a nine-hole game of golf, which is open to the general public. The par shall not be less than 34 from the men's tees as governed by the United States Golf Association.

Further, the golf course shall not measure less than 3,000 yards from the men's tees as governed by the United States Golf Association.

(2) *Standards.*

a. *Par 3 golf course.* The following standards shall apply to par 3 golf courses:

1. Minimum lot size: Nine holes, 20 acres; 18 holes, 40 acres.
2. Minimum course yardage: Nine holes, 1,750 yards; 18 holes, 3,500 yards.
3. Minimum public road frontage: 100 feet.
4. Minimum building, driving range, fairway, clubhouse and pro shop setbacks: 50 feet from future public road right-of-way; 75 feet from property lines.

b. *Public golf course or semipublic golf course.* The following standards shall apply to public golf courses and semipublic golf courses:

1. Minimum lot size: 125 acres.
2. Minimum course yardage: 6,000 yards.
3. Minimum public road frontage: 100 feet.
4. Minimum building, driving range, fairway, clubhouse, pro shop and hole setbacks: 50 feet from future public road right-of-way; 75 feet from property lines.

c. *Private golf course.* The following standards shall apply to private golf courses:

1. Minimum lot size: 115 acres.
2. Minimum course yardage: 5,500 yards.
3. Minimum public road frontage: 100 feet.
4. Minimum building, driving range, fairway, clubhouse and pro shop setbacks: 50 feet from future public road right-of-way and 75 feet from property lines, unless the property is developed in connection with a residential subdivision. In such cases, the overall plan shall be approved by the division manager of zoning or his designee.

d. *Executive golf course.* The following standards shall apply to executive golf courses:

1. Minimum lot size: 65 acres.
2. Minimum course yardage: 4,000 yards.
3. Minimum public road frontage: 100 feet.
4. Minimum building, driving range, fairway, clubhouse and pro shop setbacks: 50 feet from future public road right-of-way; 75 feet from property lines.

e. *Regulation public nine-hole course.* The following standards shall apply to regulation public nine-hole courses:

1. Minimum lot size: 65 acres.
2. Minimum course yardage: 3,000 yards.
3. Minimum public road frontage: 100 feet.

4. Minimum building, driving range, fairway, clubhouse and pro shop setbacks: 50 feet from future public road right-of-way; 75 feet from property lines.

(3) *Safety netting.* Safety netting of not less than 32 feet in height shall be placed along the perimeter of the golf course playing area which abuts any public road frontage.

(4) *Landscape buffer and screening requirements.* Unless otherwise noted within this section, any golf course developed in accordance with this section which abuts residentially zoned property shall have a 25-foot landscaped screening buffer adjacent to all residentially zoned property, subject to city staff approval.

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

1. Screen objectionable views and enhance aesthetic appeal;
2. Control or direct vehicular and pedestrian movement;
3. Reduce glare;
4. Buffer noise; and
5. Establish privacy.

b. *Standards.*

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, the buffer should provide a maximum 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 or as determined 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 any golf course developed in accordance with this section abuts a residential district, a minimum 25-foot buffer is required. When topography and existing conditions allow, this 25-foot buffer should be undisturbed. If topography and existing conditions do not allow for an undisturbed buffer, then the 25-foot buffer shall be a planted, landscaped, maintained buffer.

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

i. Berm 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.

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

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

(7) *Lighting requirements.* Any golf course and accessory uses permitted in accordance with this section which proposes a lighted facility must have a city approved lighting plan in accordance with the minimum conditions listed in section 22-169.

(8) *Use limitations.*

a. The maximum size for a pro shop or clubhouse associated with par 3 or executive golf courses is 2,000 square feet.

b. The maximum size for a clubhouse or pro shop for an 18-hole public or private regulation golf course is 40,000 square feet.

c. Loudspeakers are not allowed if adjacent to residential districts.

d. No advertising of retail sales is permitted when located within a residential category as defined by the city comprehensive land use plan.

e. Any structure used in conjunction with this use shall be subject to the site plan and architectural requirements presented at the time of zoning.

f. No outside lighting of a golf course is permitted when the course is located within or adjacent to a residential district. However, accessory uses approved by the Mayor and Council in an internal location not less than 100 feet from any residential property line may be lighted in accordance with section 22-169.

(9) *Accessory structures and uses.* Permitted accessory structures and uses are as follows:

a. Buildings used to house equipment solely for the maintenance and operation of the golf courses, not to exceed 3,000 square feet in size.

b. Professional teaching and lessons.

c. Golf club and ball rental.

d. Pro shop.

e. Tennis courts (two acres required in addition to required golf course acreage).

f. Swimming pools (one acre required in addition to required golf course acreage).

g. Driving range (eight acres required in addition to required golf course acreage).

Sec. 22-171. Special exceptions.

The following uses are permitted as special exception uses, provided the conditions listed are met and they are located in the allowable zoning district. The Mayor and Council or their designee shall issue a certificate of special exception to an applicant when the conditions relating to the special exception have been met.

(1) Amusement centers, subject to the following minimum requirements:

a. Minimum acreage is five acres.
b. Such use shall not be located closer than 500 feet to any school property.
c. Such use shall not be located closer than 200 feet to any residential property line.
d. An overall parking and landscape plan shall be approved by city staff. The plan will provide for safe and efficient vehicle and pedestrian circulation and aesthetics.

(2) Any other facility for the disposal of the dead, provided all requirements for a cemetery have been satisfied.

(3) Adult entertainment establishments (including adult novelty shops), with the following minimum requirements:

a. Must obtain a Special Land Use Permit.
b. Must be located at least 1,500 feet between any residence, school, church or any educational facility.

(4) Asphalt plants or concrete plants, subject to the following minimum standards:

a. A special land use permit is required.
b. Compliance with all applicable state and federal laws is required.
c. All necessary state and federal permits shall be obtained.
d. A spill containment plan shall be approved by city staff.
e. Minimum acreage is five acres.
f. No use shall be located closer than 1,000 feet to any residential dwelling or school.
g. Hours of operation shall be limited to daylight hours.
h. Noise abatement and air pollution abatement plans shall be approved by city staff.

(5) Automobile and truck sales and service facilities:

a. Minimum of one acre of a paved surface is required for parking of vehicles, excluding any area used for, but not limited to buildings, offices, service or sales area:

b. If any entity sells more than three cars per year, they are considered a dealer which requires a city business license.
c. A special land use permit is required.
d. All vehicles are required to be parked off any right-of-way or easement.
e. Must have a minimum of 1,500 feet between any other similar businesses.

(6) Automobile title pawns must have a minimum of 1,500 feet between any other similar businesses.

(7) Automobile salvage and wrecking yards, subject to the following minimum requirements:

a. A special land use permit is required.
b. Such use shall be enclosed by a fence or wall not less than eight feet in height which provides visual screening.
c. No such activity may be conducted within 100 feet of any property line or 200 feet of any property zoned or used for residential purposes.
d. The incidental sale of auto parts removed from cars on the site shall be permitted.

(8) Automobile storage yards and wrecker services for damaged or confiscated vehicles, subject to the following minimum requirements:

a. Such use shall be enclosed by a fence or wall not less than eight feet in height which provides visual screening.
b. No dismantling, repair or other such activity shall be conducted.
c. Such use shall be located at least 40 feet from any residential district or use.
d. Such automobiles shall not be held longer than provided by state and city law.
e. A special land use permit is required.
f. Must have a minimum of 1,500 feet between any other similar businesses.

(9) Biomedical waste disposal facilities or hazardous waste sites, subject to the following minimum requirements:

a. A spill containment plan shall be approved by city staff.
b. Such use shall not be located closer than 1,000 feet to any residential dwelling or school.
c. A special land use permit is required.
d. Such use shall be carried on within an enclosed building, with no outside storage of any materials or biomedical waste except for vehicles used for the operation.
e. All necessary state and federal permits shall be obtained.
f. Compliance with all applicable state and federal laws is required.
g. Minimum acreage is five acres.
h. The facility must be designed with an impervious liner.
i. The facility must have an on-site water purification system which returns water to a potable condition.

(10) Cemeteries for human or animal interment, with the following minimum requirements:

a. Minimum lot size is ten acres.
b. Minimum public road frontage is 100 feet.
c. When abutting any residential property line, a 50-foot natural or landscaped buffer shall be approved by city staff (see landscaping standards).
d. Permanent public ingress and egress shall be provided.
e. Compliance with all state requirements is required.
f. An overall parking and landscaping plan shall be approved by city staff.

(11) Churches, chapels, temples, synagogues and other such places of worship when located within the R-80, RR, R-40, R-30, R-20, R-15, R-10, RD, PUD, RA-6, RM-8, FST, RM-12 and MHP districts with the following minimum requirements:

a. Minimum lot size is five usable acres, excluding flood plain.
b. Primary access to the facility shall be from an arterial or major collector roadway.
c. Structures associated with the use shall be located a minimum of 50 feet from any property line.
d. Structures associated with the use shall be limited to 55 feet in height.
e. When abutting any residential property line, a 35-foot landscaped screening buffer shall be approved by city staff (see landscaping standards).
f. An overall parking and landscape plan for the entire site shall be approved by city staff.
g. One paved parking space shall be provided per four seats in the principal place of worship; provided that the number of spaces thus required may be reduced by not more than 50 percent if the place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owner without charge, during the time of services, to make up the additional spaces required.
h. A lighting plan shall be approved by the Building Official or his/her designee in accordance with section 22-169.

i. A church may have an accessory cemetery with the following minimum requirements:

1. Minimum lot size is two usable acres for a cemetery in addition to the five-acre requirement for a church.
2. When abutting any residential property line, a 50-foot natural or landscaped buffer shall be approved by city staff (see landscape standards).
3. Ingress and egress shall be provided.
4. Compliance with all state requirements is required.

j. A church may have an accessory school with the following minimum requirements:

1. Minimum lot size is three usable acres for a school in addition to the five-acre requirement for a church.
2. Minimum public road frontage is 100 feet.
3. An overall parking and landscape plan for the entire site shall be approved by city staff.

4. One paved parking space shall be provided per every one full-time employee of the accessory school in addition to required parking for the principal church use.

k. A SLUP is required for all zoning districts.

(12) Club or lodge, private when located within the R-80, RR, R-40, R-30, R-20, R-15, R-10, RD, PUD, RA-6, RM-8, FST, RM-12 and MHP districts with the following minimum requirements:

a. Minimum lot size is five usable acres, excluding flood plain.
b. Primary access to the facility shall be from an arterial or major collector roadway.
c. Structures associated with the use shall be located a minimum of 50 feet from any property line.
d. Structures associated with the use shall be limited to 45 feet in height.
e. When abutting any residential property line, a 35-foot landscaped screening buffer shall be approved by city staff (see landscaping standards).
f. An overall parking and landscape plan for the entire site shall be approved by city staff.
g. One paved parking space shall be provided for every four seats in the designated assembly area, plus one per employee. In the absence of designated assembly areas, one paved space shall be provided per 300 square feet of gross floor area.
h. A lighting plan shall be approved in accordance with section 22-169.

(13) Coliseums, stadiums and convention centers (privately owned), subject to the following minimum requirements:

a. Minimum acreage is ten acres.
b. A special land use permit is required.
c. A traffic and parking plan shall be approved by the city staff.
d. Hours of operation shall be approved by the Mayor and Council at the time of the special land use permit public hearing.
e. A noise abatement plan shall be approved by the Mayor and Council at time of the special land use permit public hearing.

(14) Drive-in theaters, subject to the following minimum requirements:

a. Minimum acreage is two acres.
b. Driving and parking areas shall be paved.
c. The theater screen, projection booth or other buildings shall be set back not less than 50 feet from any property line (unless the front setback is greater).
d. The theater screen shall not be visible from an expressway, arterial or major collector roadway.
e. No damaged or confiscated vehicles shall be stored on-site.

(15) Extended stay motel and hotel, with the minimum requirements:

a. Must obtain a Special Land Use Permit
b. A 75 foot buffer shall be provided where it abuts single family residential and a 6 foot fence, or wall, placed on the property line.
c. Required area, yards, height requirements shall be the same as those specified for RM-12.
d. Distance between building structures: Building structures which are front face to front face or back face to back face shall be not less than 60 feet apart. Building structures which are side face to side face shall be not less than 30 feet apart. Building structures which are side face to front face or back face shall be not less than 40 feet apart.
e. Arrangement of buildings: No building structure shall be situated so as to face the rear of another building structure within the development or on adjoining properties, unless differences in terrain and elevation would provide effective visual separation or unless the units are more than 60 feet apart.
f. Structure length: Building structures shall not exceed 250 feet in length.
g. Recreation area: 1 acre of land shall be set aside as open space and be developed for recreational purposes for each 50 building units planned for the development in accordance with the assumed needs of the occupants (or a proportionate percentage for less than 50 building units). The minimum size of a single recreational area shall be 10,000 square feet.

(16) Heavy manufacturing establishments, subject to the following minimum requirements:

a. A special land use permit is required.
b. Such use shall not be located closer than 500 feet to any residential property line.
c. Such use shall be carried on entirely within an enclosed building, with no outside storage except for vehicles used for the operation.
d. All necessary state and federal permits shall be obtained.
e. Compliance with all applicable state and federal laws is required.

(17) Hotel, subject to the following minimum standards:

a. A special land use permit is required.
b. Minimum acreage is two acres.
c. All rooms shall be accessed through a main or central lobby.
d. No rooms shall access to the exterior of the building unless required by fire/safety regulations.
e. The minimum number of floors allowed shall be three floors, unless otherwise approved by the Mayor and Council.
f. Architectural style/design to be approved by the Mayor and Council.
g. All buildings shall have a minimum roof pitch of a four in twelve as defined by applicable building codes.
h. Conference, meeting or banquet facilities are allowed when supported by adequate parking and approved by the Mayor and Council as part of the special land use permit.
i. Restaurants or other type of eating facilities are allowed when supported by adequate parking and approved by the Mayor and Council. "Continental" style dining for the guests of the facility only is allowed within or near the main or central lobby without additional parking.
j. At a minimum, provisions for weekly cleaning for each suite must be provided.

k. Each suite must be protected with a smoke detector and sprinkler system approved by the fire marshal or his/her designee.
l. Each suite shall be required to include an automatic power off timer for each stove/cook top unit or other type burner.
m. Parking shall be calculated as one space required for each suite, with an additional ten spaces provided for employees. Parking requirements for conference, meeting or banquet facilities or restaurants or other type of eating facilities within a suite hotel shall be calculated as provided for each use in section 22-172, "traffic and parking," in addition to the above parking requirements and approved by the Mayor and Council.
n. There shall be no outside storage allowed or long term parking of heavy equipment, or parking of construction or related equipment allowed.
o. A landscaping plan is to be approved by staff with emphasis on planting within the parking facilities.
p. No facility under this section is to be converted or used primarily as an apartment or condominium.

(18) Mausoleums when used in conjunction with a cemetery provided that all requirements for the cemetery have been satisfied.

(19) Mining, subject to the following minimum requirements:

a. Removal or extraction of dirt, sand and soil is subject to the following:

1. The removal area shall be completely enclosed with a fence not less than six feet in height when considered necessary by the Building Official.
2. Drainage plans and a plan for the development of the site when the removal is completed shall be submitted with the application for a development permit.
3. Such uses shall not be established within 500 feet of a residential use or 200 feet of any other use.
4. This subsection shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes.

b. Removal or extraction of rock and gravel is subject to the following:

1. The removal area shall be sealed by fencing or grading or some other device from general public access. All entrances shall be fenced and locked during non-business hours.
2. Drainage plans and a plan for the development of the site when the removal is completed shall be submitted with the application for a development permit.
3. The operational and removal area of such uses shall not be established within 4,000 feet of a residential use or 2,000 feet of any other use.

c. No mining shall be allowed except after advertisement of a public hearing by the board of zoning and variance appeals for the purpose of determining whether or not any adverse effect would result to surrounding property owners and whether or not a nuisance, as defined by state law, would be created.

(20) Outdoor commercial racing of motorcycles, automobiles, trucks, tractors and motorized vehicles, subject to the following minimum requirements:

a. A special land use permit is required.
b. All necessary state and federal permits, if any, shall be obtained.
c. A traffic impact study must be submitted with the application.
d. No damaged vehicles shall be stored on site for more than seven days.
e. A noise abatement plan and air pollution abatement plan shall be approved by city staff.
f. Hours of operation shall be limited as per the city noise ordinance.

(21) Pawn shops and check cashing establishments, with the following requirements:

a. Must obtain a Special Land Use Permit.
b. Must have a minimum of 1,500 feet between any other similar businesses.

(22) Petroleum or bulk storage facilities or chemical plants or storage facilities, subject to the following minimum standards:

a. A special land use permit is required.
b. Compliance with all applicable state and federal laws is required.
c. All necessary state and federal permits shall be obtained.
d. A spill containment plan shall be approved by city staff.
e. Minimum acreage is five acres.
f. No use shall be located closer than 1,000 feet to any residential dwelling or school.
g. Hours of operation shall be limited to daylight hours.
h. Noise abatement and air pollution abatement plans shall be approved by city staff.
i. A fire prevention, evacuation and safety plan shall be approved by the fire marshal.

(23) Private landfills, composting centers or recycling centers, subject to the following minimum requirements:

a. A special land use permit is required.
b. All necessary state and federal permits shall be obtained.
c. Compliance with all applicable state and federal laws is required.
d. Such facilities shall only be allowed in a heavy industrial zoning district, provided that the Mayor and Council may grant a variance for filling of a specific natural land depression provided such fill shall not include garbage or other materials subject to decomposition.
e. Such facilities shall be approved by the Mayor and Council after public hearing. Both a development permit from the Building Official and written approval of the health department shall be issued before any landfill operation begins.
f. Such facilities shall be allowed only in areas incapable of development without landfill operations as determined by the Building Official.
g. No hazardous wastes as defined by state and federal law shall be disposed or discharged into the landfill site.

h. No garbage shall be disposed of within 2,000 yards of the public highway, a residence, or any gathering place unless approved by the Mayor and Council.
i. Truck traffic routes and entrances to the facility shall be approved by the traffic engineer.
j. The sanitary landfill site must be accessible without travel over residential streets.
k. All sanitary landfills shall have and keep on their premises in good working order a crawler-type tractor equipped with either a straight blade bulldozer, an angle blade bulldozer, a scraper (eight cubic yards or larger), a front end loader, a bull clam, or other attachments of a similar nature. The combined weight of such tractor and accessories as set forth in this subsection shall be not less than 18,000 pounds.
l. All sanitary landfills hereafter established or operated shall be enclosed with a fence at least six feet high with openings therein not more than those in two-inch mesh wire, or some other similar fencing materials or device. Such fencing shall be adequate to prevent paper and similar or related refuse from blowing from the landfill onto neighboring property.
m. All sanitary landfills shall have an operator in attendance at all times when the fill is in use, and such fill must be barricaded when closed to the public.
n. Any changes in the normal drainage of the property upon which the sanitary fill is located shall be accommodated by storm sewers as necessary to properly care for drainage. Such storm sewers shall be installed at the expense of the user.
o. All operators of sanitary landfills must pack and cover daily all materials placed thereon with at least six inches of earth in such a manner as to prevent fires and meet any and all other requirements of the fire code. All completed landfills must be covered with at least two feet of earth. Burning of any kind of refuse on the landfill is prohibited.
p. This section shall not prohibit the dumping for disposal by burial of dry waste building materials concurrently with and on the same property as a structure under construction. Such waste shall be covered with at least two feet of earth before occupancy of the structure, but no such waste may be buried within 20 feet of any structure, drainage easement or drainfield.

(24) Private schools of general and special education with the following minimum requirements:

a. Minimum lot size is five acres.
b. Minimum public road frontage is 100 feet.
c. An overall parking and landscape plan for the entire site shall be approved by city staff.
d. One paved parking space shall be provided for every person lawfully permitted within the assembly areas at one time, plus one per employee. In the absence of designated assembly areas, one paved space shall be provided per 300 square feet of gross floor area.

(25) Sawmill (temporary), firewood dealers or similar businesses with the following minimum requirements:

a. Must be located a minimum 500 feet from any residentially zoned property.
b. Must maintain a visual buffer, either natural or manmade, so as to be screened from residential property.
c. Any area where parking is needed for equipment, vehicles or trucks, they must be on a paved surface.

(26) Tattoo parlors, with the following requirements:

a. Must obtain a Special Land Use Permit.
b. Must have a minimum of 1,500 feet between any other similar businesses.

Sec. 22-172. Traffic and parking.
Each use shall meet the following requirements:

(1) *Street access generally.* Each building shall be located on a lot or parcel which abuts a public street for at least 50 feet. Access to a public street by means of a recorded access easement may be permitted if approved by City Engineer.

(2) *Curb cuts in districts other than R districts.* Curb cuts for service drives, entrances, exits and other similar facilities on public streets in other than R districts shall not be located within 50 feet of any intersection or within 40 feet of another curb cut. A curb cut shall be no greater than 40 feet in width and no closer than 20 feet to any property line.

(3) *Approval of entrances and exits on state highways.* All entrances or exits of any street or drive, public or private, from or to any state highway shall be approved by the state highway department prior to the construction of such street or drive, or the issuance of any development permit for any improvement to be served by such street or drive, but permit approval shall not be withheld longer than 30 days.

(4) *Corner visibility clearance.* In any district, no fence, structure, sign, planting or other obstruction above a height of three feet shall be maintained within 15 feet of the intersection of the right-of-way lines extended of two streets, or of a street intersection with a railroad right-of-way.

(5) *Off-street automobile parking.* Off-street automobile parking shall be provided in accordance with all applicable provisions of this section.

a. *Design standards.* All parking facilities, including entrances, exits and maneuvering areas, shall comply with the following provisions:

1. All parking design standards shall meet the requirements set forth in the City of Austell development regulations.
2. Such facilities shall have access to a public street.
3. Such facilities, including access drives, shall be graded and paved, and be curbed when needed for effective drainage control.
4. Such facilities shall have all spaces marked with paint lines, curbstones or other similar designations.
5. Spaces and drives shall conform to the following standards:
i. Each space set at a 90-degree angle shall be not less than 162 square feet in size and shall not be less than eight feet six inches wide and 19 feet deep, exclusive of passageways, which shall be not less than 24 feet wide.

ii. Each space set at a 60-degree angle shall be not less than 176 square feet in size and shall be not less than eight feet six inches wide and 20 feet eight inches deep, exclusive of passageways, which shall be not less than 18 feet six inches wide.
iii. Each space set at a 45-degree angle shall be not less than 165 square feet in size and shall be not less than eight feet six inches wide and 19 feet five inches deep, exclusive of passageways, which shall be not less than 13 feet six inches wide.
iv. There shall be adequate interior drives to connect each space with a public street.
6. Such facilities shall be drained so as to prevent damage to abutting properties or public streets.
7. Adequate lighting shall be provided if the facilities are to be used at night. Such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties and shall be subject to the lighting requirements in section 22-169.
8. Any parking areas within the required front yard of any RM or office district shall not be closer than ten feet to any public right-of-way.
9. No parking or loading area shall be established in the required front yard of any R district except for a single-family residential use; no more than 35 percent of the required front yard may be used for parking in such case. No tractor trailers or heavy equipment shall be allowed to park in any residential district.
The provisions of subsections (5)a.2, 3, 4, 6, 7 and 8 of this section shall not apply to single-family residential uses where three or less spaces are required.

b. *Location.* All parking facilities shall be located in accordance with the following provisions:

1. The required space shall be provided on the same plot with the use it serves, except as provided in this section.
2. If vehicular parking or storage space required cannot be reasonably provided on the same lot on which the principal use is conducted, the board of variance and zoning appeals may permit such space to be provided on other off-street property provided such space lies within 400 feet of the main entrance to such principal use. Such vehicular parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
3. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sunday may be assigned to a use which will be closed at nights or on Sundays.
4. In the R-30, R-20, R-15, R-10, RD, and RA-6 districts, only one vehicle, one boat and one recreational vehicle (or any combination of such totaling three) may be parked in the rear and side yard areas but shall not be beyond the front building line and must be parked on a hardened surface.
5. In the R-40, R-80 and RR districts, any combination of boats and recreational vehicles exceeding three must be screened from public roadways via a buffer (approved by city staff) or fencing.

c. *Surfacing.* The parking of any vehicle on any lot in any district other than a surface treated and hardened with concrete, asphalt, tar and gravel mix, or the like, to accommodate such vehicle, is prohibited except as provided in this section. (All tires of vehicle must be on hardened

surface.) The required number of surface treated and hardened parking spaces for any use or number of separate uses may be reduced via an administrative variance per 22-15, if: a) the reduced number of spaces is provided on a pervious surface approved by the Building Official or his/her designee; or: b) documentation is submitted and approved by city staff that indicates a reduced number of spaces is sufficient for the use or combination of uses provided that the area remains in a natural state or is landscaped. This reduction shall not allow for any increase in square footage of any use or number of separate uses. In addition, parking of vehicles within the front yard setback or in front of the principal building line in an R district shall be prohibited except on a hardened surface with concrete, asphalt, tar and gravel mix, or the like, driveway or in a carport or garage. (For the purpose of this section only, the use of concrete blocks, pavers, runners or the like, used as a treated and hardened surface, must be installed permanent and not loosely on top of the ground.)

d. *Off-street truck, rv, or trailer parking.* There shall be no parking in residential areas either on or off-street of any form of tractor-trailer truck or any other truck (either in part or whole). The on-street parking of boats, boat trailers, campers, utility trailers, etc. is prohibited.

Tractor trailers of any form either in part or whole shall be prohibited from parking in any business district except for Heavy Industrial Zoned areas over night or prohibited from being used for storage except for those trucks used to sell seasonal products such as pine straw, wheat straw or annual plants. This shall be for no longer period of time than a two month duration. A Special Land Use permit may be applied for to exceed this period of time.

e. *Required spaces.* The number of parking spaces or area required for a particular use shall be as follows:

TABLE INSET:

Type of Use	**Parking Requirements**
Accessory retail sales and services	Number required for office or institutional, motel, hotel or high-rise apartment use to which it is accessory. If it is a permitted secondary use in a structure other than the primary use, 1 space shall be provided per 200 square feet (net) of floorspace.
Adult entertainment establishments	1 space per 100 square feet (net) of floorspace.
Agricultural produce stands	3 spaces per stand.
Ambulance services	1 space per employee, 1 space per ambulance parked on-site.
Ambulance services, if accessory to hospitals or funeral homes	1 space per ambulance parked on-site.
Amphitheaters	1 space per 4 seats in amphitheater.

Type of Use	Parking Requirements
Amusement centers	1 space per 2,000 square feet (gross) of site area, with a minimum of 25 spaces required and a maximum of 100 spaces.
Ancillary retail sales	Number of spaces required for the primary use.
Animal hospitals	1 space per 285 square feet (net) of floorspace.
Appliance repair (major)	1 space per 200 square feet (net) of floorspace, 1 space per loading dock.
Arcades	
Asphalt plants	1 space per employee, 1 space per vehicle parked on-site.
Assembly halls	1 space per 3 seats for every person lawfully permitted within the assembly hall at 1 time.
Athletic and health clubs	1 space per 200 square feet (net) of floorspace.
Automobile truck and trailer lease and rental facilities (accessory use)	1 space per employee, 1 space per vehicle parked on-site.
Automobile, truck and trailer lease and rental facilities (principal use)	1 space per employee, 1 space per 250 square feet (net) of floorspace, 1 space per vehicle parked on-site.
Automotive and truck sales and service facilities	1 space per 200 square feet (net) of floorspace, 1 space per vehicle parked on-site.
Automotive paint and body repair shops	1 space per 200 square feet (net) of floorspace, 1 space per vehicle parked on-site.
Automotive parking lots or garages	As may be required to serve the principal use (see specific principal use for requirement); for freestanding parking garage, not applicable.
Automotive salvage and wrecking yards	1 space per 300 square feet (net) of floorspace, 1 space per employee, with a minimum of 5 spaces.
Automotive storage yards and wrecker services	1 space per 300 square feet (net) of floorspace, 1 space per employee, with a minimum of 5 spaces.
Automotive upholstery shops	1 space per 300 square feet (net) of floorspace, 1 space per employee.
Aviation airports (private)	1 space per 500 square feet (net) of floorspace, 1 space per hanger or tiedown pad.
Bank/financial institutions with drive-in establishments or automated transfer machines	1 space per 285 square feet (net) of floorspace, 3 additional spaces per automated transfer machine, 5 queue spaces per drive-in teller.
Billiards and pool halls	2 spaces per pool table.

Type of Use	Parking Requirements
Biomedical waste transfer and disposal facilities	1 space per employee.
Boat sales and service facilities	1 space per 200 square feet (net) of floorspace, 1 space per employee, 1 space per boat parked on-site.
Breeding and boarding kennels	1 space per 250 square feet (net) of floorspace, 1 space per employee.
Building materials stores	1 space per 100 square feet (net) of floorspace, 1 space per vehicle parked on-site, 1 space per loading dock.
Bus stations	1 space per 300 square feet (net) of floorspace.
Bus stations for freight	1 space per 500 square feet (net) of floorspace, 1 space per loading dock.
Carwashes	1 space per 200 square feet (net) of floorspace, 5 queue spaces per service line.
Cemeteries	1 space per 300 square feet (net) of floorspace.
Chemical plants or storage facilities	1 space per 500 square feet (net) of floorspace, 1 space per employee, 1 space per vehicle parked on-site.
Churches, chapels, temples, synagogues, and other places of worship	1 space per 4 seats in the principal place of worship, provided that the number of spaces thus required may be reduced by not more than 50 percent if the place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owner without charge, during the time of services, to make up the additional spaces required.
Clinics	1 space per 285 square feet (net) of floorspace.
Clubs or lodges (noncommercial)	1 space per 250 square feet (net) of floorspace.
Coliseums, stadiums and convention centers (privately owned)	1 space per 3 seats for every person lawfully permitted within the coliseum or stadium at 1 time, plus 1 space per employee.
Colleges and universities (private), including but not limited to research or training facilities	1 space per 2,000 square feet of site area.
Commercial greenhouses and plant nurseries	1 space per 200 square feet (net) of floorspace, 1 space per employee.
Commercial indoor recreation uses	1 space per 200 square feet (net) of floorspace.
Commercial outdoor recreation uses	1 space per 200 square feet (net) of floorspace.

Type of Use	Parking Requirements
Community fairs	1 space per 2,000 square feet of site area.
Community retail uses	1 space per 200 square feet (net) of floorspace.
Composting plants	1 space per employee, 1 space per vehicle parked on-site.
Concrete plants	1 space per employee, 1 space per vehicle parked on-site.
Condominiums	2 spaces per dwelling unit.
Contractors (general, heavy or special)	1 space per 285 square feet (net) of floorspace, 1 space per vehicle parked on-site.
Convenience food stores with self-service fuel sales	Minimum of 5 spaces, 1 space per employee.
Corporate or administrative offices for any permitted uses	1 space per 285 square feet (net) of floorspace.
Crematories	1 space per employee.
Cultural facilities	1 space per 400 square feet (net) of floorspace.
Customary home occupations	N/A
Dairies	1 space per employee.
Designated recycling collection locations	Minimum of 10 spaces.
Drive-in theaters	N/A
Dry cleaning plants	1 space per employee.
Eating and drinking establishments (including drive-in fast food restaurants)	1 space per 100 square feet (net) of floorspace (to include any patio area that houses tables and/or chairs).
Electrical supply stores	1 space per 100 sq ft (net) of floorspace, 1 space per loading dock.
Emissions and inspection stations (for a period not to exceed 5 months)	Minimum of 2 spaces, 5 queue spaces per bay, 1 space per employee.
Executive golf courses	5 spaces per hole, 1 space per 300 square feet (net) of floorspace.
Exterminating facilities (insect or rodent)	1 space per 285 square feet (net) of floorspace, 1 space per vehicle parked on-site.
Farm and garden supply stores	1 space per 100 square feet (net) of floorspace, 1 space per loading dock.
Farm equipment stores and repair establishments	1 space per 100 square feet (net) of floorspace, 1 space per loading dock.

Type of Use	Parking Requirements
Farmers' markets (fully enclosed)	1 space per 100 square feet (net) of floorspace, 1 space per loading dock.
Field crops	N/A
Film developing and printing establishments	1 space per 200 square feet (net) of floorspace.
Flea markets	1 space per 500 square feet of site area.
Fraternity and sorority houses and residence halls	1.5 spaces per bedroom, 1 space per employee.
Freight terminals	1 space per 500 square feet (net) of floorspace, 1 space per employee, 1 space per vehicle parked on-site.
Fruit trees, nuts and vegetables	N/A
Fuel and ice dealers	1 space per employee, 1 space per vehicle parked on-site.
Full service gasoline stations	3 spaces per bay, 1 space per employee.
Funeral homes	1 space per 4 seats in assembly room, 1 space per 250 square feet (net) of floorspace.
Golf courses (18-hole regulation, public and private)	5 spaces per hole, 1 space per 300 square feet (net) of floorspace.
Golf courses (par 3)	5 spaces per hole, 1 space per 300 square feet (net) of floorspace.
Group homes	1 space per 2 residents.
Halfway houses	1 space per 1.5 residents.
Hazardous waste sites	1 space per employee, 1 space per vehicle parked on-site.
Heavy automotive repair establishments	3 spaces per bay, 1 space per employee.
Heavy manufacturing establishments	1 space per employee, 1 space per loading dock.
Heavy repair services and trade stores	1 space per 500 square feet (net) of floorspace, 1 space per employee, 1 space per vehicle parked on-site.
Helicopter landing areas	N/A
High-rise apartments	1.75 spaces per dwelling unit.
Hospitals	1 space per 2 beds.
Hotels	1.25 spaces per unit. 1.0 spaces per unit with no restaurants, conference, banquet or meeting facilities.
In-home day care	N/A

Type of Use	Parking Requirements
Landfills (private)	1 space per employee, with a minimum of 5 spaces.
Laundry and dry cleaning pickup establishments	1 space per 200 square feet (net) of floorspace, 2 queue spaces for each drive-in window.
Light automotive repair establishments	3 spaces per bay, 1 space per employee.
Light manufacturing establishments	1 space per employee, 1 space per loading dock.
Linen and diaper services	1 space per employee, 1 space per vehicle parked on-site.
Livestock, nondomestic and wild animals, and poultry	N/A
Livestock sales pavilions	1 space per 2,000 square feet of site area.
Machine shops	1 space per employee.
Mausoleums	1 space per employee.
Medical and dental laboratories, provided that no chemicals are manufactured on-site	1 space per employee.
Mining operations	1 space per employee.
Motels	1.25 spaces per unit. 1.0 spaces per unit with no restaurants, conference, banquet or meeting facilities.
Motorcycle, all-terrain vehicle (ATV) and 3-wheel vehicle sales and service facilities	1 space per 200 square feet (net) of floorspace.
Multifamily dwelling units	1.75 spaces per dwelling unit.
Neighborhood retail uses	1 space per 200 square feet (net) of floorspace.
Newspaper publishing facilities	1 space per employee, 1 space per vehicle parked on-site, 1 space per loading dock.
Nightclubs	1 space per 200 square feet (net) of floorspace.
Nonautomotive repair service establishments	1 space per 200 square feet (net) of floorspace, 1 space per vehicle parked on-site.
Nonprofit riding stables	1 space per employee, 1 space per stable.
Nonprofit (seasonal use) fishing lakes	N/A
Nursery schools and child day care centers	Minimum of 20 spaces.

Type of Use	Parking Requirements
Office service and supply establishments	1 space per 200 square feet (net) of floorspace, 1 space per employee.
Offices not elsewhere classified	1 space per 285 square feet (net) of floorspace.
Other consumer goods and services	1 space per 200 square feet (net) of floorspace.
Other facilities for disposal of the deceased	1 space per employee.
Other service establishments	1 space per 200 square feet (net) of floorspace.
Outdoor commercial racing (motorcycles, automobiles, trucks, tractors and motorized vehicles)	1 space per 2 seats, 1 space per 3,000 square feet (gross) of site area.
Outdoor golf driving ranges	1.5 spaces per tee, 1 space per 100 square feet (net) of floorspace for pro shop or clubhouse.
Overnight travel trailer parks	N/A
Parking for vehicles	N/A
Pawnshops	1 space per 200 square feet (net) of floorspace.
Petroleum or bulk storage stations	1 space per employee, 1 space per vehicle parked on-site.
Photography studios	1 space per 200 square feet (net) of floorspace.
Plumbing or heating equipment dealers	1 space per 200 square feet (net) of floorspace.
Poultry hatcheries	1 space per employee, 1 space per vehicle parked on-site.
Printing, publishing and lithography establishments	1 space per 200 square feet (net) of floorspace, 1 space per employee.
Private community centers	1 space per every person lawfully permitted within the assembly area at 1 time, plus 1 space per employee. In the absence of a designated assembly area, 1 space shall be provided per 300 square feet (net) of floorspace.
Private parks	1 space per 3,000 square feet of site area.
Private schools of general and special education	2 spaces per classroom, 1 space per employee.
Pro shops (accessory to driving ranges or golf courses)	1 space per 100 square feet (net) of floorspace.
Professional offices	1 space per 285 square feet (net) of floorspace.

Type of Use	Parking Requirements
Radio and television stations	1 space per 285 square feet (net) of floorspace, 1 space per employee.
Radio, television and other communication towers and antennas	N/A
Rail stations	1 space per 300 square feet (net) of floorspace.
Railroad car classification yards	1 space per employee.
Railroad stations for freight	1 space per 500 square feet (net) of floorspace, 1 space per employee.
Recreational grounds other than tennis courts and golf courses	1 space per 10,000 square feet of site area.
Recycling drop-off centers	Minimum of 10 spaces.
Research and development centers	1 space per 500 square feet (net) of floorspace, 1 space per employee.
Research and testing laboratories	1 space per 500 square feet (net) of floorspace, 1 space per employee.
Rest homes, personal care homes and convalescent homes	1 space per 4 beds.
Reupholstery and furniture repair establishments	1 space per 250 square feet (net) of floorspace, 1 space per employee.
Roominghouses and boardinghouses	1 space per 2 residents.
Sawmills (temporary)	N/A
Self-service laundry facilities	1 space per 200 square feet (net) of floorspace.
Self-service storage facilities	Minimum of 5 spaces.
Shelters (homeless)	1 space per employee.
Signs and outdoor advertising facilities	1 space per 300 square feet (net) of floorspace, 1 space per employee.
Single-family dwelling units (attached)	2 spaces per dwelling unit.
Single-family dwelling units (detached)	2 spaces per dwelling unit.
Studios and supplies	1 space per 250 square feet (net) of floorspace.
Taxi stands and taxi dispatching agencies	N/A

Type of Use	Parking Requirements
Telephone business offices	N/A
Temporary uses	N/A
Theaters	1 space per 3 seats per person lawfully permitted at one time.
Tire retreading and recapping facilities	1 space per employee, 1 space per vehicle parked on-site.
Townhouse dwelling units (attached)	2 spaces per dwelling unit.
Trailer salesrooms and sales lots	1 space per 500 square feet of site area.
Transportation equipment storage and maintenance facilities	1 space per employee.
Truck terminals	1 space per employee.
Two-family dwelling units	4 spaces per dwelling unit (duplex).
Utility facilities (private)	1 space per 500 square feet (net) of floorspace, 1 space per employee.
Vending machine sales, service, rental or repair establishments	1 space per 500 square feet (net) of floorspace, 1 space per loading dock.
Vocational schools (commercial)	1 space per 2,000 square feet of site area.
Warehouse and storage facilities	1 space per 2,000 square feet (net) of storage space, with a minimum of 5 spaces.
Wholesale sales offices	1 space per 300 square feet (net) of floorspace.
Wholesale trade and distribution facilities	1 space per 300 square feet (net) of floorspace, 1 space per loading dock.
Wholesale trade offices in conjunction with office showrooms	1 space per 300 square feet (net) of floorspace, 1 space per loading dock.
Zoos	1 space per 3,000 square feet (gross) of site area.

The Mayor and Council may, at its discretion, reduce the required parking spaces to such number as it deems adequate in instances where applicant reduces the impact on roads and traffic, and the impact associated with runoff by grading and creation of impervious surfaces, by incorporating and utilizing an active ride-sharing program through the state department of transportation.

Sec. 22-173. Television, land mobile, communication, microwave and radio transmission antennas and towers over 35 feet in height.

Television, land mobile, communication, microwave and radio transmission antennas and towers shall be subject to the following:

(1) *General provisions; applicability.*

a. The height limitations set forth in this chapter applicable to buildings and structures shall not apply to towers and antennae which shall be governed by the special use permit procedure set forth in this chapter.

b. These standards shall only be applicable to antennae and towers in excess of 35 feet in height.

c. The Mayor and Council may consider for approval a site plan specific request which is in substantial conformance with the requirements listed in this section.

d. In considering applications under this section, it shall be the policy of the city to construe all exemptions from zoning under this chapter narrowly and, unless expressly exempted, to ensure that all proposals to construct television, land mobile, communication, cellular, PCS, wireless communication, microwave and radio transmission towers, antennas and other facilities conform to the requirements set forth herein.

(2) *Special use permit required.* A special land use permit shall be required for all television, land mobile, communication microwave and radio transmission antennae and towers. An application to place any such facilities on a tower or other facilities constructed, or to be constructed, pursuant to the exemption set forth in section 22-3(2) shall be considered as though the applicant were seeking to build not only the new facilities to be constructed, but also the tower or other facilities that were or are to be built pursuant to that exemption.

(3) *Application, Design, location and safety requirements.*

a. Setback and separation

1. All towers and antennae in excess of 70 feet must be set back a distance equal to the full height of the tower from any adjoining off-site residential structure or as safety concerns may dictate.
2. When proposed to be constructed upon parcels which are less than three acres, all towers shall be set back a distance equivalent to one-half of the tower's height as measured from the tower's base, to any public right-of-way or property boundary. When proposed to be constructed upon parcels which are three acres or greater, towers shall be set back a distance equivalent to height of the tower. However, the Mayor and Council may waive the requirements contained in this paragraph if it finds that placement of the proposed tower at a different location on the parcel would mitigate any negative effects of the proposed tower upon the adjoining parcels.

3. In any "R", or residential zoning district, any tower over 100-feet in height shall not be located within 1,500 feet from an existing or approved tower that is more than 100 feet in height.

4. Any property within the fall zone of a tower may not be developed for residential uses, or uses in which more than 25 people congregate.

b. Collocation of antennae or other facilities or equipment on existing towers that have already received special land use permits is required, so long as technically feasible and space is available on the existing towers to do so, and all towers should be designed to accommodate at least three users.

c. Accessory structures shall be limited to usages associated with operation of the antennae or towers and shall be appropriate in scale and intensity.

d. All towers and antennae shall be equipped with an anti-climbing device, such as a six-foot barbed strand fence or other appropriate devices to prevent unauthorized access.

e. All towers and antennae must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission or such governing agency guidelines as may be established from time to time. All towers and antennae must be updated and brought into conformity with such standards and regulations within six months of their adoption. The failure to comply with this provision shall be grounds for the city to require removal or repermitting of the antenna or tower at the owner's expense.

f. At the time of application for building permit, the plans for tower or antenna construction shall be certified by an independent registered structural engineer as meeting all current safety and design standards of all applicable codes.

g. Applicants are required to explore and fully utilize space on existing towers that have already received special land use permits and are required to bear an equitable share of capital, operating and other expenses in connection with such shared usage.

h. Residential sites are strongly disfavored for tower location. Use of platted lots in existing subdivisions is prohibited. In addition to all other criteria contained in this section, applicants proposing towers on residentially zoned parcels must demonstrate that there are no other residentially zoned but not residentially used, locations for the proposed tower, such as parks, schools, churches, and other institutional uses.

i. Towers and antennae are encouraged to be located at a height above the tree line no greater than necessary to reasonably accommodate the facilities.

j. In addition, all such towers and antennae shall be designed to minimize visual scenic impact when located on a hill.

k. Any tower approved under the provisions of this section which is not utilized by any communications service provider for any communications related purpose for a period of 24

consecutive months shall lose any privilege of special use previously granted by the Mayor and Council, and must thereafter be resubmitted for approval prior to use for any purpose not permitted by the existing zoning.

l. Other than amateur radio towers, no new tower shall be permitted unless the applicant demonstrates to the satisfaction of the Mayor and Council that there is an actual need for the proposed tower and that no existing tower or existing alternative tower structure can accommodate the applicant's proposed antenna. At the time of filing the application for the tower, the items listed below must be satisfactorily addressed by the applicant. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts and shall consist of more than mere conclusory statements. Evidence submitted in connection with this paragraph shall, at a minimum, consist of the following:

(i) That no existing towers or suitable alternative tower structures are located within the geographic placement area required to meet the applicant's engineering requirement.
(ii) That the existing towers or structures do not have sufficient structural strength to support applicant's antenna and related equipment.
(iii) That the applicant's proposed antenna(e) on the existing towers or structures, or the antenna(e) on the existing towers or structures, would cause interference with the applicant's proposed antenna.
(iv) That the cost of contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or structure are unreasonable.
(v) That the applicant adequately demonstrates that there are other limiting factors that render towers and structures unsuitable.
(vi) With respect to wireless communications towers, that there is a significant gap in wireless service in the geographic area under consideration, and the this gap is demonstrated by dropped call data and analysis and actual wireless coverage field tests performed in the geographic area under consideration.
(vii) That a lower tower height was considered but determined not to offer adequate coverage improvement.

For each of the above, the applicant must submit an affidavit listing the existing towers which were considered, and ultimately rejected, by the applicant and provide a detailed explanation of why the existing towers are not usable.

Further, at the time of filing the application for a tower, the applicant shall provide a site plan, scaled elevation drawing of the proposed tower, information regarding topography, radio frequency engineer's report that details the need for the proposed tower (the radio frequency engineer's report shall address possible alternatives, such as lowering the height of the tower, collocating on another tower, and incorporating stealth towers such as "monopines," "slick sticks," and the like), and coverage zone and tower height requirements. The applicant shall provide documentation of all towers within a three mile radius of the proposed locations, to include the number of users approved to collocate and the number of users on said towers. The applicant shall be required to submit a written analysis to address the fifteen considerations contained in City of Austell Comprehensive Zoning Code Section 22-17(e). and the following additional items:

(i) The proximity of the tower to offsite residential structures and residential areas.
(ii) The tower's effect on property owners or potential purchasers of nearby or adjacent residentially zoned properties.
(iii) The height and species of surrounding trees and foliage.
(iv) The height of existing structures.
(v) The aesthetic design of the tower in relation to reducing or eliminating visual obtrusiveness to the surrounding area.
(vi) The impact of the proposed tower upon the scenic views and visual quality of the area.

The Community Affairs Department shall be authorized to charge a fee to applicants in an amount set by the Mayor and Council designed to allow the city to retain services of one or more consultants, engineers, or other experts in the area of radio frequency engineering or other relevant fields to assist the city in analyzing the application.

(4) *Nonconforming clause.* Any existing tower or antenna location existing on the date of adoption of the ordinance from which this section is derived shall be considered a legal nonconforming tower and not required to meet the requirements of this section, subject to the other provisions of this chapter.

(5) *Landscape buffer and screening requirement.* Telecommunication tower equipment shall have a 15 foot screening buffer between the tower and the residentially zoned property which will be subject to city staff 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/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.* The landscape screening buffer required by this section 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.* The landscape screening buffer required by this section is subject to review and approval by city staff in accordance with the following standards:

1. Plantings are to be a mix of rows of evergreen trees and shrubs, deciduous trees and taller evergreen trees.
2. Species are to be ecologically compatible to the site and appropriate for the design situation.

3. Unless public safety concerns dictate otherwise, buffers should provide a maximum visual barrier.
4. The minimum height of plant materials at installation is to be five feet for trees.
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 owners to ensure that the objectives and standards of this section are met.
8. When topography and existing conditions allow, the required landscape buffer should be an undisturbed buffer; provided, however, the buffer may be crossed by an access drive as shown on the site plan and/or necessary utilities.
9. Any appeals from a determination by city staff regarding the landscape buffer shall be to the board of variance and zoning appeals.

(6) *Exemptions.*

a. A single antenna under 70 feet in height owned and operated by a federally-licensed amateur radio station operator shall be exempted from the requirements of this section. However, the owner or operator of such antenna shall be required to comply with all applicable city, state and federal building codes.

b. Roof antennae on nonresidential structures are exempted from the requirements of this section, except that such antennae shall meet or exceed FAA and FCC standards. Subsection (4) of this section shall also apply to roof antennae on nonresidential structures. Such nonresidential structures shall include signs, light poles, water towers and other such suitable freestanding structures as may be located throughout the city. Antenna placement above the height of the structure utilized shall be limited to 20 feet. Placement of antennas or other communications equipment on any legal nonconforming use shall provide no vested right for continued use of the site should the nonconforming use cease.

c. Placement of antennae or other facilities or transmission equipment on existing, towers that have already obtained a special land use permit, as well as on towers that are covered by subsection (4) of this section, shall be exempted from the requirements of this section so long as the structure or height of such existing tower is not altered. The Building Official or his/her designee shall be authorized to grant administrative approval to site plan amendments necessitated by the placement of such additional equipment in previously approved equipment compounds. All requirements of subsection (5)b of this section shall apply to any site plan so amended. This exemption shall not apply to applications seeking placement of antennae or other facilities or transmission equipment on towers constructed pursuant to the exemption set forth in section 22-3(2) of this chapter.

Sec. 22-174. Satellite television antennas and dishes and other receiving antennas.
No antenna or satellite television antenna or dish shall be erected, constructed, maintained or operated except in conformance with the following regulations:

(1) *Definitions.*

a. *Antenna* means an apparatus capable of receiving television, radio or other communication signals from a transmitter or a relay feed.

b. *Satellite television antenna* means an apparatus capable of receiving television or cable communications from a transmitter or a transmitter relay located in planetary orbit.

c. *Usable satellite signals* means satellite signals from all major communications satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable television.

(2) *Location.*

a. In any commercial, industrial or multifamily residential district, satellite television antennas or other antennas may be located, subject to applicable setbacks, anywhere on the lot or buildings thereon.

b. In a noncommercial or single-family district, subject to the provisions contained in this section, such antenna shall be located only to the rear of any principal structure. If usable satellite or communication signals cannot be obtained from the rear location, the antenna may be located in the side yard, subject to applicable setbacks.

c. If usable satellite or communication signals cannot be received by locating the antenna in the rear or to the side of the principal structure, such antenna may be placed in the front yard or on the roof of the dwelling structure, provided that a satellite reception permit is obtained prior to such installation. Such permit shall be issued upon a showing by the applicant that usable satellite signals are not receivable from any location on the property other than the location selected by the applicant. A satellite reception permit shall not be required for installations complying with subsections (2)a and (2)b of this section.

(3) *Size.*

a. In a noncommercial or single-family district, a satellite television antenna or other antenna shall not exceed 12 feet in diameter, and a ground-mounted satellite television antenna or other antenna shall not exceed 20 feet in height, including any platform or structure upon which the antenna is mounted or affixed.

b. Radio antennas shall not exceed 35 feet in height without compliance with the standards contained in section 22-173.

c. If usable satellite signals cannot be obtained from an antenna installed in compliance with the height limitation imposed by subsection (3)a of this section, such antenna may be installed at a greater height, provided that a satellite reception permit is obtained prior to such installation. Such permit shall be issued upon a showing by the applicant that installation at a height greater than 20 feet is necessary for the reception of usable satellite signals. A satellite reception permit shall not be required for installations complying with subsection (3)a of this section.

d. Except in a commercial, industrial or multifamily residential district, satellite television antennas or other antennas shall be located and designed to screen and reduce visual impact from surrounding properties at street level and from public streets.

e. Antennas shall meet all manufacturer's specifications, be on noncombustible and corrosion-resistant material, and be erected in a secure, wind-resistant manner.

f. Every antenna must be adequately grounded for protection against a direct strike of lightning.

Sec. 22-175. Reserved.

Sec. 22-176. Reserved.

Sec. 22-177. Junk, abandoned or inoperative vehicles.

(a) Any automobile, vehicle, mobile home, manufactured home or trailer of any kind or type, without a valid license plate attached thereto, shall not be parked or allowed to stand on any residentially zoned property or other zoned property unless it shall be in a completely enclosed building or on property zoned HI heavy industrial, with a land use permit issued for the operation of an automobile wrecking business or junkyard.

(b) No automobile, vehicle, mobile home, manufactured home or trailer of any kind or type, which shall be in an inoperative or junk condition, shall be parked or allowed to stand on any residentially zoned property or other zoned property unless it is:

(1) In an enclosed building;
(2) On the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or
(3) On property occupied and used for repair, reconditioning or remodeling of vehicles in conformance with this chapter.

(c) Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under other provisions of law.

(d) For purposes of this section, vehicles in an inoperative or junk condition shall include but not be limited to any automobile, vehicle, mobile home, manufactured home or trailer of any kind or type, or contrivance or part thereof, the condition of which is one or more of the following:

(1) Wrecked.
(2) Dismantled.
(3) Partially dismantled.
(4) Inoperative.
(5) Abandoned.
(6) Discarded.
(7) One which does not have a valid license plate attached thereto.

(e) This section shall not be the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles or contrivances within the incorporated limits of the city and shall be supplemental and in addition to the other regulations and regulatory codes, ordinances, statutes or provisions of law enacted by the city, the state or other legal entity or agency having jurisdiction.

(f) It is found and declared that vehicles found in violation of the provisions of this section constitute a public nuisance.

(g) (1) In addition to other remedies allowed by law, including O.C.G.A. § 40-11-1 et seq., if enforcement personnel find a vehicle in violation of the provisions of this section, the owner of the property shall be notified and requested to remove the vehicle. The notice shall be presented by both a physical posting on the property in the name of the property owner and by certified mail or personal delivery to the owner or owners as their names and addresses are shown on the tax records of the county. Notice shall be deemed complete and sufficient when so physically posted and personally delivered or mailed.

(2) The required notice shall contain the following:

a. Name(s) and address(es) of the owner(s) of the property, according to the public records of the county;
b. Location of the property on which the violation exists;
c. A statement by the enforcement officer that the property has been inspected pursuant to this section and that a violation of this section has been determined to exist on the property;
d. A description of the offending vehicle.
e. A requirement that the record owner of the property remove the offending vehicle within 30 calendar days from the date of the notice, failing which the city or its duly authorized designee will remove the vehicle and assess against the lot of record owner its costs for any necessary expenses incurred in removing the vehicle;
f. A statement that, if the costs and administrative charge are not paid within 30 calendar days of invoice date, a special assessment lien will be placed on the property, incurring interest at a rate of ten percent per annum; and
g. A statement that the record owner of the property may, within 20 calendar days from the date of the notice, make a written request for a hearing before the Mayor and Council for the purpose of showing that the cited condition does not constitute a violation.

(3) Within 20 calendar days from the date of the notice, the owner of the property may make a written request to the Mayor and Council for a hearing before that body to show that the

condition does not constitute a violation of this section. Such request shall state the name of the property owner, the location of the cited property, and the grounds upon which the owner relies in order to show that the cited condition does not constitute a violation. At the hearing the city and the property owner may introduce such evidence as is deemed necessary. The board shall determine upon a preponderance of the evidence as to whether the towing of the vehicle is authorized by the laws of the state or the ordinances of the city.

(h) If after 30 calendar days from the date of the notice no hearing has been requested and the vehicle described in the notice has not been removed, the enforcement officer or his/her designee shall cause the vehicle to be removed at the expense of the property owner. If a hearing has been held and has concluded adversely to the property owner, the code enforcement officer or his/her designee may cause the vehicle to be removed at the expense of the property owner after 72 hours unless the Mayor and Council directs otherwise.

(i) The removed vehicle shall be impounded until lawfully claimed or disposed of pursuant to the provisions of O.C.G.A. § 40-11-1 et seq.

(j) Upon failure to comply after proper notice, the enforcement officer shall certify to the director of finance the expense incurred in the vehicle removal whereupon such expense shall become payable within 30 calendar days, after which a special assessment lien and charge shall be attached to the property, which shall be payable with interest at the rate of ten percent per annum from the date of such certification until paid. Such lien shall be in favor of the City of Austell, and may be satisfied at any time by payment thereof including accrued interest. Notice of such lien shall be filed in the office of the clerk of the superior court and recorded among the public records of the county.

Sec. 22-178. Erection, installation and use of factory-built buildings and dwelling units and manufactured homes.

(a) 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:

(1) Commissioner means the commissioner of community affairs for the state.

(2) Component means any assembly, subassembly, or combination of parts for use as a part of a building, which may include structural, electrical, plumbing, mechanical and fire protection systems and other systems affecting health and safety.

(3) Industrialized building means any structure or component thereof which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to such parts, or destruction thereof.

(4) Installation means the assembly of an industrialized building on-site and the process of affixing the industrialized building, component or system to land, a foundation, footings or an existing building.

(5) Manufacture means the process of making, fabricating, constructing, forming or assembling a product from raw, unfinished or semifinished materials.

(6) Manufactured home.

a. Class I manufactured home means a single-family dwelling unit that is constructed in accordance with the Federal Manufactured Home Construction and Safety Standards and bears an insignia issued by the U.S. Department of Housing and Urban Development (HUD), or one, if constructed prior to applicability of such standards and insignia requirements, that was constructed in conformity with the state standards in effect on the date of manufacture.
b. Class II manufactured home means a unit meeting the requirements of a manufactured home class I and, in addition, bearing an insignia of the Southern Standard Building Code Congress International (SSBCCI) of Birmingham, Alabama.

(7) Modular home means a factory-manufactured single-family dwelling which is constructed in one or more sections and complies with the definition of an industrialized building.

(8) Site means the entire tract, subdivision or parcel of land on which the industrialized building or manufactured home is installed.

(9) System means structural, plumbing, mechanical, electrical or fire safety elements, materials or components used separately or combined for use in a building.

(b) Class I manufactured homes.

(1) Zoning. No manufactured home, class I, shall be installed, used, parked or occupied on any site in the city except one zoned MHP or MHP/S or on a site for which a land use permit for such use been issued by the city, except that such units may be located for sale upon a site properly zoned to a commercial classification which allows such activity.

(2) Notification to purchaser. It shall be the duty and responsibility of any seller of a unit of this class to notify any potential purchaser, prior to completion of any sale, of the zoning requirements of subsection (1) of this subsection, and this notification shall be evidenced by a statement signed by each purchaser at the time of any sale that such notification was made prior to completion of the sale. Such signed statement shall be retained by the seller for a minimum of three years from the date of sale and shall be produced for inspection by the city at any time during the hours of 9:00 a.m. to 4:00 p.m., Monday through Friday, except holidays established by the city, through the Community Affairs Department, upon request by the city for inspection.

(c) Class II manufactured homes.

(1) Zoning and permits. No manufactured home of this class shall be installed, used, parked or occupied on any site in the city except one zoned MHP or MHPS or on a site for which a land use permit for such use has been obtained from the city (except that such units may be located for sale upon property properly zoned to a commercial classification which allows such activity), unless the following requirements are met:

a. An application shall be filed with the city, through the Community Affairs Department, for a permit from the Mayor and Council to allow such installation, use and occupancy for single-family purposes on any site zoned for single-family use, and a permit must be obtained prior to transportation to such site. Such application shall be on forms specified by the city and shall include such information as is reasonably necessary for evaluation of the application.

b. The following, as a minimum, shall be filed with the application:

1. A complete set of design plans as approved by SSBCCI, which should also include a drawing depicting each elevation of the exterior appearance of the unit.
2. A plat of the proposed site prepared by a registered surveyor showing at a minimum the exterior boundaries of the site, proposed location of the unit upon the site, and side, front and rear setbacks of the unit as proposed to be located, as measured from the exterior boundaries of the lot.
3. A fee in an amount determined by the Mayor and Council and on file in the office of Community Affairs.
4. A certificate from an inspector certifying that the unit was manufactured in accordance with the SSBCCI approved plans and the building codes in effect for the city at the time of filing the application for a permit, for example, building, heating and air conditioning, plumbing, electrical or other codes.

c. The permit required in this subsection shall be in addition to all other permits or requirements of the ordinances, rules and regulations of the city.

d. No action on a request for permit shall be considered by the Mayor and Council until a sign is posted on the proposed site for a period of not less than ten days stating the requested action and the date, time and place for the hearing, and a hearing is conducted by the Mayor and Council.

e. No such permit shall be granted unless the unit, when completely installed as a single-family dwelling unit, will be compatible with the adjacent and surrounding area, especially in size, exterior appearance, front, rear and side setbacks, and will have no adverse effect upon the value of adjacent property and the surrounding area and will not otherwise be detrimental to the health, safety or welfare of the citizens of the city. No unit shall be installed upon any site unless and until any permit required in this section is granted and unless and until all permits for any on-site work to be performed (such as site preparation, utility and service connections, foundation or any other on-site work) have been obtained from the city. The applicant for any such permits shall pay to the city, at the time of application, its fee for those inspections required for on-site work. Such fees shall not exceed the amount charged for similar inspections and permits on conventionally built structures.

f. In addition to obtaining the permit required by this subsection, and prior to occupancy, every such unit which is installed shall be installed on a permanent foundation, which is permanently enclosed, and shall have all wheels, axles and hitches removed.

g. No unit shall be installed upon any lot or parcel of land which forms a part of a platted subdivision for which a plat has been approved by the city and recorded in the office of the clerk of the superior court.

(2) Notification to purchaser. It shall be the duty and responsibility of any seller of a unit of this class to notify any potential purchaser, prior to completion of any sale, of the requirements of zoning or the necessity to obtain a permit as set forth in subsection (1) of this subsection. This notification shall be evidenced by a statement signed by each purchaser at the time of closing that such notification was made prior to completion of the sale. Such signed statement shall be retained by the seller and subject to inspection in the same manner as such statements are required to be retained for class I units.

(d) Industrialized buildings.

(1) Permits required. No industrialized building shall be installed upon any site unless and until all permits for any on-site work to be performed (such as site preparation, utility and service connections, foundation or any other on-site work) have been obtained from the city.

(2) Permit fees. The applicant for any such permits shall pay to the city, at the time of application, its fee for those inspections or permits on conventionally built structures.

(3) Insignia requirements. No industrialized building shall be installed or occupied in the city unless it bears an insignia of the department of community affairs of the state indicating state approval pursuant to the acts of the general assembly.

(4) Zoning. No industrialized building shall be erected upon any site in the city, or used for any purpose, unless the site is properly zoned for the intended use or a land use permit has been obtained for the intended use, and unless all other requirements of zoning (setback requirement, building size, etc.) and other ordinances of the city are met which are applicable to the zoning classification for the site or for the installation.

(5) Applicability of city regulations. This section does not eliminate the necessity of complying with any ordinance, rule or regulation of the city which relates to matters addressed, investigated and approved by the state through its department of community affairs resulting in the issuance of its insignia.

(6) Notification to purchaser. It shall be the duty and responsibility of any seller of any industrialized building to notify any potential purchaser, prior to completion of any sale, of the requirements of this subsection. This notification shall be evidenced by a statement signed by each at the time of completion of a sale, that such notification was made prior to completion of the sale. Such signed statement shall be retained and open for inspection the same as for a manufactured home, class I, as provided in subsection (b) of this section.

(e) Minimum square footage per occupant. 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.

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

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

(3) 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.

(4) No more than one vehicle per 250 square feet of total square footage may be parked regularly overnight at or within a paved parking area as required by the MHP and MHP/S zoning districts. "Regularly" means a majority of nights in any 21-day period. Exceptions to this paragraph may be considered as part of a land use permit processed in accordance with section 22-16.

(f) Violations. Any violation of the provisions of this section shall be punishable by loss of the business license of any seller. In addition, any manufactured home or industrialized building erected, constructed, parked, occupied or used in violation of the terms of this section shall be termed a nuisance and a continuing nuisance so long as such violation may be continued, and such violation may be subject to abatement as a nuisance as provided by the laws of this state, and the industrialized building or manufactured home shall be instantly removed from the site. In addition, the terms of this section may be enforced by the city, or proper city authority authorized by the Mayor and Council, by injunction or otherwise. This right to injunctive relief is cumulative and is not to be construed as curtailing the rights of any resident, property owner or other person regarding enforcement of this section or of such rules and regulations as may be promulgated by the city in pursuance of this section.

Sec. 22-179. Self-service storage facilities.

(a) *Purpose and intent.* The purpose of this section is to establish minimum standards for use, site development, construction and placement of self-service storage facilities and allow service convenience that satisfies the needs of the citizens of the City of Austell. Self-service storage facilities (SSSF) shall be permitted within the light industrial and heavy industrial classification.

(b) *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:

(1) *Dead storage* means storage of goods partly not in use and not associated with any principal commercial or manufactory use.

(2) *Self-service storage facility (SSSF)* means a fully enclosed facility containing independent bays, which are leased to individuals exclusively for dead storage of goods or personal property.

(c) *General regulations.*

(1) *Use limitations.* No wholesale or retail sales are permitted. A self-service storage facility included within a planned industrial development shall have a minimum of one acre devoted exclusively for such use. The only commercial activities permitted exclusively on the site of a self-service storage facility shall be rental of storage bays and pickup and delivery of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.

(2) *Security quarters.* A residential quarters for security purposes may be established on the site.

(3) *Fencing.* The self-service storage facility shall be enclosed by a fence or wall a minimum of six feet in height. The fence or wall shall be constructed of either brick, stone, masonry units, wood, chain link, cyclone or other similar materials to be approved by the Building Official or his/her designee. The fence or wall shall be set back a minimum of 20 feet from the side and rear property lines. Fences and walls shall adhere to the required front yard setback. This requirement will be inapplicable should the facility comply with subsections (f)(6)a and b of the landscape requirements of this section.

(4) *Storage bays not to be used as legal address.* Individual storage bays within a self-service storage facility shall not be considered premises for the purpose of assigning a legal address in order to obtain an occupational license or any other governmental permit or licenses to do business.

(5) *Prohibited storage.* Except as provided in this section, all property stored on the site shall be entirely within enclosed buildings. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.

(6) *Minimum lot size.* Notwithstanding any other provisions of this chapter, the minimum lot size for a self-service storage facility shall be one acre.

(7) *Building setbacks.*

a. The front setback shall be:

1. Fifty feet on arterial streets.
2. Forty feet on major or minor collector streets.
3. Forty feet on local nonresidential streets.

b. The side setback shall be:
1. Twenty feet adjacent to residential and O&I zoned property.
2. Ten feet on the side where all doors face internally adjacent to commercial or industrial zoned property.

c. The rear setback shall be 30 feet.

(8) *Access.* A self-service storage facility shall be located on a lot that gains access to a local nonresidential, major collector or arterial street as defined in the major thoroughfare plan.

(9) *Outside storage.* Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by private individuals for their personal use shall be permitted within a self-service storage facility provided the following conditions are met:

a. Such storage shall take place only within a designated area. The area so designated shall be clearly delineated upon the site plan submitted for approval by the Mayor and Council when applying for a special land use permit.

b. The storage area shall not exceed 25 percent of the total buildable area of the site.

c. The storage area shall be entirely screened from view from adjacent residential and office areas and public streets by a building or by the installation of a six- or eight-foot-high wall or fence. If existing vegetation or topography provides the required screening, then this wall or fence requirement may be eliminated upon approval by the Building Official or his/her designee.

d. Vehicles shall not be stored within the area set aside for minimum building setbacks.

e. No vehicle maintenance, washing or repair shall be permitted on-site. Pleasure boats stored on-site shall be stored upon wheeled trailers. No dry stacking of boats shall be permitted on-site.

(d) *Development regulations.*

(1) *Separation between storage buildings.* If separate buildings are constructed, there shall be a minimum ten-foot separation between individual buildings. Buildings shall be situated or screened so that overhead access doors are not visible from public roads or residentially or office and institutionally zoned property.

(2) *Maximum bay size.* The maximum size of a storage bay shall be 450 square feet.

(3) *Maximum building height.* With the exception of the structure used for security quarters, the maximum height of a self-service storage facility shall be one story unless additional stories are approved by the Mayor and Council upon issuance of the special land use permit. The height of the building shall not exceed 20 feet. Roof-mounted air conditioning and other equipment, if utilized, shall be screened from view. The combined height of the building and the parapet wall shall not exceed 25 feet. All self-service storage facility shall utilize gable roofs with not less than a two and 12 slope.

(4) *Exterior architectural treatment.* The exterior facade of all structures shall receive uniform architectural treatment, to be approved by the Building Official or his/her designee.

(e) *Parking requirements.*

(1) *Generally.* Designated customer parking is not required; however, a minimum of five parking spaces shall be provided adjacent to the facility's leasing office, if a leasing office is located on-site.

(2) *Interior parking.* Interior parking shall be provided in the form of aisle ways adjacent to the storage bays. These aisle ways may be used for both circulation of traffic and user parking while using the storage bays. The minimum width of these aisle ways shall be as follows:

a. If aisle ways permit two-way traffic, minimum width is 24 feet.
b. If aisle ways permit only one-way traffic, minimum width is 20 feet.

Prior to issuance of a certificate of occupancy, the traffic flow patterns in the aisle ways shall be clearly marked. Parking shall consist at a minimum of the use of standard directional signage and painted lane markings with arrows. In order to ensure appropriate access and circulation by emergency vehicles and equipment, the turning radii of the aisle ways shall be approved by city staff and the fire marshal at the time of plan review.

(f) *Landscape requirements.* A detailed landscape plan shall be submitted with the development plans at the time of plan review for approval. Landscaping shall be provided in the areas between the property lines and the required fencing. This area shall be designated as a perimeter landscape strip. Landscaping shall be designed, placed and maintained in such a manner not to interfere with traffic visibility. A landscape strip of at least 20 feet in width shall be provided along all street frontages. The side and rear yard setbacks shall remain in their natural state or be re-landscaped when the self-service storage facility adjoins residentially or office and institutionally zoned property. If the existing vegetation is inadequate to buffer adjoining office and institution or residential development, an eight-foot-high wall shall be installed along interior property lines and street setbacks. The following minimum planting requirements shall apply as follows and shall supersede the landscape buffer and screening requirements of the GC zoning districts:

(1) A minimum of one tree shall be planted for each 20 feet of perimeter landscape strip.

(2) Immediately upon planting, trees shall be a minimum of ten feet in height.

(3) The provisions outlined in subsections (1) and (2) of this subsection do not negate the requirements outlined within the Austell Tree Preservation and Replacement Ordinance, or any additional requirements that may be required by the Mayor and Council.

(4) If a hedge is to be installed in the perimeter landscape strip, the hedge shall be 24 inches in height upon planting, with the material planted every 24 inches on center. All planting shall be maintained in good condition by the property owner.

(5) If the perimeter landscape strip is to remain undisturbed or natural, utilizing existing vegetation, then the requirements of subsections (1) through (4) of this subsection can be eliminated except for the landscape plan. The landscape plan shall indicate the limits of the perimeter landscape strip.

(6) In the absence of adequate vegetation, in addition to a perimeter landscape strip, an eight-foot-high wall is to be constructed between a residential or office and institutional property line and the storage bays. The wall may be dispensed with along that portion of the perimeter landscape strip when all the following are met:

a. The exterior facades of the storage buildings present an unbroken, wall-like appearance when seen from adjacent residential or office and institutional properties or rights-of-way. Storage bay doors shall not face towards adjacent residential or office and institutional properties or rights-of-way. This shall not prevent the installation of fire access doors, if mandated by the fire marshal.

b. The exterior facades of separate storage buildings are joined by walls to give appearance of structural continuity.

c. The resulting area between the outer face of the buildings and the property line or right-of-way is maintained and appropriately planted as a landscaped buffer utilizing berms, plantings and existing vegetation and approved by the Building Official or his/her designee.

d. There are no aisle ways or other vehicle access ways located in the area between the building and adjacent residential or office and institutional property lines or rights-of-way.

(g) *Dumpsters and trash receptacles.* Dumpsters and trash receptacles shall be located where they are not visible from adjacent residentially zoned properties, and adequately screened from view from all other adjacent properties and streets. Dumpster locations are to be approved by the staff during the plan review process.

(h) *Signage.*

(1) *Maximum number.* One freestanding sign shall be allowed for each lot frontage on which a self-service storage facility has access to a public dedicated street. In addition, one flat wall-mounted sign may be utilized.

(2) *Maximum height.* The maximum height of a freestanding sign shall not exceed 20 feet.

(3) *Maximum sign area.* The maximum total sign structure area for a freestanding or wall-mounted sign shall not exceed 100 square feet.

(4) *Prohibited signs.* The following types of signs are prohibited on the site:

a. Off-premises outdoor advertising signs.
b. Signs placed on the doors of individual storage bays.
c. Roof-mounted signs.

Signs attached to a required wall or fence are also prohibited, but may be approved by the Building Official or his/her designee.

(i) *Outdoor lighting.* All outdoor lights shall be shielded to ensure that light and glare are limited to the premises and are directed away from adjacent properties. Lights shall be low intensity. If a self-service storage facility abuts a residentially zoned property, outdoor lighting shall be limited to a maximum height of 15 feet.

(j) *Use of loudspeakers.* No exterior loudspeakers or paging equipment shall be permitted on the site.

Sec. 22-180. Automobile and scrap salvage yards and scrap metal processing.

Automobile and scrap salvage yards may be permitted in the HI (heavy industrial) zoning district, but only after application has been made for a special use permit and the permit has been granted by the Mayor and Council.

Sec. 22-181. Reserved.

Sec. 22-182. Landscape enhancement strip.

In all nonresidential zoning districts, no vehicular use areas shall be constructed adjacent to a public street, publicly approved street, or publicly maintained street without a landscape enhancement strip. For the purposes of this section, a vehicular use area shall be defined as a parking lot with more than five parking spaces, a vehicular drive running parallel to the street or a loading dock area.

The landscape enhancement strip will extend along the entire road frontage except for approved access drives and shall extend from the right-of-way line into the property a distance of eight feet.

The purpose of this strip is to enhance the landscape between the right-of-way and the vehicular use areas from the public streets. The strip may only include trees required to be planted to meet tree ordinance street yard requirements, evergreen shrubs, grasses, berms and the combination of such, except for the following exemptions:

(1) Vehicular access drives placed approximately perpendicular to the right-of-way;
(2) Foot and bicycle paths;
(3) Walls and fences less than six feet in height;
(4) Landscaping sculpture, lighting fixtures, trellises and arbors;
(5) Utility transformers;
(6) Signage;
(7) Public utilities, including stormwater detention facilities, provided that they are placed approximately perpendicular to the right-of-way. After installation, the landscape enhancement

strip shall be restored. Where existing lines or planned lines/utilities must run parallel to the right-of-way, an equivalent amount of landscape enhancement strip may be required beyond the eight feet. To the extent possible, such lines should be consolidated with vehicular access routes. If stormwater detention facilities must be located within the landscape enhancement strip, an equivalent amount of landscape enhancement strip may be required beyond the eight feet.

All plantings, berms and walls must meet Georgia Department of Transportation and/or City of Austell standards for sight distances, irrigation and right-of-way obstructions. All standards for planting in a public easement apply as well. A corridor through the plantings must be incorporated in the design between a fire hydrant and the building.

The redevelopment of a site utilizing all or parts of an existing building shall not be required to meet the above landscape enhancement strip standards except as follows:

(1) When the orientation of the building changes to face another street frontage.

(2) When new loading docks are proposed.

(3) When new parking or drives are proposed.

Existing vegetation which is preserved may be applied toward meeting the intent of this section with the approval of the building official or his/her designee.
The landscape enhancement plan shall be included with the civil plans submitted for land disturbance permit review. The plan shall include the following:

(1) The, type, surveyed location, trunk diameter and critical root zone of any existing trees and the type, location and crown diameter of any existing shrubs that are proposed to be preserved.

(2) The type, location and size of all street yard trees to be planted per development standards.

(3) The type, location and size of all shrubs, grasses, berms, etc., to be planted.
The owner/developer of the property shall provide performance and/or maintenance surety for materials in this landscape enhancement strip. After the prescribed developer maintenance period, it shall be the responsibility of the landowner to maintain and replace as needed all plant materials in the street buffer. The landowner shall also keep the area free of trash and debris.

Sec. 22-183. Standards for water supply watershed protection.

(a) *Purpose.*

The purpose of the water supply watershed protection district regulation is to establish measures to protect the quality and quantity of the present and future water supply for the City of Austell, Georgia. Also, to minimize the transportation of pollutants and sediments to the water supply, and maintain the yield of the water supply watersheds.

(b) *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:

(1) Buffer means a natural or enhanced vegetated area with no or limited minor land disturbances. Specific buffer uses may be approved by the City of Austell consistent with these criteria.

(2) Corridor means all land within the buffer areas and other setback areas specified in the ordinance.

(3) Impervious surface means man-made structure or surface, which prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools or patios.

(4) Perennial stream means a stream, which flows through the whole years as indicated on a USGA Quad map.

(5) Reservoir boundary means the edge of a water supply reservoir defined by its normal pool level.

(6) Utility means public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads or other utilities identified by a local government.

(7) Water supply reservoirs means a governmental owned impoundment of water for the primary purpose of providing water to one or more governmental owned public drinking water systems.

(8) Water supply watershed means the area of land upstream of a governmental owned public drinking water intake.

(9) Water Supply Watershed Protection Plan is a land use plan prepared and adopted by local governments for the protection of the quality of drinking water obtained from the watershed.

(c) *District Delineation.*

The protected water supply watershed protection districts are hereby designated, and shall consist of the land areas that drain to the public water supply intake or water supply reservoir. The boundaries of these districts are defined by the ridge lines of the respective watersheds and the boundary of a radius 7 miles upstream of the respective public water supply intakes. The area encompassed by the Official City Limits Boundary of the City of Austell, Georgia. The entire are delineated by the city limits is hereby incorporated and made part of this ordinance as a protected watershed.

(d) *Permitted uses:*

All uses allowed in the underlying zoning districts as established by the City of Austell Zoning Ordinance except for those listed in the prohibited uses below, are permitted in the Water Supply Watershed Protection District, subject to the following conditions and standards:

(1) Natural Buffer Requirement

a. A natural vegetative buffer shall be maintained for a distance of 50 feet for residential and 100 feet for commercial on both sides of a perennial stream as measured from the stream banks.
b. A natural buffer shall be maintained of 150 feet from the boundary of an existing or future water supply reservoir.

(2) Impervious Surface Requirement

a. Within a 7 mile radius of all public water intakes, no impervious surface shall be constructed within a 150 feet setback area on both sides of the stream as measured from the stream bank.
b. Septic tanks and the drain fields of septic tanks are prohibited in the setback areas of subsection a. above.

(e) *Exemptions.* The following uses are exempt from the stream corridor buffer and setback requirements if they meet the stipulated conditions.

(1) Utilities

a. Utilities shall be located as far as reasonably possible from the stream bank, and shall not impair the quality of the drinking water stream.
b. Utilities shall be installed and maintained without changing the integrity of the buffer and setback areas, as much as possible.

(2) Forestry and Agricultural Activities.

a. Agricultural activities involving the planting and harvesting of crops are exempted if they conform to the best management practices established by the Georgia Department of Agriculture.
b. Silviculture activities must conform to the best management practices established by the Georgia Forestry Commission.

(f) *Existing uses.*

Any land use within the Sweetwater Creek water supply watershed existing prior to the adoption of regulations by the City of Austell implementing this plan is exempt. Any undeveloped lot which is part of a subdivision plat recorded prior to the adoption of these regulations by the City of Austell implementing this ordinance, shall also be exempted from these provision and provided such activities shall not impair the quality of the drinking water stream as authorized by Georgia Department of Natural Resources Rules for Environmental Planning Criteria, Chapter 391-3-16.

(g) *Site Plan Requirements.*

Except for the exemptions listed below all forms of development within the Watershed Protection District shall be required to have a site plan submitted and approved according to this ordinance before any rezoning requests or building permits may be approved or any land disturbing activity may take place. Each site plan submitted shall include the following:

(1) A site plan drawn to scale and showing all planned improvements including width, depth and length of all existing and proposed structures, roads, water courses, drainage ways, water, wastewater and stormwater facilities and utility installations.

(2) Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site.

(3) The orientation and distance from the boundaries of the proposed site to the nearest back of an affected perennial stream or body of water.

(4) Elevations of the site and adjacent lands within 100 feet of the site at contour intervals of no greater than 5 feet.

(5) Erosion and Sedimentation Control plan.

(6) Any facility in the process of expanding shall provide location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous toxic waste.

(7) Any non-compliance to this ordinance shall be stated and addressed on the site plan.

(h) *Activity compliance.*

All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan that would alter the amount the velocity of storm water runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, results in a considerable increase in the amount of excavation, fill, or removal of vegetation during construction, or otherwise result in an alteration of the overall appearance of the development as proposed, can be amended only with approval of the Building Official for the City of Austell. Minor changes such as realignment of streets or minor alterations to drainage structure and other infrastructure to meet unexpected conditions are exempted from this requirement.

(i) *Exemptions from site plan requirement.*

(1) Repairs to a facility that is part of a previously approved and permitted development.

(2) Construction of minor structures such as sheds, or additions to a single-family residence.

(j) *Prohibited uses with the Water Supply Watershed Protection District.*

(1) All sanitary landfills with or without synthetic liners are leachate collection systems.

(2) Any facility using hazardous materials.

(k) *Penalties.*

Any person violating any provision of the Water Supply Watershed Protection Ordinance shall be liable for a monetary penalty of at least $250.00 per day, per violation, but not to exceed $1,000.00 per day, per violation, as authorized by O.C.G.A. §36-1-20(b). Each day during which the violation or failure or refusal to comply shall constitute a separate violation.

Secs. 22-184--22-210. Reserved.

Comprehensive Zoning Ordinance Parking Addendum

March 1, 2004

Sec. 18-7.7 Parking On The City Right Of Ways.

It shall be unlawful for any vehicle to park on any right of way within the City of Austell boundaries.

Exceptions:

a. Business District: If a vehicle becomes inoperative due to an accident or mechanical problems the owner may have twenty-four hours to remove the vehicle from the right of way.

b. In Residential Areas. It shall be unlawful to park on the right of way of any residential area without a special parking permit issued by the City of Austell for social occasions and with the following conditions:

1. For a period not to exceed four (4) hours at any given time for social functions i.e. parties, reunions, funerals, etc. However these do not apply to parking on opposite right of ways at the same time. At no time shall multiple cars park opposite from one another on opposite right of ways.

Sec. 18-7.8 Timed Parking

a. Business District

1. No vehicle shall remain parked on any street within the business district within the City of Austell's corporate limits for longer than twelve (12) hours at a time. This does not apply to time-limit parking.

b. Time Limit Parking

1. No vehicle shall park any longer than the posted time on the signs indicating the length of time allowed to park.

Sec. 18-7.9 Business District

All businesses must have either concrete or asphalt parking. No vehicle will be allowed to park on grass or gravel.